



Rep. Julie Hamos

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1 AMENDMENT TO SENATE BILL 307

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 307 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois State Auditing Act is amended by  
5 adding Section 3-2.3 as follows:

6 (30 ILCS 5/3-2.3 new)

7 Sec. 3-2.3. Report on Chicago Transit Authority.

8 (a) No less than 60 days prior to the issuance of bonds or  
9 notes by the Chicago Transit Authority (referred to as the  
10 "Authority" in this Section) pursuant to Section 12c of the  
11 Metropolitan Transit Authority Act, the following  
12 documentation shall be submitted to the Auditor General and the  
13 Regional Transportation Authority:

14 (1) Retirement Plan Documentation. The Authority shall  
15 submit a certification that:

16 (A) it is legally authorized to issue the bonds or

1           notes;

2           (B) scheduled annual payments of principal and  
3           interest on the bonds and notes to be issued meet the  
4           requirements of Section 12c(b)(5) of the Metropolitan  
5           Transit Authority Act;

6           (C) no bond or note shall mature later than  
7           December 31, 2040; and

8           (D) after payment of costs of issuance and  
9           necessary deposits to funds and accounts established  
10          with respect to debt service on the bonds or notes, the  
11          net bond and note proceeds (exclusive of any proceeds  
12          to be used to refund outstanding bonds or notes) will  
13          be deposited in the Retirement Plan for Chicago Transit  
14          Authority Employees and used only for the purposes  
15          required by Section 22-101 of the Illinois Pension  
16          Code.

17          (2) The Board of Trustees of the Retirement Plan for  
18          Chicago Transit Authority Employees shall submit a  
19          certification that the Retirement Plan for Chicago Transit  
20          Authority Employees is operating in accordance with all  
21          applicable legal and contractual requirements, including  
22          the following:

23                (A) the members of a new Board of Trustees have  
24                been appointed according to the requirements of  
25                Section 22-101(b) of the Illinois Pension Code; and

26                (B) contribution levels for employees and the

1           Authority have been established according to the  
2           requirements of Section 22-101(d) of the Illinois  
3           Pension Code.

4           (3) Actuarial Report. The Board of Trustees of the  
5           Retirement Plan for Chicago Transit Authority Employees  
6           shall submit an actuarial report prepared by an enrolled  
7           actuary setting forth:

8                   (A) the method of valuation and the underlying  
9                   assumptions;

10                   (B) a comparison of the debt service schedules of  
11                   the bonds or notes proposed to be issued to the  
12                   Retirement Plan's current unfunded actuarial accrued  
13                   liability amortization schedule, as required by  
14                   Section 22-101(e) of the Illinois Pension Code, using  
15                   the projected interest cost of the bond or note issue  
16                   as the discount rate to calculate the estimated net  
17                   present value savings;

18                   (C) the amount of the estimated net present value  
19                   savings comparing the true interest cost of the  
20                   bonds or notes with the actuarial investment  
21                   return assumption of the Retirement Plan; and

22                   (D) a certification that the net proceeds of the  
23                   bonds or notes, together with anticipated earnings  
24                   on contributions and deposits, will be sufficient  
25                   to reasonably conclude on an actuarial basis that  
26                   the total retirement assets of the Retirement Plan

1           will not be less than 90% of its liabilities by the  
2           end of fiscal year 2059.

3           (4) The Authority shall submit a financial analysis  
4           prepared by an independent advisor. The financial analysis  
5           must include a determination that the issuance of bonds is  
6           in the best interest of the Retirement Plan for Chicago  
7           Transit Authority Employees and the Chicago Transit  
8           Authority. The independent advisor shall not act as  
9           underwriter or receive a legal, consulting, or other fee  
10           related to the issuance of any bond or notes issued by the  
11           Authority pursuant to Section 12c of the Metropolitan  
12           Transit Authority Act except compensation due for the  
13           preparation of the financial analysis.

14           (5) Retiree Health Care Trust Documentation. The  
15           Authority shall submit a certification that:

16           (A) it is legally authorized to issue the bonds or  
17           notes;

18           (B) scheduled annual payments of principal and  
19           interest on the bonds and notes to be issued meets the  
20           requirements of Section 12c(b)(5) of the Metropolitan  
21           Transit Authority Act;

22           (C) no bond or note shall mature later than  
23           December 31, 2040; and

24           (D) after payment of costs of issuance and  
25           necessary deposits to funds and accounts established  
26           with respect to debt service on the bonds or notes, the

1           net bond and note proceeds (exclusive of any proceeds  
2           to be used to refund outstanding bonds or notes) will  
3           be deposited in the Retiree Health Care Trust and used  
4           only for the purposes required by Section 22-101B of  
5           the Illinois Pension Code.

6           (6) The Board of Trustees of the Retiree Health Care  
7           Trust shall submit a certification that the Retiree Health  
8           Care Trust has been established in accordance with all  
9           applicable legal requirements, including the following:

10           (A) the Retiree Health Care Trust has been  
11           established and a Trust document is in effect to govern  
12           the Retiree Health Care Trust;

13           (B) the members of the Board of Trustees of the  
14           Retiree Health Care Trust have been appointed  
15           according to the requirements of Section 22-101B(b) (1)  
16           of the Illinois Pension Code;

17           (C) a health care benefit program for eligible  
18           retirees and their dependents and survivors has been  
19           established by the Board of Trustees according to the  
20           requirements of Section 22-101B(b) (2) of the Illinois  
21           Pension Code;

22           (D) contribution levels have been established for  
23           retirees, dependents and survivors according to the  
24           requirements of Section 22-101B(b) (5) of the Illinois  
25           Pension Code; and

26           (E) contribution levels have been established for

1           employees of the Authority according to the  
2           requirements of Section 22-101B(b) (6) of the Illinois  
3           Pension Code.

4           (7) Actuarial Report. The Board of Trustees of the  
5           Retiree Health Care Trust shall submit an actuarial report  
6           prepared by an enrolled actuary setting forth:

7                   (A) the method of valuation and the underlying  
8                   assumptions;

9                   (B) a comparison of the projected interest cost of  
10                  the bonds or notes proposed to be issued with the  
11                  actuarial investment return assumption of the Retiree  
12                  Health Care Trust; and

13                  (C) a certification that the net proceeds of the  
14                  bonds or notes, together with anticipated earnings on  
15                  contributions and deposits, will be sufficient to  
16                  adequately fund the actuarial present value of  
17                  projected benefits expected to be paid under the  
18                  Retiree Health Care Trust, or a certification of the  
19                  increases in contribution levels and decreases in  
20                  benefit levels that would be required in order to cure  
21                  any funding shortfall over a period of not more than 10  
22                  years.

23           (8) The Authority shall submit a financial analysis  
24           prepared by an independent advisor. The financial analysis  
25           must include a determination that the issuance of bonds is  
26           in the best interest of the Retiree Health Care Trust and

1       the Chicago Transit Authority. The independent advisor  
2       shall not act as underwriter or receive a legal,  
3       consulting, or other fee related to the issuance of any  
4       bond or notes issued by the Authority pursuant to Section  
5       12c of the Metropolitan Transit Authority Act except  
6       compensation due for the preparation of the financial  
7       analysis.

8       (b) The Auditor General shall examine the information  
9       submitted pursuant to Section 3-2.3(a)(1) through (4) and  
10       submit a report to the General Assembly, the Legislative Audit  
11       Commission, the Governor, the Regional Transportation  
12       Authority and the Authority indicating whether (i) the required  
13       certifications by the Authority and the Board of Trustees of  
14       the Retirement Plan have been made, and (ii) the actuarial  
15       reports have been provided, the reports include all required  
16       information, the assumptions underlying those reports are not  
17       unreasonable in the aggregate, and the reports appear to comply  
18       with all pertinent professional standards, including those  
19       issued by the Actuarial Standards Board. The Auditor General  
20       shall submit such report no later than 60 days after receiving  
21       the information required to be submitted by the Authority and  
22       the Board of Trustees of the Retirement Plan. Any bonds or  
23       notes issued by the Authority under item (1) of subsection (b)  
24       of Section 12c of the Metropolitan Transit Authority Act shall  
25       be issued within 120 days after receiving such report from the  
26       Auditor General. The Authority may not issue bonds or notes

1 until it receives the report from the Auditor General  
2 indicating the above requirements have been met.

3 (c) The Auditor General shall examine the information  
4 submitted pursuant to Section 3-2.3(a)(5) through (8) and  
5 submit a report to the General Assembly, the Legislative Audit  
6 Commission, the Governor, the Regional Transportation  
7 Authority and the Authority indicating whether (i) the required  
8 certifications by the Authority and the Board of Trustees of  
9 the Retiree Health Care Trust have been made, and (ii) the  
10 actuarial reports have been provided, the reports include all  
11 required information, the assumptions underlying those reports  
12 are not unreasonable in the aggregate, and the reports appear  
13 to comply with all pertinent professional standards, including  
14 those issued by the Actuarial Standards Board. The Auditor  
15 General shall submit such report no later than 60 days after  
16 receiving the information required to be submitted by the  
17 Authority and the Board of Trustees of the Retiree Health Care  
18 Trust. Any bonds or notes issued by the Authority under item  
19 (2) of subsection (b) of Section 12c of the Metropolitan  
20 Transit Authority Act shall be issued within 120 days after  
21 receiving such report from the Auditor General. The Authority  
22 may not issue bonds or notes until it receives a report from  
23 the Auditor General indicating the above requirements have been  
24 met.

25 (d) In fulfilling this duty, after receiving the  
26 information submitted pursuant to Section 3-2.3(a), the



1 Auditor General may request additional information and support  
2 pertaining to the data and conclusions contained in the  
3 submitted documents and the Authority, the Board of Trustees of  
4 the Retirement Plan and the Board of Trustees of the Retiree  
5 Health Care Trust shall cooperate with the Auditor General and  
6 provide additional information as requested in a timely manner.  
7 The Auditor General may also request from the Regional  
8 Transportation Authority an analysis of the information  
9 submitted by the Authority relating to the sources of funds to  
10 be utilized for payment of the proposed bonds or notes of the  
11 Authority. The Auditor General's report shall not be in the  
12 nature of a post-audit or examination and shall not lead to the  
13 issuance of an opinion as that term is defined in generally  
14 accepted government auditing standards.

15 (e) Annual Retirement Plan Submission to Auditor General.  
16 The Board of Trustees of the Retirement Plan for Chicago  
17 Transit Authority Employees established by Section 22-101 of  
18 the Illinois Pension Code shall provide the following documents  
19 to the Auditor General annually no later than September 30:

20 (1) the most recent audit or examination of the  
21 Retirement Plan;

22 (2) an annual statement containing the information  
23 specified in Section 1A-109 of the Illinois Pension Code;  
24 and

25 (3) a complete actuarial statement applicable to the  
26 prior plan year, which may be the annual report of an

1 enrolled actuary retained by the Retirement Plan specified  
2 in Section 22-101(e) of the Illinois Pension Code.

3 The Auditor General shall annually examine the information  
4 provided pursuant to this subsection and shall submit a report  
5 of the analysis thereof to the General Assembly, including the  
6 report specified in Section 22-101(e) of the Illinois Pension  
7 Code.

8 (f) The Auditor General shall annually examine the  
9 information submitted pursuant to Section 22-101B(b)(3)(iii)  
10 of the Illinois Pension Code and shall prepare the  
11 determination specified in Section 22-101B(b)(3)(iv) of the  
12 Illinois Pension Code.

13 (g) In fulfilling the duties under Sections 3-2.3(e) and  
14 (f) the Auditor General may request additional information and  
15 support pertaining to the data and conclusions contained in the  
16 submitted documents and the Authority, the Board of Trustees of  
17 the Retirement Plan and the Board of Trustees of the Retiree  
18 Health Care Trust shall cooperate with the Auditor General and  
19 provide additional information as requested in a timely manner.  
20 The Auditor General's review shall not be in the nature of a  
21 post-audit or examination and shall not lead to the issuance of  
22 an opinion as that term is defined in generally accepted  
23 government auditing standards. Upon request of the Auditor  
24 General, the Commission on Government Forecasting and  
25 Accountability and the Public Pension Division of the Illinois  
26 Department of Financial and Professional Regulation shall

1 cooperate with and assist the Auditor General in the conduct of  
2 his review.

3 (h) The Auditor General shall submit a bill to the  
4 Authority for costs associated with the examinations and  
5 reports specified in subsections (b) and (c) of this Section  
6 3-2.3, which the Authority shall reimburse in a timely manner.  
7 The costs associated with the examinations and reports which  
8 are reimbursed by the Authority shall constitute a cost of  
9 issuance of the bonds or notes under Section 12c(b) (1) and (2)  
10 of the Metropolitan Transit Authority Act. The amount received  
11 shall be deposited into the fund or funds from which such costs  
12 were paid by the Auditor General. The Auditor General shall  
13 submit a bill to the Retirement Plan for Chicago Transit  
14 Authority Employees for costs associated with the examinations  
15 and reports specified in subsection (e) of this Section, which  
16 the Retirement Plan for Chicago Transit Authority Employees  
17 shall reimburse in a timely manner. The amount received shall  
18 be deposited into the fund or funds from which such costs were  
19 paid by the Auditor General. The Auditor General shall submit a  
20 bill to the Retiree Health Care Trust for costs associated with  
21 the determination specified in subsection (f) of this Section,  
22 which the Retiree Health Care Trust shall reimburse in a timely  
23 manner. The amount received shall be deposited into the fund or  
24 funds from which such costs were paid by the Auditor General.

25 Section 6. The State Finance Act is amended by adding

1 Section 5.708 and by changing Section 6z-17 as follows:

2 (30 ILCS 105/5.708 new)

3 Sec. 5.708. The Downstate Transit Improvement Fund.

4 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

5 Sec. 6z-17. Of the money paid into the State and Local  
6 Sales Tax Reform Fund: (i) subject to appropriation to the  
7 Department of Revenue, Municipalities having 1,000,000 or more  
8 inhabitants shall receive 20% and may expend such amount to  
9 fund and establish a program for developing and coordinating  
10 public and private resources targeted to meet the affordable  
11 housing needs of low-income and very low-income households  
12 within such municipality, (ii) 10% shall be transferred into  
13 the Regional Transportation Authority Occupation and Use Tax  
14 Replacement Fund, a special fund in the State treasury which is  
15 hereby created, (iii) subject to appropriation to the  
16 Department of Transportation, The Madison County ~~Metro East~~  
17 Mass Transit District shall receive .6%, (iv) the following  
18 amounts, plus any cumulative deficiency in such transfers for  
19 prior months, shall be transferred monthly into the Build  
20 Illinois Fund and credited to the Build Illinois Bond Account  
21 therein:

22 Fiscal Year	Amount
23 1990	\$2,700,000
24 1991	1,850,000

1	1992	2,750,000
2	1993	2,950,000

3 From Fiscal Year 1994 through Fiscal Year 2025 the transfer  
4 shall total \$3,150,000 monthly, plus any cumulative deficiency  
5 in such transfers for prior months, and (v) the remainder of  
6 the money paid into the State and Local Sales Tax Reform Fund  
7 shall be transferred into the Local Government Distributive  
8 Fund and, except for municipalities with 1,000,000 or more  
9 inhabitants which shall receive no portion of such remainder,  
10 shall be distributed, subject to appropriation, in the manner  
11 provided by Section 2 of "An Act in relation to State revenue  
12 sharing with local government entities", approved July 31,  
13 1969, as now or hereafter amended. Municipalities with more  
14 than 50,000 inhabitants according to the 1980 U.S. Census and  
15 located within the Metro East Mass Transit District receiving  
16 funds pursuant to provision (v) of this paragraph may expend  
17 such amounts to fund and establish a program for developing and  
18 coordinating public and private resources targeted to meet the  
19 affordable housing needs of low-income and very low-income  
20 households within such municipality.

21 (Source: P.A. 91-51, eff. 6-30-99.)

22 Section 7. The Downstate Public Transportation Act is  
23 amended by changing Sections 2-2.04, 2-3, 2-6, 2-7, and 2-15 as  
24 follows:

1 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

2 Sec. 2-2.04. "Eligible operating expenses" means all  
3 expenses required for public transportation, including  
4 employee wages and benefits, materials, fuels, supplies,  
5 rental of facilities, taxes other than income taxes, payment  
6 made for debt service (including principal and interest) on  
7 publicly owned equipment or facilities, and any other  
8 expenditure which is an operating expense according to standard  
9 accounting practices for the providing of public  
10 transportation. Eligible operating expenses shall not include  
11 allowances: (a) for depreciation whether funded or unfunded;  
12 (b) for amortization of any intangible costs; (c) for debt  
13 service on capital acquired with the assistance of capital  
14 grant funds provided by the State of Illinois; (d) for profits  
15 or return on investment; (e) for excessive payment to  
16 associated entities; (f) for Comprehensive Employment Training  
17 Act expenses; (g) for costs reimbursed under Sections 6 and 8  
18 of the "Urban Mass Transportation Act of 1964", as amended; (h)  
19 for entertainment expenses; (i) for charter expenses; (j) for  
20 fines and penalties; (k) for charitable donations; (l) for  
21 interest expense on long term borrowing and debt retirement  
22 other than on publicly owned equipment or facilities; (m) for  
23 income taxes; or (n) for such other expenses as the Department  
24 may determine consistent with federal Department of  
25 Transportation regulations or requirements. In consultation  
26 with participants, the Department shall, by October 2008,

1 promulgate or update rules, pursuant to the Illinois  
2 Administrative Procedure Act, concerning eligible expenses to  
3 ensure consistent application of the Act, and the Department  
4 shall provide written copies of those rules to all eligible  
5 recipients. The Department shall review this process in the  
6 same manner no less frequently than every 5 years.

7 With respect to participants other than any Metro-East  
8 Transit District participant and those receiving federal  
9 research development and demonstration funds pursuant to  
10 Section 6 of the "Urban Mass Transportation Act of 1964", as  
11 amended, during the fiscal year ending June 30, 1979, the  
12 maximum eligible operating expenses for any such participant in  
13 any fiscal year after Fiscal Year 1980 shall be the amount  
14 appropriated for such participant for the fiscal year ending  
15 June 30, 1980, plus in each year a 10% increase over the  
16 maximum established for the preceding fiscal year. For Fiscal  
17 Year 1980 the maximum eligible operating expenses for any such  
18 participant shall be the amount of projected operating expenses  
19 upon which the appropriation for such participant for Fiscal  
20 Year 1980 is based.

21 With respect to participants receiving federal research  
22 development and demonstration operating assistance funds for  
23 operating assistance pursuant to Section 6 of the "Urban Mass  
24 Transportation Act of 1964", as amended, during the fiscal year  
25 ending June 30, 1979, the maximum eligible operating expenses  
26 for any such participant in any fiscal year after Fiscal Year

1 1980 shall not exceed such participant's eligible operating  
2 expenses for the fiscal year ending June 30, 1980, plus in each  
3 year a 10% increase over the maximum established for the  
4 preceding fiscal year. For Fiscal Year 1980, the maximum  
5 eligible operating expenses for any such participant shall be  
6 the eligible operating expenses incurred during such fiscal  
7 year, or projected operating expenses upon which the  
8 appropriation for such participant for the Fiscal Year 1980 is  
9 based; whichever is less.

10 With respect to all participants other than any Metro-East  
11 Transit District participant, the maximum eligible operating  
12 expenses for any such participant in any fiscal year after  
13 Fiscal Year 1985 (except Fiscal Year 2008 and Fiscal Year 2009)  
14 shall be the amount appropriated for such participant for the  
15 fiscal year ending June 30, 1985, plus in each year a 10%  
16 increase over the maximum established for the preceding year.  
17 For Fiscal Year 1985, the maximum eligible operating expenses  
18 for any such participant shall be the amount of projected  
19 operating expenses upon which the appropriation for such  
20 participant for Fiscal Year 1985 is based.

21 With respect to any mass transit district participant that  
22 has increased its district boundaries by annexing counties  
23 since 1998 and is maintaining a level of local financial  
24 support, including all income and revenues, equal to or greater  
25 than the level in the State fiscal year ending June 30, 2001,  
26 the maximum eligible operating expenses for any State fiscal



1 year after 2002 (except State fiscal years ~~year~~ 2006 through  
2 2009) shall be the amount appropriated for that participant for  
3 the State fiscal year ending June 30, 2002, plus, in each State  
4 fiscal year, a 10% increase over the preceding State fiscal  
5 year. For State fiscal year 2002, the maximum eligible  
6 operating expenses for any such participant shall be the amount  
7 of projected operating expenses upon which the appropriation  
8 for that participant for State fiscal year 2002 is based. For  
9 that participant, eligible operating expenses for State fiscal  
10 year 2002 in excess of the eligible operating expenses for the  
11 State fiscal year ending June 30, 2001, plus 10%, must be  
12 attributed to the provision of services in the newly annexed  
13 counties.

14 With respect to a participant that receives an initial  
15 appropriation in State fiscal year 2002 or thereafter, the  
16 maximum eligible operating expenses for any State fiscal year  
17 after 2003 (except State fiscal years ~~year~~ 2006 through 2009)  
18 shall be the amount appropriated for that participant for the  
19 State fiscal year in which it received its initial  
20 appropriation, plus, in each year, a 10% increase over the  
21 preceding year. For the initial State fiscal year in which a  
22 participant received an appropriation, the maximum eligible  
23 operating expenses for any such participant shall be the amount  
24 of projected operating expenses upon which the appropriation  
25 for that participant for that State fiscal year is based.

26 With respect to the District serving primarily the counties

1 of Monroe and St. Clair, beginning July 1, 2005, the St. Clair  
2 County Transit District shall no longer be included for new  
3 appropriation funding purposes as part of the Metro-East Public  
4 Transportation Fund and instead shall be included for new  
5 appropriation funding purposes as part of the Downstate Public  
6 Transportation Fund; provided, however, that nothing herein  
7 shall alter the eligibility of that District for previously  
8 appropriated funds to which it would otherwise be entitled.

9 With respect to the District serving primarily Madison  
10 County, beginning July 1, 2008, the Madison County Transit  
11 District shall no longer be included for new appropriation  
12 funding purposes as part of the Metro-East Public  
13 Transportation Fund and instead shall be included for new  
14 appropriation funding purposes as part of the Downstate Public  
15 Transportation Fund; provided, however, that nothing herein  
16 shall alter the eligibility of that District for previously  
17 appropriated funds to which it would otherwise be entitled.

18 With respect to the fiscal year beginning July 1, 2007, and  
19 thereafter, the following shall be included for new  
20 appropriation funding purposes as part of the Downstate Public  
21 Transportation Fund: Bond County; Bureau County; Coles County;  
22 Edgar County; Stephenson County and the City of Freeport; Henry  
23 County; Jo Daviess County; Kankakee and McLean Counties; Peoria  
24 County; Piatt County; Shelby County; Tazewell and Woodford  
25 Counties; Vermillion County; Williamson County; and Kendall  
26 County.

1 (Source: P.A. 94-70, eff. 6-22-05.)

2 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

3 Sec. 2-3. (a) As soon as possible after the first day of  
4 each month, beginning July 1, 1984, upon certification of the  
5 Department of Revenue, the Comptroller shall order  
6 transferred, and the Treasurer shall transfer, from the General  
7 Revenue Fund to a special fund in the State Treasury which is  
8 hereby created, to be known as the "Downstate Public  
9 Transportation Fund", an amount equal to 2/32 (beginning July  
10 1, 2005, 3/32) of the net revenue realized from the "Retailers'  
11 Occupation Tax Act", as now or hereafter amended, the "Service  
12 Occupation Tax Act", as now or hereafter amended, the "Use Tax  
13 Act", as now or hereafter amended, and the "Service Use Tax  
14 Act", as now or hereafter amended, from persons incurring  
15 municipal or county retailers' or service occupation tax  
16 liability for the benefit of any municipality or county located  
17 wholly within the boundaries of each participant other than any  
18 Metro-East Transit District participant certified pursuant to  
19 subsection (c) of this Section during the preceding month,  
20 except that the Department shall pay into the Downstate Public  
21 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%  
22 of the net revenue realized under the State tax Acts named  
23 above within any municipality or county located wholly within  
24 the boundaries of each participant, other than any Metro-East  
25 participant, for tax periods beginning on or after January 1,

1 ~~1990; provided, however, that beginning with fiscal year 1985,~~  
2 ~~the transfers into the Downstate Public Transportation Fund~~  
3 ~~during any fiscal year shall not exceed the annual~~  
4 ~~appropriation from the Downstate Public Transportation Fund~~  
5 ~~for that year. The Department of Transportation shall notify~~  
6 ~~the Department of Revenue and the Comptroller at the beginning~~  
7 ~~of each fiscal year of the amount of the annual appropriation~~  
8 ~~from the Downstate Public Transportation Fund.~~ Net revenue  
9 realized for a month shall be the revenue collected by the  
10 State pursuant to such Acts during the previous month from  
11 persons incurring municipal or county retailers' or service  
12 occupation tax liability for the benefit of any municipality or  
13 county located wholly within the boundaries of a participant,  
14 less the amount paid out during that same month as refunds or  
15 credit memoranda to taxpayers for overpayment of liability  
16 under such Acts for the benefit of any municipality or county  
17 located wholly within the boundaries of a participant.

18 (b) As soon as possible after the first day of each month,  
19 beginning July 1, 1989, upon certification of the Department of  
20 Revenue, the Comptroller shall order transferred, and the  
21 Treasurer shall transfer, from the General Revenue Fund to a  
22 special fund in the State Treasury which is hereby created, to  
23 be known as the "Metro-East Public Transportation Fund", an  
24 amount equal to 2/32 of the net revenue realized, as above,  
25 from within the boundaries of Madison, Monroe, and St. Clair  
26 Counties, except that the Department shall pay into the

1 Metro-East Public Transportation Fund 2/32 of 80% of the net  
2 revenue realized under the State tax Acts specified in  
3 subsection (a) of this Section within the boundaries of  
4 Madison, Monroe and St. Clair Counties for tax periods  
5 beginning on or after January 1, 1990. A local match equivalent  
6 to an amount which could be raised by a tax levy at the rate of  
7 .05% on the assessed value of property within the boundaries of  
8 Madison County is required annually to cause a total of 2/32 of  
9 the net revenue to be deposited in the Metro-East Public  
10 Transportation Fund. Failure to raise the required local match  
11 annually shall result in only 1/32 being deposited into the  
12 Metro-East Public Transportation Fund after July 1, 1989, or  
13 1/32 of 80% of the net revenue realized for tax periods  
14 beginning on or after January 1, 1990.

15 (b-5) As soon as possible after the first day of each  
16 month, beginning July 1, 2005, upon certification of the  
17 Department of Revenue, the Comptroller shall order  
18 transferred, and the Treasurer shall transfer, from the General  
19 Revenue Fund to the Downstate Public Transportation Fund, an  
20 amount equal to 3/32 of 80% of the net revenue realized from  
21 within the boundaries of Monroe and St. Clair Counties under  
22 the State Tax Acts specified in subsection (a) of this Section  
23 and provided further that, beginning July 1, 2005, the  
24 provisions of subsection (b) shall no longer apply with respect  
25 to such tax receipts from Monroe and St. Clair Counties.

26 (b-6) As soon as possible after the first day of each

1 month, beginning July 1, 2008, upon certification by the  
2 Department of Revenue, the Comptroller shall order transferred  
3 and the Treasurer shall transfer, from the General Revenue Fund  
4 to the Downstate Public Transportation Fund, an amount equal to  
5 3/32 of 80% of the net revenue realized from within the  
6 boundaries of Madison County under the State Tax Acts specified  
7 in subsection (a) of this Section and provided further that,  
8 beginning July 1, 2008, the provisions of subsection (b) shall  
9 no longer apply with respect to such tax receipts from Madison  
10 County.

11 (c) The Department shall certify to the Department of  
12 Revenue the eligible participants under this Article and the  
13 territorial boundaries of such participants for the purposes of  
14 the Department of Revenue in subsections (a) and (b) of this  
15 Section.

16 (d) For the purposes of this Article, beginning in fiscal  
17 year 2009 the General Assembly shall appropriate ~~the Department~~  
18 ~~shall include in its annual request for appropriation of~~  
19 ~~ordinary and contingent expenses~~ an amount from the Downstate  
20 Public Transportation Fund equal to the sum total funds  
21 projected to be paid to the participants pursuant to Section  
22 2-7. If the General Assembly fails to make appropriations  
23 sufficient to cover the amounts projected to be paid pursuant  
24 to Section 2-7, this Act shall constitute an irrevocable and  
25 continuing appropriation from the Downstate Public  
26 Transportation Fund of all amounts necessary for those

1 purposes.

2 ~~(c) In addition to any other permitted use of moneys in the~~  
3 ~~Fund, and notwithstanding any restriction on the use of the~~  
4 ~~Fund, moneys in the Downstate Public Transportation Fund may be~~  
5 ~~transferred to the General Revenue Fund as authorized by Public~~  
6 ~~Act 87 14. The General Assembly finds that an excess of moneys~~  
7 ~~existed in the Fund on July 30, 1991, and the Governor's order~~  
8 ~~of July 30, 1991, and the Governor's order of July 30, 1991,~~  
9 ~~requesting the Comptroller and Treasurer to transfer an amount~~  
10 ~~from the Fund to the General Revenue Fund is hereby validated.~~

11 (Source: P.A. 94-70, eff. 6-22-05.)

12 (30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)

13 Sec. 2-6. Allocation of funds.

14 (a) With respect to all participants other than any  
15 Metro-East Transit District participant, the Department shall  
16 allocate the funds to be made available to each participant  
17 under this Article for the following fiscal year and shall  
18 notify the chief official of each participant not later than  
19 the first day of the fiscal year of this amount. For Fiscal  
20 Year 1975, notification shall be made not later than January 1,  
21 1975, of the amount of such allocation. In determining the  
22 allocation for each participant, the Department shall estimate  
23 the funds available to the participant from the Downstate  
24 Public Transportation Fund for the purposes of this Article  
25 during the succeeding fiscal year, and shall allocate to each

1 participant the amount attributable to it which shall be the  
2 amount paid into the Downstate Public Transportation Fund under  
3 Section 2-3 from within its boundaries. Said allocations may be  
4 exceeded for participants receiving assistance equal to  
5 one-third of their eligible operating expenses, only if an  
6 allocation is less than one-third of such participant's  
7 eligible operating expenses, provided, however, that no other  
8 participant is denied its one-third of eligible operating  
9 expenses. Beginning in Fiscal Year 1997, said allocation may be  
10 exceeded for participants receiving assistance equal to the  
11 percentage of their eligible operating expenses provided for in  
12 paragraph (b) of Section 2-7, only if allocation is less than  
13 the percentage of such participant's eligible operating  
14 expenses provided for in paragraph (b) of Section 2-7, provided  
15 however, that no other participant is denied its percentage of  
16 eligible operating expenses.

17 (b) With regard to any Metro-East Transit District  
18 organized under the Local Mass Transit District Act and serving  
19 one or more of the Counties of Madison, Monroe and St. Clair  
20 during Fiscal Year 1989, the Department shall allocate the  
21 funds to be made available to each participant for the  
22 following and succeeding fiscal years and shall notify the  
23 chief official of each participant not later than the first day  
24 of the fiscal year of this amount. Beginning July 1, 2005, and  
25 ending June 30, 2008, the Department shall allocate the amount  
26 paid into the Metro-East Public Transportation Fund to the



1 District serving primarily the County of Madison.

2 (Source: P.A. 94-70, eff. 6-22-05.)

3 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

4 Sec. 2-7. Quarterly reports; annual audit.

5 (a) Any Metro-East Transit District participant shall, no  
6 later than 60 days following the end of each quarter of any  
7 fiscal year, file with the Department on forms provided by the  
8 Department for that purpose, a report of the actual operating  
9 deficit experienced during that quarter. The Department shall,  
10 upon receipt of the quarterly report, determine whether the  
11 operating deficits were incurred in conformity with the program  
12 of proposed expenditures approved by the Department pursuant to  
13 Section 2-11. Any Metro-East District may either monthly or  
14 quarterly for any fiscal year file a request for the  
15 participant's eligible share, as allocated in accordance with  
16 Section 2-6, of the amounts transferred into the Metro-East  
17 Public Transportation Fund.

18 (b) Each participant other than any Metro-East Transit  
19 District participant shall, 30 days before the end of each  
20 quarter, file with the Department on forms provided by the  
21 Department for such purposes a report of the projected eligible  
22 operating expenses to be incurred in the next quarter and 30  
23 days before the third and fourth quarters of any fiscal year a  
24 statement of actual eligible operating expenses incurred in the  
25 preceding quarters. Except as otherwise provided in subsection

1 (b-5), within 45 days of receipt by the Department of such  
2 quarterly report, the Comptroller shall order paid and the  
3 Treasurer shall pay from the Downstate Public Transportation  
4 Fund to each participant an amount equal to one-third of such  
5 participant's eligible operating expenses; provided, however,  
6 that in Fiscal Year 1997, the amount paid to each participant  
7 from the Downstate Public Transportation Fund shall be an  
8 amount equal to 47% of such participant's eligible operating  
9 expenses and shall be increased to 49% in Fiscal Year 1998, 51%  
10 in Fiscal Year 1999, 53% in Fiscal Year 2000, ~~and~~ 55% in Fiscal  
11 Years ~~Year~~ 2001 through 2007, and 65% in Fiscal Year 2008 and  
12 thereafter; however, in any year that a participant receives  
13 funding under subsection (i) of Section 2705-305 of the  
14 Department of Transportation Law (20 ILCS 2705/2705-305), that  
15 participant shall be eligible only for assistance equal to the  
16 following percentage of its eligible operating expenses: 42% in  
17 Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year  
18 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and  
19 thereafter. Any such payment for the third and fourth quarters  
20 of any fiscal year shall be adjusted to reflect actual eligible  
21 operating expenses for preceding quarters of such fiscal year.  
22 However, no participant shall receive an amount less than that  
23 which was received in the immediate prior year, provided in the  
24 event of a shortfall in the fund those participants receiving  
25 less than their full allocation pursuant to Section 2-6 of this  
26 Article shall be the first participants to receive an amount

1 not less than that received in the immediate prior year.

2 (b-5) (Blank.) ~~With respect to the District serving~~  
3 ~~primarily the counties of Monroe and St. Clair, beginning July~~  
4 ~~1, 2005 and each fiscal year thereafter, the District may, as~~  
5 ~~an alternative to the provisions of subsection (b) of Section~~  
6 ~~2-7, file a request with the Department for a monthly payment~~  
7 ~~of 1/12 of the amount appropriated to the District for that~~  
8 ~~fiscal year; except that, for the final month of the fiscal~~  
9 ~~year, the District's request shall be in an amount such that~~  
10 ~~the total payments made to the District in that fiscal year do~~  
11 ~~not exceed the lesser of (i) 55% of the District's eligible~~  
12 ~~operating expenses for that fiscal year or (ii) the total~~  
13 ~~amount appropriated to the District for that fiscal year.~~

14 (b-10) On July 1, 2008, each participant shall receive an  
15 appropriation in an amount equal to 65% of its fiscal year 2008  
16 eligible operating expenses adjusted by the annual 10% increase  
17 required by Section 2-2.04 of this Act. In no case shall any  
18 participant receive an appropriation that is less than its  
19 fiscal year 2008 appropriation. Every fiscal year thereafter,  
20 each participant's appropriation shall increase by 10% over the  
21 appropriation established for the preceding fiscal year as  
22 required by Section 2-2.04 of this Act.

23 (b-15) Beginning on July 1, 2007, and for each fiscal year  
24 thereafter, each participant shall maintain a minimum local  
25 share contribution (from farebox and all other local revenues)  
26 equal to the actual amount provided in Fiscal Year 2006 or, for

1 new recipients, an amount equivalent to the local share  
2 provided in the first year of participation.

3 (b-20) Any participant in the Downstate Public  
4 Transportation Fund may use State operating assistance  
5 pursuant to this Section to provide transportation services  
6 within any county that is contiguous to its territorial  
7 boundaries as defined by the Department and subject to  
8 Departmental approval. Any such contiguous-area service  
9 provided by a participant after July 1, 2007 must meet the  
10 requirements of subsection (a) of Section 2-5.1.

11 (c) No later than 180 days following the last day of the  
12 Fiscal Year each participant shall provide the Department with  
13 an audit prepared by a Certified Public Accountant covering  
14 that Fiscal Year. For those participants other than a  
15 Metro-East Transit District, any discrepancy between the  
16 grants paid and the percentage of the eligible operating  
17 expenses provided for by paragraph (b) of this Section shall be  
18 reconciled by appropriate payment or credit. In the case of any  
19 Metro-East Transit District, any amount of payments from the  
20 Metro-East Public Transportation Fund which exceed the  
21 eligible deficit of the participant shall be reconciled by  
22 appropriate payment or credit.

23 (Source: P.A. 94-70, eff. 6-22-05.)

24 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

25 Sec. 2-15. Except as otherwise provided in this Section,

1 all funds which remain in the Downstate Public Transportation  
2 Fund or the Metro-East Public Transportation Fund after the  
3 payment of the fourth quarterly payment to participants other  
4 than Metro-East Transit District participants and the last  
5 monthly payment to Metro-East Transit participants in each  
6 fiscal year shall be transferred (i) to the General Revenue  
7 Fund through fiscal year 2008 and (ii) to the Downstate Transit  
8 Improvement Fund for fiscal year 2009 and each fiscal year  
9 thereafter. Transfers shall be made no later than 90 days  
10 following the end of such fiscal year. Beginning fiscal year  
11 2010, all moneys each year in the Downstate Transit Improvement  
12 Fund, held solely for the benefit of the participants in the  
13 Downstate Public Transportation Fund and the shall be  
14 appropriated to the Department to make competitive capital  
15 grants to the participants of the respective funds. However,  
16 such amount as the Department determines to be necessary for  
17 (1) allocation to participants for the purposes of Section 2-7  
18 for the first quarter of the succeeding fiscal year and (2) an  
19 amount equal to 2% of the total allocations to participants in  
20 the fiscal year just ended to be used for the purpose of audit  
21 adjustments shall be retained in such Funds to be used by the  
22 Department for such purposes.

23 (Source: P.A. 86-590.)

24 Section 7.5. The Retailers' Occupation Tax Act is amended  
25 by changing Section 3 as follows:

1 (35 ILCS 120/3) (from Ch. 120, par. 442)

2 Sec. 3. Except as provided in this Section, on or before  
3 the twentieth day of each calendar month, every person engaged  
4 in the business of selling tangible personal property at retail  
5 in this State during the preceding calendar month shall file a  
6 return with the Department, stating:

7 1. The name of the seller;

8 2. His residence address and the address of his  
9 principal place of business and the address of the  
10 principal place of business (if that is a different  
11 address) from which he engages in the business of selling  
12 tangible personal property at retail in this State;

13 3. Total amount of receipts received by him during the  
14 preceding calendar month or quarter, as the case may be,  
15 from sales of tangible personal property, and from services  
16 furnished, by him during such preceding calendar month or  
17 quarter;

18 4. Total amount received by him during the preceding  
19 calendar month or quarter on charge and time sales of  
20 tangible personal property, and from services furnished,  
21 by him prior to the month or quarter for which the return  
22 is filed;

23 5. Deductions allowed by law;

24 6. Gross receipts which were received by him during the  
25 preceding calendar month or quarter and upon the basis of

1 which the tax is imposed;

2 7. The amount of credit provided in Section 2d of this  
3 Act;

4 8. The amount of tax due;

5 9. The signature of the taxpayer; and

6 10. Such other reasonable information as the  
7 Department may require.

8 If a taxpayer fails to sign a return within 30 days after  
9 the proper notice and demand for signature by the Department,  
10 the return shall be considered valid and any amount shown to be  
11 due on the return shall be deemed assessed.

12 Each return shall be accompanied by the statement of  
13 prepaid tax issued pursuant to Section 2e for which credit is  
14 claimed.

15 Prior to October 1, 2003, and on and after September 1,  
16 2004 a retailer may accept a Manufacturer's Purchase Credit  
17 certification from a purchaser in satisfaction of Use Tax as  
18 provided in Section 3-85 of the Use Tax Act if the purchaser  
19 provides the appropriate documentation as required by Section  
20 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
21 certification, accepted by a retailer prior to October 1, 2003  
22 and on and after September 1, 2004 as provided in Section 3-85  
23 of the Use Tax Act, may be used by that retailer to satisfy  
24 Retailers' Occupation Tax liability in the amount claimed in  
25 the certification, not to exceed 6.25% of the receipts subject  
26 to tax from a qualifying purchase. A Manufacturer's Purchase

1 Credit reported on any original or amended return filed under  
2 this Act after October 20, 2003 for reporting periods prior to  
3 September 1, 2004 shall be disallowed. Manufacturer's  
4 Purchaser Credit reported on annual returns due on or after  
5 January 1, 2005 will be disallowed for periods prior to  
6 September 1, 2004. No Manufacturer's Purchase Credit may be  
7 used after September 30, 2003 through August 31, 2004 to  
8 satisfy any tax liability imposed under this Act, including any  
9 audit liability.

10 The Department may require returns to be filed on a  
11 quarterly basis. If so required, a return for each calendar  
12 quarter shall be filed on or before the twentieth day of the  
13 calendar month following the end of such calendar quarter. The  
14 taxpayer shall also file a return with the Department for each  
15 of the first two months of each calendar quarter, on or before  
16 the twentieth day of the following calendar month, stating:

17 1. The name of the seller;

18 2. The address of the principal place of business from  
19 which he engages in the business of selling tangible  
20 personal property at retail in this State;

21 3. The total amount of taxable receipts received by him  
22 during the preceding calendar month from sales of tangible  
23 personal property by him during such preceding calendar  
24 month, including receipts from charge and time sales, but  
25 less all deductions allowed by law;

26 4. The amount of credit provided in Section 2d of this



1 Act;

2 5. The amount of tax due; and

3 6. Such other reasonable information as the Department  
4 may require.

5 Beginning on October 1, 2003, any person who is not a  
6 licensed distributor, importing distributor, or manufacturer,  
7 as defined in the Liquor Control Act of 1934, but is engaged in  
8 the business of selling, at retail, alcoholic liquor shall file  
9 a statement with the Department of Revenue, in a format and at  
10 a time prescribed by the Department, showing the total amount  
11 paid for alcoholic liquor purchased during the preceding month  
12 and such other information as is reasonably required by the  
13 Department. The Department may adopt rules to require that this  
14 statement be filed in an electronic or telephonic format. Such  
15 rules may provide for exceptions from the filing requirements  
16 of this paragraph. For the purposes of this paragraph, the term  
17 "alcoholic liquor" shall have the meaning prescribed in the  
18 Liquor Control Act of 1934.

19 Beginning on October 1, 2003, every distributor, importing  
20 distributor, and manufacturer of alcoholic liquor as defined in  
21 the Liquor Control Act of 1934, shall file a statement with the  
22 Department of Revenue, no later than the 10th day of the month  
23 for the preceding month during which transactions occurred, by  
24 electronic means, showing the total amount of gross receipts  
25 from the sale of alcoholic liquor sold or distributed during  
26 the preceding month to purchasers; identifying the purchaser to

1 whom it was sold or distributed; the purchaser's tax  
2 registration number; and such other information reasonably  
3 required by the Department. A distributor, importing  
4 distributor, or manufacturer of alcoholic liquor must  
5 personally deliver, mail, or provide by electronic means to  
6 each retailer listed on the monthly statement a report  
7 containing a cumulative total of that distributor's, importing  
8 distributor's, or manufacturer's total sales of alcoholic  
9 liquor to that retailer no later than the 10th day of the month  
10 for the preceding month during which the transaction occurred.  
11 The distributor, importing distributor, or manufacturer shall  
12 notify the retailer as to the method by which the distributor,  
13 importing distributor, or manufacturer will provide the sales  
14 information. If the retailer is unable to receive the sales  
15 information by electronic means, the distributor, importing  
16 distributor, or manufacturer shall furnish the sales  
17 information by personal delivery or by mail. For purposes of  
18 this paragraph, the term "electronic means" includes, but is  
19 not limited to, the use of a secure Internet website, e-mail,  
20 or facsimile.

21 Beginning with the month immediately following the  
22 effective date of this amendatory Act of the 95th General  
23 Assembly and for each month thereafter, a retailer of motor  
24 fuel that is located in the metropolitan region must separately  
25 record the gross receipts received by him or her from the  
26 retail sale of motor fuel and the amount of tax properly due

1 and required to be paid on those sales (including amounts  
2 prepaid by the retailer to the motor fuel distributor under  
3 Section 2d of this Act). Beginning with the second month  
4 immediately following the effective date of this amendatory Act  
5 of the 95th General Assembly and for each month thereafter,  
6 each retailer of motor fuel that is located within the  
7 metropolitan region must file a report to the Department of  
8 Revenue detailing the gross receipts that were received by him  
9 or her from the retail sale of motor fuel during the preceding  
10 calendar month or quarter, as the case may be, and the amount  
11 of tax properly due and paid on those sales (including amounts  
12 prepaid by the retailer to the motor fuel distributor under  
13 Section 2d of this Act). The report must be filed in the manner  
14 and format as prescribed by the Department of Revenue and is  
15 due at the same time as the return filed by the retailer under  
16 this Act. For purposes of this paragraph, "motor fuel" means  
17 that term as defined in the Motor Fuel Tax Law, not including  
18 aviation fuel, and "metropolitan region" means that term as  
19 defined in the Regional Transportation Authority Act.

20       If a total amount of less than \$1 is payable, refundable or  
21       creditable, such amount shall be disregarded if it is less than  
22       50 cents and shall be increased to \$1 if it is 50 cents or more.

23       Beginning October 1, 1993, a taxpayer who has an average  
24       monthly tax liability of \$150,000 or more shall make all  
25       payments required by rules of the Department by electronic  
26       funds transfer. Beginning October 1, 1994, a taxpayer who has

1 an average monthly tax liability of \$100,000 or more shall make  
2 all payments required by rules of the Department by electronic  
3 funds transfer. Beginning October 1, 1995, a taxpayer who has  
4 an average monthly tax liability of \$50,000 or more shall make  
5 all payments required by rules of the Department by electronic  
6 funds transfer. Beginning October 1, 2000, a taxpayer who has  
7 an annual tax liability of \$200,000 or more shall make all  
8 payments required by rules of the Department by electronic  
9 funds transfer. The term "annual tax liability" shall be the  
10 sum of the taxpayer's liabilities under this Act, and under all  
11 other State and local occupation and use tax laws administered  
12 by the Department, for the immediately preceding calendar year.  
13 The term "average monthly tax liability" shall be the sum of  
14 the taxpayer's liabilities under this Act, and under all other  
15 State and local occupation and use tax laws administered by the  
16 Department, for the immediately preceding calendar year  
17 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
18 a tax liability in the amount set forth in subsection (b) of  
19 Section 2505-210 of the Department of Revenue Law shall make  
20 all payments required by rules of the Department by electronic  
21 funds transfer.

22 Before August 1 of each year beginning in 1993, the  
23 Department shall notify all taxpayers required to make payments  
24 by electronic funds transfer. All taxpayers required to make  
25 payments by electronic funds transfer shall make those payments  
26 for a minimum of one year beginning on October 1.

1 Any taxpayer not required to make payments by electronic  
2 funds transfer may make payments by electronic funds transfer  
3 with the permission of the Department.

4 All taxpayers required to make payment by electronic funds  
5 transfer and any taxpayers authorized to voluntarily make  
6 payments by electronic funds transfer shall make those payments  
7 in the manner authorized by the Department.

8 The Department shall adopt such rules as are necessary to  
9 effectuate a program of electronic funds transfer and the  
10 requirements of this Section.

11 Any amount which is required to be shown or reported on any  
12 return or other document under this Act shall, if such amount  
13 is not a whole-dollar amount, be increased to the nearest  
14 whole-dollar amount in any case where the fractional part of a  
15 dollar is 50 cents or more, and decreased to the nearest  
16 whole-dollar amount where the fractional part of a dollar is  
17 less than 50 cents.

18 If the retailer is otherwise required to file a monthly  
19 return and if the retailer's average monthly tax liability to  
20 the Department does not exceed \$200, the Department may  
21 authorize his returns to be filed on a quarter annual basis,  
22 with the return for January, February and March of a given year  
23 being due by April 20 of such year; with the return for April,  
24 May and June of a given year being due by July 20 of such year;  
25 with the return for July, August and September of a given year  
26 being due by October 20 of such year, and with the return for

1 October, November and December of a given year being due by  
2 January 20 of the following year.

3 If the retailer is otherwise required to file a monthly or  
4 quarterly return and if the retailer's average monthly tax  
5 liability with the Department does not exceed \$50, the  
6 Department may authorize his returns to be filed on an annual  
7 basis, with the return for a given year being due by January 20  
8 of the following year.

9 Such quarter annual and annual returns, as to form and  
10 substance, shall be subject to the same requirements as monthly  
11 returns.

12 Notwithstanding any other provision in this Act concerning  
13 the time within which a retailer may file his return, in the  
14 case of any retailer who ceases to engage in a kind of business  
15 which makes him responsible for filing returns under this Act,  
16 such retailer shall file a final return under this Act with the  
17 Department not more than one month after discontinuing such  
18 business.

19 Where the same person has more than one business registered  
20 with the Department under separate registrations under this  
21 Act, such person may not file each return that is due as a  
22 single return covering all such registered businesses, but  
23 shall file separate returns for each such registered business.

24 In addition, with respect to motor vehicles, watercraft,  
25 aircraft, and trailers that are required to be registered with  
26 an agency of this State, every retailer selling this kind of

1 tangible personal property shall file, with the Department,  
2 upon a form to be prescribed and supplied by the Department, a  
3 separate return for each such item of tangible personal  
4 property which the retailer sells, except that if, in the same  
5 transaction, (i) a retailer of aircraft, watercraft, motor  
6 vehicles or trailers transfers more than one aircraft,  
7 watercraft, motor vehicle or trailer to another aircraft,  
8 watercraft, motor vehicle retailer or trailer retailer for the  
9 purpose of resale or (ii) a retailer of aircraft, watercraft,  
10 motor vehicles, or trailers transfers more than one aircraft,  
11 watercraft, motor vehicle, or trailer to a purchaser for use as  
12 a qualifying rolling stock as provided in Section 2-5 of this  
13 Act, then that seller may report the transfer of all aircraft,  
14 watercraft, motor vehicles or trailers involved in that  
15 transaction to the Department on the same uniform  
16 invoice-transaction reporting return form. For purposes of  
17 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
18 watercraft as defined in Section 3-2 of the Boat Registration  
19 and Safety Act, a personal watercraft, or any boat equipped  
20 with an inboard motor.

21 Any retailer who sells only motor vehicles, watercraft,  
22 aircraft, or trailers that are required to be registered with  
23 an agency of this State, so that all retailers' occupation tax  
24 liability is required to be reported, and is reported, on such  
25 transaction reporting returns and who is not otherwise required  
26 to file monthly or quarterly returns, need not file monthly or

1 quarterly returns. However, those retailers shall be required  
2 to file returns on an annual basis.

3 The transaction reporting return, in the case of motor  
4 vehicles or trailers that are required to be registered with an  
5 agency of this State, shall be the same document as the Uniform  
6 Invoice referred to in Section 5-402 of The Illinois Vehicle  
7 Code and must show the name and address of the seller; the name  
8 and address of the purchaser; the amount of the selling price  
9 including the amount allowed by the retailer for traded-in  
10 property, if any; the amount allowed by the retailer for the  
11 traded-in tangible personal property, if any, to the extent to  
12 which Section 1 of this Act allows an exemption for the value  
13 of traded-in property; the balance payable after deducting such  
14 trade-in allowance from the total selling price; the amount of  
15 tax due from the retailer with respect to such transaction; the  
16 amount of tax collected from the purchaser by the retailer on  
17 such transaction (or satisfactory evidence that such tax is not  
18 due in that particular instance, if that is claimed to be the  
19 fact); the place and date of the sale; a sufficient  
20 identification of the property sold; such other information as  
21 is required in Section 5-402 of The Illinois Vehicle Code, and  
22 such other information as the Department may reasonably  
23 require.

24 The transaction reporting return in the case of watercraft  
25 or aircraft must show the name and address of the seller; the  
26 name and address of the purchaser; the amount of the selling



1 price including the amount allowed by the retailer for  
2 traded-in property, if any; the amount allowed by the retailer  
3 for the traded-in tangible personal property, if any, to the  
4 extent to which Section 1 of this Act allows an exemption for  
5 the value of traded-in property; the balance payable after  
6 deducting such trade-in allowance from the total selling price;  
7 the amount of tax due from the retailer with respect to such  
8 transaction; the amount of tax collected from the purchaser by  
9 the retailer on such transaction (or satisfactory evidence that  
10 such tax is not due in that particular instance, if that is  
11 claimed to be the fact); the place and date of the sale, a  
12 sufficient identification of the property sold, and such other  
13 information as the Department may reasonably require.

14 Such transaction reporting return shall be filed not later  
15 than 20 days after the day of delivery of the item that is  
16 being sold, but may be filed by the retailer at any time sooner  
17 than that if he chooses to do so. The transaction reporting  
18 return and tax remittance or proof of exemption from the  
19 Illinois use tax may be transmitted to the Department by way of  
20 the State agency with which, or State officer with whom the  
21 tangible personal property must be titled or registered (if  
22 titling or registration is required) if the Department and such  
23 agency or State officer determine that this procedure will  
24 expedite the processing of applications for title or  
25 registration.

26 With each such transaction reporting return, the retailer

1 shall remit the proper amount of tax due (or shall submit  
2 satisfactory evidence that the sale is not taxable if that is  
3 the case), to the Department or its agents, whereupon the  
4 Department shall issue, in the purchaser's name, a use tax  
5 receipt (or a certificate of exemption if the Department is  
6 satisfied that the particular sale is tax exempt) which such  
7 purchaser may submit to the agency with which, or State officer  
8 with whom, he must title or register the tangible personal  
9 property that is involved (if titling or registration is  
10 required) in support of such purchaser's application for an  
11 Illinois certificate or other evidence of title or registration  
12 to such tangible personal property.

13 No retailer's failure or refusal to remit tax under this  
14 Act precludes a user, who has paid the proper tax to the  
15 retailer, from obtaining his certificate of title or other  
16 evidence of title or registration (if titling or registration  
17 is required) upon satisfying the Department that such user has  
18 paid the proper tax (if tax is due) to the retailer. The  
19 Department shall adopt appropriate rules to carry out the  
20 mandate of this paragraph.

21 If the user who would otherwise pay tax to the retailer  
22 wants the transaction reporting return filed and the payment of  
23 the tax or proof of exemption made to the Department before the  
24 retailer is willing to take these actions and such user has not  
25 paid the tax to the retailer, such user may certify to the fact  
26 of such delay by the retailer and may (upon the Department

1 being satisfied of the truth of such certification) transmit  
2 the information required by the transaction reporting return  
3 and the remittance for tax or proof of exemption directly to  
4 the Department and obtain his tax receipt or exemption  
5 determination, in which event the transaction reporting return  
6 and tax remittance (if a tax payment was required) shall be  
7 credited by the Department to the proper retailer's account  
8 with the Department, but without the 2.1% or 1.75% discount  
9 provided for in this Section being allowed. When the user pays  
10 the tax directly to the Department, he shall pay the tax in the  
11 same amount and in the same form in which it would be remitted  
12 if the tax had been remitted to the Department by the retailer.

13 Refunds made by the seller during the preceding return  
14 period to purchasers, on account of tangible personal property  
15 returned to the seller, shall be allowed as a deduction under  
16 subdivision 5 of his monthly or quarterly return, as the case  
17 may be, in case the seller had theretofore included the  
18 receipts from the sale of such tangible personal property in a  
19 return filed by him and had paid the tax imposed by this Act  
20 with respect to such receipts.

21 Where the seller is a corporation, the return filed on  
22 behalf of such corporation shall be signed by the president,  
23 vice-president, secretary or treasurer or by the properly  
24 accredited agent of such corporation.

25 Where the seller is a limited liability company, the return  
26 filed on behalf of the limited liability company shall be

1 signed by a manager, member, or properly accredited agent of  
2 the limited liability company.

3 Except as provided in this Section, the retailer filing the  
4 return under this Section shall, at the time of filing such  
5 return, pay to the Department the amount of tax imposed by this  
6 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
7 on and after January 1, 1990, or \$5 per calendar year,  
8 whichever is greater, which is allowed to reimburse the  
9 retailer for the expenses incurred in keeping records,  
10 preparing and filing returns, remitting the tax and supplying  
11 data to the Department on request. Any prepayment made pursuant  
12 to Section 2d of this Act shall be included in the amount on  
13 which such 2.1% or 1.75% discount is computed. In the case of  
14 retailers who report and pay the tax on a transaction by  
15 transaction basis, as provided in this Section, such discount  
16 shall be taken with each such tax remittance instead of when  
17 such retailer files his periodic return.

18 Before October 1, 2000, if the taxpayer's average monthly  
19 tax liability to the Department under this Act, the Use Tax  
20 Act, the Service Occupation Tax Act, and the Service Use Tax  
21 Act, excluding any liability for prepaid sales tax to be  
22 remitted in accordance with Section 2d of this Act, was \$10,000  
23 or more during the preceding 4 complete calendar quarters, he  
24 shall file a return with the Department each month by the 20th  
25 day of the month next following the month during which such tax  
26 liability is incurred and shall make payments to the Department

1 on or before the 7th, 15th, 22nd and last day of the month  
2 during which such liability is incurred. On and after October  
3 1, 2000, if the taxpayer's average monthly tax liability to the  
4 Department under this Act, the Use Tax Act, the Service  
5 Occupation Tax Act, and the Service Use Tax Act, excluding any  
6 liability for prepaid sales tax to be remitted in accordance  
7 with Section 2d of this Act, was \$20,000 or more during the  
8 preceding 4 complete calendar quarters, he shall file a return  
9 with the Department each month by the 20th day of the month  
10 next following the month during which such tax liability is  
11 incurred and shall make payment to the Department on or before  
12 the 7th, 15th, 22nd and last day of the month during which such  
13 liability is incurred. If the month during which such tax  
14 liability is incurred began prior to January 1, 1985, each  
15 payment shall be in an amount equal to 1/4 of the taxpayer's  
16 actual liability for the month or an amount set by the  
17 Department not to exceed 1/4 of the average monthly liability  
18 of the taxpayer to the Department for the preceding 4 complete  
19 calendar quarters (excluding the month of highest liability and  
20 the month of lowest liability in such 4 quarter period). If the  
21 month during which such tax liability is incurred begins on or  
22 after January 1, 1985 and prior to January 1, 1987, each  
23 payment shall be in an amount equal to 22.5% of the taxpayer's  
24 actual liability for the month or 27.5% of the taxpayer's  
25 liability for the same calendar month of the preceding year. If  
26 the month during which such tax liability is incurred begins on

1 or after January 1, 1987 and prior to January 1, 1988, each  
2 payment shall be in an amount equal to 22.5% of the taxpayer's  
3 actual liability for the month or 26.25% of the taxpayer's  
4 liability for the same calendar month of the preceding year. If  
5 the month during which such tax liability is incurred begins on  
6 or after January 1, 1988, and prior to January 1, 1989, or  
7 begins on or after January 1, 1996, each payment shall be in an  
8 amount equal to 22.5% of the taxpayer's actual liability for  
9 the month or 25% of the taxpayer's liability for the same  
10 calendar month of the preceding year. If the month during which  
11 such tax liability is incurred begins on or after January 1,  
12 1989, and prior to January 1, 1996, each payment shall be in an  
13 amount equal to 22.5% of the taxpayer's actual liability for  
14 the month or 25% of the taxpayer's liability for the same  
15 calendar month of the preceding year or 100% of the taxpayer's  
16 actual liability for the quarter monthly reporting period. The  
17 amount of such quarter monthly payments shall be credited  
18 against the final tax liability of the taxpayer's return for  
19 that month. Before October 1, 2000, once applicable, the  
20 requirement of the making of quarter monthly payments to the  
21 Department by taxpayers having an average monthly tax liability  
22 of \$10,000 or more as determined in the manner provided above  
23 shall continue until such taxpayer's average monthly liability  
24 to the Department during the preceding 4 complete calendar  
25 quarters (excluding the month of highest liability and the  
26 month of lowest liability) is less than \$9,000, or until such

1 taxpayer's average monthly liability to the Department as  
2 computed for each calendar quarter of the 4 preceding complete  
3 calendar quarter period is less than \$10,000. However, if a  
4 taxpayer can show the Department that a substantial change in  
5 the taxpayer's business has occurred which causes the taxpayer  
6 to anticipate that his average monthly tax liability for the  
7 reasonably foreseeable future will fall below the \$10,000  
8 threshold stated above, then such taxpayer may petition the  
9 Department for a change in such taxpayer's reporting status. On  
10 and after October 1, 2000, once applicable, the requirement of  
11 the making of quarter monthly payments to the Department by  
12 taxpayers having an average monthly tax liability of \$20,000 or  
13 more as determined in the manner provided above shall continue  
14 until such taxpayer's average monthly liability to the  
15 Department during the preceding 4 complete calendar quarters  
16 (excluding the month of highest liability and the month of  
17 lowest liability) is less than \$19,000 or until such taxpayer's  
18 average monthly liability to the Department as computed for  
19 each calendar quarter of the 4 preceding complete calendar  
20 quarter period is less than \$20,000. However, if a taxpayer can  
21 show the Department that a substantial change in the taxpayer's  
22 business has occurred which causes the taxpayer to anticipate  
23 that his average monthly tax liability for the reasonably  
24 foreseeable future will fall below the \$20,000 threshold stated  
25 above, then such taxpayer may petition the Department for a  
26 change in such taxpayer's reporting status. The Department

1 shall change such taxpayer's reporting status unless it finds  
2 that such change is seasonal in nature and not likely to be  
3 long term. If any such quarter monthly payment is not paid at  
4 the time or in the amount required by this Section, then the  
5 taxpayer shall be liable for penalties and interest on the  
6 difference between the minimum amount due as a payment and the  
7 amount of such quarter monthly payment actually and timely  
8 paid, except insofar as the taxpayer has previously made  
9 payments for that month to the Department in excess of the  
10 minimum payments previously due as provided in this Section.  
11 The Department shall make reasonable rules and regulations to  
12 govern the quarter monthly payment amount and quarter monthly  
13 payment dates for taxpayers who file on other than a calendar  
14 monthly basis.

15 The provisions of this paragraph apply before October 1,  
16 2001. Without regard to whether a taxpayer is required to make  
17 quarter monthly payments as specified above, any taxpayer who  
18 is required by Section 2d of this Act to collect and remit  
19 prepaid taxes and has collected prepaid taxes which average in  
20 excess of \$25,000 per month during the preceding 2 complete  
21 calendar quarters, shall file a return with the Department as  
22 required by Section 2f and shall make payments to the  
23 Department on or before the 7th, 15th, 22nd and last day of the  
24 month during which such liability is incurred. If the month  
25 during which such tax liability is incurred began prior to the  
26 effective date of this amendatory Act of 1985, each payment



1 shall be in an amount not less than 22.5% of the taxpayer's  
2 actual liability under Section 2d. If the month during which  
3 such tax liability is incurred begins on or after January 1,  
4 1986, each payment shall be in an amount equal to 22.5% of the  
5 taxpayer's actual liability for the month or 27.5% of the  
6 taxpayer's liability for the same calendar month of the  
7 preceding calendar year. If the month during which such tax  
8 liability is incurred begins on or after January 1, 1987, each  
9 payment shall be in an amount equal to 22.5% of the taxpayer's  
10 actual liability for the month or 26.25% of the taxpayer's  
11 liability for the same calendar month of the preceding year.  
12 The amount of such quarter monthly payments shall be credited  
13 against the final tax liability of the taxpayer's return for  
14 that month filed under this Section or Section 2f, as the case  
15 may be. Once applicable, the requirement of the making of  
16 quarter monthly payments to the Department pursuant to this  
17 paragraph shall continue until such taxpayer's average monthly  
18 prepaid tax collections during the preceding 2 complete  
19 calendar quarters is \$25,000 or less. If any such quarter  
20 monthly payment is not paid at the time or in the amount  
21 required, the taxpayer shall be liable for penalties and  
22 interest on such difference, except insofar as the taxpayer has  
23 previously made payments for that month in excess of the  
24 minimum payments previously due.

25 The provisions of this paragraph apply on and after October  
26 1, 2001. Without regard to whether a taxpayer is required to

1 make quarter monthly payments as specified above, any taxpayer  
2 who is required by Section 2d of this Act to collect and remit  
3 prepaid taxes and has collected prepaid taxes that average in  
4 excess of \$20,000 per month during the preceding 4 complete  
5 calendar quarters shall file a return with the Department as  
6 required by Section 2f and shall make payments to the  
7 Department on or before the 7th, 15th, 22nd and last day of the  
8 month during which the liability is incurred. Each payment  
9 shall be in an amount equal to 22.5% of the taxpayer's actual  
10 liability for the month or 25% of the taxpayer's liability for  
11 the same calendar month of the preceding year. The amount of  
12 the quarter monthly payments shall be credited against the  
13 final tax liability of the taxpayer's return for that month  
14 filed under this Section or Section 2f, as the case may be.  
15 Once applicable, the requirement of the making of quarter  
16 monthly payments to the Department pursuant to this paragraph  
17 shall continue until the taxpayer's average monthly prepaid tax  
18 collections during the preceding 4 complete calendar quarters  
19 (excluding the month of highest liability and the month of  
20 lowest liability) is less than \$19,000 or until such taxpayer's  
21 average monthly liability to the Department as computed for  
22 each calendar quarter of the 4 preceding complete calendar  
23 quarters is less than \$20,000. If any such quarter monthly  
24 payment is not paid at the time or in the amount required, the  
25 taxpayer shall be liable for penalties and interest on such  
26 difference, except insofar as the taxpayer has previously made

1 payments for that month in excess of the minimum payments  
2 previously due.

3 If any payment provided for in this Section exceeds the  
4 taxpayer's liabilities under this Act, the Use Tax Act, the  
5 Service Occupation Tax Act and the Service Use Tax Act, as  
6 shown on an original monthly return, the Department shall, if  
7 requested by the taxpayer, issue to the taxpayer a credit  
8 memorandum no later than 30 days after the date of payment. The  
9 credit evidenced by such credit memorandum may be assigned by  
10 the taxpayer to a similar taxpayer under this Act, the Use Tax  
11 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
12 in accordance with reasonable rules and regulations to be  
13 prescribed by the Department. If no such request is made, the  
14 taxpayer may credit such excess payment against tax liability  
15 subsequently to be remitted to the Department under this Act,  
16 the Use Tax Act, the Service Occupation Tax Act or the Service  
17 Use Tax Act, in accordance with reasonable rules and  
18 regulations prescribed by the Department. If the Department  
19 subsequently determined that all or any part of the credit  
20 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
21 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
22 of the difference between the credit taken and that actually  
23 due, and that taxpayer shall be liable for penalties and  
24 interest on such difference.

25 If a retailer of motor fuel is entitled to a credit under  
26 Section 2d of this Act which exceeds the taxpayer's liability

1 to the Department under this Act for the month which the  
2 taxpayer is filing a return, the Department shall issue the  
3 taxpayer a credit memorandum for the excess.

4 Beginning January 1, 1990, each month the Department shall  
5 pay into the Local Government Tax Fund, a special fund in the  
6 State treasury which is hereby created, the net revenue  
7 realized for the preceding month from the 1% tax on sales of  
8 food for human consumption which is to be consumed off the  
9 premises where it is sold (other than alcoholic beverages, soft  
10 drinks and food which has been prepared for immediate  
11 consumption) and prescription and nonprescription medicines,  
12 drugs, medical appliances and insulin, urine testing  
13 materials, syringes and needles used by diabetics.

14 Beginning January 1, 1990, each month the Department shall  
15 pay into the County and Mass Transit District Fund, a special  
16 fund in the State treasury which is hereby created, 4% of the  
17 net revenue realized for the preceding month from the 6.25%  
18 general rate.

19 Beginning August 1, 2000, each month the Department shall  
20 pay into the County and Mass Transit District Fund 20% of the  
21 net revenue realized for the preceding month from the 1.25%  
22 rate on the selling price of motor fuel and gasohol.

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the Local Government Tax Fund 16% of the net revenue  
25 realized for the preceding month from the 6.25% general rate on  
26 the selling price of tangible personal property.

1           Beginning August 1, 2000, each month the Department shall  
 2 pay into the Local Government Tax Fund 80% of the net revenue  
 3 realized for the preceding month from the 1.25% rate on the  
 4 selling price of motor fuel and gasohol.

5           Of the remainder of the moneys received by the Department  
 6 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
 7 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
 8 and after July 1, 1989, 3.8% thereof shall be paid into the  
 9 Build Illinois Fund; provided, however, that if in any fiscal  
 10 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
 11 may be, of the moneys received by the Department and required  
 12 to be paid into the Build Illinois Fund pursuant to this Act,  
 13 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
 14 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
 15 being hereinafter called the "Tax Acts" and such aggregate of  
 16 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
 17 called the "Tax Act Amount", and (2) the amount transferred to  
 18 the Build Illinois Fund from the State and Local Sales Tax  
 19 Reform Fund shall be less than the Annual Specified Amount (as  
 20 hereinafter defined), an amount equal to the difference shall  
 21 be immediately paid into the Build Illinois Fund from other  
 22 moneys received by the Department pursuant to the Tax Acts; the  
 23 "Annual Specified Amount" means the amounts specified below for  
 24 fiscal years 1986 through 1993:

25	Fiscal Year	Annual Specified Amount
26	1986	\$54,800,000

1	1987	\$76,650,000
2	1988	\$80,480,000
3	1989	\$88,510,000
4	1990	\$115,330,000
5	1991	\$145,470,000
6	1992	\$182,730,000
7	1993	\$206,520,000;

8 and means the Certified Annual Debt Service Requirement (as  
9 defined in Section 13 of the Build Illinois Bond Act) or the  
10 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
11 each fiscal year thereafter; and further provided, that if on  
12 the last business day of any month the sum of (1) the Tax Act  
13 Amount required to be deposited into the Build Illinois Bond  
14 Account in the Build Illinois Fund during such month and (2)  
15 the amount transferred to the Build Illinois Fund from the  
16 State and Local Sales Tax Reform Fund shall have been less than  
17 1/12 of the Annual Specified Amount, an amount equal to the  
18 difference shall be immediately paid into the Build Illinois  
19 Fund from other moneys received by the Department pursuant to  
20 the Tax Acts; and, further provided, that in no event shall the  
21 payments required under the preceding proviso result in  
22 aggregate payments into the Build Illinois Fund pursuant to  
23 this clause (b) for any fiscal year in excess of the greater of  
24 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
25 such fiscal year. The amounts payable into the Build Illinois  
26 Fund under clause (b) of the first sentence in this paragraph

1 shall be payable only until such time as the aggregate amount  
2 on deposit under each trust indenture securing Bonds issued and  
3 outstanding pursuant to the Build Illinois Bond Act is  
4 sufficient, taking into account any future investment income,  
5 to fully provide, in accordance with such indenture, for the  
6 defeasance of or the payment of the principal of, premium, if  
7 any, and interest on the Bonds secured by such indenture and on  
8 any Bonds expected to be issued thereafter and all fees and  
9 costs payable with respect thereto, all as certified by the  
10 Director of the Bureau of the Budget (now Governor's Office of  
11 Management and Budget). If on the last business day of any  
12 month in which Bonds are outstanding pursuant to the Build  
13 Illinois Bond Act, the aggregate of moneys deposited in the  
14 Build Illinois Bond Account in the Build Illinois Fund in such  
15 month shall be less than the amount required to be transferred  
16 in such month from the Build Illinois Bond Account to the Build  
17 Illinois Bond Retirement and Interest Fund pursuant to Section  
18 13 of the Build Illinois Bond Act, an amount equal to such  
19 deficiency shall be immediately paid from other moneys received  
20 by the Department pursuant to the Tax Acts to the Build  
21 Illinois Fund; provided, however, that any amounts paid to the  
22 Build Illinois Fund in any fiscal year pursuant to this  
23 sentence shall be deemed to constitute payments pursuant to  
24 clause (b) of the first sentence of this paragraph and shall  
25 reduce the amount otherwise payable for such fiscal year  
26 pursuant to that clause (b). The moneys received by the

1 Department pursuant to this Act and required to be deposited  
2 into the Build Illinois Fund are subject to the pledge, claim  
3 and charge set forth in Section 12 of the Build Illinois Bond  
4 Act.

5 Subject to payment of amounts into the Build Illinois Fund  
6 as provided in the preceding paragraph or in any amendment  
7 thereto hereafter enacted, the following specified monthly  
8 installment of the amount requested in the certificate of the  
9 Chairman of the Metropolitan Pier and Exposition Authority  
10 provided under Section 8.25f of the State Finance Act, but not  
11 in excess of sums designated as "Total Deposit", shall be  
12 deposited in the aggregate from collections under Section 9 of  
13 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
14 9 of the Service Occupation Tax Act, and Section 3 of the  
15 Retailers' Occupation Tax Act into the McCormick Place  
16 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
17		
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000



1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023 and	275,000,000
24	each fiscal year	
25	thereafter that bonds	
26	are outstanding under	

1           Section 13.2 of the  
2           Metropolitan Pier and  
3           Exposition Authority Act,  
4       but not after fiscal year 2042.

5           Beginning July 20, 1993 and in each month of each fiscal  
6       year thereafter, one-eighth of the amount requested in the  
7       certificate of the Chairman of the Metropolitan Pier and  
8       Exposition Authority for that fiscal year, less the amount  
9       deposited into the McCormick Place Expansion Project Fund by  
10      the State Treasurer in the respective month under subsection  
11      (g) of Section 13 of the Metropolitan Pier and Exposition  
12      Authority Act, plus cumulative deficiencies in the deposits  
13      required under this Section for previous months and years,  
14      shall be deposited into the McCormick Place Expansion Project  
15      Fund, until the full amount requested for the fiscal year, but  
16      not in excess of the amount specified above as "Total Deposit",  
17      has been deposited.

18           Subject to payment of amounts into the Build Illinois Fund  
19      and the McCormick Place Expansion Project Fund pursuant to the  
20      preceding paragraphs or in any amendments thereto hereafter  
21      enacted, beginning July 1, 1993, the Department shall each  
22      month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
23      the net revenue realized for the preceding month from the 6.25%  
24      general rate on the selling price of tangible personal  
25      property.

26           Subject to payment of amounts into the Build Illinois Fund

1 and the McCormick Place Expansion Project Fund pursuant to the  
2 preceding paragraphs or in any amendments thereto hereafter  
3 enacted, beginning with the receipt of the first report of  
4 taxes paid by an eligible business and continuing for a 25-year  
5 period, the Department shall each month pay into the Energy  
6 Infrastructure Fund 80% of the net revenue realized from the  
7 6.25% general rate on the selling price of Illinois-mined coal  
8 that was sold to an eligible business. For purposes of this  
9 paragraph, the term "eligible business" means a new electric  
10 generating facility certified pursuant to Section 605-332 of  
11 the Department of Commerce and Economic Opportunity Law of the  
12 Civil Administrative Code of Illinois.

13 Of the remainder of the moneys received by the Department  
14 pursuant to this Act, 75% thereof shall be paid into the State  
15 Treasury and 25% shall be reserved in a special account and  
16 used only for the transfer to the Common School Fund as part of  
17 the monthly transfer from the General Revenue Fund in  
18 accordance with Section 8a of the State Finance Act.

19 The Department may, upon separate written notice to a  
20 taxpayer, require the taxpayer to prepare and file with the  
21 Department on a form prescribed by the Department within not  
22 less than 60 days after receipt of the notice an annual  
23 information return for the tax year specified in the notice.  
24 Such annual return to the Department shall include a statement  
25 of gross receipts as shown by the retailer's last Federal  
26 income tax return. If the total receipts of the business as

1 reported in the Federal income tax return do not agree with the  
2 gross receipts reported to the Department of Revenue for the  
3 same period, the retailer shall attach to his annual return a  
4 schedule showing a reconciliation of the 2 amounts and the  
5 reasons for the difference. The retailer's annual return to the  
6 Department shall also disclose the cost of goods sold by the  
7 retailer during the year covered by such return, opening and  
8 closing inventories of such goods for such year, costs of goods  
9 used from stock or taken from stock and given away by the  
10 retailer during such year, payroll information of the  
11 retailer's business during such year and any additional  
12 reasonable information which the Department deems would be  
13 helpful in determining the accuracy of the monthly, quarterly  
14 or annual returns filed by such retailer as provided for in  
15 this Section.

16 If the annual information return required by this Section  
17 is not filed when and as required, the taxpayer shall be liable  
18 as follows:

19 (i) Until January 1, 1994, the taxpayer shall be liable  
20 for a penalty equal to  $1/6$  of 1% of the tax due from such  
21 taxpayer under this Act during the period to be covered by  
22 the annual return for each month or fraction of a month  
23 until such return is filed as required, the penalty to be  
24 assessed and collected in the same manner as any other  
25 penalty provided for in this Act.

26 (ii) On and after January 1, 1994, the taxpayer shall

1           be liable for a penalty as described in Section 3-4 of the  
2           Uniform Penalty and Interest Act.

3           The chief executive officer, proprietor, owner or highest  
4           ranking manager shall sign the annual return to certify the  
5           accuracy of the information contained therein. Any person who  
6           willfully signs the annual return containing false or  
7           inaccurate information shall be guilty of perjury and punished  
8           accordingly. The annual return form prescribed by the  
9           Department shall include a warning that the person signing the  
10          return may be liable for perjury.

11          The provisions of this Section concerning the filing of an  
12          annual information return do not apply to a retailer who is not  
13          required to file an income tax return with the United States  
14          Government.

15          As soon as possible after the first day of each month, upon  
16          certification of the Department of Revenue, the Comptroller  
17          shall order transferred and the Treasurer shall transfer from  
18          the General Revenue Fund to the Motor Fuel Tax Fund an amount  
19          equal to 1.7% of 80% of the net revenue realized under this Act  
20          for the second preceding month. Beginning April 1, 2000, this  
21          transfer is no longer required and shall not be made.

22          Net revenue realized for a month shall be the revenue  
23          collected by the State pursuant to this Act, less the amount  
24          paid out during that month as refunds to taxpayers for  
25          overpayment of liability.

26          For greater simplicity of administration, manufacturers,

1 importers and wholesalers whose products are sold at retail in  
2 Illinois by numerous retailers, and who wish to do so, may  
3 assume the responsibility for accounting and paying to the  
4 Department all tax accruing under this Act with respect to such  
5 sales, if the retailers who are affected do not make written  
6 objection to the Department to this arrangement.

7 Any person who promotes, organizes, provides retail  
8 selling space for concessionaires or other types of sellers at  
9 the Illinois State Fair, DuQuoin State Fair, county fairs,  
10 local fairs, art shows, flea markets and similar exhibitions or  
11 events, including any transient merchant as defined by Section  
12 2 of the Transient Merchant Act of 1987, is required to file a  
13 report with the Department providing the name of the merchant's  
14 business, the name of the person or persons engaged in  
15 merchant's business, the permanent address and Illinois  
16 Retailers Occupation Tax Registration Number of the merchant,  
17 the dates and location of the event and other reasonable  
18 information that the Department may require. The report must be  
19 filed not later than the 20th day of the month next following  
20 the month during which the event with retail sales was held.  
21 Any person who fails to file a report required by this Section  
22 commits a business offense and is subject to a fine not to  
23 exceed \$250.

24 Any person engaged in the business of selling tangible  
25 personal property at retail as a concessionaire or other type  
26 of seller at the Illinois State Fair, county fairs, art shows,

1 flea markets and similar exhibitions or events, or any  
2 transient merchants, as defined by Section 2 of the Transient  
3 Merchant Act of 1987, may be required to make a daily report of  
4 the amount of such sales to the Department and to make a daily  
5 payment of the full amount of tax due. The Department shall  
6 impose this requirement when it finds that there is a  
7 significant risk of loss of revenue to the State at such an  
8 exhibition or event. Such a finding shall be based on evidence  
9 that a substantial number of concessionaires or other sellers  
10 who are not residents of Illinois will be engaging in the  
11 business of selling tangible personal property at retail at the  
12 exhibition or event, or other evidence of a significant risk of  
13 loss of revenue to the State. The Department shall notify  
14 concessionaires and other sellers affected by the imposition of  
15 this requirement. In the absence of notification by the  
16 Department, the concessionaires and other sellers shall file  
17 their returns as otherwise required in this Section.

18 (Source: P.A. 94-1074, eff. 12-26-06; 95-331, eff. 8-21-07.)

19 Section 7.7. The Uniform Penalty and Interest Act is  
20 amended by adding Section 3-7.7 as follows:

21 (35 ILCS 735/3-7.7 new)

22 Sec. 3-7.7. Penalty for failure to timely file a report or  
23 accurately report on sales of motor fuel in the metropolitan  
24 region.

1       (a) Any retailer who fails to timely file the report  
 2 required by Section 3 of the Retailers' Occupation Tax Act  
 3 concerning gross receipts from and tax properly due and paid on  
 4 the sale of motor fuel in the metropolitan region shall pay the  
 5 following penalty:

6           First occurrence ..... \$ 250  
 7           Second and each occurrence thereafter ..... \$1,000

8       (b) Any retailer who fails to accurately report the amount  
 9 required by Section 3 of the Retailers' Occupation Tax Act  
 10 concerning gross receipts from and tax properly due and paid on  
 11 the sale of motor fuel in the metropolitan region shall pay the  
 12 following penalty:

13           First occurrence ..... \$ 250  
 14           Second and each occurrence thereafter ..... \$1,000

15       (c) For purposes of this Section, "motor fuel" means that  
 16 term as defined in the Motor Fuel Tax Law, not including  
 17 aviation fuel, and "metropolitan region" means that term as  
 18 defined in the Regional Transportation Authority Act.

19       (d) The penalty imposed under this Section shall be deemed  
 20 assessed at the time of notice by the Department and shall be  
 21 treated for all purposes, including collection and allocation,  
 22 as part of the tax to which the report relates.

23       Section 8. The Illinois Pension Code is amended by changing  
 24 Section 22-101 and by adding Section 22-101B as follows:



1 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

2 Sec. 22-101. Retirement Plan for Chicago Transit Authority  
3 Employees. Metropolitan Transit Authority (CTA) Pension Fund.

4 (a) There shall be established and maintained by the  
5 Authority created by the "Metropolitan Transit Authority Act",  
6 approved April 12, 1945, as amended, (referred to in this  
7 Section as the "Authority") a financially sound pension and  
8 retirement system adequate to provide for all payments when due  
9 under such established system or as modified from time to time  
10 by ordinance of the Chicago Transit Board or collective  
11 bargaining agreement. For this purpose, the Board must make  
12 contributions to the established system as required under this  
13 Section and may make any additional contributions provided for  
14 by Board ordinance or collective bargaining agreement. The  
15 participating employees shall make such periodic payments to  
16 the established system as required under this Section and may  
17 make any additional contributions provided for ~~may be~~  
18 ~~determined~~ by Board ordinance or collective bargaining  
19 agreement. ~~The Board, in lieu of social security payments~~  
20 ~~required to be paid by private corporations engaged in similar~~  
21 ~~activity, shall make payments into such established system at~~  
22 ~~least equal in amount to the amount so required to be paid by~~  
23 ~~such private corporations.~~

24 Provisions shall be made by the Board for all ~~Board~~  
25 ~~members,~~ officers and employees of the Authority appointed  
26 pursuant to the "Metropolitan Transit Authority Act" to become,

1 subject to reasonable rules and regulations, participants  
2 ~~members or beneficiaries~~ of the pension or retirement system  
3 with uniform rights, privileges, obligations and status as to  
4 the class in which such officers and employees belong. The  
5 terms, conditions and provisions of any pension or retirement  
6 system or of any amendment or modification thereof affecting  
7 employees who are members of any labor organization may be  
8 established, amended or modified by agreement with such labor  
9 organization, provided the terms, conditions and provisions  
10 must be consistent with this Act, the annual funding levels for  
11 the retirement system established by law must be met and the  
12 benefits paid to future participants in the system may not  
13 exceed the benefit ceilings set for future participants under  
14 this Act and the contribution levels required by the Authority  
15 and its employees may not be less than the contribution levels  
16 established under this Act ~~but must be consistent with the~~  
17 ~~requirements of this Section.~~

18 (b) The Board of Trustees shall consist of 11 members  
19 appointed as follows: (i) 5 trustees shall be appointed by the  
20 Chicago Transit Board; (ii) 3 trustees shall be appointed by an  
21 organization representing the highest number of Chicago  
22 Transit Authority participants; (iii) one trustee shall be  
23 appointed by an organization representing the second-highest  
24 number of Chicago Transit Authority participants; (iv) one  
25 trustee shall be appointed by the recognized coalition  
26 representatives of participants who are not represented by an

1 organization with the highest or second-highest number of  
2 Chicago Transit Authority participants; and (v) one trustee  
3 shall be selected by the Regional Transportation Authority  
4 Board of Directors, and the trustee shall be a professional  
5 fiduciary who has experience in the area of collectively  
6 bargained pension plans. Trustees shall serve until a successor  
7 has been appointed and qualified, or until resignation, death,  
8 incapacity, or disqualification.

9 Any person appointed as a trustee of the board shall  
10 qualify by taking an oath of office that he or she will  
11 diligently and honestly administer the affairs of the system  
12 and will not knowingly violate or willfully permit the  
13 violation of any of the provisions of law applicable to the  
14 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,  
15 1-111, 1-114, and 1-115 of the Illinois Pension Code.

16 Each trustee shall cast individual votes, and a majority  
17 vote shall be final and binding upon all interested parties,  
18 provided that the Board of Trustees may require a supermajority  
19 vote with respect to the investment of the assets of the  
20 Retirement Plan, and may set forth that requirement in the  
21 Retirement Plan documents, by-laws, or rules of the Board of  
22 Trustees. Each trustee shall have the rights, privileges,  
23 authority, and obligations as are usual and customary for such  
24 fiduciaries.

25 The Board of Trustees may cause amounts on deposit in the  
26 Retirement Plan to be invested in those investments that are

1 permitted investments for the investment of moneys held under  
2 any one or more of the pension or retirement systems of the  
3 State, any unit of local government or school district, or any  
4 agency or instrumentality thereof. The Board, by a vote of at  
5 least two-thirds of the trustees, may transfer investment  
6 management to the Illinois State Board of Investment, which is  
7 hereby authorized to manage these investments when so requested  
8 by the Board of Trustees.

9 (c) All individuals who were previously participants in the  
10 Retirement Plan for Chicago Transit Authority Employees shall  
11 remain participants, and shall receive the same benefits  
12 established by the Retirement Plan for Chicago Transit  
13 Authority Employees, except as provided in this amendatory Act  
14 or by subsequent legislative enactment or amendment to the  
15 Retirement Plan. For Authority employees hired on or after the  
16 effective date of this amendatory Act of the 95th General  
17 Assembly, the Retirement Plan for Chicago Transit Authority  
18 Employees shall be the exclusive retirement plan and such  
19 employees shall not be eligible for any supplemental plan,  
20 except for a deferred compensation plan funded only by employee  
21 contributions.

22 For all Authority employees who are first hired on or after  
23 the effective date of this amendatory Act of the 95th General  
24 Assembly and are participants in the Retirement Plan for  
25 Chicago Transit Authority Employees, the following terms,  
26 conditions and provisions with respect to retirement shall be

1 applicable:

2 (1) Such participant shall be eligible for an unreduced  
3 retirement allowance for life upon the attainment of age 64  
4 with 25 years of continuous service.

5 (2) Such participant shall be eligible for a reduced  
6 retirement allowance for life upon the attainment of age 55  
7 with 10 years of continuous service.

8 (3) For the purpose of determining the retirement  
9 allowance to be paid to a retiring employee, the term  
10 "Continuous Service" as used in the Retirement Plan for  
11 Chicago Transit Authority Employees shall also be deemed to  
12 include all pension credit for service with any retirement  
13 system established under Article 8 or Article 11 of this  
14 Code, provided that the employee forfeits and relinquishes  
15 all pension credit under Article 8 or Article 11 of this  
16 Code, and the contribution required under this subsection  
17 is made by the employee. The Retirement Plan's actuary  
18 shall determine the contribution paid by the employee as an  
19 amount equal to the normal cost of the benefit accrued, had  
20 the service been rendered as an employee, plus interest per  
21 annum from the time such service was rendered until the  
22 date the payment is made.

23 (d) From the effective date of this amendatory Act through  
24 December 31, 2008, all participating employees shall  
25 contribute to the Retirement Plan in an amount not less than 6%  
26 of compensation, and the Authority shall contribute to the

1 Retirement Plan in an amount not less than 12% of compensation.

2 (e) (1) Beginning January 1, 2009 the Authority shall make  
3 contributions to the Retirement Plan in an amount equal to  
4 twelve percent (12%) of compensation and participating  
5 employees shall make contributions to the Retirement Plan in an  
6 amount equal to six percent (6%) of compensation. These  
7 contributions may be paid by the Authority and participating  
8 employees on a payroll or other periodic basis, but shall in  
9 any case be paid to the Retirement Plan at least monthly.

10 (2) For the period ending December 31, 2040, the amount  
11 paid by the Authority in any year with respect to debt service  
12 on bonds issued for the purposes of funding a contribution to  
13 the Retirement Plan under Section 12c of the Metropolitan  
14 Transit Authority Act, other than debt service paid with the  
15 proceeds of bonds or notes issued by the Authority for any year  
16 after calendar year 2008, shall be treated as a credit against  
17 the amount of required contribution to the Retirement Plan by  
18 the Authority under subsection (e) (1) for the following year up  
19 to an amount not to exceed 6% of compensation paid by the  
20 Authority in that following year.

21 (3) By September 15 of each year beginning in 2009 and  
22 ending on December 31, 2039, on the basis of a report prepared  
23 by an enrolled actuary retained by the Plan, the Board of  
24 Trustees of the Retirement Plan shall determine the estimated  
25 funded ratio of the total assets of the Retirement Plan to its  
26 total actuarially determined liabilities. A report containing

1 that determination and the actuarial assumptions on which it is  
2 based shall be filed with the Authority, the representatives of  
3 its participating employees, the Auditor General of the State  
4 of Illinois, and the Regional Transportation Authority. If the  
5 funded ratio is projected to decline below 60% in any year  
6 before 2040, the Board of Trustees shall also determine the  
7 increased contribution required each year as a level percentage  
8 of payroll over the years remaining until 2040 using the  
9 projected unit credit actuarial cost method so the funded ratio  
10 does not decline below 60% and include that determination in  
11 its report. If the actual funded ratio declines below 60% in  
12 any year prior to 2040, the Board of Trustees shall also  
13 determine the increased contribution required each year as a  
14 level percentage of payroll during the years after the then  
15 current year using the projected unit credit actuarial cost  
16 method so the funded ratio is projected to reach at least 60%  
17 no later than 10 years after the then current year and include  
18 that determination in its report. Within 60 days after  
19 receiving the report, the Auditor General shall review the  
20 determination and the assumptions on which it is based, and if  
21 he finds that the determination and the assumptions on which it  
22 is based are unreasonable in the aggregate, he shall issue a  
23 new determination of the funded ratio, the assumptions on which  
24 it is based and the increased contribution required each year  
25 as a level percentage of payroll over the years remaining until  
26 2040 using the projected unit credit actuarial cost method so

1 the funded ratio does not decline below 60%, or, in the event  
2 of an actual decline below 60%, so the funded ratio is  
3 projected to reach 60% by no later than 10 years after the then  
4 current year. If the Board of Trustees or the Auditor General  
5 determine that an increased contribution is required to meet  
6 the funded ratio required by the subsection, effective January  
7 1 following the determination or 30 days after such  
8 determination, whichever is later, one-third of the increased  
9 contribution shall be paid by participating employees and  
10 two-thirds by the Authority, in addition to the contributions  
11 required by this subsection (1).

12 (4) For the period beginning 2040, the minimum contribution  
13 to the Retirement Plan for each fiscal year shall be an amount  
14 determined by the Board of Trustees of the Retirement Plan to  
15 be sufficient to bring the total assets of the Retirement Plan  
16 up to 90% of its total actuarial liabilities by the end of  
17 2059. Participating employees shall be responsible for  
18 one-third of the required contribution and the Authority shall  
19 be responsible for two-thirds of the required contribution. In  
20 making these determinations, the Board of Trustees shall  
21 calculate the required contribution each year as a level  
22 percentage of payroll over the years remaining to and including  
23 fiscal year 2059 using the projected unit credit actuarial cost  
24 method. A report containing that determination and the  
25 actuarial assumptions on which it is based shall be filed by  
26 September 15 of each year with the Authority, the



1 representatives of its participating employees, the Auditor  
2 General of the State of Illinois and the Regional  
3 Transportation Authority. If the funded ratio is projected to  
4 fail to reach 90% by December 31, 2059, the Board of Trustees  
5 shall also determine the increased contribution required each  
6 year as a level percentage of payroll over the years remaining  
7 until December 31, 2059 using the projected unit credit  
8 actuarial cost method so the funded ratio will meet 90% by  
9 December 31, 2059 and include that determination in its report.  
10 Within 60 days after receiving the report, the Auditor General  
11 shall review the determination and the assumptions on which it  
12 is based and if he finds that the determination and the  
13 assumptions on which it is based are unreasonable in the  
14 aggregate, he shall issue a new determination of the funded  
15 ratio, the assumptions on which it is based and the increased  
16 contribution required each year as a level percentage of  
17 payroll over the years remaining until December 31, 2059 using  
18 the projected unit credit actuarial cost method so the funded  
19 ratio reaches no less than 90% by December 31, 2059. If the  
20 Board of Trustees or the Auditor General determine that an  
21 increased contribution is required to meet the funded ratio  
22 required by this subsection, effective January 1 following the  
23 determination or 30 days after such determination, whichever is  
24 later, one-third of the increased contribution shall be paid by  
25 participating employees and two-thirds by the Authority, in  
26 addition to the contributions required by subsection (e) (1).

1       (5) Beginning in 2060, the minimum contribution for each  
2 year shall be the amount needed to maintain the total assets of  
3 the Retirement Plan at 90% of the total actuarial liabilities  
4 of the Plan, and the contribution shall be funded two-thirds by  
5 the Authority and one-third by the participating employees in  
6 accordance with this subsection.

7       (f) The Authority shall take the steps necessary to comply  
8 with Section 414(h) (2) of the Internal Revenue Code of 1986, as  
9 amended, to permit the pick-up of employee contributions under  
10 subsections (d) and (e) on a tax-deferred basis.

11       (g) The Board of Trustees shall certify to the Governor,  
12 the General Assembly, the Auditor General, the Board of the  
13 Regional Transportation Authority, and the Authority at least  
14 90 days prior to the end of each fiscal year the amount of the  
15 required contributions to the retirement system for the next  
16 retirement system fiscal year under this Section. The  
17 certification shall include a copy of the actuarial  
18 recommendations upon which it is based. In addition, copies of  
19 the certification shall be sent to the Commission on Government  
20 Forecasting and Accountability and the Mayor of Chicago.

21       (h) (1) As to an employee who first becomes entitled to a  
22 retirement allowance commencing on or after November 30, 1989,  
23 the retirement allowance shall be the amount determined in  
24 accordance with the following formula:

25           (A) One percent (1%) of his "Average Annual  
26 Compensation in the highest four (4) completed Plan Years"

1       for each full year of continuous service from the date of  
2       original employment to the effective date of the Plan; plus

3           (B) One and seventy-five hundredths percent (1.75%) of  
4       his "Average Annual Compensation in the highest four (4)  
5       completed Plan Years" for each year (including fractions  
6       thereof to completed calendar months) of continuous  
7       service as provided for in the Retirement Plan for Chicago  
8       Transit Authority Employees.

9       Provided, however that:

10       (2) As to an employee who first becomes entitled to a  
11       retirement allowance commencing on or after January 1, 1993,  
12       the retirement allowance shall be the amount determined in  
13       accordance with the following formula:

14           (A) One percent (1%) of his "Average Annual  
15       Compensation in the highest four (4) completed Plan Years"  
16       for each full year of continuous service from the date of  
17       original employment to the effective date of the Plan; plus

18           (B) One and eighty hundredths percent (1.80%) of his  
19       "Average Annual Compensation in the highest four (4)  
20       completed Plan Years" for each year (including fractions  
21       thereof to completed calendar months) of continuous  
22       service as provided for in the Retirement Plan for Chicago  
23       Transit Authority Employees.

24       Provided, however that:

25       (3) As to an employee who first becomes entitled to a  
26       retirement allowance commencing on or after January 1, 1994,

1 the retirement allowance shall be the amount determined in  
2 accordance with the following formula:

3 (A) One percent (1%) of his "Average Annual  
4 Compensation in the highest four (4) completed Plan Years"  
5 for each full year of continuous service from the date of  
6 original employment to the effective date of the Plan; plus

7 (B) One and eighty-five hundredths percent (1.85%) of  
8 his "Average Annual Compensation in the highest four (4)  
9 completed Plan Years" for each year (including fractions  
10 thereof to completed calendar months) of continuous  
11 service as provided for in the Retirement Plan for Chicago  
12 Transit Authority Employees.

13 Provided, however that:

14 (4) As to an employee who first becomes entitled to a  
15 retirement allowance commencing on or after January 1, 2000,  
16 the retirement allowance shall be the amount determined in  
17 accordance with the following formula:

18 (A) One percent (1%) of his "Average Annual  
19 Compensation in the highest four (4) completed Plan Years"  
20 for each full year of continuous service from the date of  
21 original employment to the effective date of the Plan; plus

22 (B) Two percent (2%) of his "Average Annual  
23 Compensation in the highest four (4) completed Plan Years"  
24 for each year (including fractions thereof to completed  
25 calendar months) of continuous service as provided for in  
26 the Retirement Plan for Chicago Transit Authority

1       Employees.

2       Provided, however that:

3       (5) As to an employee who first becomes entitled to a  
4       retirement allowance commencing on or after January 1, 2001,  
5       the retirement allowance shall be the amount determined in  
6       accordance with the following formula:

7           (A) One percent (1%) of his "Average Annual  
8           Compensation in the highest four (4) completed Plan Years"  
9           for each full year of continuous service from the date of  
10          original employment to the effective date of the Plan; plus

11          (B) Two and fifteen hundredths percent (2.15%) of his  
12          "Average Annual Compensation in the highest four (4)  
13          completed Plan Years" for each year (including fractions  
14          thereof to completed calendar months) of continuous  
15          service as provided for in the Retirement Plan for Chicago  
16          Transit Authority Employees.

17       The changes made by this amendatory Act of the 95th General  
18       Assembly, to the extent that they affect the rights or  
19       privileges of Authority employees that are currently the  
20       subject of collective bargaining, have been agreed to between  
21       the authorized representatives of these employees and of the  
22       Authority prior to enactment of this amendatory Act, as  
23       evidenced by a Memorandum of Understanding between these  
24       representatives that will be filed with the Secretary of State  
25       Index Department and designated as "95-GA-C05". The General  
26       Assembly finds and declares that those changes are consistent

1 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the  
2 Federal Transit Act) because of this agreement between  
3 authorized representatives of these employees and of the  
4 Authority, and that any future amendments to the provisions of  
5 this amendatory Act of the 95th General Assembly, to the extent  
6 those amendments would affect the rights and privileges of  
7 Authority employees that are currently the subject of  
8 collective bargaining, would be consistent with 49 U.S.C.  
9 5333(b) if and only if those amendments were agreed to between  
10 these authorized representatives prior to enactment.

11 (i) Early retirement incentive plan; funded ratio.

12 (1) Beginning on the effective date of this Section, no  
13 early retirement incentive shall be offered to  
14 participants of the Plan unless the Funded Ratio of the  
15 Plan is at least 80% or more.

16 (2) For the purposes of this Section, the Funded Ratio  
17 shall be the Adjusted Assets divided by the Actuarial  
18 Accrued Liability developed in accordance with Statement  
19 #25 promulgated by the Government Accounting Standards  
20 Board and the actuarial assumptions described in the Plan.  
21 The Adjusted Assets shall be calculated based on the  
22 methodology described in the Plan.

23 (j) Nothing in this amendatory Act of the 95th General  
24 Assembly shall impair the rights or privileges of Authority  
25 employees under any other law.

26 ~~(b) Beginning January 1, 2009, the Authority shall make~~

1 ~~contributions to the retirement system in an amount which,~~  
2 ~~together with the contributions of participants, interest~~  
3 ~~earned on investments, and other income, will meet the cost of~~  
4 ~~maintaining and administering the retirement plan in~~  
5 ~~accordance with applicable actuarial recommendations and~~  
6 ~~assumptions and the requirements of this Section. These~~  
7 ~~contributions may be paid on a payroll or other periodic basis,~~  
8 ~~but shall in any case be paid at least monthly.~~

9 ~~For retirement system fiscal years 2009 through 2058, the~~  
10 ~~minimum contribution to the retirement system to be made by the~~  
11 ~~Authority for each fiscal year shall be an amount determined~~  
12 ~~jointly by the Authority and the trustee of the retirement~~  
13 ~~system to be sufficient to bring the total assets of the~~  
14 ~~retirement system up to 90% of its total actuarial liabilities~~  
15 ~~by the end of fiscal year 2058. In making these determinations,~~  
16 ~~the required Authority contribution shall be calculated each~~  
17 ~~year as a level percentage of payroll over the years remaining~~  
18 ~~to and including fiscal year 2058 and shall be determined under~~  
19 ~~the projected unit credit actuarial cost method. Beginning in~~  
20 ~~retirement system fiscal year 2059, the minimum Authority~~  
21 ~~contribution for each fiscal year shall be the amount needed to~~  
22 ~~maintain the total assets of the retirement system at 90% of~~  
23 ~~the total actuarial liabilities of the system.~~

24 ~~For purposes of determining employer contributions and~~  
25 ~~actuarial liabilities under this subsection, contributions and~~  
26 ~~liabilities relating to health care benefits shall not be~~

1 ~~included. As used in this Section, "retirement system fiscal~~  
2 ~~year" means the calendar year, or such other plan year as may~~  
3 ~~be defined from time to time in the agreement known as the~~  
4 ~~Retirement Plan for Chicago Transit Authority Employees, or its~~  
5 ~~successor agreement.~~

6 ~~(c) The Authority and the trustee shall jointly certify to~~  
7 ~~the Governor, the General Assembly, and the Board of the~~  
8 ~~Regional Transportation Authority on or before November 15 of~~  
9 ~~2008 and of each year thereafter the amount of the required~~  
10 ~~Authority contributions to the retirement system for the next~~  
11 ~~retirement system fiscal year under subsection (b). The~~  
12 ~~certification shall include a copy of the actuarial~~  
13 ~~recommendations upon which it is based. In addition, copies of~~  
14 ~~the certification shall be sent to the Commission on Government~~  
15 ~~Forecasting and Accountability, the Mayor of Chicago, the~~  
16 ~~Chicago City Council, and the Cook County Board.~~

17 ~~(d) The Authority shall take all actions lawfully available~~  
18 ~~to it to separate the funding of health care benefits for~~  
19 ~~retirees and their dependents and survivors from the funding~~  
20 ~~for its retirement system. The Authority shall endeavor to~~  
21 ~~achieve this separation as soon as possible, and in any event~~  
22 ~~no later than January 1, 2009.~~

23 ~~(e) This amendatory Act of the 94th General Assembly does~~  
24 ~~not affect or impair the right of either the Authority or its~~  
25 ~~employees to collectively bargain the amount or level of~~  
26 ~~employee contributions to the retirement system.~~



1 (Source: P.A. 94-839, eff. 6-6-06.)

2 (40 ILCS 5/22-101B new)

3 Sec. 22-101B. Health Care Benefits.

4 (a) The Chicago Transit Authority (hereinafter referred to  
5 in this Section as the "Authority") shall take all actions  
6 lawfully available to it to separate the funding of health care  
7 benefits for retirees and their dependents and survivors from  
8 the funding for its retirement system. The Authority shall  
9 endeavor to achieve this separation as soon as possible, and in  
10 any event no later than July 1, 2009.

11 (b) Effective 90 days after the effective date of this  
12 amendatory Act of the 95th General Assembly, a Retiree Health  
13 Care Trust is established for the purpose of providing health  
14 care benefits to eligible retirees and their dependents and  
15 survivors in accordance with the terms and conditions set forth  
16 in this Section 22-101B. The Retiree Health Care Trust shall be  
17 solely responsible for providing health care benefits to  
18 eligible retirees and their dependents and survivors by no  
19 later than July 1, 2009, but no earlier than January 1, 2009.

20 (1) The Board of Trustees shall consist of 7 members  
21 appointed as follows: (i) 3 trustees shall be appointed by  
22 the Chicago Transit Board; (ii) one trustee shall be  
23 appointed by an organization representing the highest  
24 number of Chicago Transit Authority participants; (iii)  
25 one trustee shall be appointed by an organization

1 representing the second-highest number of Chicago Transit  
2 Authority participants; (iv) one trustee shall be  
3 appointed by the recognized coalition representatives of  
4 participants who are not represented by an organization  
5 with the highest or second-highest number of Chicago  
6 Transit Authority participants; and (v) one trustee shall  
7 be selected by the Regional Transportation Authority Board  
8 of Directors, and the trustee shall be a professional  
9 fiduciary who has experience in the area of collectively  
10 bargained retiree health plans. Trustees shall serve until  
11 a successor has been appointed and qualified, or until  
12 resignation, death, incapacity, or disqualification.

13 Any person appointed as a trustee of the board shall  
14 qualify by taking an oath of office that he or she will  
15 diligently and honestly administer the affairs of the  
16 system, and will not knowingly violate or willfully permit  
17 the violation of any of the provisions of law applicable to  
18 the Plan, including Sections 1-109, 1-109.1, 1-109.2,  
19 1-110, 1-111, 1-114, and 1-115 of Article 1 of the Illinois  
20 Pension Code.

21 Each trustee shall cast individual votes, and a  
22 majority vote shall be final and binding upon all  
23 interested parties, provided that the Board of Trustees may  
24 require a supermajority vote with respect to the investment  
25 of the assets of the Retiree Health Care Trust, and may set  
26 forth that requirement in the trust agreement or by-laws of

1       the Board of Trustees. Each trustee shall have the rights,  
2       privileges, authority and obligations as are usual and  
3       customary for such fiduciaries.

4       (2) The Board of Trustees shall establish and  
5       administer a health care benefit program for eligible  
6       retirees and their dependents and survivors. The health  
7       care benefit program for eligible retirees and their  
8       dependents and survivors shall not contain any plan which  
9       provides for more than 90% coverage for in-network services  
10       or 70% coverage for out-of-network services after any  
11       deductible has been paid.

12       (3) The Retiree Health Care Trust shall be administered  
13       by the Board of Trustees according to the following  
14       requirements:

15               (i) The Board of Trustees may cause amounts on  
16               deposit in the Retiree Health Care Trust to be invested  
17               in those investments that are permitted investments  
18               for the investment of moneys held under any one or more  
19               of the pension or retirement systems of the State, any  
20               unit of local government or school district, or any  
21               agency or instrumentality thereof. The Board, by a vote  
22               of at least two-thirds of the trustees, may transfer  
23               investment management to the Illinois State Board of  
24               Investment, which is hereby authorized to manage these  
25               investments when so requested by the Board of Trustees.

26               (ii) The Board of Trustees shall establish and

1           maintain an appropriate funding reserve level which  
2           shall not be less than the amount of incurred and  
3           unreported claims plus 12 months of expected claims and  
4           administrative expenses.

5           (iii) The Board of Trustees shall make an annual  
6           assessment of the funding levels of the Retiree Health  
7           Care Trust and shall submit a report to the Auditor  
8           General at least 90 days prior to the end of the fiscal  
9           year. The report shall provide the following:

10                   (A) the actuarial present value of projected  
11                   benefits expected to be paid to current and future  
12                   retirees and their dependents and survivors;

13                   (B) the actuarial present value of projected  
14                   contributions and trust income plus assets;

15                   (C) the reserve required by subsection  
16                   (b) (3) (ii); and

17                   (D) an assessment of whether the actuarial  
18                   present value of projected benefits expected to be  
19                   paid to current and future retirees and their  
20                   dependents and survivors exceeds or is less than  
21                   the actuarial present value of projected  
22                   contributions and trust income plus assets in  
23                   excess of the reserve required by subsection  
24                   (b) (3) (ii).

25           If the actuarial present value of projected  
26           benefits expected to be paid to current and future

1 retirees and their dependents and survivors exceeds  
2 the actuarial present value of projected contributions  
3 and trust income plus assets in excess of the reserve  
4 required by subsection (b)(3)(ii), then the report  
5 shall provide a plan of increases in employee, retiree,  
6 dependent, or survivor contribution levels, decreases  
7 in benefit levels, or both, which is projected to cure  
8 the shortfall over a period of not more than 10 years.  
9 If the actuarial present value of projected benefits  
10 expected to be paid to current and future retirees and  
11 their dependents and survivors is less than the  
12 actuarial present value of projected contributions and  
13 trust income plus assets in excess of the reserve  
14 required by subsection (b)(3)(ii), then the report may  
15 provide a plan of decreases in employee, retiree,  
16 dependent, or survivor contribution levels, increases  
17 in benefit levels, or both, to the extent of the  
18 surplus.

19 (iv) The Auditor General shall review the report  
20 and plan provided in subsection (b)(3)(iii) and issue a  
21 determination within 90 days after receiving the  
22 report and plan, with a copy of such determination  
23 provided to the General Assembly and the Regional  
24 Transportation Authority, as follows:

25 (A) In the event of a projected shortfall, if  
26 the Auditor General determines that the

1           assumptions stated in the report are not  
2           unreasonable in the aggregate and that the plan of  
3           increases in employee, retiree, dependent, or  
4           survivor contribution levels, decreases in benefit  
5           levels, or both, is reasonably projected to cure  
6           the shortfall over a period of not more than 10  
7           years, then the Board of Trustees shall implement  
8           the plan. If the Auditor General determines that  
9           the assumptions stated in the report are  
10           unreasonable in the aggregate, or that the plan of  
11           increases in employee, retiree, dependent, or  
12           survivor contribution levels, decreases in benefit  
13           levels, or both, is not reasonably projected to  
14           cure the shortfall over a period of not more than  
15           10 years, then the Board of Trustees shall not  
16           implement the plan, the Auditor General shall  
17           explain the basis for such determination to the  
18           Board of Trustees, and the Auditor General may make  
19           recommendations as to an alternative report and  
20           plan.

21           (B) In the event of a projected surplus, if the  
22           Auditor General determines that the assumptions  
23           stated in the report are not unreasonable in the  
24           aggregate and that the plan of decreases in  
25           employee, retiree, dependent, or survivor  
26           contribution levels, increases in benefit levels,

1           or both, is not unreasonable in the aggregate, then  
2           the Board of Trustees shall implement the plan. If  
3           the Auditor General determines that the  
4           assumptions stated in the report are unreasonable  
5           in the aggregate, or that the plan of decreases in  
6           employee, retiree, dependent, or survivor  
7           contribution levels, increases in benefit levels,  
8           or both, is unreasonable in the aggregate, then the  
9           Board of Trustees shall not implement the plan, the  
10           Auditor General shall explain the basis for such  
11           determination to the Board of Trustees, and the  
12           Auditor General may make recommendations as to an  
13           alternative report and plan.

14           (C) The Board of Trustees shall submit an  
15           alternative report and plan within 45 days after  
16           receiving a rejection determination by the Auditor  
17           General. A determination by the Auditor General on  
18           any alternative report and plan submitted by the  
19           Board of Trustees shall be made within 90 days  
20           after receiving the alternative report and plan,  
21           and shall be accepted or rejected according to the  
22           requirements of this subsection (b) (3) (iv). The  
23           Board of Trustees shall continue to submit  
24           alternative reports and plans to the Auditor  
25           General, as necessary, until a favorable  
26           determination is made by the Auditor General.

1           (4) For any retiree who first retires on or after the  
2           effective date of this amendatory Act of the 95th General  
3           Assembly, to be eligible for retiree health care benefits  
4           upon retirement, the retiree must be at least 55 years of  
5           age, retire with 10 or more years of continuous service and  
6           satisfy the preconditions established by this amendatory  
7           Act in addition to any rules or regulations promulgated by  
8           the Board of Trustees. This paragraph (4) shall not apply  
9           to a disability allowance.

10           (5) Effective January 1, 2009, the aggregate amount of  
11           retiree, dependent and survivor contributions to the cost  
12           of their health care benefits shall not exceed more than  
13           45% of the total cost of such benefits. The Board of  
14           Trustees shall have the discretion to provide different  
15           contribution levels for retirees, dependents and survivors  
16           based on their years of service, level of coverage or  
17           Medicare eligibility, provided that the total contribution  
18           from all retirees, dependents, and survivors shall be not  
19           more than 45% of the total cost of such benefits. The term  
20           "total cost of such benefits" for purposes of this  
21           subsection shall be the total amount expended by the  
22           retiree health benefit program in the prior plan year, as  
23           calculated and certified in writing by the Retiree Health  
24           Care Trust's enrolled actuary to be appointed and paid for  
25           by the Board of Trustees.

26           (6) Effective 30 days after the establishment of the



1 Retiree Health Care Trust, all employees of the Authority  
2 shall contribute to the Retiree Health Care Trust in an  
3 amount not less than 3% of compensation.

4 (7) No earlier than January 1, 2009 and no later than  
5 July 1, 2009 as the Retiree Health Care Trust becomes  
6 solely responsible for providing health care benefits to  
7 eligible retirees and their dependents and survivors in  
8 accordance with subsection (b) of this Section 22-101B, the  
9 Authority shall not have any obligation to provide health  
10 care to current or future retirees and their dependents or  
11 survivors. Employees, retirees, dependents, and survivors  
12 who are required to make contributions to the Retiree  
13 Health Care Trust shall make contributions at the level set  
14 by the Board of Trustees pursuant to the requirements of  
15 this Section 22-101B.

16 Section 15. The Metropolitan Transit Authority Act is  
17 amended by changing Sections 15, 28a, 34, and 46 and by adding  
18 Sections 12c and 50 as follows:

19 (70 ILCS 3605/12c new)

20 Sec. 12c. Retiree Benefits Bonds and Notes.

21 (a) In addition to all other bonds or notes that it is  
22 authorized to issue, the Authority is authorized to issue its  
23 bonds or notes for the purposes of providing funds for the  
24 Authority to make the deposits described in Section 12c(b)(1)

1 and (2), for refunding any bonds authorized to be issued under  
2 this Section, as well as for the purposes of paying costs of  
3 issuance, obtaining bond insurance or other credit enhancement  
4 or liquidity facilities, paying costs of obtaining related  
5 swaps as authorized in the Bond Authorization Act ("Swaps"),  
6 providing a debt service reserve fund, paying Debt Service (as  
7 defined in paragraph (i) of this Section 12c), and paying all  
8 other costs related to any such bonds or notes.

9 (b) (1) After its receipt of a certified copy of a report of  
10 the Auditor General of the State of Illinois meeting the  
11 requirements of Section 3-2.3 of the Illinois State Auditing  
12 Act, the Authority may issue \$1,348,550,000 aggregate original  
13 principal amount of bonds and notes. After payment of the costs  
14 of issuance and necessary deposits to funds and accounts  
15 established with respect to debt service, the net proceeds of  
16 such bonds or notes shall be deposited only in the Retirement  
17 Plan for Chicago Transit Authority Employees and used only for  
18 the purposes required by Section 22-101 of the Illinois Pension  
19 Code. Provided that no less than \$1,110,500,000 has been  
20 deposited in the Retirement Plan, remaining proceeds of bonds  
21 issued under this subparagraph (b) (1) may be used to pay costs  
22 of issuance and make necessary deposits to funds and accounts  
23 with respect to debt service for bonds and notes issued under  
24 this subparagraph or subparagraph (b) (2).

25 (2) After its receipt of a certified copy of a report of  
26 the Auditor General of the State of Illinois meeting the

1 requirements of Section 3-2.3 of the Illinois State Auditing  
2 Act, the Authority may issue \$639,680,000 aggregate original  
3 principal amount of bonds and notes. After payment of the costs  
4 of issuance and necessary deposits to funds and accounts  
5 established with respect to debt service, the net proceeds of  
6 such bonds or notes shall be deposited only in the Retiree  
7 Health Care Trust and used only for the purposes required by  
8 Section 22-101B of the Illinois Pension Code. Provided that no  
9 less than \$528,800,000 has been deposited in the Retiree Health  
10 Care Trust, remaining proceeds of bonds issued under this  
11 subparagraph (b) (2) may be used to pay costs of issuance and  
12 make necessary deposits to funds and accounts with respect to  
13 debt service for bonds and notes issued under this subparagraph  
14 or subparagraph (b) (1).

15 (3) In addition, refunding bonds are authorized to be  
16 issued for the purpose of refunding outstanding bonds or notes  
17 issued under this Section 12c.

18 (4) The bonds or notes issued under 12c(b) (1) shall be  
19 issued as soon as practicable after the Auditor General issues  
20 the report provided in Section 3-2.3(b) of the Illinois State  
21 Auditing Act. The bonds or notes issued under 12c(b) (2) shall  
22 be issued as soon as practicable after the Auditor General  
23 issues the report provided in Section 3-2.3(c) of the Illinois  
24 State Auditing Act.

25 (5) With respect to bonds and notes issued under  
26 subparagraph (b), scheduled aggregate annual payments of

1 interest or deposits into funds and accounts established for  
2 the purpose of such payment shall commence within one year  
3 after the bonds and notes are issued. With respect to principal  
4 and interest, scheduled aggregate annual payments of principal  
5 and interest or deposits into funds and accounts established  
6 for the purpose of such payment shall be not less than 70% in  
7 2009, 80% in 2010, and 90% in 2011, respectively, of scheduled  
8 payments or deposits of principal and interest in 2012 and  
9 shall be substantially equal beginning in 2012 and each year  
10 thereafter. For purposes of this subparagraph (b),  
11 "substantially equal" means that debt service in any full year  
12 after calendar year 2011 is not more than 115% of debt service  
13 in any other full year after calendar year 2011 during the term  
14 of the bonds or notes. For the purposes of this subsection (b),  
15 with respect to bonds and notes that bear interest at a  
16 variable rate, interest shall be assumed at a rate equal to the  
17 rate for United States Treasury Securities - State and Local  
18 Government Series for the same maturity, plus 75 basis points.  
19 If the Authority enters into a Swap with a counterparty  
20 requiring the Authority to pay a fixed interest rate on a  
21 notional amount, and the Authority has made a determination  
22 that such Swap was entered into for the purpose of providing  
23 substitute interest payments for variable interest rate bonds  
24 or notes of a particular maturity or maturities in a principal  
25 amount equal to the notional amount of the Swap, then during  
26 the term of the Swap for purposes of any calculation of

1 interest payable on such bonds or notes, the interest rate on  
2 the bonds or notes of such maturity or maturities shall be  
3 determined as if such bonds or notes bore interest at the fixed  
4 interest rate payable by the Authority under such Swap.

5 (6) No bond or note issued under this Section 12c shall  
6 mature later than December 31, 2040.

7 (c) The Chicago Transit Board shall provide for the  
8 issuance of bonds or notes as authorized in this Section 12c by  
9 the adoption of an ordinance. The ordinance, together with the  
10 bonds or notes, shall constitute a contract among the  
11 Authority, the owners from time to time of the bonds or notes,  
12 any bond trustee with respect to the bonds or notes, any  
13 related credit enhancer and any provider of any related Swaps.

14 (d) The Authority is authorized to cause the proceeds of  
15 the bonds or notes, and any interest or investment earnings on  
16 the bonds or notes, and of any Swaps, to be invested until the  
17 proceeds and any interest or investment earnings have been  
18 deposited with the Retirement Plan or the Retiree Health Care  
19 Trust.

20 (e) Bonds or notes issued pursuant to this Section 12c may  
21 be general obligations of the Authority, to which shall be  
22 pledged the full faith and credit of the Authority, or may be  
23 obligations payable solely from particular sources of funds all  
24 as may be provided in the authorizing ordinance. The  
25 authorizing ordinance for the bonds and notes, whether or not  
26 general obligations of the Authority, may provide for the Debt

1 Service (as defined in paragraph (i) of this Section 12c) to  
2 have a claim for payment from particular sources of funds,  
3 including, without limitation, amounts to be paid to the  
4 Authority or a bond trustee. The authorizing ordinance may  
5 provide for the means by which the bonds or notes (and any  
6 related Swaps) may be secured, which may include, a pledge of  
7 any revenues or funds of the Authority from whatever source  
8 which may by law be utilized for paying Debt Service. In  
9 addition to any other security, upon the written approval of  
10 the Regional Transportation Authority by the affirmative vote  
11 of 12 of its then Directors, the ordinance may provide a  
12 specific pledge or assignment of and lien on or security  
13 interest in amounts to be paid to the Authority by the Regional  
14 Transportation Authority and direct payment thereof to the bond  
15 trustee for payment of Debt Service with respect to the bonds  
16 or notes, subject to the provisions of existing lease  
17 agreements of the Authority with any public building  
18 commission. Any such pledge, assignment, lien or security  
19 interest for the benefit of owners of bonds or notes shall be  
20 valid and binding from the time the bonds or notes are issued,  
21 without any physical delivery or further act, and shall be  
22 valid and binding as against and prior to the claims of all  
23 other parties having claims of any kind against the Authority  
24 or any other person, irrespective of whether such other parties  
25 have notice of such pledge, assignment, lien or security  
26 interest, all as provided in the Local Government Debt Reform

1 Act, as it may be amended from time to time. The bonds or notes  
2 of the Authority issued pursuant to this Section 12c shall have  
3 such priority of payment and as to their claim for payment from  
4 particular sources of funds, including their priority with  
5 respect to obligations of the Authority issued under other  
6 Sections of this Act, all as shall be provided in the  
7 ordinances authorizing the issuance of the bonds or notes. The  
8 ordinance authorizing the issuance of any bonds or notes under  
9 this Section may provide for the creation of, deposits in, and  
10 regulation and disposition of sinking fund or reserve accounts  
11 relating to those bonds or notes and related agreements. The  
12 ordinance authorizing the issuance of any such bonds or notes  
13 authorized under this Section 12c may contain provisions for  
14 the creation of a separate fund to provide for the payment of  
15 principal of and interest on those bonds or notes and related  
16 agreements. The ordinance may also provide limitations on the  
17 issuance of additional bonds or notes of the Authority.

18 (f) Bonds or notes issued under this Section 12c shall not  
19 constitute an indebtedness of the Regional Transportation  
20 Authority, the State of Illinois, or of any other political  
21 subdivision of or municipality within the State, except the  
22 Authority.

23 (g) The ordinance of the Chicago Transit Board authorizing  
24 the issuance of bonds or notes pursuant to this Section 12c may  
25 provide for the appointment of a corporate trustee (which may  
26 be any trust company or bank having the powers of a trust

1 company within Illinois) with respect to bonds or notes issued  
2 pursuant to this Section 12c. The ordinance shall prescribe the  
3 rights, duties, and powers of the trustee to be exercised for  
4 the benefit of the Authority and the protection of the owners  
5 of bonds or notes issued pursuant to this Section 12c. The  
6 ordinance may provide for the trustee to hold in trust, invest  
7 and use amounts in funds and accounts created as provided by  
8 the ordinance with respect to the bonds or notes in accordance  
9 with this Section 12c. The Authority may apply, as it shall  
10 determine, any amounts received upon the sale of the bonds or  
11 notes to pay any Debt Service on the bonds or notes. The  
12 ordinance may provide for a trust indenture to set forth terms  
13 of, sources of payment for and security for the bonds and  
14 notes.

15 (h) The State of Illinois pledges to and agrees with the  
16 owners of the bonds or notes issued pursuant to Section 12c  
17 that the State of Illinois will not limit the powers vested in  
18 the Authority by this Act to pledge and assign its revenues and  
19 funds as security for the payment of the bonds or notes, or  
20 vested in the Regional Transportation Authority by the Regional  
21 Transportation Authority Act or this Act, so as to materially  
22 impair the payment obligations of the Authority under the terms  
23 of any contract made by the Authority with those owners or to  
24 materially impair the rights and remedies of those owners until  
25 those bonds or notes, together with interest and any redemption  
26 premium, and all costs and expenses in connection with any



1 action or proceedings by or on behalf of such owners are fully  
2 met and discharged. The Authority is authorized to include  
3 these pledges and agreements of the State of Illinois in any  
4 contract with owners of bonds or notes issued pursuant to this  
5 Section 12c.

6 (i) For purposes of this Section, "Debt Service" with  
7 respect to bonds or notes includes, without limitation,  
8 principal (at maturity or upon mandatory redemption),  
9 redemption premium, interest, periodic, upfront, and  
10 termination payments on Swaps, fees for bond insurance or other  
11 credit enhancement, liquidity facilities, the funding of bond  
12 or note reserves, bond trustee fees, and all other costs of  
13 providing for the security or payment of the bonds or notes.

14 (j) The Authority shall adopt a procurement program with  
15 respect to contracts relating to the following service  
16 providers in connection with the issuance of debt for the  
17 benefit of the Retirement Plan for Chicago Transit Authority  
18 Employees: underwriters, bond counsel, financial advisors, and  
19 accountants. The program shall include goals for the payment of  
20 not less than 30% of the total dollar value of the fees from  
21 these contracts to minority owned businesses and female owned  
22 businesses as defined in the Business Enterprise for  
23 Minorities, Females, and Persons with Disabilities Act. The  
24 Authority shall conduct outreach to minority owned businesses  
25 and female owned businesses. Outreach shall include, but is not  
26 limited to, advertisements in periodicals and newspapers,

1 mailings, and other appropriate media. The Authority shall  
2 submit to the General Assembly a comprehensive report that  
3 shall include, at a minimum, the details of the procurement  
4 plan, outreach efforts, and the results of the efforts to  
5 achieve goals for the payment of fees. The service providers  
6 selected by the Authority pursuant to such program shall not be  
7 subject to approval by the Regional Transportation Authority,  
8 and the Regional Transportation Authority's approval pursuant  
9 to subsection (e) of this Section 12c related to the issuance  
10 of debt shall not be based in any way on the service providers  
11 selected by the Authority pursuant to this Section.

12 (k) No person holding an elective office in this State,  
13 holding a seat in the General Assembly, serving as a director,  
14 trustee, officer, or employee of the Regional Transportation  
15 Authority or the Chicago Transit Authority, including the  
16 spouse or minor child of that person, may receive a legal,  
17 banking, consulting, or other fee related to the issuance of  
18 any bond issued by the Chicago Transit Authority pursuant to  
19 this Section.

20 (70 ILCS 3605/15) (from Ch. 111 2/3, par. 315)

21 Sec. 15. The Authority shall have power to apply for and  
22 accept grants and loans from the Federal Government or any  
23 agency or instrumentality thereof, from the State, or from any  
24 county, municipal corporation or other political subdivision  
25 of the State to be used for any of the purposes of the

1 Authority, including, but not by way of limitation, grants and  
2 loans in aid of mass transportation and for studies in mass  
3 transportation, and may provide matching funds when necessary  
4 to qualify for such grants or loans. The Authority may enter  
5 into any agreement with the Federal Government, the State, and  
6 any county, municipal corporation or other political  
7 subdivision of the State in relation to such grants or loans;  
8 provided that such agreement does not conflict with any of the  
9 provisions of any trust agreement securing the payment of bonds  
10 or certificates of the Authority.

11 The Authority may also accept from the state, or from any  
12 county or other political subdivision, or from any municipal  
13 corporation, or school district, or school authorities, grants  
14 or other funds authorized by law to be paid to the Authority  
15 for any of the purposes of this Act.

16 (Source: Laws 1961, p. 3135.)

17 (70 ILCS 3605/28a) (from Ch. 111 2/3, par. 328a)

18 Sec. 28a. (a) The Board may deal with and enter into  
19 written contracts with the employees of the Authority through  
20 accredited representatives of such employees or  
21 representatives of any labor organization authorized to act for  
22 such employees, concerning wages, salaries, hours, working  
23 conditions and pension or retirement provisions; provided,  
24 nothing herein shall be construed to permit hours of labor in  
25 excess of those provided by law or to permit working conditions

1 prohibited by law. In case of dispute over wages, salaries,  
2 hours, working conditions, or pension or retirement provisions  
3 the Board may arbitrate any question or questions and may agree  
4 with such accredited representatives or labor organization  
5 that the decision of a majority of any arbitration board shall  
6 be final, provided each party shall agree in advance to pay  
7 half of the expense of such arbitration.

8 No contract or agreement shall be made with any labor  
9 organization, association, group or individual for the  
10 employment of members of such organization, association, group  
11 or individual for the construction, improvement, maintenance,  
12 operation or administration of any property, plant or  
13 facilities under the jurisdiction of the Authority, where such  
14 organization, association, group or individual denies on the  
15 ground of race, creed, color, sex, religion, physical or mental  
16 handicap unrelated to ability, or national origin membership  
17 and equal opportunities for employment to any citizen of  
18 Illinois.

19 (b)(1) The provisions of this paragraph (b) apply to  
20 collective bargaining agreements (including extensions and  
21 amendments of existing agreements) entered into on or after  
22 January 1, 1984.

23 (2) The Board shall deal with and enter into written  
24 contracts with their employees, through accredited  
25 representatives of such employees authorized to act for such  
26 employees concerning wages, salaries, hours, working

1 conditions, and pension or retirement provisions about which a  
2 collective bargaining agreement has been entered prior to the  
3 effective date of this amendatory Act of 1983. Any such  
4 agreement of the Authority shall provide that the agreement may  
5 be reopened if the amended budget submitted pursuant to Section  
6 2.18a of the Regional Transportation Authority Act is not  
7 approved by the Board of the Regional Transportation Authority.  
8 The agreement may not include a provision requiring the payment  
9 of wage increases based on changes in the Consumer Price Index.  
10 The Board shall not have the authority to enter into collective  
11 bargaining agreements with respect to inherent management  
12 rights, which include such areas of discretion or policy as the  
13 functions of the employer, standards of services, its overall  
14 budget, the organizational structure and selection of new  
15 employees and direction of personnel. Employers, however,  
16 shall be required to bargain collectively with regard to policy  
17 matters directly affecting wages, hours and terms and  
18 conditions of employment, as well as the impact thereon upon  
19 request by employee representatives. To preserve the rights of  
20 employers and exclusive representatives which have established  
21 collective bargaining relationships or negotiated collective  
22 bargaining agreements prior to the effective date of this  
23 amendatory Act of 1983, employers shall be required to bargain  
24 collectively with regard to any matter concerning wages, hours  
25 or conditions of employment about which they have bargained  
26 prior to the effective date of this amendatory Act of 1983.

1           (3) The collective bargaining agreement may not include a  
2 prohibition on the use of part-time operators on any service  
3 operated by or funded by the Board, except where prohibited by  
4 federal law.

5           (4) Within 30 days of the signing of any such collective  
6 bargaining agreement, the Board shall determine the costs of  
7 each provision of the agreement, prepare an amended budget  
8 incorporating the costs of the agreement, and present the  
9 amended budget to the Board of the Regional Transportation  
10 Authority for its approval under Section 4.11 of the Regional  
11 Transportation Act. The Board of the Regional Transportation  
12 Authority may approve the amended budget by an affirmative vote  
13 of 12 ~~two-thirds~~ of its then Directors. If the budget is not  
14 approved by the Board of the Regional Transportation Authority,  
15 the agreement may be reopened and its terms may be  
16 renegotiated. Any amended budget which may be prepared  
17 following renegotiation shall be presented to the Board of the  
18 Regional Transportation Authority for its approval in like  
19 manner.

20       (Source: P.A. 83-886.)

21           (70 ILCS 3605/34) (from Ch. 111 2/3, par. 334)

22           Sec. 34. Budget and Program. The Authority, subject to the  
23 powers of the Regional Transportation Authority in Section 4.11  
24 of the Regional Transportation Authority Act, shall control the  
25 finances of the Authority. It shall by ordinance appropriate

1 money to perform the Authority's purposes and provide for  
2 payment of debts and expenses of the Authority. Each year the  
3 Authority shall prepare and publish a comprehensive annual  
4 budget and five-year capital program document, and a financial  
5 plan for the 2 years thereafter describing the state of the  
6 Authority and presenting for the forthcoming fiscal year and  
7 the two following years the Authority's plans for such  
8 operations and capital expenditures as it intends to undertake  
9 and the means by which it intends to finance them. The proposed  
10 budget, ~~and~~ financial plan, and five-year capital program shall  
11 be based on the Regional Transportation Authority's estimate of  
12 funds to be made available to the Authority by or through the  
13 Regional Transportation Authority and shall conform in all  
14 respects to the requirements established by the Regional  
15 Transportation Authority. The proposed ~~program and~~ budget, and  
16 financial plan, and five-year capital program shall contain a  
17 statement of the funds estimated to be on hand at the beginning  
18 of the fiscal year, the funds estimated to be received from all  
19 sources for such year and the funds estimated to be on hand at  
20 the end of such year. ~~After adoption of the Regional~~  
21 ~~Transportation Authority's first Five-Year Program, as~~  
22 ~~provided in Section 2.01 of the Regional Transportation~~  
23 ~~Authority Act, the proposed program and budget shall~~  
24 ~~specifically identify any respect in which the recommended~~  
25 ~~program deviates from the Regional Transportation Authority's~~  
26 ~~then existing Five Year Program, giving the reasons for such~~

1 ~~deviation.~~ The proposed ~~program and~~ budget, financial plan, and  
2 five-year capital program shall be available at no cost for  
3 public inspection at the Authority's main office and at the  
4 Regional Transportation Authority's main office at least 3  
5 weeks prior to any public hearing. Before the proposed budget,  
6 ~~and program and~~ financial plan, and five-year capital program  
7 are submitted to the Regional Transportation Authority, the  
8 Authority shall hold at least one public hearing thereon in  
9 each of the counties in which the Authority provides service.  
10 All Board members of the Authority shall attend a majority of  
11 the public hearings unless reasonable cause is given for their  
12 absence. After the public hearings, the Board of the Authority  
13 shall hold at least one meeting for consideration of the  
14 proposed program and budget with the Cook County Board. After  
15 conducting such hearings and holding such meetings and after  
16 making such changes in the proposed ~~program and~~ budget,  
17 financial plan, and five-year capital program as the Board  
18 deems appropriate, it shall adopt an annual budget ordinance at  
19 least by November 15th preceding the beginning of each fiscal  
20 year. The budget, ~~and program, and~~ financial plan, and  
21 five-year capital program shall then be submitted to the  
22 Regional Transportation Authority as provided in Section 4.11  
23 of the Regional Transportation Authority Act. In the event that  
24 the Board of the Regional Transportation Authority determines  
25 that the budget, ~~and program, and~~ financial plan, and five-year  
26 capital program do not meet the standards of said Section 4.11,



1 the Board of the Authority shall make such changes as are  
2 necessary to meet such requirements and adopt an amended budget  
3 ordinance. The amended budget ordinance shall be resubmitted to  
4 the Regional Transportation Authority pursuant to said Section  
5 4.11. The ordinance shall appropriate such sums of money as are  
6 deemed necessary to defray all necessary expenses and  
7 obligations of the Authority, specifying purposes and the  
8 objects or programs for which appropriations are made and the  
9 amount appropriated for each object or program. Additional  
10 appropriations, transfers between items and other changes in  
11 such ordinance which do not alter the basis upon which the  
12 balanced budget determination was made by the Regional  
13 Transportation Authority may be made from time to time by the  
14 Board.

15 The budget shall:

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

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

25 (iii) provide for a level of fares or charges and  
26 operating or administrative costs for the public

1 transportation provided by or subject to the jurisdiction  
2 of the Board sufficient to allow the Board to meet its  
3 required system generated revenue recovery ratio as  
4 determined in accordance with subsection (a) of Section  
5 4.11 of the Regional Transportation Authority Act;

6 (iv) be based upon and employ assumptions and  
7 projections which are reasonable and prudent;

8 (v) have been prepared in accordance with sound  
9 financial practices as determined by the Board of the  
10 Regional Transportation Authority; ~~and~~

11 (vi) meet such other financial, budgetary, or fiscal  
12 requirements that the Board of the Regional Transportation  
13 Authority may by rule or regulation establish; and ~~and~~

14 (vii) be consistent with the goals and objectives  
15 adopted by the Regional Transportation Authority in the  
16 Strategic Plan.

17 The Board shall establish a fiscal operating year. At least  
18 thirty days prior to the beginning of the first full fiscal  
19 year after the creation of the Authority, and annually  
20 thereafter, the Board shall cause to be prepared a tentative  
21 budget which shall include all operation and maintenance  
22 expense for the ensuing fiscal year. The tentative budget shall  
23 be considered by the Board and, subject to any revision and  
24 amendments as may be determined, shall be adopted prior to the  
25 first day of the ensuing fiscal year as the budget for that  
26 year. No expenditures for operations and maintenance in excess

1 of the budget shall be made during any fiscal year except by  
2 the affirmative vote of at least five members of the Board. It  
3 shall not be necessary to include in the annual budget any  
4 statement of necessary expenditures for pensions or retirement  
5 annuities, or for interest or principal payments on bonds or  
6 certificates, or for capital outlays, but it shall be the duty  
7 of the Board to make provision for payment of same from  
8 appropriate funds. The Board may not alter its fiscal year  
9 without the prior approval of the Board of the Regional  
10 Transportation Authority.

11 (Source: P.A. 87-1249.)

12 (70 ILCS 3605/46) (from Ch. 111 2/3, par. 346)

13 Sec. 46. Citizens Advisory Board. The Board shall establish  
14 a citizens advisory board composed of 11 residents of those  
15 portions of the metropolitan region in which the Authority  
16 provides service who have an interest in public transportation,  
17 one of whom shall be at least 65 years of age. The members of  
18 the advisory board shall be named for 2 year terms, shall  
19 select one of their members to serve as chairman and shall  
20 serve without compensation. The citizens advisory board shall  
21 meet with Board at least quarterly and advise the Board of the  
22 impact of its policies and programs on the communities it  
23 serves. Appointments to the citizens advisory board should, to  
24 the greatest extent possible, reflect the ethnic, cultural, and  
25 geographic diversity of all persons residing within the

1 metropolitan region in which the Authority provides service.

2 (Source: P.A. 87-226.)

3 (70 ILCS 3605/50 new)

4 Sec. 50. Disadvantaged Business Enterprise Contracting and  
5 Equal Employment Opportunity Programs. The Authority shall, as  
6 soon as is practicable but in no event later than two years  
7 after the effective date of this amendatory Act of the 95th  
8 General Assembly, establish and maintain a disadvantaged  
9 business enterprise contracting program designed to ensure  
10 non-discrimination in the award and administration of  
11 contracts not covered under a federally mandated disadvantaged  
12 business enterprise program. The program shall establish  
13 narrowly tailored goals for the participation of disadvantaged  
14 business enterprises as the Authority determines appropriate.  
15 The goals shall be based on demonstrable evidence of the  
16 availability of ready, willing, and able disadvantaged  
17 business enterprises relative to all businesses ready,  
18 willing, and able to participate on the program's contracts.  
19 The program shall require the Authority to monitor the progress  
20 of the contractors' obligations with respect to the program's  
21 goals. Nothing in this program shall conflict with or interfere  
22 with the maintenance or operation of, or compliance with, any  
23 federally mandated disadvantaged business enterprise program.

24 The Authority shall establish and maintain a program  
25 designed to promote equal employment opportunity. Each year, no

1 later than October 1, the Authority shall report to the General  
2 Assembly on the number of employees of the Authority and the  
3 number of employees who have designated themselves as members  
4 of a minority group and gender.

5 Each year no later than October 1, and starting no later  
6 than the October 1 after the establishment of the disadvantaged  
7 business enterprise contracting program, the Authority shall  
8 submit a report with respect to such program to the General  
9 Assembly. In addition, no later than October 1 of each year,  
10 the Authority shall submit a copy of its federally mandated  
11 semi-annual Uniform Report of Disadvantaged Business  
12 Enterprises Awards or Commitments and Payments to the General  
13 Assembly.

14 Section 20. The Regional Transportation Authority Act is  
15 amended by changing Sections 1.02, 2.01, 2.04, 2.05, 2.09,  
16 2.12, 2.14, 2.18a, 2.30, 3.01, 3.03, 3.04, 3.05, 3A.10, 3A.11,  
17 3A.14, 3B.02, 3B.03, 3B.05, 3B.07, 3B.09, 3B.10, 3B.11, 3B.12,  
18 3B.13, 4.01, 4.02, 4.02a, 4.02b, 4.03, 4.04, 4.09, 4.11, 4.13,  
19 4.14, and 5.01 and by adding Section 2.01a, 2.01b, 2.01c,  
20 2.01d, 2.01e, 2.12b, 2.31, and 4.03.3 as follows:

21 (70 ILCS 3615/1.02) (from Ch. 111 2/3, par. 701.02)

22 Sec. 1.02. Findings and Purpose. (a) The General Assembly  
23 finds;

24 (i) Public transportation is, as provided in Section 7 of

1 Article XIII of the Illinois Constitution, an essential public  
2 purpose for which public funds may be expended and that Section  
3 authorizes the State to provide financial assistance to units  
4 of local government for distribution to providers of public  
5 transportation. There is an urgent need to reform and continue  
6 a unit of local government to assure the proper management of  
7 public transportation and to receive and distribute State or  
8 federal operating assistance and to raise and distribute  
9 revenues for local operating assistance. System generated  
10 revenues are not adequate for such service and a public need  
11 exists to provide for, aid and assist public transportation in  
12 the northeastern area of the State, consisting of Cook, DuPage,  
13 Kane, Lake, McHenry and Will Counties.

14 (ii) Comprehensive and coordinated regional public  
15 transportation is essential to the public health, safety and  
16 welfare. It is essential to economic well-being, maintenance of  
17 full employment, conservation of sources of energy and land for  
18 open space and reduction of traffic congestion and for  
19 providing and maintaining a healthful environment for the  
20 benefit of present and future generations in the metropolitan  
21 region. Public transportation improves the mobility of the  
22 public and improves access to jobs, commercial facilities,  
23 schools and cultural attractions. Public transportation  
24 decreases air pollution and other environmental hazards  
25 resulting from excessive use of automobiles and allows for more  
26 efficient land use and planning.

1 (iii) Because system generated receipts are not presently  
2 adequate, public transportation facilities and services in the  
3 northeastern area are in grave financial condition. With  
4 existing methods of financing, coordination and management,  
5 and relative convenience of automobiles, such public  
6 transportation facilities are not providing adequate public  
7 transportation to insure the public health, safety and welfare.

8 (iv) Additional commitments to the ~~special~~ public  
9 transportation needs ~~problems~~ of the disabled ~~handicapped~~, the  
10 economically disadvantaged, and the elderly are necessary.

11 (v) To solve these problems, it is necessary to provide for  
12 the creation of a regional transportation authority with the  
13 powers necessary to insure adequate public transportation.

14 (b) The General Assembly further finds, in connection with  
15 this amendatory Act of 1983:

16 (i) Substantial, recurring deficits in the operations of  
17 public transportation services subject to the jurisdiction of  
18 the Regional Transportation Authority and periodic cash  
19 shortages have occurred either of which could bring about a  
20 loss of public transportation services throughout the  
21 metropolitan region at any time;

22 (ii) A substantial or total loss of public transportation  
23 services or any segment thereof would create an emergency  
24 threatening the safety and well-being of the people in the  
25 northeastern area of the State; and

26 (iii) To meet the urgent needs of the people of the

1 metropolitan region that such an emergency be averted and to  
2 provide financially sound methods of managing the provision of  
3 public transportation services in the northeastern area of the  
4 State, it is necessary, while maintaining and continuing the  
5 existing Authority, to modify the powers and responsibilities  
6 of the Authority, to reallocate responsibility for operating  
7 decisions, to change the composition and appointment of the  
8 Board of Directors thereof, and to immediately establish a new  
9 Board of Directors.

10 (c) The General Assembly further finds in connection with  
11 this amendatory Act of the 95th General Assembly:

12 (i) The economic vitality of northeastern Illinois  
13 requires regionwide and systemwide efforts to increase  
14 ridership on the transit systems, constrain road congestion  
15 within the metropolitan region, and allocate resources for  
16 transportation so as to assist in the development of an  
17 adequate, efficient, and coordinated regional transportation  
18 system that is in a state of good repair.

19 (ii) To achieve the purposes of this amendatory Act of the  
20 95th General Assembly, the powers and duties of the Authority  
21 must be enhanced to improve overall planning and coordination,  
22 to achieve an integrated and efficient regional transit system,  
23 to advance the mobility of transit users, and to increase  
24 financial transparency of the Authority and the Service Boards.

25 (d) ~~(e)~~ It is the purpose of this Act to provide for, aid  
26 and assist public transportation in the northeastern area of



1 the State without impairing the overall quality of existing  
2 public transportation by providing for the creation of a single  
3 authority responsive to the people and elected officials of the  
4 area and with the power and competence to develop, implement,  
5 and enforce plans that promote adequate, efficient, and  
6 coordinated public transportation, provide financial review of  
7 the providers of public transportation in the metropolitan  
8 region and facilitate public transportation provided by  
9 Service Boards which is attractive and economical to users,  
10 comprehensive, coordinated among its various elements,  
11 economical, safe, efficient and coordinated with area and State  
12 plans.

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

14 (70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

15 Sec. 2.01. General Allocation of Responsibility for Public  
16 Transportation. Provision of Public Transportation — Review  
17 and Program.

18 (a) In order to accomplish the ~~its~~ purposes as set forth in  
19 this Act, the responsibility for planning, operating, and  
20 funding public transportation in the metropolitan region shall  
21 be allocated as described in this Act. The Authority shall:

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

25 (ii) set goals, objectives, and standards for the

1 Authority, the Service Boards, and transportation  
2 agencies;

3 (iii) develop performance measures to inform the  
4 public about the extent to which the provision of public  
5 transportation in the metropolitan region meets those  
6 goals, objectives, and standards;

7 (iv) allocate operating and capital funds made  
8 available to support public transportation in the  
9 metropolitan region;

10 (v) provide financial oversight of the Service Boards;  
11 and

12 (vi) coordinate the provision of public transportation  
13 and the investment in public transportation facilities to  
14 enhance the integration of public transportation  
15 throughout the metropolitan region, all as provided in this  
16 Act.

17 The ~~the~~ Service Boards shall, on a continuing basis  
18 determine the level, nature and kind of public transportation  
19 which should be provided for the metropolitan region in order  
20 to meet the plans, goals, objectives, and standards adopted by  
21 the Authority. The Service Boards may provide public  
22 transportation by purchasing such service from transportation  
23 agencies through purchase of service agreements, by grants to  
24 such agencies or by operating such service, all pursuant to  
25 this Act and the "Metropolitan Transit Authority Act", as now  
26 or hereafter amended. Certain of its actions to implement the

1 responsibilities allocated to the Authority in this subsection  
2 (a) shall be taken in 3 public documents adopted by the  
3 affirmative vote of at least 12 of its then Directors: A  
4 Strategic Plan; a Five-Year Capital Program; and an Annual  
5 Budget and Two-Year Financial Plan. The Authority shall  
6 establish a policy to provide adequate public transportation  
7 throughout the metropolitan region.

8 (b) The Authority shall subject the operating and capital  
9 plans and expenditures of the Service Boards in the  
10 metropolitan region with regard to public transportation to  
11 continuing review so that the Authority may budget and expend  
12 its funds with maximum effectiveness and efficiency. The  
13 Authority shall conduct audits of each of the Service Boards no  
14 less than every 5 years. Such audits may include management,  
15 performance, financial, and infrastructure condition audits.  
16 The Authority may conduct management, performance, financial,  
17 and infrastructure condition audits of transportation agencies  
18 that receive funds from the Authority. The Authority may direct  
19 a Service Board to conduct any such audit of a transportation  
20 agency that receives funds from such Service Board, and the  
21 Service Board shall comply with such request to the extent it  
22 has the right to do so. These audits of the Service Boards or  
23 transportation agencies may be project or service specific  
24 audits to evaluate their achievement of the goals and  
25 objectives of that project or service and their compliance with  
26 any applicable requirements. Certain of its recommendations in

1 ~~this regard shall be set forth in 2 public documents, the~~  
2 ~~Five Year Program provided for in this Section and an Annual~~  
3 ~~Budget and Program provided for in Section 4.01.~~

4 ~~(c) The Authority shall, in consultation with the Service~~  
5 ~~Boards, each year prepare and, by ordinance, adopt, after~~  
6 ~~public hearings held in each county in the metropolitan region,~~  
7 ~~a Five Year Program to inform the public and government~~  
8 ~~officials of the Authority's objectives and program for~~  
9 ~~operations and capital development during the forthcoming~~  
10 ~~five year period. The Five Year Program shall set forth the~~  
11 ~~standards of service which the public may expect; each Service~~  
12 ~~Board's plans for coordinating routes and service of the~~  
13 ~~various transportation agencies; the anticipated expense of~~  
14 ~~providing public transportation at standards of service then~~  
15 ~~existing and under alternative operating programs; the nature,~~  
16 ~~location and expense of anticipated capital improvements~~  
17 ~~exceeding \$250,000, by specific item and by fiscal year; and~~  
18 ~~such demographic and other data developed by planning and other~~  
19 ~~related agencies, as the Authority shall consider pertinent to~~  
20 ~~the Service Boards' decisions as to levels and nature of~~  
21 ~~service, including without limitation the patterns of~~  
22 ~~population density and growth, projected commercial and~~  
23 ~~residential development, environmental factors and the~~  
24 ~~availability of alternative modes of transportation. The~~  
25 ~~Five Year Program shall be adopted on the affirmative votes of~~  
26 ~~9 of the then Directors.~~

1 (Source: P.A. 83-886.)

2 (70 ILCS 3615/2.01a new)

3 Sec. 2.01a. Strategic Plan.

4 (a) By the affirmative vote of at least 12 of its then  
5 Directors, the Authority shall adopt a Strategic Plan, no less  
6 than every 5 years, after consultation with the Service Boards  
7 and after holding a minimum of 3 public hearings in Cook County  
8 and one public hearing in each of the other counties in the  
9 region. The Executive Director of the Authority shall review  
10 the Strategic Plan on an ongoing basis and make recommendations  
11 to the Board of the Authority with respect to any update or  
12 amendment of the Strategic Plan. The Strategic Plan shall  
13 describe the specific actions to be taken by the Authority and  
14 the Service Boards to provide adequate, efficient, and  
15 coordinated public transportation.

16 (b) The Strategic Plan shall identify goals and objectives  
17 with respect to:

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

20 (ii) coordination of public transportation services  
21 and the investment in public transportation facilities to  
22 enhance the integration of public transportation  
23 throughout the metropolitan region;

24 (iii) coordination of fare and transfer policies to  
25 promote transfers by riders among Service Boards,

1 transportation agencies, and public transportation modes,  
2 which may include goals and objectives for development of a  
3 universal fare instrument that riders may use  
4 interchangeably on all public transportation funded by the  
5 Authority, and methods to be used to allocate revenues from  
6 transfers;

7 (iv) improvements in public transportation facilities  
8 to bring those facilities into a state of good repair,  
9 enhancements that attract ridership and improve customer  
10 service, and expansions needed to serve areas with  
11 sufficient demand for public transportation;

12 (v) access for transit-dependent populations,  
13 including access by low-income communities to places of  
14 employment, utilizing analyses provided by the Chicago  
15 Metropolitan Agency for Planning regarding employment and  
16 transportation availability, and giving consideration to  
17 the location of employment centers in each county and the  
18 availability of public transportation at off-peak hours  
19 and on weekends;

20 (vi) the financial viability of the public  
21 transportation system, including both operating and  
22 capital programs;

23 (vii) limiting road congestion within the metropolitan  
24 region and enhancing transit options to improve mobility;  
25 and

26 (viii) such other goals and objectives that advance the

1 policy of the State to provide adequate, efficient, and  
2 coordinated public transportation in the metropolitan  
3 region.

4 (c) The Strategic Plan shall establish the process and  
5 criteria by which proposals for capital improvements by a  
6 Service Board or a transportation agency will be evaluated by  
7 the Authority for inclusion in the Five-Year Capital Program,  
8 which may include criteria for:

9 (i) allocating funds among maintenance, enhancement,  
10 and expansion improvements;

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

13 (iii) projects intended to improve or enhance  
14 ridership or customer service;

15 (iv) design and location of station or transit  
16 improvements intended to promote transfers, increase  
17 ridership, and support transit-oriented land development;

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

20 (vi) other criteria that advance the goals and  
21 objectives of the Strategic Plan.

22 (d) The Strategic Plan shall establish performance  
23 standards and measurements regarding the adequacy, efficiency,  
24 and coordination of public transportation services in the  
25 region and the implementation of the goals and objectives in  
26 the Strategic Plan. At a minimum, such standards and measures

1 shall include customer-related performance data measured by  
2 line, route, or sub-region, as determined by the Authority, on  
3 the following:

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

5 (ii) ridership data;

6 (iii) equipment failure rates;

7 (iv) employee and customer safety; and

8 (v) customer satisfaction.

9 The Service Boards and transportation agencies that  
10 receive funding from the Authority or Service Boards shall  
11 prepare, publish, and submit to the Authority such reports with  
12 regard to these standards and measurements in the frequency and  
13 form required by the Authority; however, the frequency of such  
14 reporting shall be no less than annual. The Service Boards  
15 shall publish such reports on their respective websites. The  
16 Authority shall compile and publish such reports on its  
17 website. Such performance standards and measures shall not be  
18 used as the basis for disciplinary action against any employee  
19 of the Authority or Service Boards, except to the extent the  
20 employment and disciplinary practices of the Authority or  
21 Service Board provide for such action.

22 (e) The Strategic Plan shall identify innovations to  
23 improve the delivery of public transportation and the  
24 construction of public transportation facilities.

25 (f) The Strategic Plan shall describe the expected  
26 financial condition of public transportation in the



1 metropolitan region prospectively over a 10-year period, which  
2 may include information about the cash position and all known  
3 obligations of the Authority and the Service Boards including  
4 operating expenditures, debt service, contributions for  
5 payment of pension and other post-employment benefits, the  
6 expected revenues from fares, tax receipts, grants from the  
7 federal, State, and local governments for operating and capital  
8 purposes and issuance of debt, the availability of working  
9 capital, and the resources needed to achieve the goals and  
10 objectives described in the Strategic Plan.

11 (g) In developing the Strategic Plan, the Authority shall  
12 rely on such demographic and other data, forecasts, and  
13 assumptions developed by the Chicago Metropolitan Agency for  
14 Planning with respect to the patterns of population density and  
15 growth, projected commercial and residential development, and  
16 environmental factors, within the metropolitan region and in  
17 areas outside the metropolitan region that may impact public  
18 transportation utilization in the metropolitan region. Before  
19 adopting or amending any Strategic Plan, the Authority shall  
20 consult with the Chicago Metropolitan Agency for Planning  
21 regarding the consistency of the Strategic Plan with the  
22 Regional Comprehensive Plan adopted pursuant to the Regional  
23 Planning Act.

24 (h) The Authority may adopt, by the affirmative vote of at  
25 least 12 of its then Directors, sub-regional or corridor plans  
26 for specific geographic areas of the metropolitan region in

1 order to improve the adequacy, efficiency, and coordination of  
2 existing, or the delivery of new, public transportation. Such  
3 plans may also address areas outside the metropolitan region  
4 that may impact public transportation utilization in the  
5 metropolitan region. In preparing a sub-regional or corridor  
6 plan, the Authority may identify changes in operating practices  
7 or capital investment in the sub-region or corridor that could  
8 increase ridership, reduce costs, improve coordination, or  
9 enhance transit-oriented development. The Authority shall  
10 consult with any affected Service Boards in the preparation of  
11 any sub-regional or corridor plans.

12 (i) If the Authority determines, by the affirmative vote of  
13 at least 12 of its then Directors, that, with respect to any  
14 proposed new public transportation service or facility, (i)  
15 multiple Service Boards or transportation agencies are  
16 potential service providers and (ii) the public transportation  
17 facilities to be constructed or purchased to provide that  
18 service have an expected construction cost of more than  
19 \$25,000,000, the Authority shall have sole responsibility for  
20 conducting any alternatives analysis and preliminary  
21 environmental assessment required by federal or State law.  
22 Nothing in this subparagraph (i) shall prohibit a Service Board  
23 from undertaking alternatives analysis and preliminary  
24 environmental assessment for any public transportation service  
25 or facility identified in items (i) and (ii) above that is  
26 included in the Five-Year Capital Program as of the effective

1 date of this amendatory Act of the 95th General Assembly;  
2 however, any expenditure related to any such public  
3 transportation service or facility must be included in a  
4 Five-Year Capital Program under the requirements of Sections  
5 2.01b and 4.02 of this Act.

6 (70 ILCS 3615/2.01b new)

7 Sec. 2.01b. The Five-Year Capital Program. By the  
8 affirmative vote of at least 12 of its then Directors, the  
9 Authority, after consultation with the Service Boards and after  
10 holding a minimum of 3 public hearings in Cook County and one  
11 public hearing in each of the other counties in the  
12 metropolitan region, shall each year adopt a Five-Year Capital  
13 Program that shall include each capital improvement to be  
14 undertaken by or on behalf of a Service Board provided that the  
15 Authority finds that the improvement meets any criteria for  
16 capital improvements contained in the Strategic Plan, is not  
17 inconsistent with any sub-regional or corridor plan adopted by  
18 the Authority, and can be funded within amounts available with  
19 respect to the capital and operating costs of such improvement.  
20 In reviewing proposals for improvements to be included in a  
21 Five-Year Capital Program, the Authority may give priority to  
22 improvements that are intended to bring public transportation  
23 facilities into a state of good repair. The Five-Year Capital  
24 Program shall also identify capital improvements to be  
25 undertaken by a Service Board, a transportation agency, or a

1 unit of local government and funded by the Authority from  
2 amounts in the Innovation, Coordination, and Enhancement Fund,  
3 provided that no improvement that is included in the Five-Year  
4 Capital Program as of the effective date of this amendatory Act  
5 of the 95th General Assembly may receive funding from the  
6 Innovation, Coordination, and Enhancement Fund. Before  
7 adopting a Five-Year Capital Program, the Authority shall  
8 consult with the Chicago Metropolitan Agency for Planning  
9 regarding the consistency of the Five-Year Capital Program with  
10 the Regional Comprehensive Plan adopted pursuant to the  
11 Regional Planning Act.

12 (70 ILCS 3615/2.01c new)

13 Sec. 2.01c. Innovation, Coordination, and Enhancement  
14 Fund.

15 (a) The Authority shall establish an Innovation,  
16 Coordination, and Enhancement Fund and each year deposit into  
17 the Fund the amounts directed by Section 4.03.3 of this Act.  
18 Amounts on deposit in such Fund and interest and other earnings  
19 on those amounts may be used by the Authority, upon the  
20 affirmative vote of 12 of its then Directors, and after a  
21 public participation process, for operating or capital grants  
22 or loans to Service Boards, transportation agencies, or units  
23 of local government that advance the goals and objectives  
24 identified by the Authority in its Strategic Plan, provided  
25 that no improvement that has been included in a Five-Year

1 Capital Program as of the effective date of this amendatory Act  
2 of the 95th General Assembly may receive any funding from the  
3 Innovation, Coordination, and Enhancement Fund. Unless the  
4 Board has determined by a vote of 12 of its then Directors that  
5 an emergency exists requiring the use of some or all of the  
6 funds then in the Innovation, Coordination, and Enhancement  
7 Fund, such funds may only be used to enhance the coordination  
8 and integration of public transportation and develop and  
9 implement innovations to improve the quality and delivery of  
10 public transportation.

11 (b) Any grantee that receives funds from the Innovation,  
12 Coordination, and Enhancement Fund for the operation of  
13 eligible programs must (i) implement such programs within one  
14 year of receipt of such funds and (ii) within 2 years following  
15 commencement of any program utilizing such funds, determine  
16 whether it is desirable to continue the program, and upon such  
17 a determination, either incorporate such program into its  
18 annual operating budget and capital program or discontinue such  
19 program. No additional funds from the Innovation,  
20 Coordination, and Enhancement Fund may be distributed to a  
21 grantee for any individual program beyond 2 years unless the  
22 Authority by the affirmative vote of at least 12 of its then  
23 Directors waives this limitation. Any such waiver will be with  
24 regard to an individual program and with regard to a one  
25 year-period, and any further waivers for such individual  
26 program require a subsequent vote of the Board.

1 (70 ILCS 3615/2.01d new)

2 Sec. 2.01d. ADA Paratransit Fund. The Authority shall  
3 establish an ADA Paratransit Fund and, each year, deposit into  
4 that Fund the amounts directed by Section 4.03.3 of this Act  
5 and any funds received from the State pursuant to  
6 appropriations for the purpose of funding ADA paratransit  
7 services. The amounts on deposit in the Fund and interest and  
8 other earnings on those amounts shall be used by the Authority  
9 to make grants to the Suburban Bus Board for ADA paratransit  
10 services provided pursuant to plans approved by the Authority  
11 under Section 2.30 of this Act. Funds received by the Suburban  
12 Bus Board from the Authority's ADA Paratransit Fund shall be  
13 used only to provide ADA paratransit services to individuals  
14 who are determined to be eligible for such services by the  
15 Authority under the Americans with Disabilities Act of 1990 and  
16 its implementing regulations. Revenues from and costs of  
17 services provided by the Suburban Bus Board with grants made  
18 under this Section shall be included in the Annual Budget and  
19 Two-Year Financial Program of the Suburban Bus Board and shall  
20 be subject to all budgetary and financial requirements under  
21 this Act that apply to ADA paratransit services. Beginning in  
22 2008, the Executive Director shall, no later than August 15 of  
23 each year, provide to the Board a written determination of the  
24 projected annual costs of ADA paratransit services that are  
25 required to be provided pursuant to the Americans with

1 Disabilities Act of 1990 and its implementing regulations. The  
2 Authority shall conduct triennial financial, compliance, and  
3 performance audits of ADA paratransit services to assist in  
4 this determination.

5 (70 ILCS 3615/2.01e new)

6 Sec. 2.01e. Suburban Community Mobility Fund. The  
7 Authority shall establish a Suburban Community Mobility Fund  
8 and, each year, deposit into that Fund the amounts directed by  
9 Section 4.03.3 of this Act. The amounts on deposit in the Fund  
10 and interest and other earnings on those amounts shall be used  
11 by the Authority to make grants to the Suburban Bus Board for  
12 the purpose of operating transit services, other than  
13 traditional fixed-route services, that enhance suburban  
14 mobility, including, but not limited to, demand-responsive  
15 transit services, ride sharing, van pooling, service  
16 coordination, centralized dispatching and call taking, reverse  
17 commuting, service restructuring, and bus rapid transit.  
18 Revenues from and costs of services provided by the Suburban  
19 Bus Board with moneys from the Suburban Community Mobility Fund  
20 shall be included in the Annual Budget and Two-Year Financial  
21 Program of the Suburban Bus Board and shall be subject to all  
22 budgetary and financial requirements under this Act.

23 (70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)

24 Sec. 2.04. Fares and Nature of Service.

1       (a) Whenever a Service Board provides any public  
2 transportation by operating public transportation facilities,  
3 the Service Board shall provide for the level and nature of  
4 fares or charges to be made for such services, and the nature  
5 and standards of public transportation to be so provided that  
6 meet the goals and objectives adopted by the Authority in the  
7 Strategic Plan. Provided, however that if the Board adopts a  
8 budget and financial plan for a Service Board in accordance  
9 with the provisions in Section 4.11(b)(5), the Board may  
10 consistent with the terms of any purchase of service contract  
11 provide for the level and nature of fares to be made for such  
12 services under the jurisdiction of that Service Board, and the  
13 nature and standards of public transportation to be so  
14 provided.

15       (b) Whenever a Service Board provides any public  
16 transportation pursuant to grants made after June 30, 1975, to  
17 transportation agencies for operating expenses (other than  
18 with regard to experimental programs) or pursuant to any  
19 purchase of service agreement, the purchase of service  
20 agreement or grant contract shall provide for the level and  
21 nature of fares or charges to be made for such services, and  
22 the nature and standards of public transportation to be so  
23 provided. A Service Board shall require all transportation  
24 agencies with which it contracts, or from which it purchases  
25 transportation services or to which it makes grants to provide  
26 half fare transportation for their student riders if any of



1 such agencies provide for half fare transportation to their  
2 student riders.

3 (c) In so providing for the fares or charges and the nature  
4 and standards of public transportation, any purchase of service  
5 agreements or grant contracts shall provide, among other  
6 matters, for the terms or cost of transfers or interconnections  
7 between different modes of transportation and different public  
8 transportation agencies, schedules or routes of such service,  
9 changes which may be made in such service, the nature and  
10 condition of the facilities used in providing service, the  
11 manner of collection and disposition of fares or charges, the  
12 records and reports to be kept and made concerning such  
13 service, ~~and~~ for interchangeable tickets or other coordinated  
14 or uniform methods of collection of charges, and shall further  
15 require that the transportation agency comply with any  
16 determination made by the Board of the Authority under and  
17 subject to the provisions of Section 2.12b of this Act. In  
18 regard to any such service, the Authority and the Service  
19 Boards shall give attention to and may undertake programs to  
20 promote use of public transportation and to provide coordinated  
21 ticket sales and passenger information. In the case of a grant  
22 to a transportation agency which remains subject to Illinois  
23 Commerce Commission supervision and regulation, the Service  
24 Boards shall exercise the powers set forth in this Section in a  
25 manner consistent with such supervision and regulation by the  
26 Illinois Commerce Commission.

1 (Source: P.A. 83-886.)

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

3 Sec. 2.05. Centralized Services; Acquisition and  
4 Construction.

5 (a) The Authority may at the request of two or more Service  
6 Boards, serve, or designate a Service Board to serve, as a  
7 centralized purchasing agent for the Service Boards so  
8 requesting.

9 (b) The Authority may at the request of two or more Service  
10 Boards perform other centralized services such as ridership  
11 information and transfers between services under the  
12 jurisdiction of the Service Boards where such centralized  
13 services financially benefit the region as a whole. Provided,  
14 however, that the Board may require transfers only upon an  
15 affirmative vote of 12 ~~9~~ of its then Directors.

16 (c) A Service Board or the Authority may for the benefit of  
17 a Service Board, to meet its purposes, construct or acquire any  
18 public transportation facility for use by a Service Board or  
19 for use by any transportation agency and may acquire any such  
20 facilities from any transportation agency, including also  
21 without limitation any reserve funds, employees' pension or  
22 retirement funds, special funds, franchises, licenses,  
23 patents, permits and papers, documents and records of the  
24 agency. In connection with any such acquisition from a  
25 transportation agency the Authority may assume obligations of

1 the transportation agency with regard to such facilities or  
2 property or public transportation operations of such agency.

3 In connection with any construction or acquisition, the  
4 Authority shall make relocation payments as may be required by  
5 federal law or by the requirements of any federal agency  
6 authorized to administer any federal program of aid.

7 (d) The Authority shall, after consulting with the Service  
8 Boards, develop regionally coordinated and consolidated sales,  
9 marketing, advertising, and public information programs that  
10 promote the use and coordination of, and transfers among,  
11 public transportation services in the metropolitan region. The  
12 Authority shall develop and adopt, with the affirmative vote of  
13 at least 12 of its then Directors, rules and regulations for  
14 the Authority and the Service Boards regarding such programs to  
15 ensure that the Service Boards' independent programs conform  
16 with the Authority's regional programs.

17 (Source: P.A. 83-886.)

18 (70 ILCS 3615/2.09) (from Ch. 111 2/3, par. 702.09)

19 Sec. 2.09. Research and Development.

20 (a) The Authority and the Service Boards shall study public  
21 transportation problems and developments; encourage  
22 experimentation in developing new public transportation  
23 technology, financing methods, and management procedures;  
24 conduct, in cooperation with other public and private agencies,  
25 studies and demonstration and development projects to test and

1 develop methods for improving public transportation, for  
2 reducing its costs to users or for increasing public use; and  
3 conduct, sponsor, and participate in other studies and  
4 experiments, which may include fare demonstration programs,  
5 useful to achieving the purposes of this Act. The cost for any  
6 such item authorized by this Section may be exempted by the  
7 Board in a budget ordinance from the "costs" included in  
8 determining that the Authority and its service boards meet the  
9 farebox recovery ratio or system generated revenues recovery  
10 ratio requirements of Sections 3A.10, 3B.10, 4.01(b), 4.09 and  
11 4.11 of this Act and Section 34 of the Metropolitan Transit  
12 Authority Act during the Authority's fiscal year which begins  
13 January 1, 1986 and ends December 31, 1986, provided that the  
14 cost of any item authorized herein must be specifically  
15 approved within the budget adopted pursuant to Sections 4.01  
16 and 4.11 of this Act for that fiscal year.

17 (b) To improve public transportation service in areas of  
18 the metropolitan region with limited access to commuter rail  
19 service, the Authority and the Suburban Bus Division shall  
20 evaluate the feasibility of implementing new bus rapid transit  
21 services using the expressway and tollway systems in the  
22 metropolitan region. The Illinois Department of Transportation  
23 and the Illinois Toll Highway Authority shall work  
24 cooperatively with the Authority and the Suburban Bus Division  
25 in that evaluation and in the implementation of bus rapid  
26 transit services. The Authority and the Suburban Bus Division,

1 in cooperation with the Illinois Department of Transportation,  
2 shall develop a bus rapid transit demonstration project on  
3 Interstate 55 located in Will, DuPage, and Cook counties. This  
4 demonstration project shall test and refine approaches to bus  
5 rapid transit operations in the expressway or tollway shoulder  
6 or regular travel lanes and shall investigate technology  
7 options that facilitate the shared use of the transit lane and  
8 provide revenue for financing construction and operation of  
9 public transportation facilities.

10 (c) The Suburban Bus Division and the Authority shall  
11 cooperate in the development, funding, and operation of  
12 programs to enhance access to job markets for residents in  
13 south suburban Cook County. Beginning in 2008, the Authority  
14 shall allocate to the Suburban Bus Division an amount not less  
15 than \$3,750,000, and beginning in 2009 an amount not less than  
16 \$7,500,000 annually for the costs of such programs.

17 (Source: P.A. 84-939.)

18 (70 ILCS 3615/2.12) (from Ch. 111 2/3, par. 702.12)

19 Sec. 2.12. Coordination with Planning Agencies. The  
20 Authority and the Service Boards shall cooperate with the  
21 various public agencies charged with responsibility for  
22 long-range or comprehensive planning for the metropolitan  
23 region. The Authority shall utilize the official forecasts and  
24 plans of the Chicago Metropolitan Agency for Planning in  
25 developing the Strategic Plan and the Five-Year Capital

1 Program. The Authority and the Service Boards shall, prior to  
2 the adoption of any Strategic Plan, as provided in Section  
3 2.01a of this Act, or the adoption of any Five-Year Capital  
4 Program, as provided in ~~paragraph (b) of Section 2.01b~~ 2.01 of  
5 this Act, submit its proposals to such agencies for review and  
6 comment. The Authority and the Service Boards may make use of  
7 existing studies, surveys, plans, data and other materials in  
8 the possession of any State agency or department, any planning  
9 agency or any unit of local government.

10 (Source: P.A. 83-886.)

11 (70 ILCS 3615/2.12b new)

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

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

15 (70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

16 Sec. 2.14. Appointment of Officers and Employees. The  
17 Authority may appoint, retain and employ officers, attorneys,  
18 agents, engineers and employees. The officers shall include an  
19 Executive Director, who shall be the chief executive officer of  
20 the Authority, appointed by the Chairman with the concurrence  
21 of 11 ~~9~~ of the other then Directors of the Board. The Executive  
22 Director shall organize the staff of the Authority, shall  
23 allocate their functions and duties, shall transfer such staff  
24 to the Suburban Bus Division and the Commuter Rail Division as  
25 is sufficient to meet their purposes, shall fix compensation

1 and conditions of employment of the staff of the Authority, and  
2 consistent with the policies of and direction from the Board,  
3 take all actions necessary to achieve its purposes, fulfill its  
4 responsibilities and carry out its powers, and shall have such  
5 other powers and responsibilities as the Board shall determine.  
6 The Executive Director must be an individual of proven  
7 transportation and management skills and may not be a member of  
8 the Board. The Authority may employ its own professional  
9 management personnel to provide professional and technical  
10 expertise concerning its purposes and powers and to assist it  
11 in assessing the performance of the Service Boards in the  
12 metropolitan region.

13 No unlawful discrimination, as defined and prohibited in  
14 the Illinois Human Rights Act, shall be made in any term or  
15 aspect of employment nor shall there be discrimination based  
16 upon political reasons or factors. The Authority shall  
17 establish regulations to insure that its discharges shall not  
18 be arbitrary and that hiring and promotion are based on merit.

19 The Authority shall be subject to the "Illinois Human  
20 Rights Act", as now or hereafter amended, and the remedies and  
21 procedure established thereunder. The Authority shall file an  
22 affirmative action program for employment by it with the  
23 Department of Human Rights to ensure that applicants are  
24 employed and that employees are treated during employment,  
25 without regard to unlawful discrimination. Such affirmative  
26 action program shall include provisions relating to hiring,



1 upgrading, demotion, transfer, recruitment, recruitment  
2 advertising, selection for training and rates of pay or other  
3 forms of compensation.

4 (Source: P.A. 83-886.)

5 (70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

6 Sec. 2.18a. (a) The provisions of this Section apply to  
7 collective bargaining agreements (including extensions and  
8 amendments to existing agreements) between Service Boards or  
9 transportation agencies subject to the jurisdiction of Service  
10 Boards and their employees, which are entered into after  
11 January 1, 1984.

12 (b) The Authority shall approve amended budgets prepared by  
13 Service Boards which incorporate the costs of collective  
14 bargaining agreements between Service Boards and their  
15 employees. The Authority shall approve such an amended budget  
16 provided that it determines by the affirmative vote of 12 ~~9~~ of  
17 its then members that the amended budget meets the standards  
18 established in Section 4.11.

19 (Source: P.A. 83-886.)

20 (70 ILCS 3615/2.30)

21 Sec. 2.30. Paratransit services.

22 (a) For purposes of this Act, "ADA paratransit services"  
23 shall mean those comparable or specialized transportation  
24 services provided by, or under grant or purchase of service

1 contracts of, the Service Boards to individuals with  
2 disabilities who are unable to use fixed route transportation  
3 systems and who are determined to be eligible, for some or all  
4 of their trips, for such services under the Americans with  
5 Disabilities Act of 1990 and its implementing regulations.

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

16 (c) No later than January 1, 2006, the Authority, in  
17 collaboration with the Suburban Bus Board and the Chicago  
18 Transit Authority, shall develop a plan for the provision of  
19 ADA paratransit services and submit such plan to the Federal  
20 Transit Administration for approval. Approval of such plan by  
21 the Authority shall require the affirmative votes of 12 ~~9~~ of  
22 the then Directors. The Suburban Bus Board, the Chicago Transit  
23 Authority and the Authority shall comply with the requirements  
24 of the Americans with Disabilities Act of 1990 and its  
25 implementing regulations in developing and approving such plan  
26 including, without limitation, consulting with individuals

1 with disabilities and groups representing them in the  
2 community, and providing adequate opportunity for public  
3 comment and public hearings. The plan shall include the  
4 contents required for a paratransit plan pursuant to the  
5 Americans with Disabilities Act of 1990 and its implementing  
6 regulations. The plan shall also include, without limitation,  
7 provisions to:

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

12 (2) transfer the appropriate ADA paratransit services,  
13 management, personnel, service contracts and assets from  
14 the Chicago Transit Authority to the Authority or the  
15 Suburban Bus Board, as necessary, by no later than July 1,  
16 2006, except that this date may be extended to the extent  
17 necessary to obtain approval from the Federal Transit  
18 Administration of the plan prepared pursuant to this  
19 subsection (c);

20 (3) provide for consistent policies throughout the  
21 metropolitan region for scheduling of ADA paratransit  
22 service trips to and from destinations, with consideration  
23 of scheduling of return trips on a "will-call" open-ended  
24 basis upon request of the rider, if practicable, and with  
25 consideration of an increased number of trips available by  
26 subscription service than are available as of the effective

1 date of this amendatory Act;

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

8 (5) provide for fares, fare collection and billing  
9 procedures for ADA paratransit services throughout the  
10 metropolitan region;

11 (6) provide for performance standards for all ADA  
12 paratransit service transportation carriers, with  
13 consideration of door-to-door service;

14 (7) provide, in cooperation with the Illinois  
15 Department of Transportation, the Illinois Department of  
16 Public Aid and other appropriate public agencies and  
17 private entities, for the application and receipt of  
18 grants, including, without limitation, reimbursement from  
19 Medicaid or other programs for ADA paratransit services;

20 (8) provide for a system of dispatch of ADA paratransit  
21 services transportation carriers throughout the  
22 metropolitan region, with consideration of county-based  
23 dispatch systems already in place as of the effective date  
24 of this amendatory Act;

25 (9) provide for a process of determining eligibility  
26 for ADA paratransit services that complies with the

1 Americans with Disabilities Act of 1990 and its  
2 implementing regulations;

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

5 (11) provide for the creation of one or more ADA  
6 advisory boards, or the reconstitution of the existing ADA  
7 advisory boards for the Service Boards, to represent the  
8 diversity of individuals with disabilities in the  
9 metropolitan region and to provide appropriate ongoing  
10 input from individuals with disabilities into the  
11 operation of ADA paratransit services.

12 (d) All revisions and annual updates to the ADA paratransit  
13 services plan developed pursuant to subsection (c) of this  
14 Section, or certifications of continued compliance in lieu of  
15 plan updates, that are required to be provided to the Federal  
16 Transit Administration shall be developed by the Authority, in  
17 collaboration with the Suburban Bus Board and the Chicago  
18 Transit Authority, and the Authority shall submit such  
19 revision, update or certification to the Federal Transit  
20 Administration for approval. Approval of such revisions,  
21 updates or certifications by the Authority shall require the  
22 affirmative votes of 12 ~~9~~ of the then Directors.

23 (e) The Illinois Department of Transportation, the  
24 Illinois Department of Public Aid, the Authority, the Suburban  
25 Bus Board and the Chicago Transit Authority shall enter into  
26 intergovernmental agreements as may be necessary to provide

1 funding and accountability for, and implementation of, the  
2 requirements of this Section.

3 (f) By no later than April 1, 2007, the Authority shall  
4 develop and submit to the General Assembly and the Governor a  
5 funding plan for ADA paratransit services. Approval of such  
6 plan by the Authority shall require the affirmative votes of 12  
7 ~~9~~ of the then Directors. The funding plan shall, at a minimum,  
8 contain an analysis of the current costs of providing ADA  
9 paratransit services, projections of the long-term costs of  
10 providing ADA paratransit services, identification of and  
11 recommendations for possible cost efficiencies in providing  
12 ADA paratransit services, and identification of and  
13 recommendations for possible funding sources for providing ADA  
14 paratransit services. The Illinois Department of  
15 Transportation, the Illinois Department of Public Aid, the  
16 Suburban Bus Board, the Chicago Transit Authority and other  
17 State and local public agencies as appropriate shall cooperate  
18 with the Authority in the preparation of such funding plan.

19 (g) Any funds derived from the federal Medicaid program for  
20 reimbursement of the costs of providing ADA paratransit  
21 services within the metropolitan region shall be directed to  
22 the Authority and shall be used to pay for or reimburse the  
23 costs of providing such services.

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

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

2 (70 ILCS 3615/2.31 new)

3 Sec. 2.31. Disadvantaged Business Enterprise Contracting  
4 and Equal Employment Opportunity Programs. The Authority and  
5 each Service Board shall, as soon as is practicable but in no  
6 event later than two years after the effective date of this  
7 amendatory Act of the 95th General Assembly, establish and  
8 maintain a disadvantaged business enterprise contracting  
9 program designed to ensure non-discrimination in the award and  
10 administration of contracts not covered under a federally  
11 mandated disadvantaged business enterprise program. The  
12 program shall establish narrowly tailored goals for the  
13 participation of disadvantaged business enterprises as the  
14 Authority and each Service Board determines appropriate. The  
15 goals shall be based on demonstrable evidence of the  
16 availability of ready, willing, and able disadvantaged  
17 business enterprises relative to all businesses ready,  
18 willing, and able to participate on the program's contracts.  
19 The program shall require the Authority and each Service Board  
20 to monitor the progress of the contractors' obligations with  
21 respect to the program's goals. Nothing in this program shall  
22 conflict with or interfere with the maintenance or operation  
23 of, or compliance with, any federally mandated disadvantaged  
24 business enterprise program.

25 The Authority and each Service Board shall establish and

1 maintain a program designed to promote equal employment  
2 opportunity. Each year, no later than October 1, the Authority  
3 and each Service Board shall report to the General Assembly on  
4 the number of their respective employees and the number of  
5 their respective employees who have designated themselves as  
6 members of a minority group and gender.

7 Each year no later than October 1, and starting no later  
8 than the October 1 after the establishment of their  
9 disadvantaged business enterprise contracting programs, the  
10 Authority and each Service Board shall submit a report with  
11 respect to such program to the General Assembly. In addition,  
12 each year no later than October 1, the Authority and each  
13 Service Board shall submit a copy of its federally mandated  
14 semi-annual Uniform Report of Disadvantaged Business  
15 Enterprises Awards or Commitments and Payments to the General  
16 Assembly.

17 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

18 Sec. 3.01. Board of Directors. ~~The~~ ~~Upon expiration of the~~  
19 ~~term of the members of the Transition Board as provided for in~~  
20 ~~Section 3.09,~~ the corporate authorities and governing body of  
21 the Authority shall be a Board consisting of 13 Directors until  
22 April 1, 2008, and 16 Directors thereafter, appointed as  
23 follows:

24 (a) Four Directors appointed by the Mayor of the City of  
25 Chicago, with the advice and consent of the City Council of the



1 City of Chicago, and, only until April 1, 2008, a fifth  
2 director who shall be the Chairman of the Chicago Transit  
3 Authority. After April 1, 2008, the Mayor of the City of  
4 Chicago, with the advice and consent of the City Council of the  
5 City of Chicago, shall appoint a fifth Director. The Directors  
6 appointed by the Mayor of the City of Chicago shall not be the  
7 chairman or a director of the Chicago Transit Authority. Each  
8 such Director shall reside in the City of Chicago ~~except the~~  
9 ~~Chairman of the Chicago Transit Authority who shall reside~~  
10 ~~within the metropolitan area as defined in the Metropolitan~~  
11 ~~Transit Authority Act.~~

12 (b) Four Directors appointed by the votes of a majority of  
13 the members of the Cook County Board elected from ~~that part of~~  
14 ~~Cook County outside of Chicago, or, in the event such Board of~~  
15 ~~Commissioners becomes elected from single member districts, by~~  
16 ~~those Commissioners elected from~~ districts, a majority of the  
17 electors of which reside outside Chicago. After April 1, 2008,  
18 a fifth Director appointed by the President of the Cook County  
19 Board with the advice and consent of the members of the Cook  
20 County Board. ~~In either case, such appointment shall be with~~  
21 ~~the concurrence of four such Commissioners.~~ Each ~~such~~ Director  
22 appointed under this subparagraph shall reside in that part of  
23 Cook County outside Chicago.

24 (c) Until April 1, 2008, 3 Directors appointed by the  
25 Chairmen of the county boards of DuPage, Kane, Lake, McHenry,  
26 and Will Counties, as follows:

1           (i) Two Directors appointed by the Chairmen of the  
2 county boards of Kane, Lake, McHenry and Will Counties,  
3 with the concurrence of not less than a majority of the  
4 Chairmen from such counties, from nominees by the Chairmen.  
5 Each such Chairman may nominate not more than 2 persons for  
6 each position. Each such Director shall reside in a county  
7 in the metropolitan region other than Cook or DuPage  
8 Counties.

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

13           (d) After April 1, 2008, 5 Directors appointed by the  
14 Chairmen of the county boards of DuPage, Kane, Lake and McHenry  
15 Counties and the County Executive of Will County, as follows:

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

19           (ii) One Director appointed by the County Executive of  
20 Will County with the advice and consent of the Will County  
21 Board. Such Director shall reside in Will County.

22           (iii) 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           (iv) One Director appointed by the Chairman of the Lake

1       County Board with the advice and consent of the Lake County  
2       Board. Such Director shall reside in Lake County.

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

7       (vi) To implement the changes in appointing authority  
8       under this subparagraph (d) the three Directors appointed  
9       under subparagraph (c) and residing in Lake County, DuPage  
10       County, and Kane County respectively shall each continue to  
11       serve as Director until the expiration of their respective  
12       term of office and until his or her successor is appointed  
13       and qualified or a vacancy occurs in the office. Thereupon,  
14       the appointment shall be made by the officials given  
15       appointing authority with respect to the Director whose  
16       term has expired or office has become vacant.

17       (e) The Chairman serving on the effective date of this  
18       amendatory Act of the 95th General Assembly shall continue to  
19       serve as Chairman until the expiration of his or her term of  
20       office and until his or her successor is appointed and  
21       qualified or a vacancy occurs in the office ~~Before January 1,~~  
22       ~~1987, for the term expiring July 1, 1989, the Chairman shall be~~  
23       ~~appointed by the Governor. Thereafter the Chairman shall be~~  
24       ~~appointed by the other 12 Directors with the concurrence of~~  
25       ~~three fourths of such Directors.~~ Upon the expiration or vacancy  
26       of the term of the Chairman then serving upon the effective

1 date of this amendatory Act of the 95th General Assembly, the  
2 Chairman shall be appointed by the other Directors, by the  
3 affirmative vote of at least 11 of the then Directors. The  
4 chairman shall not be appointed from among the other Directors.  
5 The chairman shall be a resident of the metropolitan region.

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

15 (g) Each appointment made under this Section and under  
16 Section 3.03 shall be certified by the appointing authority to  
17 the Board, which shall maintain the certifications as part of  
18 the official records of the Authority; ~~provided that the~~  
19 ~~initial appointments shall be certified to the Secretary of~~  
20 ~~State, who shall transmit the certifications to the Board~~  
21 ~~following its organization. All appointments made by the~~  
22 ~~Governor shall be made with the advice and consent of the~~  
23 ~~Senate.~~

24 (h) (Blank). ~~The Board of Directors shall be so appointed~~  
25 ~~as to represent the City of Chicago, that part of Cook County~~  
26 ~~outside the City of Chicago, and that part of the metropolitan~~

1 ~~region outside Cook County on the one man one vote basis. After~~  
2 ~~each Federal decennial census the General Assembly shall review~~  
3 ~~the composition of the Board and, if a change is needed to~~  
4 ~~comply with this requirement, shall provide for the necessary~~  
5 ~~revision by July 1 of the third year after such census.~~  
6 ~~Provided, however, that the Chairman of the Chicago Transit~~  
7 ~~Authority shall be a Director of the Authority and shall be~~  
8 ~~considered as representing the City of Chicago for purposes of~~  
9 ~~this paragraph.~~

10 ~~Insofar as may be practicable, the changes in Board~~  
11 ~~membership necessary to achieve this purpose shall take effect~~  
12 ~~as appropriate members terms expire, no member's term being~~  
13 ~~reduced by reason of such revision of the composition of the~~  
14 ~~Board.~~

15 (Source: P.A. 83-1417.)

16 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

17 Sec. 3.03. Terms, vacancies. Each Director, ~~including the~~  
18 ~~Chairman, shall be appointed for an initial term as provided~~  
19 ~~for in Section 3.10 of this Act. Thereafter, each Director~~  
20 shall hold office for a term of 5 years, and until his  
21 successor has been appointed and has qualified. A vacancy shall  
22 occur upon resignation, death, conviction of a felony, or  
23 removal from office of a Director. Any Director may be removed  
24 from office upon concurrence of not less than 11 ~~9~~ Directors,  
25 on a formal finding of incompetence, neglect of duty, or

1 malfeasance in office. Within 30 days after the office of any  
2 member becomes vacant for any reason, the appointing  
3 authorities of such member shall make an appointment to fill  
4 the vacancy. A vacancy shall be filled for the unexpired term.

5 Whenever ~~After October 1, 1984, whenever~~ a vacancy for a  
6 Director, except as to the Chairman or those Directors  
7 appointed by ~~the Governor or~~ the Mayor of the City of Chicago,  
8 exists for longer than 4 months, the new Director shall be  
9 chosen by election by all legislative members in the General  
10 Assembly representing the affected area. In order to qualify as  
11 a voting legislative member in this matter, the affected area  
12 must be more than 50% of the geographic area of the legislative  
13 district.

14 (Source: P.A. 86-1475.)

15 (70 ILCS 3615/3.04) (from Ch. 111 2/3, par. 703.04)

16 Sec. 3.04. Compensation. Each Director, excluding  
17 ~~including~~ the Chairman, ~~except for the Chairman of the Chicago~~  
18 ~~Transit Authority who shall not be compensated by the~~  
19 ~~Authority,~~ shall be compensated at the rate of \$25,000 per  
20 year. The Chairman shall be compensated at the rate of \$50,000  
21 per year.

22 Officers of the Authority shall not be required to comply  
23 with the requirements of "An Act requiring certain custodians  
24 of public moneys to file and publish statements of the receipts  
25 and disbursements thereof", approved June 24, 1919, as now or

1 hereafter amended.

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

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

4 Sec. 3.05. Meetings. The Board shall prescribe the times  
5 and places for meetings and the manner in which special  
6 meetings may be called. The Board shall comply in all respects  
7 with the "Open Meetings Act", approved July 11, 1957, as now or  
8 hereafter amended. All records, documents and papers of the  
9 Authority, other than those relating to matters concerning  
10 which closed sessions of the Board may be held, shall be  
11 available for public examination, subject to such reasonable  
12 regulations as the Board may adopt.

13 A majority of the Directors holding office shall constitute  
14 a quorum for the conduct of business. Except as otherwise  
15 provided in this Act, the affirmative votes of at least 9 ~~7~~  
16 Directors shall be necessary for approving any contract or  
17 agreement, adopting any rule or regulation, and any other  
18 action required by this Act to be taken by resolution or  
19 ordinance.

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

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

23 (70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

24 Sec. 3A.10. Budget and Program. The Suburban Bus Board,

1 subject to the powers of the Authority in Section 4.11, shall  
2 control the finances of the Division. It shall by ordinance  
3 appropriate money to perform the Division's purposes and  
4 provide for payment of debts and expenses of the Division. Each  
5 year the Suburban Bus Board shall prepare and publish a  
6 comprehensive annual budget and proposed five-year capital  
7 program document, and a financial plan for the 2 years  
8 thereafter describing the state of the Division and presenting  
9 for the forthcoming fiscal year and the 2 following years the  
10 Suburban Bus Board's plans for such operations and capital  
11 expenditures as it intends to undertake and the means by which  
12 it intends to finance them. The proposed budget, ~~and~~ financial  
13 plan, and five-year capital program shall be based on the  
14 Authority's estimate of funds to be made available to the  
15 Suburban Bus Board by or through the Authority and shall  
16 conform in all respects to the requirements established by the  
17 Authority. The proposed ~~program and budget~~, financial plan, and  
18 five-year capital program shall contain a statement of the  
19 funds estimated to be on hand at the beginning of the fiscal  
20 year, the funds estimated to be received from all sources for  
21 such year and the funds estimated to be on hand at the end of  
22 such year. ~~After adoption of the Authority's first Five Year~~  
23 ~~Program, as provided in Section 2.01 of this Act, the proposed~~  
24 ~~program and budget shall specifically identify any respect in~~  
25 ~~which the recommended program deviates from the Authority's~~  
26 ~~then existing Five Year Program, giving the reasons for such~~



1 ~~deviation.~~ The fiscal year of the Division shall be the same as  
2 the fiscal year of the Authority. Before the proposed budget,  
3 ~~and program and~~ financial plan, and five-year capital program  
4 are submitted to the Authority, the Suburban Bus Board shall  
5 hold at least one public hearing thereon in each of the  
6 counties in the metropolitan region in which the Division  
7 provides service. The Suburban Bus Board shall hold at least  
8 one meeting for consideration of the proposed ~~program and~~  
9 budget, financial plan, and five-year capital program with the  
10 county board of each of the several counties in the  
11 metropolitan region in which the Division provides service.  
12 After conducting such hearings and holding such meetings and  
13 after making such changes in the proposed ~~program and~~ budget,  
14 financial plan, and five-year capital program as the Suburban  
15 Bus Board deems appropriate, it shall adopt an annual budget  
16 ordinance at least by November 15 next preceding the beginning  
17 of each fiscal year. The budget, ~~and program, and~~ financial  
18 plan, and five-year capital program shall then be submitted to  
19 the Authority as provided in Section 4.11. In the event that  
20 the Board of the Authority determines that the budget ~~and~~  
21 ~~program,~~ and financial plan do not meet the standards of  
22 Section 4.11, the Suburban Bus Board shall make such changes as  
23 are necessary to meet such requirements and adopt an amended  
24 budget ordinance. The amended budget ordinance shall be  
25 resubmitted to the Authority pursuant to Section 4.11. The  
26 ordinance shall appropriate such sums of money as are deemed

1 necessary to defray all necessary expenses and obligations of  
2 the Division, specifying purposes and the objects or programs  
3 for which appropriations are made and the amount appropriated  
4 for each object or program. Additional appropriations,  
5 transfers between items and other changes in such ordinance  
6 which do not alter the basis upon which the balanced budget  
7 determination was made by the Board of the Authority may be  
8 made from time to time by the Suburban Bus Board.

9 The budget shall:

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

16 (ii) show cash balances including the proceeds of any  
17 anticipated cash flow borrowing sufficient to pay with  
18 reasonable promptness all costs and expenses as incurred;

19 (iii) provide for a level of fares or charges and  
20 operating or administrative costs for the public  
21 transportation provided by or subject to the jurisdiction  
22 of the Suburban Bus Board sufficient to allow the Suburban  
23 Bus Board to meet its required system generated revenues  
24 recovery ratio and, beginning with the 2007 fiscal year,  
25 its system generated ADA paratransit services revenue  
26 recovery ratio;

1 (iv) be based upon and employ assumptions and  
2 projections which are reasonable and prudent;

3 (v) have been prepared in accordance with sound  
4 financial practices as determined by the Board of the  
5 Authority; ~~and~~

6 (vi) meet such other uniform financial, budgetary, or  
7 fiscal requirements that the Board of the Authority may by  
8 rule or regulation establish; and -

9 (vii) be consistent with the goals and objectives  
10 adopted by the Regional Transportation Authority in the  
11 Strategic Plan.

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

13 (70 ILCS 3615/3A.11) (from Ch. 111 2/3, par. 703A.11)

14 Sec. 3A.11. Citizens Advisory Board. The Suburban Bus Board  
15 shall establish a citizens advisory board composed of 10  
16 residents of those portions of the metropolitan region in which  
17 the Suburban Bus Board provides service who have an interest in  
18 public transportation. The members of the advisory board shall  
19 be named for 2 year terms, shall select one of their members to  
20 serve as chairman and shall serve without compensation. The  
21 citizens advisory board shall meet with the Suburban Bus Board  
22 at least quarterly and advise the Suburban Bus Board of the  
23 impact of its policies and programs on the communities it  
24 serves. Appointments to the citizens advisory board should, to  
25 the greatest extent possible, reflect the ethnic, cultural, and

1 geographic diversity of all persons residing within the  
2 Suburban Bus Board's jurisdiction.

3 (Source: P.A. 83-886.)

4 (70 ILCS 3615/3A.14) (from Ch. 111 2/3, par. 703A.14)

5 Sec. 3A.14. Labor. (a) The provisions of this Section apply  
6 to collective bargaining agreements (including extensions and  
7 amendments of existing agreements) entered into on or after  
8 January 1, 1984.

9 (b) The Suburban Bus Board shall deal with and enter into  
10 written contracts with their employees, through accredited  
11 representatives of such employees authorized to act for such  
12 employees concerning wages, salaries, hours, working  
13 conditions, and pension or retirement provisions about which a  
14 collective bargaining agreement has been entered prior to the  
15 effective date of this amendatory Act of 1983. Any such  
16 agreement of the Suburban Bus Board shall provide that the  
17 agreement may be reopened if the amended budget submitted  
18 pursuant to Section 2.18a of this Act is not approved by the  
19 Board of the Authority. The agreement may not include a  
20 provision requiring the payment of wage increases based on  
21 changes in the Consumer Price Index. The Suburban Bus Board  
22 shall not have the authority to enter collective bargaining  
23 agreements with respect to inherent management rights, which  
24 include such areas of discretion or policy as the functions of  
25 the employer, standards of services, its overall budget, the

1 organizational structure and selection of new employees and  
2 direction of personnel. Employers, however, shall be required  
3 to bargain collectively with regard to policy matters directly  
4 affecting wages, hours and terms and conditions of employment,  
5 as well as the impact thereon, upon request by employee  
6 representatives. To preserve the rights of employers and  
7 exclusive representatives which have established collective  
8 bargaining relationships or negotiated collective bargaining  
9 agreements prior to the effective date of this amendatory Act  
10 of 1983, employers shall be required to bargain collectively  
11 with regard to any matter concerning wages, hours or conditions  
12 of employment about which they have bargained prior to the  
13 effective date of this amendatory Act of 1983.

14 (c) The collective bargaining agreement may not include a  
15 prohibition on the use of part-time operators on any service  
16 operated by the Suburban Bus Board except where prohibited by  
17 federal law.

18 (d) Within 30 days of the signing of any such collective  
19 bargaining agreement, the Suburban Bus Board shall determine  
20 the costs of each provision of the agreement, prepare an  
21 amended budget incorporating the costs of the agreement, and  
22 present the amended budget to the Board of the Authority for  
23 its approval under Section 4.11. The Board may approve the  
24 amended budget by an affirmative vote of 12 ~~9~~ of its then  
25 Directors. If the budget is not approved by the Board of the  
26 Authority, the agreement may be reopened and its terms may be

1 renegotiated. Any amended budget which may be prepared  
2 following renegotiation shall be presented to the Board of the  
3 Authority for its approval in like manner.

4 (Source: P.A. 83-886.)

5 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

6 Sec. 3B.02. Commuter Rail Board.

7 (a) Until April 1, 2008, the ~~The~~ governing body of the  
8 Commuter Rail Division shall be a board consisting of 7  
9 directors appointed pursuant to Sections 3B.03 and 3B.04, as  
10 follows:

11 (1) ~~(a)~~ One director shall be appointed by the Chairman  
12 of the Board of DuPage County with the advice and consent  
13 of the County Board of DuPage County and shall reside in  
14 DuPage County. ~~†~~

15 (2) ~~(b)~~ Two directors appointed by the Chairmen of the  
16 County Boards of Kane, Lake, McHenry and Will Counties with  
17 the concurrence of not less than a majority of the chairmen  
18 from such counties, from nominees by the Chairmen. Each  
19 such chairman may nominate not more than two persons for  
20 each position. Each such director shall reside in a county  
21 in the metropolitan region other than Cook or DuPage  
22 County.

23 (3) ~~(c)~~ Three directors appointed by the members of the  
24 Cook County Board elected from that part of Cook County  
25 outside of Chicago, or, in the event such Board of

1 Commissioners becomes elected from single member  
2 districts, by those Commissioners elected from districts,  
3 a majority of the residents of which reside outside  
4 Chicago. In either case, such appointment shall be with the  
5 concurrence of four such Commissioners. Each such director  
6 shall reside in that part of Cook County outside Chicago.

7 (4) ~~(d)~~ One director appointed by the Mayor of the City  
8 of Chicago, with the advice and consent of the City Council  
9 of the City of Chicago. Such director shall reside in the  
10 City of Chicago.

11 (5) The chairman shall be appointed by the directors,  
12 from the members of the board, with the concurrence of 5 of  
13 such directors.

14 (b) After April 1, 2008 the governing body of the Commuter  
15 Rail Division shall be a board consisting of 11 directors  
16 appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

17 (1) One Director shall be appointed by the Chairman of  
18 the DuPage County Board with the advice and consent of the  
19 DuPage County Board and shall reside in DuPage County. To  
20 implement the changes in appointing authority under this  
21 Section, upon the expiration of the term of or vacancy in  
22 office of the Director appointed under item (1) of  
23 subsection (a) of this Section who resides in DuPage  
24 County, a Director shall be appointed under this  
25 subparagraph.

26 (2) One Director shall be appointed by the Chairman of

1       the McHenry County Board with the advice and consent of the  
2       McHenry County Board and shall reside in McHenry County. To  
3       implement the change in appointing authority under this  
4       Section, upon the expiration of the term of or vacancy in  
5       office of the Director appointed under item (2) of  
6       subsection (a) of this Section who resides in McHenry  
7       County, a Director shall be appointed under this  
8       subparagraph.

9       (3) One Director shall be appointed by the Will County  
10      Executive with the advice and consent of the Will County  
11      Board and shall reside in Will County. To implement the  
12      change in appointing authority under this Section, upon the  
13      expiration of the term of or vacancy in office of the  
14      Director appointed under item (2) of subsection (a) of this  
15      Section who resides in Will County, a Director shall be  
16      appointed under this subparagraph.

17      (4) One Director shall be appointed by the Chairman of  
18      the Lake County Board with the advice and consent of the  
19      Lake County Board and shall reside in Lake County.

20      (5) One Director shall be appointed by the Chairman of  
21      the Kane County Board with the advice and consent of the  
22      Kane County Board and shall reside in Kane County.

23      (6) One Director shall be appointed by the Mayor of the  
24      City of Chicago with the advice and consent of the City  
25      Council of the City of Chicago and shall reside in the City  
26      of Chicago. To implement the changes in appointing



1 authority under this Section, upon the expiration of the  
2 term of or vacancy in office of the Director appointed  
3 under item (4) of subsection (a) of this Section who  
4 resides in the City of Chicago, a Director shall be  
5 appointed under this subparagraph.

6 (7) Five Directors residing in Cook County outside of  
7 the City of Chicago, as follows:

8 (i) One Director who resides in Cook County outside  
9 of the City of Chicago, appointed by the President of  
10 the Cook County Board with the advice and consent of  
11 the members of the Cook County Board.

12 (ii) One Director who resides in the township of  
13 Barrington, Palatine, Wheeling, Hanover, Schaumburg,  
14 or Elk Grove. To implement the changes in appointing  
15 authority under this Section, upon the expiration of  
16 the term of or vacancy in office of the Director  
17 appointed under paragraph (3) of subsection (a) of this  
18 Section who resides in the geographic area described in  
19 this subparagraph, a Director shall be appointed under  
20 this subparagraph.

21 (iii) One Director who resides in the township of  
22 Northfield, New Trier, Maine, Niles, Evanston, Leyden,  
23 Norwood Park, River Forest, or Oak Park.

24 (iv) One Director who resides in the township of  
25 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,  
26 Lemont, Palos, or Orland. To implement the changes in

1       appointing authority under this Section, upon the  
2       expiration of the term of or vacancy in office of the  
3       Director appointed under paragraph (3) of subsection  
4       (a) of this Section who resides in the geographic area  
5       described in this subparagraph and whose term of office  
6       had not expired as of August 1, 2007, a Director shall  
7       be appointed under this subparagraph.

8           (v) One Director who resides in the township of  
9       Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To  
10       implement the changes in appointing authority under  
11       this Section, upon the expiration of the term of or  
12       vacancy in office of the Director appointed under  
13       paragraph (3) of subsection (a) of this Section who  
14       resides in the geographic area described in this  
15       subparagraph and whose term of office had expired as of  
16       August 1, 2007, a Director shall be appointed under  
17       this subparagraph.

18           (vi) The Directors identified under the provisions  
19       of subparagraphs (ii) through (v) of this paragraph (7)  
20       shall be appointed by the members of the Cook County  
21       Board. Each individual Director shall be appointed by  
22       those members of the Cook County Board whose Board  
23       districts overlap in whole or in part with the  
24       geographic territory described in the relevant  
25       subparagraph. The vote of County Board members  
26       eligible to appoint directors under the provisions of

1           subparagraphs (ii) through (v) of this paragraph (7)  
2           shall be weighted by the number of electors residing in  
3           those portions of their Board districts within the  
4           geographic territory described in the relevant  
5           subparagraph (ii) through (v) of this paragraph (7).

6           (8) The chairman shall be appointed by the directors,  
7           from the members of the board, with the concurrence of 8 of  
8           such directors. To implement the changes in appointing  
9           authority under this Section, upon the expiration of the  
10           term of or vacancy in office of the Chairman appointed  
11           under item (5) of subsection (a) of this Section, a  
12           Chairman shall be appointed under this subparagraph.

13           (c) No director, while serving as such, shall be an  
14           officer, a member of the board of directors or trustee or an  
15           employee of any transportation agency, or be an employee of the  
16           State of Illinois or any department or agency thereof, or of  
17           any unit of local government or receive any compensation from  
18           any elected or appointed office under the Constitution and laws  
19           of Illinois.

20           (d) Each appointment made under subsections (a) and (b) of  
21           this Section paragraphs (a) through (d) and under Section 3B.03  
22           shall be certified by the appointing authority to the Commuter  
23           Rail Board which shall maintain the certifications as part of  
24           the official records of the Commuter Rail Board; ~~provided that~~  
25           ~~the initial appointments shall be certified to the Secretary of~~  
26           ~~State, who shall transmit the certifications to the Commuter~~

1 ~~Rail Board following its organization.~~

2 ~~Appointments to the Commuter Rail Board shall be~~  
3 ~~apportioned so as to represent the City of Chicago, that part~~  
4 ~~of Cook County outside of the City of Chicago, and DuPage~~  
5 ~~County and that part of the metropolitan region other than Cook~~  
6 ~~and DuPage Counties based on morning boardings of the services~~  
7 ~~provided by the Commuter Rail Division as certified to the~~  
8 ~~Board of the Authority by the Commuter Rail Board, provided~~  
9 ~~however that the Mayor of the City of Chicago shall appoint no~~  
10 ~~fewer than 1 member of the Commuter Rail Board. Within two~~  
11 ~~years after each federal decennial census, the Board of the~~  
12 ~~Authority shall review the composition of the Commuter Rail~~  
13 ~~Board and, if change is needed to comply with this requirement,~~  
14 ~~shall provide for the necessary reapportionment by July 1 of~~  
15 ~~the second year after such census. Insofar as may be~~  
16 ~~practicable, the changes in board membership necessary to~~  
17 ~~achieve this purpose shall take effect as appropriate members~~  
18 ~~terms expire, no member's term being reduced by reason of such~~  
19 ~~revision of the composition of the Commuter Rail Board.~~

20 (Source: P.A. 83-886.)

21 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

22 Sec. 3B.03. Terms, Vacancies. Each ~~The initial term of the~~  
23 ~~director appointed pursuant to subdivision (a) of Section 3B.02~~  
24 ~~and the initial term of one of the directors appointed pursuant~~  
25 ~~to subdivision (b) of Section 3B.02 shall expire on June 30,~~

1 ~~1985; the initial term of one of the directors appointed~~  
2 ~~pursuant to subdivision (b) of Section 3B.02 and the initial~~  
3 ~~term of one of the directors appointed pursuant to subdivision~~  
4 ~~(c) of Section 3B.02 shall expire on June 30, 1986; the initial~~  
5 ~~terms of two of the directors appointed pursuant to subdivision~~  
6 ~~(c) of Section 3B.02 shall expire on June 30, 1987; the initial~~  
7 ~~term of the director appointed pursuant to subdivision (d) of~~  
8 ~~Section 3B.02 shall expire on June 30, 1988. Thereafter, each~~  
9 director shall be appointed for a term of 4 years, and until  
10 his successor has been appointed and qualified. A vacancy shall  
11 occur upon the resignation, death, conviction of a felony, or  
12 removal from office of a director. Any director may be removed  
13 from office upon the concurrence of not less than 8 ~~6~~  
14 directors, on a formal finding of incompetence, neglect of  
15 duty, or malfeasance in office. Within 30 days after the office  
16 of any director becomes vacant for any reason, the appropriate  
17 appointing authorities of such director, as provided in Section  
18 3B.02, shall make an appointment to fill the vacancy. A vacancy  
19 shall be filled for the unexpired term.

20 (Source: P.A. 84-939.)

21 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

22 Sec. 3B.05. Appointment of officers and employees. The  
23 Commuter Rail Board shall appoint an Executive Director who  
24 shall be the chief executive officer of the Division,  
25 appointed, retained or dismissed with the concurrence of 8 ~~6~~ of

1 the directors of the Commuter Rail Board. The Executive  
2 Director shall appoint, retain and employ officers, attorneys,  
3 agents, engineers, employees and shall organize the staff,  
4 shall allocate their functions and duties, fix compensation and  
5 conditions of employment, and consistent with the policies of  
6 and direction from the Commuter Rail Board take all actions  
7 necessary to achieve its purposes, fulfill its  
8 responsibilities and carry out its powers, and shall have such  
9 other powers and responsibilities as the Commuter Rail Board  
10 shall determine. The Executive Director shall be an individual  
11 of proven transportation and management skills and may not be a  
12 member of the Commuter Rail Board. The Division may employ its  
13 own professional management personnel to provide professional  
14 and technical expertise concerning its purposes and powers and  
15 to assist it in assessing the performance of transportation  
16 agencies in the metropolitan region.

17 No unlawful discrimination, as defined and prohibited in  
18 the Illinois Human Rights Act, shall be made in any term or  
19 aspect of employment nor shall there be discrimination based  
20 upon political reasons or factors. The Commuter Rail Board  
21 shall establish regulations to insure that its discharges shall  
22 not be arbitrary and that hiring and promotion are based on  
23 merit.

24 The Division shall be subject to the "Illinois Human Rights  
25 Act", as now or hereafter amended, and the remedies and  
26 procedure established thereunder. The Commuter Rail Board

1 shall file an affirmative action program for employment by it  
2 with the Department of Human Rights to ensure that applicants  
3 are employed and that employees are treated during employment,  
4 without regard to unlawful discrimination. Such affirmative  
5 action program shall include provisions relating to hiring,  
6 upgrading, demotion, transfer, recruitment, recruitment  
7 advertising, selection for training and rates of pay or other  
8 forms of compensation.

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

10 (70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

11 Sec. 3B.07. Meetings. The Commuter Rail Board shall  
12 prescribe the times and places for meetings and the manner in  
13 which special meetings may be called. The Commuter Rail Board  
14 shall comply in all respects with the "Open Meetings Act", as  
15 now or hereafter amended. All records, documents and papers of  
16 the Commuter Rail Division, other than those relating to  
17 matters concerning which closed sessions of the Commuter Rail  
18 Board may be held, shall be available for public examination,  
19 subject to such reasonable regulations as the board may adopt.

20 A majority of the members shall constitute a quorum for the  
21 conduct of business. The affirmative votes of at least 6 4  
22 members shall be necessary for any action required by this Act  
23 to be taken by ordinance.

24 (Source: P.A. 83-886.)

1 (70 ILCS 3615/3B.09) (from Ch. 111 2/3, par. 703B.09)

2 Sec. 3B.09. General Powers. In addition to any powers  
3 elsewhere provided to the Commuter Rail Board, it shall have  
4 all of the powers specified in Section 2.20 of this Act except  
5 for the powers specified in Section 2.20(a)(v). The Board shall  
6 also have the power:

7 (a) to cooperate with the Regional Transportation  
8 Authority in the exercise by the Regional Transportation  
9 Authority of all the powers granted it by such Act;

10 (b) to receive funds from the Regional Transportation  
11 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10  
12 of the "Regional Transportation Authority Act", all as provided  
13 in the "Regional Transportation Authority Act"; ~~and~~

14 (c) to receive financial grants from the Regional  
15 Transportation Authority or a Service Board, as defined in the  
16 "Regional Transportation Authority Act", upon such terms and  
17 conditions as shall be set forth in a grant contract between  
18 either the Division and the Regional Transportation Authority  
19 or the Division and another Service Board, which contract or  
20 agreement may be for such number of years or duration as the  
21 parties may agree, all as provided in the "Regional  
22 Transportation Authority Act"; ~~and~~

23 (d) to borrow money for the purpose of acquiring,  
24 constructing, reconstructing, extending, or improving any  
25 Public Transportation Facilities (as defined in Section 1.03 of  
26 the Regional Transportation Authority Act) operated by or to be



1 operated by or on behalf of the Commuter Rail Division. For the  
2 purpose of evidencing the obligation of the Commuter Rail Board  
3 to repay any money borrowed as provided in this subsection, the  
4 Commuter Rail Board may issue revenue bonds from time to time  
5 pursuant to ordinance adopted by the Commuter Rail Board,  
6 subject to the approval of the Regional Transportation  
7 Authority of each such issuance by the affirmative vote of 12  
8 of its then Directors; provided that the Commuter Rail Board  
9 may not issue bonds for the purpose of financing the  
10 acquisition, construction, or improvement of a corporate  
11 headquarters building. All such bonds shall be payable solely  
12 from the revenues or income or any other funds that the  
13 Commuter Rail Board may receive, provided that the Commuter  
14 Rail Board may not pledge as security for such bonds the  
15 moneys, if any, that the Commuter Rail Board receives from the  
16 Regional Transportation Authority pursuant to Section  
17 4.03.3(d) of the Regional Transportation Authority Act. The  
18 bonds shall bear interest at a rate not to exceed the maximum  
19 rate authorized by the Bond Authorization Act and shall mature  
20 at such time or times not exceeding 25 years from their  
21 respective dates. Bonds issued pursuant to this paragraph must  
22 be issued with scheduled principal or mandatory redemption  
23 payments in equal amounts in each fiscal year over the term of  
24 the bonds, with the first principal or mandatory redemption  
25 payment scheduled within the fiscal year in which bonds are  
26 issued or within the next succeeding fiscal year. At least 25%,

1 based on total principal amount, of all bonds authorized  
2 pursuant to this Section shall be sold pursuant to notice of  
3 sale and public bid. No more than 75%, based on total principal  
4 amount, of all bonds authorized pursuant to this Section shall  
5 be sold by negotiated sale. The maximum principal amount of the  
6 bonds that may be issued and outstanding at any time may not  
7 exceed \$1,000,000,000. The bonds shall have all the qualities  
8 of negotiable instruments under the laws of this State. To  
9 secure the payment of any or all of such bonds and for the  
10 purpose of setting forth the covenants and undertakings of the  
11 Commuter Rail Board in connection with the issuance thereof and  
12 the issuance of any additional bonds payable from such revenue  
13 or income as well as the use and application of the revenue or  
14 income received by the Commuter Rail Board, the Commuter Rail  
15 Board may execute and deliver a trust agreement or agreements;  
16 provided that no lien upon any physical property of the  
17 Commuter Rail Board shall be created thereby. A remedy for any  
18 breach or default of the terms of any such trust agreement by  
19 the Commuter Rail Board may be by mandamus proceedings in any  
20 court of competent jurisdiction to compel performance and  
21 compliance therewith, but the trust agreement may prescribe by  
22 whom or on whose behalf such action may be instituted. Under no  
23 circumstances shall any bonds issued by the Commuter Rail Board  
24 or any other obligation of the Commuter Rail Board in  
25 connection with the issuance of such bonds be or become an  
26 indebtedness or obligation of the State of Illinois, the

1 Regional Transportation Authority, or any other political  
2 subdivision of or municipality within the State, nor shall any  
3 such bonds or obligations be or become an indebtedness of the  
4 Commuter Rail Board within the purview of any constitutional  
5 limitation or provision, and it shall be plainly stated on the  
6 face of each bond that it does not constitute such an  
7 indebtedness or obligation but is payable solely from the  
8 revenues or income as aforesaid.

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

10 (70 ILCS 3615/3B.10) (from Ch. 111 2/3, par. 703B.10)

11 Sec. 3B.10. Budget and Program. The Commuter Rail Board,  
12 subject to the powers of the Authority in Section 4.11, shall  
13 control the finances of the Division. It shall by ordinance  
14 appropriate money to perform the Division's purposes and  
15 provide for payment of debts and expenses of the Division. Each  
16 year the Commuter Rail Board shall prepare and publish a  
17 comprehensive annual budget and proposed five-year capital  
18 program document, and a financial plan for the two years  
19 thereafter describing the state of the Division and presenting  
20 for the forthcoming fiscal year and the two following years the  
21 Commuter Rail Board's plans for such operations and capital  
22 expenditures as the Commuter Rail Board intends to undertake  
23 and the means by which it intends to finance them. The proposed  
24 budget, ~~and~~ financial plan, and five-year capital program shall  
25 be based on the Authority's estimate of funds to be made

1 available to the Commuter Rail Board by or through the  
2 Authority and shall conform in all respects to the requirements  
3 established by the Authority. The proposed ~~program and budget,~~  
4 financial plan, and five-year capital program shall contain a  
5 statement of the funds estimated to be on hand at the beginning  
6 of the fiscal year, the funds estimated to be received from all  
7 sources for such year and the funds estimated to be on hand at  
8 the end of such year. ~~After adoption of the Authority's first~~  
9 ~~Five Year Program, as provided in Section 2.01 of this Act, the~~  
10 ~~proposed program and budget shall specifically identify any~~  
11 ~~respect in which the recommended program deviates from the~~  
12 ~~Authority's then existing Five Year Program, giving the~~  
13 ~~reasons for such deviation.~~ The fiscal year of the Division  
14 shall be the same as the fiscal year of the Authority. Before  
15 the proposed budget, ~~and program and~~ financial plan, and  
16 five-year capital program are submitted to the Authority, the  
17 Commuter Rail Board shall hold at least one public hearing  
18 thereon in each of the counties in the metropolitan region in  
19 which the Division provides service. The Commuter Rail Board  
20 shall hold at least one meeting for consideration of the  
21 proposed ~~program and budget,~~ financial plan, and five-year  
22 capital plan with the county board of each of the several  
23 counties in the metropolitan region in which the Division  
24 provides service. After conducting such hearings and holding  
25 such meetings and after making such changes in the proposed  
26 ~~program and budget,~~ financial plan, and five-year capital plan

1 as the Commuter Rail Board deems appropriate, the board shall  
2 adopt its annual budget ordinance at least by November 15 next  
3 preceding the beginning of each fiscal year. The budget, ~~and~~  
4 ~~program, and~~ financial plan, and five-year capital program  
5 shall then be submitted to the Authority as provided in Section  
6 4.11. In the event that the Board of the Authority determines  
7 that the budget and program, and financial plan do not meet the  
8 standards of Section 4.11, the Commuter Rail Board shall make  
9 such changes as are necessary to meet such requirements and  
10 adopt an amended budget ordinance. The amended budget ordinance  
11 shall be resubmitted to the Authority pursuant to Section 4.11.  
12 The ordinance shall appropriate such sums of money as are  
13 deemed necessary to defray all necessary expenses and  
14 obligations of the Division, specifying purposes and the  
15 objects or programs for which appropriations are made and the  
16 amount appropriated for each object or program. Additional  
17 appropriations, transfers between items and other changes in  
18 such ordinance which do not alter the basis upon which the  
19 balanced budget determination was made by the Board of the  
20 Authority may be made from time to time by the Commuter Rail  
21 Board.

22 The budget shall:

23 (i) show a balance between (A) anticipated revenues from  
24 all sources including operating subsidies and (B) the costs of  
25 providing the services specified and of funding any operating  
26 deficits or encumbrances incurred in prior periods, including

1 provision for payment when due of principal and interest on  
2 outstanding indebtedness;

3 (ii) show cash balances including the proceeds of any  
4 anticipated cash flow borrowing sufficient to pay with  
5 reasonable promptness all costs and expenses as incurred;

6 (iii) provide for a level of fares or charges for the  
7 public transportation provided by or subject to the  
8 jurisdiction of such Commuter Rail Board sufficient to allow  
9 the Commuter Rail Board to meet its required system generated  
10 revenue recovery ratio;

11 (iv) be based upon and employ assumptions and projections  
12 which the Board of the Authority finds to be reasonable and  
13 prudent;

14 (v) have been prepared in accordance with sound financial  
15 practices as determined by the Board of the Authority; ~~and~~

16 (vi) meet such other uniform financial, budgetary, or  
17 fiscal requirements that the Board of the Authority may by rule  
18 or regulation establish; and -

19 (vii) be consistent with the goals and objectives adopted  
20 by the Regional Transportation Authority in the Strategic Plan.

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

22 (70 ILCS 3615/3B.11) (from Ch. 111 2/3, par. 703B.11)

23 Sec. 3B.11. Citizens Advisory Board. The Commuter Rail  
24 Board shall establish a citizens advisory board composed of ten  
25 residents of those portions of the metropolitan region in which

1 the Commuter Rail Board provides service who have an interest  
2 in public transportation. The members of the advisory board  
3 shall be named for two year terms, shall select one of their  
4 members to serve as chairman and shall serve without  
5 compensation. The citizens advisory board shall meet with the  
6 Commuter Rail Board at least quarterly and advise the Commuter  
7 Rail Board of the impact of its policies and programs on the  
8 communities it serves. Appointments to the citizens advisory  
9 board should, to the greatest extent possible, reflect the  
10 ethnic, cultural, and geographic diversity of all persons  
11 residing within the Commuter Rail Division's jurisdiction.

12 (Source: P.A. 83-886.)

13 (70 ILCS 3615/3B.12) (from Ch. 111 2/3, par. 703B.12)

14 Sec. 3B.12. Working Cash Borrowing. The Commuter Rail Board  
15 with the affirmative vote of 7 ~~5~~ of its Directors may demand  
16 and direct the Board of the Authority to issue Working Cash  
17 Notes at such time and in such amounts and having such  
18 maturities as the Commuter Rail Board deems proper, provided  
19 however any such borrowing shall have been specifically  
20 identified in the budget of the Commuter Rail Board as approved  
21 by the Board of the Authority. Provided further, that the  
22 Commuter Rail Board may not demand and direct the Board of the  
23 Authority to have issued and have outstanding at any time in  
24 excess of \$20,000,000 in Working Cash Notes.

25 (Source: P.A. 83-886.)

1 (70 ILCS 3615/3B.13) (from Ch. 111 2/3, par. 703B.13)

2 Sec. 3B.13. Labor.

3 (a) The provisions of this Section apply to collective  
4 bargaining agreements (including extensions and amendments of  
5 existing agreements) entered into on or after January 1, 1984.  
6 This Section does not apply to collective bargaining agreements  
7 that are subject to the provisions of the Railway Labor Act, as  
8 now or hereafter amended.

9 (b) The Commuter Rail Board shall deal with and enter into  
10 written contracts with their employees, through accredited  
11 representatives of such employees authorized to act for such  
12 employees concerning wages, salaries, hours, working  
13 conditions, and pension or retirement provisions about which a  
14 collective bargaining agreement has been entered prior to the  
15 effective date of this amendatory Act of 1983. Any such  
16 agreement of the Commuter Rail Board shall provide that the  
17 agreement may be reopened if the amended budget submitted  
18 pursuant to Section 2.18a of this Act is not approved by the  
19 Board of the Authority. The agreement may not include a  
20 provision requiring the payment of wage increases based on  
21 changes in the Consumer Price Index. The Commuter Rail Board  
22 shall not have the authority to enter collective bargaining  
23 agreements with respect to inherent management rights which  
24 include such areas of discretion or policy as the functions of  
25 the employer, standards of services, its overall budget, the



1 organizational structure and selection of new employees and  
2 direction of personnel. Employers, however, shall be required  
3 to bargain collectively with regard to policy matters directly  
4 affecting wages, hours and terms and conditions of employment,  
5 as well as the impact thereon, upon request by employee  
6 representatives. To preserve the rights of the Commuter Rail  
7 Board and exclusive representatives which have established  
8 collective bargaining relationships or negotiated collective  
9 bargaining agreements prior to the effective date of this  
10 amendatory Act of 1983, the Commuter Rail Board shall be  
11 required to bargain collectively with regard to any matter  
12 concerning wages, hours or conditions of employment about which  
13 they have bargained prior to the effective date of this  
14 amendatory Act of 1983.

15 (c) The collective bargaining agreement may not include a  
16 prohibition on the use of part-time operators on any service  
17 operated by the Commuter Rail Board except where prohibited by  
18 federal law.

19 (d) Within 30 days of the signing of any such collective  
20 bargaining agreement, the Commuter Rail Board shall determine  
21 the costs of each provision of the agreement, prepare an  
22 amended budget incorporating the costs of the agreement, and  
23 present the amended budget to the Board of the Authority for  
24 its approval under Section 4.11. The Board may approve the  
25 amended budget by an affirmative vote of 12 9 of its then  
26 Directors. If the budget is not approved by the Board of the

1 Authority, the agreement may be reopened and its terms may be  
2 renegotiated. Any amended budget which may be prepared  
3 following renegotiation shall be presented to the Board of the  
4 Authority for its approval in like manner.

5 (Source: P.A. 84-1308.)

6 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

7 Sec. 4.01. Budget and Program.

8 (a) The Board shall control the finances of the Authority.  
9 It shall by ordinance adopted by the affirmative vote of at  
10 least 12 of its then Directors (i) appropriate money to perform  
11 the Authority's purposes and provide for payment of debts and  
12 expenses of the Authority, (ii) take action with respect to the  
13 budget and two-year financial plan of each Service Board, as  
14 provided in Section 4.11, and (iii) adopt an Annual Budget and  
15 Two-Year Financial Plan for the Authority that includes the  
16 annual budget and two-year financial plan of each Service Board  
17 that has been approved by the Authority. ~~Each year the~~  
18 Authority shall prepare and publish a comprehensive annual  
19 budget and program document describing the state of the  
20 Authority and presenting for the forthcoming fiscal year the  
21 Authority's plans for such operations and capital expenditures  
22 as the Authority intends to undertake and the means by which it  
23 intends to finance them. The Annual Budget and Two-Year  
24 Financial Plan ~~proposed program and budget~~ shall contain a  
25 statement of the funds estimated to be on hand for the

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

1 ~~ending on December 31, 1983, the Board shall report its results~~  
2 ~~from operations and financial condition to the General Assembly~~  
3 ~~and the Governor by January 31. For the fiscal year beginning~~  
4 ~~January 1, 1984, and thereafter, the budget and program shall~~  
5 ~~be presented to the General Assembly and the Governor after its~~  
6 ~~adoption not later than the preceding December 31st. Before the~~  
7 ~~proposed Annual Budget and Two-Year Financial Plan ~~budget and~~~~  
8 ~~~~program~~ is adopted, the Authority shall hold at least one~~  
9 ~~public hearing thereon in the metropolitan region, and shall~~  
10 ~~meet . ~~The Board shall hold at least one meeting for~~~~  
11 ~~~~consideration of the proposed program and budget~~ with the~~  
12 ~~county board or its designee of each of the several counties in~~  
13 ~~the metropolitan region. After conducting such hearings and~~  
14 ~~holding such meetings and after making such changes in the~~  
15 ~~proposed Annual Budget and Two-Year Financial Plan ~~program and~~~~  
16 ~~~~budget~~ as the Board deems appropriate, the Board shall adopt~~  
17 ~~its annual appropriation and Annual Budget and Two-Year~~  
18 ~~Financial Plan ~~budget~~ ordinance. The ordinance may be adopted~~  
19 ~~only upon the affirmative votes of 12 ~~9~~ of its then Directors.~~  
20 ~~The ordinance shall appropriate such sums of money as are~~  
21 ~~deemed necessary to defray all necessary expenses and~~  
22 ~~obligations of the Authority, specifying purposes and the~~  
23 ~~objects or programs for which appropriations are made and the~~  
24 ~~amount appropriated for each object or program. Additional~~  
25 ~~appropriations, transfers between items and other changes in~~  
26 ~~such ordinance may be made from time to time by the Board upon~~

1 the affirmative votes of 12 ~~9~~ of its then Directors.

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

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

11 (i) that the level of fares and charges for mass  
12 transportation provided by, or under grant or purchase of  
13 service contracts of, the Service Boards is sufficient to  
14 cause the aggregate of all projected fare revenues from  
15 such fares and charges received in each fiscal year to  
16 equal at least 50% of the aggregate costs of providing such  
17 public transportation in such fiscal year. "Fare revenues"  
18 include the proceeds of all fares and charges for services  
19 provided, contributions received in connection with public  
20 transportation from units of local government other than  
21 the Authority and from the State pursuant to subsection (i)  
22 of Section 2705-305 of the Department of Transportation Law  
23 (20 ILCS 2705/2705-305), and all other operating revenues  
24 properly included consistent with generally accepted  
25 accounting principles but do not include: the proceeds of  
26 any borrowings, and, beginning with the 2007 fiscal year,

1 all revenues and receipts, including but not limited to  
2 fares and grants received from the federal, State or any  
3 unit of local government or other entity, derived from  
4 providing ADA paratransit service pursuant to Section 2.30  
5 of the Regional Transportation Authority Act. "Costs"  
6 include all items properly included as operating costs  
7 consistent with generally accepted accounting principles,  
8 including administrative costs, but do not include:  
9 depreciation; payment of principal and interest on bonds,  
10 notes or other evidences of obligation for borrowed money  
11 issued by the Authority; payments with respect to public  
12 transportation facilities made pursuant to subsection (b)  
13 of Section 2.20 of this Act; any payments with respect to  
14 rate protection contracts, credit enhancements or  
15 liquidity agreements made under Section 4.14; any other  
16 cost to which it is reasonably expected that a cash  
17 expenditure will not be made; costs ~~up to \$5,000,000~~  
18 ~~annually~~ for passenger security including grants,  
19 contracts, personnel, equipment and administrative  
20 expenses, except in the case of the Chicago Transit  
21 Authority, in which case the term does not include costs  
22 spent annually by that entity for protection against crime  
23 as required by Section 27a of the Metropolitan Transit  
24 Authority Act; the payment by the Chicago Transit Authority  
25 of Debt Service, as defined in Section 12c of the  
26 Metropolitan Transit Authority Act, on bonds or notes

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

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

1 services revenue recovery ratio".

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

20 (d) ~~(Blank). After withholding 15% of the proceeds of any~~  
21 ~~tax imposed by the Authority and 15% of money received by the~~  
22 ~~Authority from the Regional Transportation Authority~~  
23 ~~Occupation and Use Tax Replacement Fund, the Board shall~~  
24 ~~allocate the proceeds and money remaining to the Service Boards~~  
25 ~~as follows: (1) an amount equal to 85% of the proceeds of those~~  
26 ~~taxes collected within the City of Chicago and 85% of the money~~



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

18 (e) (Blank). ~~Moneys received by the Authority on account of~~  
19 ~~transfers to the Regional Transportation Authority Occupation~~  
20 ~~and Use Tax Replacement Fund from the State and Local Sales Tax~~  
21 ~~Reform Fund shall be allocated among the Authority and the~~  
22 ~~Service Boards as follows: 15% of such moneys shall be retained~~  
23 ~~by the Authority and the remaining 85% shall be transferred to~~  
24 ~~the Service Boards as soon as may be practicable after the~~  
25 ~~Authority receives payment. Moneys which are distributable to~~  
26 ~~the Service Boards pursuant to the preceding sentence shall be~~

1 ~~allocated among the Service Boards on the basis of each Service~~  
2 ~~Board's distribution ratio. The term "distribution ratio"~~  
3 ~~means, for purposes of this subsection (c) of this Section~~  
4 ~~4.01, the ratio of the total amount distributed to a Service~~  
5 ~~Board pursuant to subsection (d) of Section 4.01 for the~~  
6 ~~immediately preceding calendar year to the total amount~~  
7 ~~distributed to all of the Service Boards pursuant to subsection~~  
8 ~~(d) of Section 4.01 for the immediately preceding calendar~~  
9 ~~year.~~

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

1 transportation agencies in terms of the goals and objectives  
2 set out in the Strategic Plan , ~~costs and relative priorities;~~  
3 (3) (2) keep the Board and the public informed of the extent to  
4 which the Service Boards and transportation agencies are  
5 meeting the goals and objectives adopted by the Authority in  
6 the Strategic Plan ~~public transportation programs and~~  
7 ~~accomplishments of such transportation agencies;~~ and (4)  
8 assess the efficiency or adequacy of public transportation  
9 services provided by a Service Board and make recommendations  
10 for change in that service ~~(3) coordinate the development and~~  
11 ~~implementation of public transportation programs~~ to the end  
12 that the moneys ~~monies~~ available to the Authority may be  
13 expended in the most economical manner possible with the least  
14 possible duplication.

15 (g) All ~~Under such regulations as the Board may prescribe,~~  
16 ~~all~~ Service Boards, transportation agencies, comprehensive  
17 planning agencies, including the Chicago Metropolitan Agency  
18 for Planning, or transportation planning agencies in the  
19 metropolitan region shall furnish to the Authority ~~Board~~ such  
20 information pertaining to public transportation or relevant  
21 for plans therefor as it may from time to time require. The  
22 Executive Director, or his or her designee, ~~upon payment to any~~  
23 ~~such agency or Service Board of the reasonable additional cost~~  
24 ~~of its so providing such information except as may otherwise be~~  
25 ~~provided by agreement with the Authority,~~ and the Board or any  
26 ~~duly authorized employee of the Board~~ shall, for the purpose of

1     securing any such information necessary or appropriate to carry  
2     out any of the powers and responsibilities of the Authority  
3     under this Act, have access to, and the right to examine, all  
4     books, documents, papers or records of a Service Board or any  
5     transportation such agency receiving funds from the Authority  
6     or Service Board, and such Service Board or transportation  
7     agency shall comply with any request by the Executive Director,  
8     or his or her designee, within 30 days or an extended time  
9     provided by the Executive Director ~~pertaining to public~~  
10    ~~transportation or relevant for plans therefor.~~

11         (h) No Service Board shall undertake any capital  
12         improvement which is not identified in the Five-Year Capital  
13         Program.

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

15             (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

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

17             (a) The Authority shall have the power to apply for,  
18             receive and expend grants, loans or other funds from the State  
19             of Illinois or any department or agency thereof, from any unit  
20             of local government, from the federal government or any  
21             department or agency thereof, for use in connection with any of  
22             the powers or purposes of the Authority as set forth in this  
23             Act. The Authority shall have power to make such studies as may  
24             be necessary and to enter into contracts or agreements with the  
25             State of Illinois or any department or agency thereof, with any

1 unit of local government, or with the federal government or any  
2 department or agency thereof, concerning such grants, loans or  
3 other funds, or any conditions relating thereto, including  
4 obligations to repay such funds. The Authority may make such  
5 covenants concerning such grants, loans and funds as it deems  
6 proper and necessary in carrying out its responsibilities,  
7 purposes and powers as provided in this Act.

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

1 this Section impose any limitation on the ability of any school  
2 district to apply for or receive any grant, loan or other funds  
3 for transportation of school children.

4 (c) The Authority shall provide to the Service Board any  
5 monies received relating to public transportation services  
6 under the jurisdiction of the Service Boards as provided in  
7 Section 4.03.3 of this Act. follows:

8 ~~(1) As soon as may be practicable after the Authority~~  
9 ~~receives payment, under Section 4.03(m) or Section~~  
10 ~~4.03.1(d), of the proceeds of those taxes levied by the~~  
11 ~~Authority, the Authority shall transfer to each Service~~  
12 ~~Board the amount to which it is entitled under Section~~  
13 ~~4.01(d).~~

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

1 ~~with the requirements in Section 4.11.~~

2 ~~(3) The Authority by ordinance adopted by 9 of its then~~  
3 ~~Directors shall apportion to the Service Boards funds~~  
4 ~~provided by the State of Illinois under Section 4.09 and~~  
5 ~~shall make payment of said funds to each Service Board as~~  
6 ~~soon as may be practicable upon their receipt provided the~~  
7 ~~Authority has adopted a balanced budget as required by~~  
8 ~~Section 4.01 and further provided the Service Board is in~~  
9 ~~compliance with the requirements in Section 4.11.~~

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

15 (Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

16 (70 ILCS 3615/4.02a)

17 Sec. 4.02a. Chicago Transit Authority contributions to  
18 pension funds.

19 (a) The Authority shall continually review the Chicago  
20 Transit Authority's payment of the required contributions to  
21 its retirement system under Section 22-101 of the Illinois  
22 Pension Code.

23 (b) Beginning January 1, 2009, if at any time the Authority  
24 determines that the Chicago Transit Authority's payment of any  
25 portion of the required contributions to its retirement system

1 under Section 22-101 of the Illinois Pension Code is more than  
2 one month overdue, it shall as soon as possible pay the amount  
3 of those overdue contributions to the Board of Trustees ~~trustee~~  
4 of the Retirement Plan ~~retirement system~~ on behalf of the  
5 Chicago Transit Authority out of moneys otherwise payable to  
6 the Chicago Transit Authority under ~~subsection (c) of~~ Section  
7 4.03.3 ~~4.02~~ of this Act. The Authority shall thereafter have no  
8 liability to the Chicago Transit Authority for amounts paid to  
9 the Board of Trustees ~~trustee~~ of the Retirement Plan ~~retirement~~  
10 ~~system~~ under this Section.

11 (c) Whenever the Authority acts or determines that it is  
12 required to act under subsection (b), it shall so notify the  
13 Chicago Transit Authority, the Mayor of Chicago, the Governor,  
14 the Auditor General of the State of Illinois, and the General  
15 Assembly.

16 (Source: P.A. 94-839, eff. 6-6-06.)

17 (70 ILCS 3615/4.02b)

18 Sec. 4.02b. Other contributions to pension funds.

19 (a) The Authority shall continually review the payment of  
20 the required employer contributions to affected pension plans  
21 under Section 22-103 of the Illinois Pension Code.

22 (b) Beginning January 1, 2009, if at any time the Authority  
23 determines that the Commuter Rail Board's or Suburban Bus  
24 Board's payment of any portion of the required contributions to  
25 an affected pension plan under Section 22-103 of the Illinois



1 Pension Code is more than one month overdue, it shall as soon  
2 as possible pay the amount of those overdue contributions to  
3 the trustee of the affected pension plan on behalf of that  
4 Service Board out of moneys otherwise payable to that Service  
5 Board under Section 4.03.3 ~~subsection (c) of Section 4.02~~ of  
6 this Act. The Authority shall thereafter have no liability to  
7 the Service Board for amounts paid to the trustee of the  
8 affected pension plan under this Section.

9 (c) Whenever the Authority acts or determines that it is  
10 required to act under subsection (b), it shall so notify the  
11 affected Service Board, the Mayor of Chicago, the Governor, the  
12 Auditor General of the State of Illinois, and the General  
13 Assembly.

14 (d) Beginning January 1, 2009, if the Authority fails to  
15 pay to an affected pension fund within 30 days after it is due  
16 any employer contribution that it is required to make as a  
17 contributing employer under Section 22-103 of the Illinois  
18 Pension Code, it shall promptly so notify the Commission on  
19 Government Forecasting and Accountability, the Mayor of  
20 Chicago, the Governor, and the General Assembly, and it shall  
21 promptly pay the overdue amount out of the first money  
22 available to the Authority for its administrative expenses, as  
23 that term is defined in Section 4.01(c).

24 (Source: P.A. 94-839, eff. 6-6-06.)

1           Sec. 4.03. Taxes.

2           (a) In order to carry out any of the powers or purposes of  
3 the Authority, the Board may by ordinance adopted with the  
4 concurrence of 12 ~~9~~ of the then Directors, impose throughout  
5 the metropolitan region any or all of the taxes provided in  
6 this Section. Except as otherwise provided in this Act, taxes  
7 imposed under this Section and civil penalties imposed incident  
8 thereto shall be collected and enforced by the State Department  
9 of Revenue. The Department shall have the power to administer  
10 and enforce the taxes and to determine all rights for refunds  
11 for erroneous payments of the taxes. Nothing in this amendatory  
12 Act of the 95th General Assembly is intended to invalidate any  
13 taxes currently imposed by the Authority. The increased vote  
14 requirements to impose a tax shall only apply to actions taken  
15 after the effective date of this amendatory Act of the 95th  
16 General Assembly.

17           (b) The Board may impose a public transportation tax upon  
18 all persons engaged in the metropolitan region in the business  
19 of selling at retail motor fuel for operation of motor vehicles  
20 upon public highways. The tax shall be at a rate not to exceed  
21 5% of the gross receipts from the sales of motor fuel in the  
22 course of the business. As used in this Act, the term "motor  
23 fuel" shall have the same meaning as in the Motor Fuel Tax Law.  
24 The Board may provide for details of the tax. The provisions of  
25 any tax shall conform, as closely as may be practicable, to the  
26 provisions of the Municipal Retailers Occupation Tax Act,

1 including without limitation, conformity to penalties with  
2 respect to the tax imposed and as to the powers of the State  
3 Department of Revenue to promulgate and enforce rules and  
4 regulations relating to the administration and enforcement of  
5 the provisions of the tax imposed, except that reference in the  
6 Act to any municipality shall refer to the Authority and the  
7 tax shall be imposed only with regard to receipts from sales of  
8 motor fuel in the metropolitan region, at rates as limited by  
9 this Section.

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

17 (d) The Board may impose a motor vehicle parking tax upon  
18 the privilege of parking motor vehicles at off-street parking  
19 facilities in the metropolitan region at which a fee is  
20 charged, and may provide for reasonable classifications in and  
21 exemptions to the tax, for administration and enforcement  
22 thereof and for civil penalties and refunds thereunder and may  
23 provide criminal penalties thereunder, the maximum penalties  
24 not to exceed the maximum criminal penalties provided in the  
25 Retailers' Occupation Tax Act. The Authority may collect and  
26 enforce the tax itself or by contract with any unit of local

1 government. The State Department of Revenue shall have no  
2 responsibility for the collection and enforcement unless the  
3 Department agrees with the Authority to undertake the  
4 collection and enforcement. As used in this paragraph, the term  
5 "parking facility" means a parking area or structure having  
6 parking spaces for more than 2 vehicles at which motor vehicles  
7 are permitted to park in return for an hourly, daily, or other  
8 periodic fee, whether publicly or privately owned, but does not  
9 include parking spaces on a public street, the use of which is  
10 regulated by parking meters.

11 (e) The Board may impose a Regional Transportation  
12 Authority Retailers' Occupation Tax upon all persons engaged in  
13 the business of selling tangible personal property at retail in  
14 the metropolitan region. In Cook County the tax rate shall be  
15 1% of the gross receipts from sales of food for human  
16 consumption that is to be consumed off the premises where it is  
17 sold (other than alcoholic beverages, soft drinks and food that  
18 has been prepared for immediate consumption) and prescription  
19 and nonprescription medicines, drugs, medical appliances and  
20 insulin, urine testing materials, syringes and needles used by  
21 diabetics, and 3/4% of the gross receipts from other taxable  
22 sales made in the course of that business. In DuPage, Kane,  
23 Lake, McHenry, and Will Counties, the tax rate shall be 1/4% of  
24 the gross receipts from all taxable sales made in the course of  
25 that business. The tax imposed under this Section and all civil  
26 penalties that may be assessed as an incident thereof shall be

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

21 Persons subject to any tax imposed under the authority  
22 granted in this Section may reimburse themselves for their  
23 seller's tax liability hereunder by separately stating the tax  
24 as an additional charge, which charge may be stated in  
25 combination in a single amount with State taxes that sellers  
26 are required to collect under the Use Tax Act, under any

1 bracket schedules the Department may prescribe.

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

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

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

21 No tax shall be imposed or collected under this subsection  
22 on the sale of a motor vehicle in this State to a resident of  
23 another state if that motor vehicle will not be titled in this  
24 State.

25 Nothing in this Section shall be construed to authorize the  
26 Regional Transportation Authority to impose a tax upon the

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

4 (f) If a tax has been imposed under paragraph (e), a  
5 Regional Transportation Authority Service Occupation Tax shall  
6 also be imposed upon all persons engaged, in the metropolitan  
7 region in the business of making sales of service, who as an  
8 incident to making the sales of service, transfer tangible  
9 personal property within the metropolitan region, either in the  
10 form of tangible personal property or in the form of real  
11 estate as an incident to a sale of service. In Cook County, the  
12 tax rate shall be: (1) 1% of the serviceman's cost price of  
13 food prepared for immediate consumption and transferred  
14 incident to a sale of service subject to the service occupation  
15 tax by an entity licensed under the Hospital Licensing Act or  
16 the Nursing Home Care Act that is located in the metropolitan  
17 region; (2) 1% of the selling price of food for human  
18 consumption that is to be consumed off the premises where it is  
19 sold (other than alcoholic beverages, soft drinks and food that  
20 has been prepared for immediate consumption) and prescription  
21 and nonprescription medicines, drugs, medical appliances and  
22 insulin, urine testing materials, syringes and needles used by  
23 diabetics; and (3) 3/4% of the selling price from other taxable  
24 sales of tangible personal property transferred. In DuPage,  
25 Kane, Lake, McHenry and Will Counties the rate shall be 1/4% of  
26 the selling price of all tangible personal property

1 transferred.

2 The tax imposed under this paragraph and all civil  
3 penalties that may be assessed as an incident thereof shall be  
4 collected and enforced by the State Department of Revenue. The  
5 Department shall have full power to administer and enforce this  
6 paragraph; to collect all taxes and penalties due hereunder; to  
7 dispose of taxes and penalties collected in the manner  
8 hereinafter provided; and to determine all rights to credit  
9 memoranda arising on account of the erroneous payment of tax or  
10 penalty hereunder. In the administration of and compliance with  
11 this paragraph, the Department and persons who are subject to  
12 this paragraph shall have the same rights, remedies,  
13 privileges, immunities, powers and duties, and be subject to  
14 the same conditions, restrictions, limitations, penalties,  
15 exclusions, exemptions and definitions of terms, and employ the  
16 same modes of procedure, as are prescribed in Sections 1a-1, 2,  
17 2a, 3 through 3-50 (in respect to all provisions therein other  
18 than the State rate of tax), 4 (except that the reference to  
19 the State shall be to the Authority), 5, 7, 8 (except that the  
20 jurisdiction to which the tax shall be a debt to the extent  
21 indicated in that Section 8 shall be the Authority), 9 (except  
22 as to the disposition of taxes and penalties collected, and  
23 except that the returned merchandise credit for this tax may  
24 not be taken against any State tax), 10, 11, 12 (except the  
25 reference therein to Section 2b of the Retailers' Occupation  
26 Tax Act), 13 (except that any reference to the State shall mean



1 the Authority), the first paragraph of Section 15, 16, 17, 18,  
2 19 and 20 of the Service Occupation Tax Act and Section 3-7 of  
3 the Uniform Penalty and Interest Act, as fully as if those  
4 provisions were set forth herein.

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

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

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

24 (g) If a tax has been imposed under paragraph (e), a tax  
25 shall also be imposed upon the privilege of using in the  
26 metropolitan region, any item of tangible personal property

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

23 The Department shall have full power to administer and  
24 enforce this paragraph; to collect all taxes, penalties and  
25 interest due hereunder; to dispose of taxes, penalties and  
26 interest collected in the manner hereinafter provided; and to

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

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

26 (h) The Authority may impose a replacement vehicle tax of

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

11 The Department shall immediately pay over to the State  
12 Treasurer, ex officio, as trustee, all taxes collected  
13 hereunder. On or before the 25th day of each calendar month,  
14 the Department shall prepare and certify to the Comptroller the  
15 disbursement of stated sums of money to the Authority. The  
16 amount to be paid to the Authority shall be the amount  
17 collected hereunder during the second preceding calendar month  
18 by the Department, less any amount determined by the Department  
19 to be necessary for the payment of refunds. Within 10 days  
20 after receipt by the Comptroller of the disbursement  
21 certification to the Authority provided for in this Section to  
22 be given to the Comptroller by the Department, the Comptroller  
23 shall cause the orders to be drawn for that amount in  
24 accordance with the directions contained in the 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 or  
20 discontinuing the tax hereunder shall be adopted and a  
21 certified copy thereof filed with the Department ~~on or before~~  
22 ~~the first day of October~~, whereupon the Department shall  
23 proceed to administer and enforce this Section as of the first  
24 day of January next following such adoption and filing.

25 (n) The State Department of Revenue shall, upon collecting  
26 any taxes as provided in this Section, pay the taxes over to

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

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

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

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



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

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

16 (Source: P.A. 92-221, eff. 8-2-01; 92-651, eff. 7-11-02;  
17 93-1068, eff. 1-15-05.)

18 (70 ILCS 3615/4.03.3 new)

19 Sec. 4.03.3. Distribution of Revenues. After providing for  
20 payment of its obligations with respect to bonds and notes  
21 issued under the provisions of Section 4.04 and obligations  
22 related to those bonds and notes, the Authority shall disburse  
23 the remaining proceeds from taxes it has imposed under this  
24 Article IV and the remaining moneys it has received from the  
25 State under Section 4.09(a) as follows:

1       (a) With respect to taxes imposed by the Authority, after  
2 withholding 15% of the remaining proceeds from those taxes, and  
3 15% of money received by the Authority from the Regional  
4 Transportation Authority Occupation and Use Tax Replacement  
5 Fund or from the Regional Transportation Authority tax fund  
6 created in Section 4.03(n), the Board shall allocate the  
7 remaining amount to the Service Boards as follows:

8           (1) an amount equal to 85% of the remaining proceeds  
9 from those taxes collected within the City of Chicago and  
10 85% of the money received by the Authority on account of  
11 transfers to the Regional Transportation Authority  
12 Occupation and Use Tax Replacement Fund or to the Regional  
13 Transportation Authority tax fund created in Section  
14 4.03(n) from the County and Mass Transit District Fund  
15 attributable to retail sales within the City of Chicago  
16 shall be allocated to the Chicago Transit Authority;

17           (2) an amount equal to 85% of the remaining proceeds  
18 from those taxes collected within Cook County outside of  
19 the City of Chicago, and 85% of the money received by the  
20 Authority on account of transfers to the Regional  
21 Transportation Authority Occupation and Use Tax  
22 Replacement Fund or to the Regional Transportation  
23 Authority tax fund created in Section 4.03(n) from the  
24 County and Mass Transit District Fund attributable to  
25 retail sales within Cook County outside of the City of  
26 Chicago shall be allocated 30% to the Chicago Transit

1 Authority, 55% to the Commuter Rail Board, and 15% to the  
2 Suburban Bus Board; and

3 (3) an amount equal to 85% of the remaining proceeds  
4 from the taxes collected within the Counties of DuPage,  
5 Kane, Lake, McHenry, and Will shall be allocated 70% to the  
6 Commuter Rail Board and 30% to the Suburban Bus Board.

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

24 (c) Moneys received from the State under Section 4.09(a) (2)  
25 shall be allocated as follows:

26 (1) \$100,000,000, reduced by the amount of

1 appropriation from the State for the purpose of funding ADA  
2 paratransit services in that calendar year, shall be  
3 distributed annually to the Regional Transportation  
4 Authority for deposit into the ADA Paratransit Fund  
5 established by the Authority under Section 2.01d of the  
6 Regional Transportation Authority Act;

7 (2) \$10,000,000 shall be distributed annually to the  
8 Regional Transportation Authority for deposit into the  
9 Innovation, Coordination, and Enhancement Fund established  
10 by the Authority under Section 2.01c of the Regional  
11 Transportation Authority Act;

12 (3) \$20,000,000 shall be distributed annually to the  
13 Regional Transportation Authority for deposit into the  
14 Suburban Community Mobility Fund established by the  
15 Authority under Section 2.01e of the Regional  
16 Transportation Authority Act;

17 (4) Beginning in calendar year 2009 and continuing  
18 through 2040, \$122,000,000 shall be distributed annually  
19 to the Chicago Transit Authority; and

20 (5) any remaining funds shall be distributed as  
21 follows: (i) 48% to the Chicago Transit Authority, (ii) 39%  
22 to the Commuter Rail Division; and (iii) 13% to the  
23 Suburban Bus Division.

24 In 2009 and each year thereafter the amounts distributed to  
25 the Authority for deposit in the ADA Paratransit Fund, the  
26 Suburban Community Mobility Fund and the Innovative,

1 Coordination and Enhancement Fund respectively shall equal the  
2 amount deposited in the previous year increased or decreased by  
3 the percentage growth or decline in revenues received by the  
4 Authority from the State for the transfer of moneys pursuant to  
5 Section 4.09(a)(2) in the previous State fiscal year.

6 (d) The Authority by ordinance adopted by 12 of its then  
7 Directors shall apportion to the Service Boards moneys provided  
8 by the State of Illinois under Section 4.09(a)(1) as it shall  
9 determine and shall make payment of the amounts to each Service  
10 Board as soon as may be practicable upon their receipt,  
11 provided the Authority has adopted a balanced budget as  
12 required by Section 4.01 and further provided the Service Board  
13 is in compliance with the requirements in Section 4.11.

14 (e) Beginning January 1, 2009, before making any payments,  
15 transfers, or expenditures under this Section to a Service  
16 Board, the Authority must first comply with Section 4.02a or  
17 4.02b of this Act, whichever may be applicable.

18 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

19 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

20 (a) The Authority shall have the continuing power to borrow  
21 money and to issue its negotiable bonds or notes as provided in  
22 this Section. Unless otherwise indicated in this Section, the  
23 term "notes" also includes bond anticipation notes, which are  
24 notes which by their terms provide for their payment from the  
25 proceeds of bonds thereafter to be issued. Bonds or notes of

1 the Authority may be issued for any or all of the following  
2 purposes: to pay costs to the Authority or a Service Board of  
3 constructing or acquiring any public transportation facilities  
4 (including funds and rights relating thereto, as provided in  
5 Section 2.05 of this Act); to repay advances to the Authority  
6 or a Service Board made for such purposes; to pay other  
7 expenses of the Authority or a Service Board incident to or  
8 incurred in connection with such construction or acquisition;  
9 to provide funds for any transportation agency to pay principal  
10 of or interest or redemption premium on any bonds or notes,  
11 whether as such amounts become due or by earlier redemption,  
12 issued prior to the date of this amendatory Act by such  
13 transportation agency to construct or acquire public  
14 transportation facilities or to provide funds to purchase such  
15 bonds or notes; and to provide funds for any transportation  
16 agency to construct or acquire any public transportation  
17 facilities, to repay advances made for such purposes, and to  
18 pay other expenses incident to or incurred in connection with  
19 such construction or acquisition; and to provide funds for  
20 payment of obligations, including the funding of reserves,  
21 under any self-insurance plan or joint self-insurance pool or  
22 entity.

23 In addition to any other borrowing as may be authorized by  
24 this Section, the Authority may issue its notes, from time to  
25 time, in anticipation of tax receipts of the Authority or of  
26 other revenues or receipts of the Authority, in order to

1 provide money for the Authority or the Service Boards to cover  
2 any cash flow deficit which the Authority or a Service Board  
3 anticipates incurring. Any such notes are referred to in this  
4 Section as "Working Cash Notes". No Working Cash Notes shall be  
5 issued for a term of longer than 24 ~~18~~ months. Proceeds of  
6 Working Cash Notes may be used to pay day to day operating  
7 expenses of the Authority or the Service Boards, consisting of  
8 wages, salaries and fringe benefits, professional and  
9 technical services (including legal, audit, engineering and  
10 other consulting services), office rental, furniture, fixtures  
11 and equipment, insurance premiums, claims for self-insured  
12 amounts under insurance policies, public utility obligations  
13 for telephone, light, heat and similar items, travel expenses,  
14 office supplies, postage, dues, subscriptions, public hearings  
15 and information expenses, fuel purchases, and payments of  
16 grants and payments under purchase of service agreements for  
17 operations of transportation agencies, prior to the receipt by  
18 the Authority or a Service Board from time to time of funds for  
19 paying such expenses. In addition to any Working Cash Notes  
20 that the Board of the Authority may determine to issue, the  
21 Suburban Bus Board, the Commuter Rail Board or the Board of the  
22 Chicago Transit Authority may demand and direct that the  
23 Authority issue its Working Cash Notes in such amounts and  
24 having such maturities as the Service Board may determine.

25 Notwithstanding any other provision of this Act, any  
26 amounts necessary to pay principal of and interest on any

1 Working Cash Notes issued at the demand and direction of a  
2 Service Board or any Working Cash Notes the proceeds of which  
3 were used for the direct benefit of a Service Board or any  
4 other Bonds or Notes of the Authority the proceeds of which  
5 were used for the direct benefit of a Service Board shall  
6 constitute a reduction of the amount of any other funds  
7 provided by the Authority to that Service Board. The Authority  
8 shall, after deducting any costs of issuance, tender the net  
9 proceeds of any Working Cash Notes issued at the demand and  
10 direction of a Service Board to such Service Board as soon as  
11 may be practicable after the proceeds are received. The  
12 Authority may also issue notes or bonds to pay, refund or  
13 redeem any of its notes and bonds, including to pay redemption  
14 premiums or accrued interest on such bonds or notes being  
15 renewed, paid or refunded, and other costs in connection  
16 therewith. The Authority may also utilize the proceeds of any  
17 such bonds or notes to pay the legal, financial, administrative  
18 and other expenses of such authorization, issuance, sale or  
19 delivery of bonds or notes or to provide or increase a debt  
20 service reserve fund with respect to any or all of its bonds or  
21 notes. The Authority may also issue and deliver its bonds or  
22 notes in exchange for any public transportation facilities,  
23 (including funds and rights relating thereto, as provided in  
24 Section 2.05 of this Act) or in exchange for outstanding bonds  
25 or notes of the Authority, including any accrued interest or  
26 redemption premium thereon, without advertising or submitting



1 such notes or bonds for public bidding.

2 (b) The ordinance providing for the issuance of any such  
3 bonds or notes shall fix the date or dates of maturity, the  
4 dates on which interest is payable, any sinking fund account or  
5 reserve fund account provisions and all other details of such  
6 bonds or notes and may provide for such covenants or agreements  
7 necessary or desirable with regard to the issue, sale and  
8 security of such bonds or notes. The rate or rates of interest  
9 on its bonds or notes may be fixed or variable and the  
10 Authority shall determine or provide for the determination of  
11 the rate or rates of interest of its bonds or notes issued  
12 under this Act in an ordinance adopted by the Authority prior  
13 to the issuance thereof, none of which rates of interest shall  
14 exceed that permitted in the Bond Authorization Act. Interest  
15 may be payable at such times as are provided for by the Board.  
16 Bonds and notes issued under this Section may be issued as  
17 serial or term obligations, shall be of such denomination or  
18 denominations and form, including interest coupons to be  
19 attached thereto, be executed in such manner, shall be payable  
20 at such place or places and bear such date as the Authority  
21 shall fix by the ordinance authorizing such bond or note and  
22 shall mature at such time or times, within a period not to  
23 exceed forty years from the date of issue, and may be  
24 redeemable prior to maturity with or without premium, at the  
25 option of the Authority, upon such terms and conditions as the  
26 Authority shall fix by the ordinance authorizing the issuance

1 of such bonds or notes. No bond anticipation note or any  
2 renewal thereof shall mature at any time or times exceeding 5  
3 years from the date of the first issuance of such note. The  
4 Authority may provide for the registration of bonds or notes in  
5 the name of the owner as to the principal alone or as to both  
6 principal and interest, upon such terms and conditions as the  
7 Authority may determine. The ordinance authorizing bonds or  
8 notes may provide for the exchange of such bonds or notes which  
9 are fully registered, as to both principal and interest, with  
10 bonds or notes which are registerable as to principal only. All  
11 bonds or notes issued under this Section by the Authority other  
12 than those issued in exchange for property or for bonds or  
13 notes of the Authority shall be sold at a price which may be at  
14 a premium or discount but such that the interest cost  
15 (excluding any redemption premium) to the Authority of the  
16 proceeds of an issue of such bonds or notes, computed to stated  
17 maturity according to standard tables of bond values, shall not  
18 exceed that permitted in the Bond Authorization Act. The  
19 Authority shall notify the Governor's Office of Management and  
20 Budget and the State Comptroller at least 30 days before any  
21 bond sale and shall file with the Governor's Office of  
22 Management and Budget and the State Comptroller a certified  
23 copy of any ordinance authorizing the issuance of bonds at or  
24 before the issuance of the bonds. After December 31, 1994, any  
25 such bonds or notes shall be sold to the highest and best  
26 bidder on sealed bids as the Authority shall deem. As such

1 bonds or notes are to be sold the Authority shall advertise for  
2 proposals to purchase the bonds or notes which advertisement  
3 shall be published at least once in a daily newspaper of  
4 general circulation published in the metropolitan region at  
5 least 10 days before the time set for the submission of bids.  
6 The Authority shall have the right to reject any or all bids.  
7 Notwithstanding any other provisions of this Section, Working  
8 Cash Notes or bonds or notes to provide funds for  
9 self-insurance or a joint self-insurance pool or entity may be  
10 sold either upon competitive bidding or by negotiated sale  
11 (without any requirement of publication of intention to  
12 negotiate the sale of such Notes), as the Board shall determine  
13 by ordinance adopted with the affirmative votes of at least 9 ~~7~~  
14 Directors. In case any officer whose signature appears on any  
15 bonds, notes or coupons authorized pursuant to this Section  
16 shall cease to be such officer before delivery of such bonds or  
17 notes, such signature shall nevertheless be valid and  
18 sufficient for all purposes, the same as if such officer had  
19 remained in office until such delivery. Neither the Directors  
20 of the Authority nor any person executing any bonds or notes  
21 thereof shall be liable personally on any such bonds or notes  
22 or coupons by reason of the issuance thereof.

23 (c) All bonds or notes of the Authority issued pursuant to  
24 this Section shall be general obligations of the Authority to  
25 which shall be pledged the full faith and credit of the  
26 Authority, as provided in this Section. Such bonds or notes

1 shall be secured as provided in the authorizing ordinance,  
2 which may, notwithstanding any other provision of this Act,  
3 include in addition to any other security, a specific pledge or  
4 assignment of and lien on or security interest in any or all  
5 tax receipts of the Authority and on any or all other revenues  
6 or moneys of the Authority from whatever source, which may by  
7 law be utilized for debt service purposes and a specific pledge  
8 or assignment of and lien on or security interest in any funds  
9 or accounts established or provided for by the ordinance of the  
10 Authority authorizing the issuance of such bonds or notes. Any  
11 such pledge, assignment, lien or security interest for the  
12 benefit of holders of bonds or notes of the Authority shall be  
13 valid and binding from the time the bonds or notes are issued  
14 without any physical delivery or further act and shall be valid  
15 and binding as against and prior to the claims of all other  
16 parties having claims of any kind against the Authority or any  
17 other person irrespective of whether such other parties have  
18 notice of such pledge, assignment, lien or security interest.  
19 The obligations of the Authority incurred pursuant to this  
20 Section shall be superior to and have priority over any other  
21 obligations of the Authority.

22 The Authority may provide in the ordinance authorizing the  
23 issuance of any bonds or notes issued pursuant to this Section  
24 for the creation of, deposits in, and regulation and  
25 disposition of sinking fund or reserve accounts relating to  
26 such bonds or notes. The ordinance authorizing the issuance of

1 any bonds or notes pursuant to this Section may contain  
2 provisions as part of the contract with the holders of the  
3 bonds or notes, for the creation of a separate fund to provide  
4 for the payment of principal and interest on such bonds or  
5 notes and for the deposit in such fund from any or all the tax  
6 receipts of the Authority and from any or all such other moneys  
7 or revenues of the Authority from whatever source which may by  
8 law be utilized for debt service purposes, all as provided in  
9 such ordinance, of amounts to meet the debt service  
10 requirements on such bonds or notes, including principal and  
11 interest, and any sinking fund or reserve fund account  
12 requirements as may be provided by such ordinance, and all  
13 expenses incident to or in connection with such fund and  
14 accounts or the payment of such bonds or notes. Such ordinance  
15 may also provide limitations on the issuance of additional  
16 bonds or notes of the Authority. No such bonds or notes of the  
17 Authority shall constitute a debt of the State of Illinois.  
18 Nothing in this Act shall be construed to enable the Authority  
19 to impose any ad valorem tax on property.

20 (d) The ordinance of the Authority authorizing the issuance  
21 of any bonds or notes may provide additional security for such  
22 bonds or notes by providing for appointment of a corporate  
23 trustee (which may be any trust company or bank having the  
24 powers of a trust company within the state) with respect to  
25 such bonds or notes. The ordinance shall prescribe the rights,  
26 duties and powers of the trustee to be exercised for the

1 benefit of the Authority and the protection of the holders of  
2 such bonds or notes. The ordinance may provide for the trustee  
3 to hold in trust, invest and use amounts in funds and accounts  
4 created as provided by the ordinance with respect to the bonds  
5 or notes. The ordinance may provide for the assignment and  
6 direct payment to the trustee of any or all amounts produced  
7 from the sources provided in Section 4.03 and Section 4.09 of  
8 this Act and provided in Section 6z-17 of "An Act in relation  
9 to State finance", approved June 10, 1919, as amended. Upon  
10 receipt of notice of any such assignment, the Department of  
11 Revenue and the Comptroller of the State of Illinois shall  
12 thereafter, notwithstanding the provisions of Section 4.03 and  
13 Section 4.09 of this Act and Section 6z-17 of "An Act in  
14 relation to State finance", approved June 10, 1919, as amended,  
15 provide for such assigned amounts to be paid directly to the  
16 trustee instead of the Authority, all in accordance with the  
17 terms of the ordinance making the assignment. The ordinance  
18 shall provide that amounts so paid to the trustee which are not  
19 required to be deposited, held or invested in funds and  
20 accounts created by the ordinance with respect to bonds or  
21 notes or used for paying bonds or notes to be paid by the  
22 trustee to the Authority.

23 (e) Any bonds or notes of the Authority issued pursuant to  
24 this Section shall constitute a contract between the Authority  
25 and the holders from time to time of such bonds or notes. In  
26 issuing any bond or note, the Authority may include in the

1 ordinance authorizing such issue a covenant as part of the  
2 contract with the holders of the bonds or notes, that as long  
3 as such obligations are outstanding, it shall make such  
4 deposits, as provided in paragraph (c) of this Section. It may  
5 also so covenant that it shall impose and continue to impose  
6 taxes, as provided in Section 4.03 of this Act and in addition  
7 thereto as subsequently authorized by law, sufficient to make  
8 such deposits and pay the principal and interest and to meet  
9 other debt service requirements of such bonds or notes as they  
10 become due. A certified copy of the ordinance authorizing the  
11 issuance of any such obligations shall be filed at or prior to  
12 the issuance of such obligations with the Comptroller of the  
13 State of Illinois and the Illinois Department of Revenue.

14 (f) The State of Illinois pledges to and agrees with the  
15 holders of the bonds and notes of the Authority issued pursuant  
16 to this Section that the State will not limit or alter the  
17 rights and powers vested in the Authority by this Act so as to  
18 impair the terms of any contract made by the Authority with  
19 such holders or in any way impair the rights and remedies of  
20 such holders until such bonds and notes, together with interest  
21 thereon, with interest on any unpaid installments of interest,  
22 and all costs and expenses in connection with any action or  
23 proceedings by or on behalf of such holders, are fully met and  
24 discharged. In addition, the State pledges to and agrees with  
25 the holders of the bonds and notes of the Authority issued  
26 pursuant to this Section that the State will not limit or alter

1 the basis on which State funds are to be paid to the Authority  
2 as provided in this Act, or the use of such funds, so as to  
3 impair the terms of any such contract. The Authority is  
4 authorized to include these pledges and agreements of the State  
5 in any contract with the holders of bonds or notes issued  
6 pursuant to this Section.

7 (g) (1) Except as provided in subdivisions (g)(2) and  
8 (g)(3) of Section 4.04 of this Act, the Authority shall not  
9 at any time issue, sell or deliver any bonds or notes  
10 (other than Working Cash Notes) pursuant to this Section  
11 4.04 which will cause it to have issued and outstanding at  
12 any time in excess of \$800,000,000 of such bonds and notes  
13 (other than Working Cash Notes). The Authority shall not at  
14 any time issue, sell, or deliver any Working Cash Notes  
15 pursuant to this Section that will cause it to have issued  
16 and outstanding at any time in excess of \$100,000,000.  
17 Notwithstanding the foregoing, before July 1, 2009, the  
18 Authority may issue, sell, and deliver an additional  
19 \$300,000,000 in Working Cash Notes, provided that any such  
20 additional notes shall mature on or before June 30, 2011.  
21 ~~The Authority shall not at any time issue, sell or deliver~~  
22 ~~any Working Cash Notes pursuant to this Section which will~~  
23 ~~cause it to have issued and outstanding at any time in~~  
24 ~~excess of \$100,000,000 of Working Cash Notes.~~ Bonds or  
25 notes which are being paid or retired by such issuance,  
26 sale or delivery of bonds or notes, and bonds or notes for



1       which sufficient funds have been deposited with the paying  
2       agency of such bonds or notes to provide for payment of  
3       principal and interest thereon or to provide for the  
4       redemption thereof, all pursuant to the ordinance  
5       authorizing the issuance of such bonds or notes, shall not  
6       be considered to be outstanding for the purposes of the  
7       first two sentences of this subsection.

8               (2) In addition to the authority provided by paragraphs  
9       (1) and (3), the Authority is authorized to issue, sell and  
10      deliver bonds or notes for Strategic Capital Improvement  
11      Projects approved pursuant to Section 4.13 as follows:

12              \$100,000,000 is authorized to be issued on or after  
13      January 1, 1990;

14              an additional \$100,000,000 is authorized to be issued  
15      on or after January 1, 1991;

16              an additional \$100,000,000 is authorized to be issued  
17      on or after January 1, 1992;

18              an additional \$100,000,000 is authorized to be issued  
19      on or after January 1, 1993;

20              an additional \$100,000,000 is authorized to be issued  
21      on or after January 1, 1994; and

22              the aggregate total authorization of bonds and notes  
23      for Strategic Capital Improvement Projects as of January 1,  
24      1994, shall be \$500,000,000.

25              The Authority is also authorized to issue, sell, and  
26      deliver bonds or notes in such amounts as are necessary to

1 provide for the refunding or advance refunding of bonds or  
2 notes issued for Strategic Capital Improvement Projects  
3 under this subdivision (g)(2), provided that no such  
4 refunding bond or note shall mature later than the final  
5 maturity date of the series of bonds or notes being  
6 refunded, and provided further that the debt service  
7 requirements for such refunding bonds or notes in the  
8 current or any future fiscal year shall not exceed the debt  
9 service requirements for that year on the refunded bonds or  
10 notes.

11 (3) In addition to the authority provided by paragraphs  
12 (1) and (2), the Authority is authorized to issue, sell,  
13 and deliver bonds or notes for Strategic Capital  
14 Improvement Projects approved pursuant to Section 4.13 as  
15 follows:

16 \$260,000,000 is authorized to be issued on or after  
17 January 1, 2000;

18 an additional \$260,000,000 is authorized to be issued  
19 on or after January 1, 2001;

20 an additional \$260,000,000 is authorized to be issued  
21 on or after January 1, 2002;

22 an additional \$260,000,000 is authorized to be issued  
23 on or after January 1, 2003;

24 an additional \$260,000,000 is authorized to be issued  
25 on or after January 1, 2004; and

26 the aggregate total authorization of bonds and notes

1 for Strategic Capital Improvement Projects pursuant to  
2 this paragraph (3) as of January 1, 2004 shall be  
3 \$1,300,000,000.

4 The Authority is also authorized to issue, sell, and  
5 deliver bonds or notes in such amounts as are necessary to  
6 provide for the refunding or advance refunding of bonds or  
7 notes issued for Strategic Capital Improvement projects  
8 under this subdivision (g)(3), provided that no such  
9 refunding bond or note shall mature later than the final  
10 maturity date of the series of bonds or notes being  
11 refunded, and provided further that the debt service  
12 requirements for such refunding bonds or notes in the  
13 current or any future fiscal year shall not exceed the debt  
14 service requirements for that year on the refunded bonds or  
15 notes.

16 (h) The Authority, subject to the terms of any agreements  
17 with noteholders or bond holders as may then exist, shall have  
18 power, out of any funds available therefor, to purchase notes  
19 or bonds of the Authority, which shall thereupon be cancelled.

20 (i) In addition to any other authority granted by law, the  
21 State Treasurer may, with the approval of the Governor, invest  
22 or reinvest, at a price not to exceed par, any State money in  
23 the State Treasury which is not needed for current expenditures  
24 due or about to become due in Working Cash Notes.

25 (Source: P.A. 94-793, eff. 5-19-06.)

1 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

2 Sec. 4.09. Public Transportation Fund and the Regional  
3 Transportation Authority Occupation and Use Tax Replacement  
4 Fund.

5 (a) (1) ~~(a) As soon as possible after the first day of each~~  
6 ~~month, beginning November 1, 1983, the Comptroller shall order~~  
7 ~~transferred and the Treasurer shall transfer from the General~~  
8 ~~Revenue Fund to a special fund in the State Treasury, to be~~  
9 ~~known as the "Public Transportation Fund" \$9,375,000 for each~~  
10 ~~month remaining in State fiscal year 1984.~~ As soon as possible  
11 after the first day of each month, beginning July 1, 1984, upon  
12 certification of the Department of Revenue, the Comptroller  
13 shall order transferred and the Treasurer shall transfer from  
14 the General Revenue Fund to a special fund in the State  
15 Treasury to be known as the Public Transportation Fund an  
16 amount equal to 25% of the net revenue, before the deduction of  
17 the serviceman and retailer discounts pursuant to Section 9 of  
18 the Service Occupation Tax Act and Section 3 of the Retailers'  
19 Occupation Tax Act, realized from any tax imposed by the  
20 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the  
21 amounts deposited into the Regional Transportation Authority  
22 tax fund created by Section 4.03 of this Act, from the County  
23 and Mass Transit District Fund as provided in Section 6z-20 of  
24 the State Finance Act and 25% of the amounts deposited into the  
25 Regional Transportation Authority Occupation and Use Tax  
26 Replacement Fund from the State and Local Sales Tax Reform Fund

1 as provided in Section 6z-17 of the State Finance Act. As used  
2 in this Section, net ~~Net~~ revenue realized for a month shall be  
3 the revenue collected by the State pursuant to Sections 4.03  
4 and 4.03.1 during the previous month from within the  
5 metropolitan region, less the amount paid out during that same  
6 month as refunds to taxpayers for overpayment of liability in  
7 the metropolitan region under Sections 4.03 and 4.03.1.

8 (2) In addition to any other deposits or transfers into the  
9 Public Transportation Fund and the Regional Transportation  
10 Authority Occupation and Use Tax Replacement Fund, beginning on  
11 the 25th day after the month in which retailers of motor fuel  
12 in the metropolitan region are required under the Retailers'  
13 Occupation Tax Act to separately file a report with the  
14 Illinois Department of Revenue of gross receipts on the sale of  
15 motor fuel in accordance with the provisions of this amendatory  
16 Act of the 95th General Assembly, on or before the 25th day of  
17 each calendar month, the Illinois Department of Revenue shall  
18 prepare and certify to the Comptroller the transfer of stated  
19 sums of money from the General Revenue Fund into the Public  
20 Transportation Fund. The amount to be certified shall be a  
21 percentage of the amount collected by the Department of Revenue  
22 from sales of motor fuel by the retailer in the metropolitan  
23 region during the preceding calendar month (including amounts  
24 prepaid by the retailer to the motor fuel distributor under  
25 Section 2d of the Retailers' Occupation Tax Act). The  
26 Department of Revenue shall determine the amount collected from

1 the sale of motor fuel by retailers in the metropolitan region  
2 based on reports required to be filed under the Retailers'  
3 Occupation Tax Act in accordance with this Amendatory Act of  
4 the 95th General Assembly. For each monthly transfer, the  
5 amount to be certified shall be 80% of the net revenue realized  
6 from the 6.25% general rate on the selling price of motor fuel  
7 sold by a retailer that is located within the metropolitan  
8 region. Within 10 days after receipt by the Comptroller of the  
9 transfer certification from the Department of Revenue, the  
10 Comptroller shall order transferred and the Treasurer shall  
11 transfer the amount certified from the General Revenue Fund  
12 into the Public Transportation Fund. For purposes of this  
13 Section, "motor fuel" means that term as defined in the Motor  
14 Fuel Tax Law, not including aviation fuel, and "metropolitan  
15 region" means that term as defined in the Regional  
16 Transportation Authority Act.

17 (b) (1) All moneys deposited in the Public Transportation  
18 Fund and the Regional Transportation Authority Occupation and  
19 Use Tax Replacement Fund, whether deposited pursuant to this  
20 Section or otherwise, are allocated to the Authority. The  
21 ~~Pursuant to appropriation, the~~ Comptroller, as soon as possible  
22 after each monthly transfer provided in this Section and after  
23 each deposit into the Public Transportation Fund, shall order  
24 the Treasurer to pay to the Authority out of the Public  
25 Transportation Fund the amount so transferred or deposited. Any  
26 Additional State Assistance and Additional Financial

1 Assistance paid to the Authority under this Section shall be  
2 expended by the Authority for its purposes as provided in this  
3 Act. The balance of the amounts paid to the Authority from the  
4 Public Transportation Fund and the Regional Transportation  
5 Authority Occupation and Use Tax Replacement Fund shall be  
6 expended by the Authority as provided in Section 4.03.3. The  
7 ~~Such amounts paid to the Authority may be expended by it for~~  
8 ~~its purposes as provided in this Act. Subject to appropriation~~  
9 ~~to the Department of Revenue, the Comptroller, as soon as~~  
10 possible after each deposit into the Regional Transportation  
11 Authority Occupation and Use Tax Replacement Fund provided in  
12 this Section and Section 6z-17 of the State Finance Act, shall  
13 order the Treasurer to pay to the Authority out of the Regional  
14 Transportation Authority Occupation and Use Tax Replacement  
15 Fund the amount so deposited. Such amounts paid to the  
16 Authority may be expended by it for its purposes as provided in  
17 this Act. The provisions directing the distributions from the  
18 Public Transportation Fund and the Regional Transportation  
19 Authority Occupation and Use Tax Replacement Fund provided for  
20 in this Section shall constitute an irrevocable and continuing  
21 appropriation of all amounts as provided herein. The State  
22 Treasurer and State Comptroller are hereby authorized and  
23 directed to make distributions as provided in this Section. (2)  
24 Provided, however, no moneys deposited under subsection (a) of  
25 this Section shall be paid from the Public Transportation Fund  
26 to the Authority or its assignee for any fiscal year ~~beginning~~

1 ~~after the effective date of this amendatory Act of 1983~~ until  
2 the Authority has certified to the Governor, the Comptroller,  
3 and the Mayor of the City of Chicago that it has adopted for  
4 that fiscal year an Annual Budget and Two-Year Financial Plan ~~a~~  
5 ~~budget and financial plan~~ meeting the requirements in Section  
6 4.01(b).

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

16	1990	\$5,000,000;
17	1991	\$5,000,000;
18	1992	\$10,000,000;
19	1993	\$10,000,000;
20	1994	\$20,000,000;
21	1995	\$30,000,000;
22	1996	\$40,000,000;
23	1997	\$50,000,000;
24	1998	\$55,000,000; and
25	each year thereafter	\$55,000,000.

26 (c-5) The State shall provide financial assistance



1 ("Additional Financial Assistance") in addition to the  
2 Additional State Assistance provided by subsection (c) and the  
3 amounts transferred to the Authority from the General Revenue  
4 Fund under subsection (a) of this Section. Additional Financial  
5 Assistance provided by this subsection shall be calculated as  
6 provided in subsection (d), but shall in no event exceed the  
7 following specified amounts with respect to the following State  
8 fiscal years:

9	2000	\$0;
10	2001	\$16,000,000;
11	2002	\$35,000,000;
12	2003	\$54,000,000;
13	2004	\$73,000,000;
14	2005	\$93,000,000; and
15	each year thereafter	\$100,000,000.

16 (d) Beginning with State fiscal year 1990 and continuing  
17 for each State fiscal year thereafter, the Authority shall  
18 annually certify to the State Comptroller and State Treasurer,  
19 separately with respect to each of subdivisions (g)(2) and  
20 (g)(3) of Section 4.04 of this Act, the following amounts:

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

26 (2) An estimate of the amount necessary and required to

1 pay its obligations for debt service for any bonds or notes  
2 which the Authority anticipates it will issue under  
3 subdivisions (g) (2) and (g) (3) of Section 4.04 during that  
4 State fiscal year.

5 (3) Its debt service savings during the preceding State  
6 fiscal year from refunding or advance refunding of bonds or  
7 notes issued under subdivisions (g) (2) and (g) (3) of  
8 Section 4.04.

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

14 The certification shall include a specific schedule of debt  
15 service payments, including the date and amount of each payment  
16 for all outstanding bonds or notes and an estimated schedule of  
17 anticipated debt service for all bonds and notes it intends to  
18 issue, if any, during that State fiscal year, including the  
19 estimated date and estimated amount of each payment.

20 Immediately upon the issuance of bonds for which an  
21 estimated schedule of debt service payments was prepared, the  
22 Authority shall file an amended certification with respect to  
23 item (2) above, to specify the actual schedule of debt service  
24 payments, including the date and amount of each payment, for  
25 the remainder of the State fiscal year.

26 On the first day of each month of the State fiscal year in

1 which there are bonds outstanding with respect to which the  
2 certification is made, the State Comptroller shall order  
3 transferred and the State Treasurer shall transfer from the  
4 General Revenue Fund to the Public Transportation Fund the  
5 Additional State Assistance and Additional Financial  
6 Assistance in an amount equal to the aggregate of (i)  
7 one-twelfth of the sum of the amounts certified under items (1)  
8 and (3) above less the amount certified under item (4) above,  
9 plus (ii) the amount required to pay debt service on bonds and  
10 notes issued during the fiscal year, if any, divided by the  
11 number of months remaining in the fiscal year after the date of  
12 issuance, or some smaller portion as may be necessary under  
13 subsection (c) or (c-5) of this Section for the relevant State  
14 fiscal year, plus (iii) any cumulative deficiencies in  
15 transfers for prior months, until an amount equal to the sum of  
16 the amounts certified under items (1) and (3) above, plus the  
17 actual debt service certified under item (2) above, less the  
18 amount certified under item (4) above, has been transferred;  
19 except that these transfers are subject to the following  
20 limits:

21 (A) In no event shall the total transfers in any State  
22 fiscal year relating to outstanding bonds and notes issued  
23 by the Authority under subdivision (g)(2) of Section 4.04  
24 exceed the lesser of the annual maximum amount specified in  
25 subsection (c) or the sum of the amounts certified under  
26 items (1) and (3) above, plus the actual debt service

1 certified under item (2) above, less the amount certified  
2 under item (4) above, with respect to those bonds and  
3 notes.

4 (B) In no event shall the total transfers in any State  
5 fiscal year relating to outstanding bonds and notes issued  
6 by the Authority under subdivision (g)(3) of Section 4.04  
7 exceed the lesser of the annual maximum amount specified in  
8 subsection (c-5) or the sum of the amounts certified under  
9 items (1) and (3) above, plus the actual debt service  
10 certified under item (2) above, less the amount certified  
11 under item (4) above, with respect to those bonds and  
12 notes.

13 The term "outstanding" does not include bonds or notes for  
14 which refunding or advance refunding bonds or notes have been  
15 issued.

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

25 (f) The certification required under subsection (d) with  
26 respect to outstanding bonds and notes of the Authority shall

1 be filed as early as practicable before the beginning of the  
2 State fiscal year to which it relates. The certification shall  
3 be revised as may be necessary to accurately state the debt  
4 service requirements of the Authority.

5 (g) Within 6 months of the end of ~~the 3 month period ending~~  
6 ~~December 31, 1983,~~ and each fiscal year thereafter, the  
7 Authority shall determine:

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

1 Regional Transportation Authority Act. "Costs" include all  
2 items properly included as operating costs consistent with  
3 generally accepted accounting principles, including  
4 administrative costs, but do not include: depreciation;  
5 payment of principal and interest on bonds, notes or other  
6 evidences of obligations for borrowed money of the  
7 Authority; payments with respect to public transportation  
8 facilities made pursuant to subsection (b) of Section 2.20;  
9 any payments with respect to rate protection contracts,  
10 credit enhancements or liquidity agreements made under  
11 Section 4.14; any other cost as to which it is reasonably  
12 expected that a cash expenditure will not be made; costs ~~up~~  
13 ~~to \$5,000,000 annually~~ for passenger security including  
14 grants, contracts, personnel, equipment and administrative  
15 expenses, except in the case of the Chicago Transit  
16 Authority, in which case the term does not include costs  
17 spent annually by that entity for protection against crime  
18 as required by Section 27a of the Metropolitan Transit  
19 Authority Act; the costs of Debt Service paid by the  
20 Chicago Transit Authority, as defined in Section 12c of the  
21 Metropolitan Transit Authority Act, or bonds or notes  
22 issued pursuant to that Section; the payment by the  
23 Commuter Rail Division of debt service on bonds issued  
24 pursuant to Section 3B.09; expenses incurred by the  
25 Suburban Bus Division for the cost of new public  
26 transportation services funded from grants pursuant to

1       Section 2.01e of this amendatory Act of the 95th General  
2       Assembly for a period of 2 years from the date of  
3       initiation of each such service; costs as exempted by the  
4       Board for projects pursuant to Section 2.09 of this Act;  
5       or, beginning with the 2007 fiscal year, expenses related  
6       to providing ADA paratransit service pursuant to Section  
7       2.30 of the Regional Transportation Authority Act; or in  
8       fiscal years 2008 through 2012 inclusive, costs in the  
9       amount of \$200,000,000 in fiscal year 2008, reducing by  
10       \$40,000,000 in each fiscal year thereafter until this  
11       exemption is eliminated. If said system generated revenues  
12       are less than 50% of said costs, the Board shall remit an  
13       amount equal to the amount of the deficit to the State. The  
14       Treasurer shall deposit any such payment in the General  
15       Revenue Fund; and

16               (ii) whether, beginning with the 2007 fiscal year, the  
17       aggregate of all fares charged and received for ADA  
18       paratransit services equals the system generated ADA  
19       paratransit services revenue recovery ratio percentage of  
20       the aggregate of all costs of providing such ADA  
21       paratransit services.

22               (h) If the Authority makes any payment to the State under  
23       paragraph (g), the Authority shall reduce the amount provided  
24       to a Service Board from funds transferred under paragraph (a)  
25       in proportion to the amount by which that Service Board failed  
26       to meet its required system generated revenues recovery ratio.

1 A Service Board which is affected by a reduction in funds under  
2 this paragraph shall submit to the Authority concurrently with  
3 its next due quarterly report a revised budget incorporating  
4 the reduction in funds. The revised budget must meet the  
5 criteria specified in clauses (i) through (vi) of Section  
6 4.11(b)(2). The Board shall review and act on the revised  
7 budget as provided in Section 4.11(b)(3).

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

9 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

10 Sec. 4.11. Budget Review Powers.

11 (a) ~~The provisions of this Section shall only be applicable~~  
12 ~~to financial periods beginning after December 31, 1983. The~~  
13 ~~Transition Board shall adopt a timetable governing the~~  
14 ~~certification of estimates and any submissions required under~~  
15 ~~this Section for fiscal year 1984 which shall control over the~~  
16 ~~provisions of this Act.~~ Based upon estimates which shall be  
17 given to the Authority by the Director of the Governor's Office  
18 of Management and Budget (formerly Bureau of the Budget) of the  
19 receipts to be received by the Authority from the taxes imposed  
20 by the Authority and the authorized estimates of amounts to be  
21 available from State and other sources to the Service Boards,  
22 and the times at which such receipts and amounts will be  
23 available, the Board shall, not later than the next preceding  
24 September 15th prior to the beginning of the Authority's next  
25 fiscal year, advise each Service Board of the amounts estimated



1 by the Board to be available for such Service Board during such  
2 fiscal year and the two following fiscal years and the times at  
3 which such amounts will be available. The Board shall, at the  
4 same time, also advise each Service Board of its required  
5 system generated revenues recovery ratio for the next fiscal  
6 year which shall be the percentage of the aggregate costs of  
7 providing public transportation by or under jurisdiction of  
8 that Service Board which must be recovered from system  
9 generated revenues. The Board shall, at the same time,  
10 beginning with the 2007 fiscal year, also advise each Service  
11 Board that provides ADA paratransit services of its required  
12 system generated ADA paratransit services revenue recovery  
13 ratio for the next fiscal year which shall be the percentage of  
14 the aggregate costs of providing ADA paratransit services by or  
15 under jurisdiction of that Service Board which must be  
16 recovered from fares charged for such services, except that  
17 such required system generated ADA paratransit services  
18 revenue recovery ratio shall not exceed the minimum percentage  
19 established pursuant to Section 4.01(b)(ii) of this Act. In  
20 determining a Service Board's system generated revenue  
21 recovery ratio, the Board shall consider the historical system  
22 generated revenues recovery ratio for the services subject to  
23 the jurisdiction of that Service Board. The Board shall not  
24 increase a Service Board's system generated revenues recovery  
25 ratio for the next fiscal year over such ratio for the current  
26 fiscal year disproportionately or prejudicially to increases

1 in such ratios for other Service Boards. The Board may, by  
2 ordinance, provide that (i) the cost of research and  
3 development projects in the fiscal year beginning January 1,  
4 1986 and ending December 31, 1986 conducted pursuant to Section  
5 2.09 of this Act, ~~and (ii) up to \$5,000,000 annually of the~~  
6 ~~costs for passenger security, and (iii) expenditures of amounts~~  
7 ~~granted to a Service Board from the Innovation, Coordination,~~  
8 ~~and Enhancement Fund for operating purposes~~ may be exempted  
9 from the farebox recovery ratio or the system generated  
10 revenues recovery ratio of the Chicago Transit Authority, the  
11 Suburban Bus Board, and the Commuter Rail Board, or any of  
12 them. During fiscal years 2008 through 2012, the Board may also  
13 allocate the exemption of \$200,000,000 and the reducing amounts  
14 of costs provided by this amendatory Act of the 95th General  
15 Assembly from the farebox recovery ratio or system generated  
16 revenues recovery ratio of each Service Board. ~~For the fiscal~~  
17 ~~year beginning January 1, 1986 and ending December 31, 1986,~~  
18 ~~and for the fiscal year beginning January 1, 1987 and ending~~  
19 ~~December 31, 1987, the Board shall, by ordinance, provide that:~~  
20 ~~(1) the amount of a grant, pursuant to Section 2705-310 of the~~  
21 ~~Department of Transportation Law (20 ILCS 2705/2705-310), from~~  
22 ~~the Department of Transportation for the cost of services for~~  
23 ~~the mobility limited provided by the Chicago Transit Authority,~~  
24 ~~and (2) the amount of a grant, pursuant to Section 2705-310 of~~  
25 ~~the Department of Transportation Law (20 ILCS 2705/2705-310),~~  
26 ~~from the Department of Transportation for the cost of services~~

1 ~~for the mobility limited by the Suburban Bus Board or the~~  
2 ~~Commuter Rail Board, be exempt from the farebox recovery ratio~~  
3 ~~or the system generated revenues recovery ratio.~~

4 (b) (1) Not later than the next preceding November 15 prior  
5 to the commencement of such fiscal year, each Service Board  
6 shall submit to the Authority its proposed budget for such  
7 fiscal year and its proposed financial plan for the two  
8 following fiscal years. Such budget and financial plan shall  
9 (i) be prepared in the format, follow the financial and  
10 budgetary practices, and be based on any assumptions and  
11 projections required by the Authority and (ii) not project or  
12 assume a receipt of revenues from the Authority in amounts  
13 greater than those set forth in the estimates provided by the  
14 Authority pursuant to subsection (a) of this Section.

15 (2) The Board shall review the proposed budget and two-year  
16 financial plan submitted by each Service Board, ~~and shall adopt~~  
17 ~~a consolidated budget and financial plan.~~ The Board shall  
18 approve the budget and two-year financial plan of a Service  
19 Board if:

20 ~~(i) the Board has approved the proposed budget and cash~~  
21 ~~flow plan for such fiscal year of each Service Board,~~  
22 ~~pursuant to the conditions set forth in clauses (ii)~~  
23 ~~through (vii) of this paragraph;~~

24 (i) ~~(ii)~~ such budget and plan show a balance between  
25 (A) anticipated revenues from all sources including  
26 operating subsidies and (B) the costs of providing the

1 services specified and of funding any operating deficits or  
2 encumbrances incurred in prior periods, including  
3 provision for payment when due of principal and interest on  
4 outstanding indebtedness;

5 (ii) ~~(iii)~~ such budget and plan show cash balances  
6 including the proceeds of any anticipated cash flow  
7 borrowing sufficient to pay with reasonable promptness all  
8 costs and expenses as incurred;

9 (iii) ~~(iv)~~ such budget and plan provide for a level of  
10 fares or charges and operating or administrative costs for  
11 the public transportation provided by or subject to the  
12 jurisdiction of such Service Board sufficient to allow the  
13 Service Board to meet its required system generated revenue  
14 recovery ratio and, beginning with the 2007 fiscal year,  
15 system generated ADA paratransit services revenue recovery  
16 ratio;

17 (iv) ~~(v)~~ such budget and plan are based upon and employ  
18 assumptions and projections which are reasonable and  
19 prudent;

20 (v) ~~(vi)~~ such budget and plan have been prepared in  
21 accordance with sound financial practices as determined by  
22 the Board; ~~and~~

23 (vi) ~~(vii)~~ such budget and plan meet such other  
24 financial, budgetary, or fiscal requirements that the  
25 Board may by rule or regulation establish; and ~~and~~

26 (vii) such budget and plan are consistent with the

1 goals and objectives adopted by the Authority in the  
2 Strategic Plan.

3 (3) (Blank) ~~In determining whether the budget and financial~~  
4 ~~plan provide a level of fares or charges sufficient to allow a~~  
5 ~~Service Board to meet its required system generated revenue~~  
6 ~~recovery ratio and, beginning with the 2007 fiscal year, system~~  
7 ~~generated ADA paratransit services revenue recovery ratio~~  
8 ~~under clause (iv) in subparagraph (2), the Board shall allow a~~  
9 ~~Service Board to carry over cash from farebox revenues to~~  
10 ~~subsequent fiscal years.~~

11 (4) Unless the Board by an affirmative vote of 12 ~~9~~ of the  
12 then Directors determines that the budget and financial plan of  
13 a Service Board meets the criteria specified in clauses (i)  
14 ~~(ii)~~ through (vii) of subparagraph (2) of this paragraph (b),  
15 the Board shall withhold from ~~not release to~~ that Service Board  
16 25% of any funds for the periods covered by such budget and  
17 ~~financial plan except for the~~ cash proceeds of taxes imposed by  
18 the Authority under Section 4.03 and Section 4.03.1 and  
19 received after February 1 and 25% of the amounts transferred to  
20 the Authority from the Public Transportation Fund and the  
21 Regional Transportation Authority Occupation and Use Tax  
22 Replacement Fund under Section 4.09(a) after February 1 that  
23 the Board has estimated to be available to that Service Board  
24 under Section 4.11(a). Such funding shall be released to the  
25 Service Board only upon approval of a budget and financial plan  
26 under this Section or adoption of a budget and financial plan

1 on behalf of the Service Board by the Authority ~~which are~~  
2 ~~allocated to the Service Board under Section 4.01.~~

3 (5) If the Board has not found that the budget and  
4 financial plan of a Service Board meets the criteria specified  
5 in clauses (i) through (vii) of subparagraph (2) of this  
6 paragraph (b), the Board, by the affirmative vote of at least  
7 12 of its then Directors, shall ~~shall, five working days after~~  
8 ~~the start of the Service Board's fiscal year~~ adopt a budget and  
9 financial plan meeting such criteria for that Service Board.

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

26 (2) Each Service Board shall, within such period after the

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

11 (3) If the Board shall determine that a revised budget  
12 submitted by a Service Board pursuant to subparagraph (1) or  
13 (2) of this paragraph (c) does not meet the criteria specified  
14 in clauses (i) ~~(ii)~~ through (vii) of subparagraph (2) of  
15 paragraph (b) of this Section, the Board shall withhold from  
16 ~~not release any monies to~~ that Service Board 25% of ~~except~~ the  
17 cash proceeds of taxes imposed by the Authority under Section  
18 4.03 or 4.03.1 and received by the Authority after February 1  
19 and 25% of the amounts transferred to the Authority from the  
20 Public Transportation Fund and the Regional Transportation  
21 Authority Occupation and Use Tax Replacement Fund under Section  
22 4.09(a) after February 1 that the Board has estimated to be  
23 available ~~which are allocated to that~~ ~~the~~ Service Board under  
24 Section 4.11(a) ~~4.01~~. If the Service Board submits a revised  
25 financial plan and budget which plan and budget shows that the  
26 criteria will be met within a four quarter period, the Board

1 shall ~~continue to~~ release any such withheld funds to the  
2 Service Board. The Board by the affirmative vote of at least 12  
3 ~~a 9 vote~~ of its then Directors may require a Service Board to  
4 submit a revised financial plan and budget which shows that the  
5 criteria will be met in a time period less than four quarters.

6 (d) All budgets and financial plans, financial statements,  
7 audits and other information presented to the Authority  
8 pursuant to this Section or which may be required by the Board  
9 to permit it to monitor compliance with the provisions of this  
10 Section shall be prepared and presented in such manner and  
11 frequency and in such detail as shall have been prescribed by  
12 the Board, shall be prepared on both an accrual and cash flow  
13 basis as specified by the Board, shall present such information  
14 as the Authority shall prescribe that fairly presents the  
15 condition of any pension plan or trust for health care benefits  
16 with respect to retirees established by the Service Board and  
17 describes the plans of the Service Board to meet the  
18 requirements of Sections 4.02a and 4.02b, and shall identify  
19 and describe the assumptions and projections employed in the  
20 preparation thereof to the extent required by the Board. If the  
21 Executive Director certifies that a Service Board has not  
22 presented its budget and two-year financial plan in conformity  
23 with the rules adopted by the Authority under the provisions of  
24 Section 4.01(f) and this subsection (d), and such certification  
25 is accepted by the affirmative vote of at least 12 of the then  
26 Directors of the Authority, the Authority shall not distribute



1 to that Service Board any funds for operating purposes in  
2 excess of the amounts distributed for such purposes to the  
3 Service Board in the previous fiscal year. Except when the  
4 Board adopts a budget and a financial plan for a Service Board  
5 under paragraph (b) (5), a Service Board shall provide for such  
6 levels of transportation services and fares or charges therefor  
7 as it deems appropriate and necessary in the preparation of a  
8 budget and financial plan meeting the criteria set forth in  
9 clauses (i) ~~(ii)~~ through (vii) of subparagraph (2) of paragraph  
10 (b) of this Section. The Authority Board shall have access to  
11 and the right to examine and copy all books, documents, papers,  
12 records, or other source data of a Service Board relevant to  
13 any information submitted pursuant to this Section.

14 (e) Whenever this Section requires the Board to make  
15 determinations with respect to estimates, budgets or financial  
16 plans, or rules or regulations with respect thereto such  
17 determinations shall be made upon the affirmative vote of at  
18 least 12 ~~9~~ of the then Directors and shall be incorporated in a  
19 written report of the Board and such report shall be submitted  
20 within 10 days after such determinations are made to the  
21 Governor, the Mayor of Chicago (if such determinations relate  
22 to the Chicago Transit Authority), and the Auditor General of  
23 Illinois.

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

1           Sec. 4.13. Annual Capital Improvement Plan.

2           (a) With respect to each calendar year, the Authority shall  
3 prepare as part of its Five Year Program an Annual Capital  
4 Improvement Plan (the "Plan") which shall describe its intended  
5 development and implementation of the Strategic Capital  
6 Improvement Program. The Plan shall include the following  
7 information:

8           (i) a list of projects for which approval is sought  
9 from the Governor, with a description of each project  
10 stating at a minimum the project cost, its category, its  
11 location and the entity responsible for its  
12 implementation;

13           (ii) a certification by the Authority that the  
14 Authority and the Service Boards have applied for all  
15 grants, loans and other moneys made available by the  
16 federal government or the State of Illinois during the  
17 preceding federal and State fiscal years for financing its  
18 capital development activities;

19           (iii) a certification that, as of September 30 of the  
20 preceding calendar year or any later date, the balance of  
21 all federal capital grant funds and all other funds to be  
22 used as matching funds therefor which were committed to or  
23 possessed by the Authority or a Service Board but which had  
24 not been obligated was less than \$350,000,000, or a greater  
25 amount as authorized in writing by the Governor (for  
26 purposes of this subsection (a), "obligated" means

1 committed to be paid by the Authority or a Service Board  
2 under a contract with a nongovernmental entity in  
3 connection with the performance of a project or committed  
4 under a force account plan approved by the federal  
5 government);

6 (iv) a certification that the Authority has adopted a  
7 balanced budget with respect to such calendar year under  
8 Section 4.01 of this Act;

9 (v) a schedule of all bonds or notes previously issued  
10 for Strategic Capital Improvement Projects and all debt  
11 service payments to be made with respect to all such bonds  
12 and the estimated additional debt service payments through  
13 June 30 of the following calendar year expected to result  
14 from bonds to be sold prior thereto;

15 (vi) a long-range summary of the Strategic Capital  
16 Improvement Program describing the projects to be funded  
17 through the Program with respect to project cost, category,  
18 location, and implementing entity, and presenting a  
19 financial plan including an estimated time schedule for  
20 obligating funds for the performance of approved projects,  
21 issuing bonds, expending bond proceeds and paying debt  
22 service throughout the duration of the Program; and

23 (vii) the source of funding for each project in the  
24 Plan. For any project for which full funding has not yet  
25 been secured and which is not subject to a federal full  
26 funding contract, the Authority must identify alternative,

1 dedicated funding sources available to complete the  
2 project. The Governor may waive this requirement on a  
3 project by project basis.

4 (b) The Authority shall submit the Plan with respect to any  
5 calendar year to the Governor on or before January 15 of that  
6 year, or as soon as possible thereafter; provided, however,  
7 that the Plan shall be adopted on the affirmative votes of 12 ~~9~~  
8 of the then Directors. The Plan may be revised or amended at  
9 any time, but any revision in the projects approved shall  
10 require the Governor's approval.

11 (c) The Authority shall seek approval from the Governor  
12 only through the Plan or an amendment thereto. The Authority  
13 shall not request approval of the Plan from the Governor in any  
14 calendar year in which it is unable to make the certifications  
15 required under items (ii), (iii) and (iv) of subsection (a). In  
16 no event shall the Authority seek approval of the Plan from the  
17 Governor for projects in an aggregate amount exceeding the  
18 proceeds of bonds or notes for Strategic Capital Improvement  
19 Projects issued under Section 4.04 of this Act.

20 (d) The Governor may approve the Plan for which approval is  
21 requested. The Governor's approval is limited to the amount of  
22 the project cost stated in the Plan. The Governor shall not  
23 approve the Plan in a calendar year if the Authority is unable  
24 to make the certifications required under items (ii), (iii) and  
25 (iv) of subsection (a). In no event shall the Governor approve  
26 the Plan for projects in an aggregate amount exceeding the

1 proceeds of bonds or notes for Strategic Capital Improvement  
2 Projects issued under Section 4.04 of this Act.

3 (e) With respect to capital improvements, only those  
4 capital improvements which are in a Plan approved by the  
5 Governor shall be financed with the proceeds of bonds or notes  
6 issued for Strategic Capital Improvement Projects.

7 (f) Before the Authority or a Service Board obligates any  
8 funds for a project for which the Authority or Service Board  
9 intends to use the proceeds of bonds or notes for Strategic  
10 Capital Improvement Projects, but which project is not included  
11 in an approved Plan, the Authority must notify the Governor of  
12 the intended obligation. No project costs incurred prior to  
13 approval of the Plan including that project may be paid from  
14 the proceeds of bonds or notes for Strategic Capital  
15 Improvement Projects issued under Section 4.04 of this Act.

16 (Source: P.A. 94-839, eff. 6-6-06.)

17 (70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

18 Sec. 4.14. Rate Protection Contract. "Rate Protection  
19 Contract" means interest rate price exchange agreements;  
20 currency exchange agreements; forward payment conversion  
21 agreements; contracts providing for payment or receipt of funds  
22 based on levels of, or changes in, interest rates, currency  
23 exchange rates, stock or other indices; contracts to exchange  
24 cash flows or a series of payments; contracts, including  
25 without limitation, interest rate caps; interest rate floor;

1 interest rate locks; interest rate collars; rate of return  
2 guarantees or assurances, to manage payment, currency, rate,  
3 spread or similar exposure; the obligation, right, or option to  
4 issue, put, lend, sell, grant a security interest in, buy,  
5 borrow or otherwise acquire, a bond, note or other security or  
6 interest therein as an investment, as collateral, as a hedge,  
7 or otherwise as a source or assurance of payment to or by the  
8 Authority or as a reduction of the Authority's or an obligor's  
9 risk exposure; repurchase agreements; securities lending  
10 agreements; and other agreements or arrangements similar to the  
11 foregoing.

12 Notwithstanding any provision in Section 2.20 (a) (ii) of  
13 this Act to the contrary, in connection with or incidental to  
14 the issuance by the Authority of its bonds or notes under the  
15 provisions of Section 4.04 or the exercise of its powers under  
16 subsection (b) of Section 2.20, the Authority, for its own  
17 benefit or for the benefit of the holders of its obligations or  
18 their trustee, may enter into rate protection contracts. The  
19 Authority may enter into rate protection contracts only  
20 pursuant to a determination by a vote of 12 ~~9~~ of the then  
21 Directors that the terms of the contracts and any related  
22 agreements reduce the risk of loss to the Authority, or  
23 protect, preserve or enhance the value of its assets, or  
24 provide compensation to the Authority for losses resulting from  
25 changes in interest rates. The Authority's obligations under  
26 any rate protection contract or credit enhancement or liquidity

1 agreement shall not be considered bonds or notes for purposes  
2 of this Act. For purposes of this Section a rate protection  
3 contract is a contract determined by the Authority as necessary  
4 or appropriate to permit it to manage payment, currency or  
5 interest rate risks or levels.

6 (Source: P.A. 87-764.)

7 (70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

8 Sec. 5.01. Hearings and Citizen Participation.

9 (a) The Authority shall provide for and encourage  
10 participation by the public in the development and review of  
11 public transportation policy, and in the process by which major  
12 decisions significantly affecting the provision of public  
13 transportation are made. The Authority shall coordinate such  
14 public participation processes with the Chicago Metropolitan  
15 Agency for Planning to the extent practicable.

16 (b) The Authority shall hold such public hearings as may be  
17 required by this Act or as the Authority may deem appropriate  
18 to the performance of any of its functions. The Authority shall  
19 coordinate such public hearings with the Chicago Metropolitan  
20 Agency for Planning to the extent practicable.

21 (c) Unless such items are specifically provided for either  
22 in the Five-Year Capital Program or in the annual budget  
23 program which has been the subject of public hearings as  
24 provided in Sections 2.01 or 4.01 of this Act, the Board shall  
25 hold public hearings at which citizens may be heard prior to:

1           (i) the construction or acquisition of any public  
2 transportation facility, the aggregate cost of which exceeds \$5  
3 million; and

4           (ii) the extension of, or major addition to services  
5 provided by the Authority or by any transportation agency  
6 pursuant to a purchase of service agreement with the Authority.

7           (d) Unless such items are specifically provided for in the  
8 annual budget and program which has been the subject of public  
9 hearing, as provided in Section 4.01 of this Act, the Board  
10 shall hold public hearings at which citizens may be heard prior  
11 to the providing for or allowing, by means of any purchase of  
12 service agreement or any grant pursuant to Section 2.02 of this  
13 Act, any general increase or series of increases in fares or  
14 charges for public transportation, whether by the Authority or  
15 by any transportation agency, which increase or series of  
16 increases within any twelve months affects more than 25% of the  
17 consumers of service of the Authority or of the transportation  
18 agency; or so providing for or allowing any discontinuance of  
19 any public transportation route, or major portion thereof,  
20 which has been in service for more than a year.

21           (e) At least twenty days prior notice of any public  
22 hearing, as required in this Section, shall be given by public  
23 advertisement in a newspaper of general circulation in the  
24 metropolitan region.

25           (f) The Authority may designate one or more Directors or  
26 may appoint one or more hearing officers to preside over any



1 hearing pursuant to this Act. The Authority shall have the  
2 power in connection with any such hearing to issue subpoenas to  
3 require the attendance of witnesses and the production of  
4 documents, and the Authority may apply to any circuit court in  
5 the State to require compliance with such subpoenas.

6 (g) The Authority may require any Service Board to hold one  
7 or more public hearings with respect to any item described in  
8 paragraphs (c) and (d) of this Section 5.01, notwithstanding  
9 whether such item has been the subject of a public hearing  
10 under this Section 5.01 or Section 2.01 or 4.01 of this Act.

11 (Source: P.A. 78-3rd S.S.-5.)

12 (70 ILCS 3615/2.12a rep.)

13 (70 ILCS 3615/3.09 rep.)

14 (70 ILCS 3615/3.10 rep.)

15 Section 25. The Regional Transportation Authority Act is  
16 amended by repealing Sections 2.12a, 3.09, and 3.10.

17 Section 97. Severability. The provisions of this Act are  
18 severable under Section 1.31 of the Statute on Statutes.

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