

1 AN ACT concerning transportation.

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

4 Section 5. The Local Mass Transit District Act is  
5 amended by changing Sections 2, 3, 3.01, 3.5, 4, 5, 5.01, and  
6 8.1 as follows:

7 (70 ILCS 3610/2) (from Ch. 111 2/3, par. 352)

8 Sec. 2. For the purposes of this Act:

9 (a) "Mass transit facility" means any local public  
10 transportation facility, whether buses, trolley-buses, or  
11 railway systems, utilized by a substantial number of persons  
12 for their daily transportation, and includes not only the  
13 local public transportation facility itself but ancillary and  
14 supporting facilities such as, for example, motor vehicle  
15 parking facilities, as well.

16 (b) "Participating municipality and county" means the  
17 municipality or municipalities, county or counties creating  
18 the local Mass Transit District pursuant to Section 3 of this  
19 Act.

20 (c) "Municipality" means a city, village, township, or  
21 incorporated town.

22 (d) "Corporate authorities" means (1) the city council  
23 or similar body of a city, (2) the board of trustees or  
24 similar body of a village or incorporated town, (3) the  
25 council of a municipality under the commission form of  
26 municipal government, and (4) the board of trustees in a  
27 township.

28 (e) "County board" means the governing board of a  
29 county.

30 (f) "District" means a local Mass Transit District  
31 created pursuant to Section 3 of this Act.

1 (g) "Board" means the Board of Trustees of a local Mass  
2 Transit District created pursuant to Section 3 of this Act.

3 (h) "Interstate transportation authority" shall mean any  
4 political subdivision created by compact between this State  
5 and another state, which is a body corporate and politic and  
6 a political subdivision of both contracting states, and which  
7 operates a public mass transportation system;

8 (i) "Metro East Mass Transit District" means one or more  
9 local mass transit districts created pursuant to this Act,  
10 composed only of Madison, St. Clair or Monroe Counties, or  
11 any combination thereof or any territory annexed to such  
12 district.

13 (j) "Public mass transportation system" shall mean a  
14 transportation system or systems owned and operated by an  
15 interstate transportation authority, a municipality,  
16 District, or other public or private authority, employing  
17 motor busses, rails or any other means of conveyance, by  
18 whatsoever type or power, operated for public use in the  
19 conveyance of persons, mainly providing local transportation  
20 service within an interstate transportation district,  
21 municipality, or county.

22 (Source: P.A. 82-783.)

23 (70 ILCS 3610/3) (from Ch. 111 2/3, par. 353)

24 Sec. 3. For the purpose of acquiring, constructing,  
25 owning, operating and maintaining mass transit facilities for  
26 public service or subsidizing the operation thereof a local  
27 Mass Transit District may be created, composed of one or more  
28 municipalities or one or more counties or any combination  
29 thereof, by ordinance approved by a majority vote of the  
30 corporate authorities or by resolution approved by a majority  
31 vote of the county board of each participating municipality  
32 and county, ~~and any county participating in a Metro East Mass~~  
33 ~~Transit District may terminate its participation in the same~~

1 manner. A Metro East Mass Transit District created by one or  
2 more counties shall include: (1) those townships which were  
3 served by regularly scheduled mass transit routes operated by  
4 an interstate transportation authority on June 1, 1980; (2)  
5 in the case of a county without townships, any municipality  
6 or unincorporated portion of a road district which was served  
7 by regularly scheduled mass transit routes operated by an  
8 interstate transportation authority on June 1, 1980; (3) any  
9 other townships or municipalities whose participation is  
10 approved by ordinance adopted by a majority vote of their  
11 Board of Trustees or corporate authorities; plus (4) in the  
12 case of a county without townships, the unincorporated  
13 portion of any road district, the participation of which is  
14 approved by an ordinance adopted by a majority vote of the  
15 Board of Commissioners of the county in which it is located.  
16 Such District shall be known as the "... Mass Transit  
17 District", inserting all or any significant part of the name  
18 or names of the municipality or the county, or both, creating  
19 the District, or a name descriptive of the area to be served  
20 if the District is created by more than one municipality,  
21 more than one county, or any combination thereof.

22 The District created pursuant to this Act shall be a  
23 municipal corporation and shall have the right of eminent  
24 domain to acquire private property which is necessary for the  
25 purposes of the District, and shall have the power to  
26 contract for public mass transportation with an Interstate  
27 Transportation Authority.

28 Upon the creation of any District, the clerk of the  
29 municipality or of the county, or the clerks of the several  
30 municipalities or counties, as the case may be, shall certify  
31 a copy of the ordinance or resolution creating the District,  
32 and the names of the persons first appointed Trustees  
33 thereof, and shall file the same with the county clerk for  
34 recording as certificates of incorporation and the county

1 clerk shall cause duplicate certified copies thereof to be  
2 filed with the Secretary of State.

3 (Source: P.A. 81-1471.)

4 (70 ILCS 3610/3.01) (from Ch. 111 2/3, par. 353.01)

5 Sec. 3.01. Any municipality or county may be annexed to  
6 a District, other than a Metro East Transit District, formed  
7 pursuant to Section 3 when the District has no tax levy in  
8 effect and has no bonded indebtedness if a petition for  
9 annexation is adopted by an ordinance or resolution approved  
10 by a majority vote of the corporate authorities of such  
11 municipality or the county board of such county and such  
12 ordinance or resolution is approved by a 2/3 vote of the  
13 members of the board of trustees of the District. Upon the  
14 approval of such a petition of annexation by the board of  
15 trustees of a District, a certified copy of the ordinance of  
16 annexation shall be filed by the secretary of the board in  
17 the same manner as provided for upon creation of the  
18 District.

19 Any contiguous township of any county, not already  
20 participating in a Metro East Transit District, may be  
21 annexed to a Metro East Transit District formed by one county  
22 pursuant to Section 3 of this Act, ~~provided that township is~~  
23 ~~within such county,~~ if a petition for annexation, which is  
24 signed by at least 10% of the registered voters in the last  
25 general election who are residents of the township to be  
26 annexed or approved by a majority vote of the township board  
27 of the township to be annexed, is adopted by resolution  
28 approved by a majority vote of the county board in which the  
29 District was formed of such county and such resolution is  
30 approved by a 2/3 vote of the members of the board of  
31 trustees of the District. Upon the approval of such  
32 petition of annexation by the board of trustees of a  
33 District, a certified copy of the ordinance of annexation

1 shall be filed by the secretary of the board in the same  
2 manner as provided for upon creation of the District.

3 (Source: P.A. 85-779.)

4 (70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)

5 Sec. 3.5. If the district acquires a mass transit  
6 facility, all of the employees in the~~---operating---~~and  
7 ~~maintenance--divisions--of~~ such mass transit facility and all  
8 ~~other-employees-except-executive-and-administrative--officers~~  
9 ~~and--employees,~~ shall be transferred to and appointed as  
10 employees of the district, subject to all rights and benefits  
11 of this Act, and these employees shall be given seniority  
12 credit in accordance with the records and labor agreements of  
13 the mass transit facility. Employees who left the employ of  
14 such a mass transit facility to enter the military service of  
15 the United States shall have the same rights as to the  
16 district, under the provisions of the "Service Men's  
17 Employment Tenure Act", approved July 17, 1941, as they would  
18 have had thereunder as to such mass transit facility. After  
19 such acquisition the district shall be required to extend to  
20 such former employees of such mass transit facility only the  
21 rights and benefits as to pensions and retirement as are  
22 accorded other employees of the district.

23 (Source: Laws 1959, p. 1635.)

24 (70 ILCS 3610/4) (from Ch. 111 2/3, par. 354)

25 Sec. 4. The powers of the local Mass Transit District  
26 shall repose in, and be exercised by, a Board of Trustees.  
27 If the District is created by only one municipality or only  
28 one county the corporate authorities or the county board  
29 chairman with the consent of the county board of such  
30 municipality or county shall appoint either 3 or 5 trustees  
31 to the Board; provided that in any Metro East Mass Transit  
32 District created by a single county, 5 trustees shall be

1 appointed and the trustees so appointed shall be: (1) a  
2 mayor of a municipality within the District county; (2) a  
3 township supervisor from within the District such-county, or  
4 if in a county without township supervisors, another such  
5 mayor within the District; (3) the county board chairman in  
6 which the District was formed or such other county board  
7 member as he shall designate; and (4) 2 members of the  
8 general public. If the District is created by one or more  
9 municipalities or one or more counties or any combination  
10 thereof, the corporate authorities or the county board  
11 chairman with the consent of the county board of each  
12 participating municipality or county shall appoint one  
13 trustee to the Board for every 100,000 inhabitants, or  
14 fraction thereof, of such municipality or county. The first  
15 Trustees appointed to the Board and any 2 additional  
16 trustees, initially appointed as a result of this amendatory  
17 Act of 1983 shall serve for terms of 4 years or less, the  
18 terms to be staggered to the extent possible so that they  
19 expire one year apart and so that the terms of not more than  
20 2 trustees expire in the same year, with the Trustees to  
21 serve less than 4 years to be selected by lot. Thereafter,  
22 their successors shall serve for 4 years. Vacancies shall be  
23 filled for the unexpired term in the same manner as the  
24 original appointment.

25 Except in a Metro East Mass Transit District, no Trustee  
26 of any District may be an elected official of the  
27 municipality or municipalities or county or counties creating  
28 the District. A Trustee shall hold office until his successor  
29 has been appointed and has qualified. A certificate of the  
30 appointment or reappointment of any Trustee shall be filed  
31 with the clerk or clerks and such certificate shall be  
32 conclusive evidence of the due and proper appointment of such  
33 Trustee. A Trustee shall receive, as compensation for his  
34 services, not more than \$100 \$50 for each day devoted to the

1 business of the Board but not more than \$400 ~~\$200~~ per month.  
2 For the purposes of this Section, each District may determine  
3 what constitutes a business day. He shall also be entitled  
4 to the necessary expenses, including traveling expenses,  
5 incurred in the discharge of his duties. The powers of each  
6 District and the Board shall be vested in the Trustees  
7 thereof in office from time to time. A majority shall  
8 constitute a quorum of the Board for the purpose of  
9 conducting its business and exercising its powers and for all  
10 other purposes. Action may be taken by the Board upon a vote  
11 of the majority of the Trustees present, unless in any case  
12 the bylaws of the Board shall require a larger number. The  
13 Board shall select a chairman and a vice-chairman from among  
14 the Trustees.

15 No Trustee or employee of the Board shall acquire or have  
16 any interest direct or indirect in any contract or proposed  
17 contract for materials or services to be furnished or used in  
18 connection with operations of the District. For inefficiency  
19 or neglect of duty or misconduct in office, a Trustee may be  
20 removed by the person or body which made the original  
21 appointment, but a Trustee shall be removed only after he  
22 shall have been given a copy of the charges against him at  
23 least 10 days prior to the hearing thereon and has had an  
24 opportunity to be heard in person or by counsel. In the  
25 event of the removal of any Trustee, a record of the  
26 proceedings, together with the charges and findings thereon,  
27 shall be filed in the office of the clerk or clerks of the  
28 creating county or counties or municipality or  
29 municipalities.

30 The Board shall employ a managing director of the  
31 District and may employ a secretary, treasurer, technical  
32 experts and such other officers, agents and employees,  
33 permanent and temporary, as it may require, and shall fix and  
34 determine their qualifications, duties and compensation and

1 the amount of bond to be furnished for such offices and  
2 positions. For such legal services as it may require, the  
3 Board may call upon any chief law officers of the  
4 municipality, municipalities, or the county or counties as  
5 the case may be, or may employ and fix the compensation of  
6 its own counsel and legal staff. The Board may delegate to  
7 one or more of its agents or employees such powers and duties  
8 as it may deem proper. Notwithstanding the other provisions  
9 of this paragraph, employment of any person other than a  
10 managing director or secretary by any Metro East Mass Transit  
11 District created by a single county shall require the  
12 authorization of the county board of such county.

13 Neither the District, the members of its Board nor its  
14 officers or employees shall be held liable for failure to  
15 provide a security or police force or, if a security or  
16 police force is provided, for failure to provide adequate  
17 police protection or security, failure to prevent the  
18 commission of crimes by fellow passengers or other third  
19 persons or for the failure to apprehend criminals.

20 (Source: P.A. 85-779.)

21 (70 ILCS 3610/5) (from Ch. 111 2/3, par. 355)

22 Sec. 5. (a) The Board of Trustees of every District may  
23 establish or acquire any or all manner of mass transit  
24 facility. The Board may engage in the business of  
25 transportation of passengers on scheduled routes and by  
26 contract on nonscheduled routes within the territorial limits  
27 of the counties or municipalities creating the District, by  
28 whatever means it may decide. Its routes may be extended  
29 beyond such territorial limits with the consent of the  
30 governing bodies of the municipalities or counties into which  
31 such operation is extended.

32 (b) The Board of Trustees of every District may for the  
33 purposes of the District, acquire by gift, purchase, lease,

1 legacy, condemnation, or otherwise and hold, use, improve,  
2 maintain, operate, own, manage or lease, as lessor or lessee,  
3 such cars, buses, equipment, buildings, structures, real and  
4 personal property, and interests therein, and services, lands  
5 for terminal and other related facilities, improvements and  
6 services, or any interest therein, including all or any part  
7 of the plant, land, buildings, equipment, vehicles,  
8 licenses, franchises, patents, property, service contracts  
9 and agreements of every kind and nature. Real property may be  
10 so acquired if it is situated within or partially within the  
11 area served by the District or if it is outside the area if  
12 it is desirable or necessary for the purposes of the  
13 District.

14 (c) The Board of Trustees of every District which  
15 establishes, provides, or acquires mass transit facilities or  
16 services may contract with any person or corporation or  
17 public or private entity for the operation or provision  
18 thereof upon such terms and conditions as the District shall  
19 determine.

20 (d) The Board of Trustees of every District shall have  
21 the authority to contract for any and all purposes of the  
22 District, including with an interstate transportation  
23 authority, or with another local Mass Transit District or any  
24 other municipal, public, or private corporation entity in the  
25 transportation business including the authority to contract  
26 to lease its or otherwise provide land, buildings, and  
27 equipment, and other related facilities, improvements, and  
28 services, for the carriage of passengers beyond the  
29 territorial limits of the District or to subsidize transit  
30 operations by a public or private or municipal corporation  
31 operating entity providing mass transit facilities.

32 (e) The Board of Trustees of every District shall have  
33 the authority to establish, alter and discontinue  
34 transportation routes and services and any or all ancillary

1 or supporting facilities and services, and to establish and  
2 amend rate schedules for the transportation of persons  
3 thereon or for the public or private use thereof which rate  
4 schedules shall, together with any grants, receipts or income  
5 from other sources, be sufficient to pay the expenses of the  
6 District, the repair, maintenance and the safe and adequate  
7 operation of its mass transit facilities and public mass  
8 transportation system and to fulfill the terms of its debts,  
9 undertakings, and obligations.

10 (f) The Board of Trustees of every District shall have  
11 perpetual succession and shall have the following powers in  
12 addition to any others in this Act granted:

13 (1) to sue and be sued;

14 (2) to adopt and use a seal;

15 (3) to make and execute contracts loans, leases,  
16 subleases, installment purchase agreements, contracts,  
17 notes and other instruments evidencing financial  
18 obligations, and other instruments necessary or  
19 convenient in the exercise of its powers;

20 (4) to make, amend and repeal bylaws, rules and  
21 regulations not inconsistent with this Act;

22 (5) to sell, lease, sublease, license, transfer,  
23 convey or otherwise and dispose of any of its real or  
24 personal property, or interests interest therein, in  
25 whole or in part, at any time upon such terms and  
26 conditions as it may determine, with public bidding if  
27 the value exceeds \$1,000 at negotiated, competitive,  
28 public, or private sale;

29 (6) to invest funds, not required for immediate  
30 disbursement, in property, agreements, or securities  
31 legal for investment of public funds controlled by  
32 savings banks under applicable law;

33 (7) to mortgage, pledge, hypothecate or otherwise  
34 encumber all or any part of its real or personal property

1 or other assets, or interests therein;

2 (8) to apply for, accept and use grants, loans or  
3 other financial assistance from any private entity or  
4 municipal, county, State or Federal governmental agency  
5 or other public entity;

6 (9) to borrow money from the United States  
7 Government or any agency thereof, or from any other  
8 public or private source, for the purposes of the  
9 District and, as evidence thereof, to issue its revenue  
10 bonds, payable solely from the revenue derived from the  
11 operation of the District. These bonds may be issued with  
12 maturities not exceeding 40 years from the date of the  
13 bonds, and in such amounts as may be necessary to provide  
14 sufficient funds, together with interest, for the  
15 purposes of the District. These bonds shall bear interest  
16 at a rate of not more than the maximum rate authorized by  
17 the Bond Authorization Act, as amended at the time of the  
18 making of the contract of sale, payable semi-annually,  
19 may be made registerable as to principal, and may be made  
20 payable and callable as provided on any interest payment  
21 date at a price of par and accrued interest under such  
22 terms and conditions as may be fixed by the ordinance  
23 authorizing the issuance of the bonds. Bonds issued under  
24 this Section are negotiable instruments. They shall be  
25 executed by the chairman and members of the Board of  
26 Trustees, attested by the secretary, and shall be sealed  
27 with the corporate seal of the District. In case any  
28 Trustee or officer whose signature appears on the bonds  
29 or coupons ceases to hold that office before the bonds  
30 are delivered, such officer's his signature, shall  
31 nevertheless be valid and sufficient for all purposes,  
32 the same as though such officer he had remained in office  
33 until the bonds were delivered. The bonds shall be sold  
34 in such manner and upon such terms as the Board of

1 Trustees shall determine, except that the selling price  
 2 shall be such that the interest cost to the District of  
 3 the proceeds of the bonds shall not exceed the maximum  
 4 rate authorized by the Bond Authorization Act, as amended  
 5 at the time of the making of the contract of sale,  
 6 payable semi-annually, computed to maturity according to  
 7 the standard table of bond values.

8 The ordinance shall fix the amount of revenue bonds  
 9 proposed to be issued, the maturity or maturities, the  
 10 interest rate, which shall not exceed the maximum rate  
 11 authorized by the Bond Authorization Act, as amended at  
 12 the time of the making of the contract of sale, and all  
 13 the details in connection with the bonds. The ordinance  
 14 may contain such covenants and restrictions upon the  
 15 issuance of additional revenue bonds thereafter, which  
 16 will share equally in the revenue of the District, as may  
 17 be deemed necessary or advisable for the assurance of the  
 18 payment of the bonds first issued. Any District may also  
 19 provide in the ordinance authorizing the issuance of  
 20 bonds under this Section that the bonds, or such ones  
 21 thereof as may be specified, shall, to the extent and in  
 22 the manner prescribed, be subordinated and be junior in  
 23 standing, with respect to the payment of principal and  
 24 interest and the security thereof, to such other bonds as  
 25 are designated in the ordinance.

26 The ordinance shall pledge the revenue derived from  
 27 the operations ~~operation~~ of the District for the purpose  
 28 of paying the cost of operation and maintenance of the  
 29 District, and, as applicable, providing an adequate  
 30 depreciation funds ~~fund~~, and paying the principal of and  
 31 interest on the bonds of the District issued under this  
 32 Section.

33 ~~No--Metro--East--Mass--Transit--District--may--issue~~  
 34 ~~revenue--bonds--under--this--subparagraph--(9)--unless--the~~

1 question-of-the-issuance-of-such-bonds-is-first-submitted  
2 to-and-approved-by--the--voters--of--the--District--at--a  
3 referendum---within---the---District.---Notice--of--such  
4 referendum-shall-be-given--and--the--election--shall--be  
5 conducted-in-accordance-with-the-general-election-law.

6 (10) subject to Section 5.1, to levy a tax on  
7 property within the District at the rate of not to exceed  
8 .25% on the assessed value of such property in the manner  
9 provided in "The Illinois Municipal Budget Law", approved  
10 July 12, 1937, as amended;

11 (11) to issue tax anticipation warrants;

12 (12) to contract with any school district in this  
13 State to provide for the transportation of pupils to and  
14 from school within such district pursuant to the  
15 provisions of Section 29-15 of the School Code;

16 (13) to provide for the insurance of any property,  
17 directors, officers, employees or operations of the  
18 District against any risk or hazard, and to self-insure  
19 or participate in joint self-insurance pools or entities  
20 to insure against such risk or hazard;

21 (14) to use its established funds, personnel, and  
22 other resources to acquire, construct, operate, and  
23 maintain bikeways and trails. Districts may cooperate  
24 with other governmental and private agencies in bikeway  
25 and trail programs; and

26 (15) to acquire, own, maintain, construct,  
27 reconstruct, improve, repair, operate or lease any  
28 light-rail public transportation system, terminal,  
29 terminal facility, public airport, or bridge or toll  
30 bridge across waters with any city, state, or both.

31 With respect to instruments for the payment of money  
32 issued under this Section either before, on, or after the  
33 effective date of this amendatory Act of 1989, it is and  
34 always has been the intention of the General Assembly (i)

1 that the Omnibus Bond Acts are and always have been  
2 supplementary grants of power to issue instruments in  
3 accordance with the Omnibus Bond Acts, regardless of any  
4 provision of this Act that may appear to be or to have been  
5 more restrictive than those Acts, (ii) that the provisions of  
6 this Section are not a limitation on the supplementary  
7 authority granted by the Omnibus Bond Acts, and (iii) that  
8 instruments issued under this Section within the  
9 supplementary authority granted by the Omnibus Bond Acts are  
10 not invalid because of any provision of this Act that may  
11 appear to be or to have been more restrictive than those  
12 Acts.

13 This Section shall be liberally construed to give effect  
14 to its purposes.

15 (Source: P.A. 87-985; 88-115.)

16 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

17 Sec. 5.01. Metro East Mass Transit District; use and  
18 occupation taxes.

19 (a) The Board of Trustees of any Metro East Mass Transit  
20 District may, by ordinance adopted with the concurrence of  
21 two-thirds of the then trustees, impose throughout the  
22 District any or all of the taxes and fees provided in this  
23 Section. All taxes and fees imposed under this Section shall  
24 be used only for public mass transportation systems, and the  
25 amount used to provide mass transit service to unserved areas  
26 of the District shall be in the same proportion to the total  
27 proceeds as the number of persons residing in the unserved  
28 areas is to the total population of the District. Except as  
29 otherwise provided in this Act, taxes imposed under this  
30 Section and civil penalties imposed incident thereto shall be  
31 collected and enforced by the State Department of Revenue.  
32 The Department shall have the power to administer and enforce  
33 the taxes and to determine all rights for refunds for

1 erroneous payments of the taxes.

2 (b) The Board may impose a Metro East Mass Transit  
3 District Retailers' Occupation Tax upon all persons engaged  
4 in the business of selling tangible personal property at  
5 retail in the district at a rate of 1/4 of 1%, or as  
6 authorized under subsection (d-5) of this Section, of the  
7 gross receipts from the sales made in the course of such  
8 business within the district. The tax imposed under this  
9 Section and all civil penalties that may be assessed as an  
10 incident thereof shall be collected and enforced by the State  
11 Department of Revenue. The Department shall have full power  
12 to administer and enforce this Section; to collect all taxes  
13 and penalties so collected in the manner hereinafter  
14 provided; and to determine all rights to credit memoranda  
15 arising on account of the erroneous payment of tax or penalty  
16 hereunder. In the administration of, and compliance with,  
17 this Section, the Department and persons who are subject to  
18 this Section shall have the same rights, remedies,  
19 privileges, immunities, powers and duties, and be subject to  
20 the same conditions, restrictions, limitations, penalties,  
21 exclusions, exemptions and definitions of terms and employ  
22 the same modes of procedure, as are prescribed in Sections 1,  
23 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect  
24 to all provisions therein other than the State rate of tax),  
25 2c, 3 (except as to the disposition of taxes and penalties  
26 collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l,  
27 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the  
28 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
29 Penalty and Interest Act, as fully as if those provisions  
30 were set forth herein.

31 Persons subject to any tax imposed under the Section may  
32 reimburse themselves for their seller's tax liability  
33 hereunder by separately stating the tax as an additional  
34 charge, which charge may be stated in combination, in a

1 single amount, with State taxes that sellers are required to  
2 collect under the Use Tax Act, in accordance with such  
3 bracket schedules as the Department may prescribe.

4 Whenever the Department determines that a refund should  
5 be made under this Section to a claimant instead of issuing a  
6 credit memorandum, the Department shall notify the State  
7 Comptroller, who shall cause the warrant to be drawn for the  
8 amount specified, and to the person named, in the  
9 notification from the Department. The refund shall be paid  
10 by the State Treasurer out of the Metro East Mass Transit  
11 District tax fund established under paragraph (g) of this  
12 Section.

13 If a tax is imposed under this subsection (b), a tax  
14 shall also be imposed under subsections (c) and (d) of this  
15 Section.

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

26 Nothing in this Section shall be construed to authorize  
27 the Metro East Mass Transit District to impose a tax upon the  
28 privilege of engaging in any business which under the  
29 Constitution of the United States may not be made the subject  
30 of taxation by this State.

31 (c) If a tax has been imposed under subsection (b), a  
32 Metro East Mass Transit District Service Occupation Tax shall  
33 also be imposed upon all persons engaged, in the district, in  
34 the business of making sales of service, who, as an incident

1 to making those sales of service, transfer tangible personal  
2 property within the District, either in the form of tangible  
3 personal property or in the form of real estate as an  
4 incident to a sale of service. The tax rate shall be 1/4%, or  
5 as authorized under subsection (d-5) of this Section, of the  
6 selling price of tangible personal property so transferred  
7 within the district. The tax imposed under this paragraph  
8 and all civil penalties that may be assessed as an incident  
9 thereof shall be collected and enforced by the State  
10 Department of Revenue. The Department shall have full power  
11 to administer and enforce this paragraph; to collect all  
12 taxes and penalties due hereunder; to dispose of taxes and  
13 penalties so collected in the manner hereinafter provided;  
14 and to determine all rights to credit memoranda arising on  
15 account of the erroneous payment of tax or penalty hereunder.  
16 In the administration of, and compliance with this paragraph,  
17 the Department and persons who are subject to this paragraph  
18 shall have the same rights, remedies, privileges, immunities,  
19 powers and duties, and be subject to the same conditions,  
20 restrictions, limitations, penalties, exclusions, exemptions  
21 and definitions of terms and employ the same modes of  
22 procedure as are prescribed in Sections 1a-1, 2 (except that  
23 the reference to State in the definition of supplier  
24 maintaining a place of business in this State shall mean the  
25 Authority), 2a, 3 through 3-50 (in respect to all provisions  
26 therein other than the State rate of tax), 4 (except that the  
27 reference to the State shall be to the Authority), 5, 7, 8  
28 (except that the jurisdiction to which the tax shall be a  
29 debt to the extent indicated in that Section 8 shall be the  
30 District), 9 (except as to the disposition of taxes and  
31 penalties collected, and except that the returned merchandise  
32 credit for this tax may not be taken against any State tax),  
33 10, 11, 12 (except the reference therein to Section 2b of the  
34 Retailers' Occupation Tax Act), 13 (except that any reference

1 to the State shall mean the District), the first paragraph of  
2 Section 15, 16, 17, 18, 19 and 20 of the Service Occupation  
3 Tax Act and Section 3-7 of the Uniform Penalty and Interest  
4 Act, as fully as if those 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  
8 the tax as an additional charge, which charge may be stated  
9 in combination, in a single amount, with State tax that  
10 servicemen are authorized to collect under the Service Use  
11 Tax Act, in accordance with such bracket schedules as the  
12 Department may prescribe.

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

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

26 (d) If a tax has been imposed under subsection (b), a  
27 Metro East Mass Transit District Use Tax shall also be  
28 imposed upon the privilege of using, in the district, any  
29 item of tangible personal property that is purchased outside  
30 the district at retail from a retailer, and that is titled or  
31 registered with an agency of this State's government, at a  
32 rate of 1/4%, or as authorized under subsection (d-5) of this  
33 Section, of the selling price of the tangible personal  
34 property within the District, as "selling price" is defined

1 in the Use Tax Act. The tax shall be collected from persons  
2 whose Illinois address for titling or registration purposes  
3 is given as being in the District. The tax shall be  
4 collected by the Department of Revenue for the Metro East  
5 Mass Transit District. The tax must be paid to the State, or  
6 an exemption determination must be obtained from the  
7 Department of Revenue, before the title or certificate of  
8 registration for the property may be issued. The tax or  
9 proof of exemption may be transmitted to the Department by  
10 way of the State agency with which, or the State officer with  
11 whom, the tangible personal property must be titled or  
12 registered if the Department and the State agency or State  
13 officer determine that this procedure will expedite the  
14 processing of applications for title or registration.

15 The Department shall have full power to administer and  
16 enforce this paragraph; to collect all taxes, penalties and  
17 interest due hereunder; to dispose of taxes, penalties and  
18 interest so collected in the manner hereinafter provided; and  
19 to determine all rights to credit memoranda or refunds  
20 arising on account of the erroneous payment of tax, penalty  
21 or interest hereunder. In the administration of, and  
22 compliance with, this paragraph, the Department and persons  
23 who are subject to this paragraph shall have the same rights,  
24 remedies, privileges, immunities, powers and duties, and be  
25 subject to the same conditions, restrictions, limitations,  
26 penalties, exclusions, exemptions and definitions of terms  
27 and employ the same modes of procedure, as are prescribed in  
28 Sections 2 (except the definition of "retailer maintaining a  
29 place of business in this State"), 3 through 3-80 (except  
30 provisions pertaining to the State rate of tax, and except  
31 provisions concerning collection or refunding of the tax by  
32 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions  
33 pertaining to claims by retailers and except the last  
34 paragraph concerning refunds), 20, 21 and 22 of the Use Tax

1 Act and Section 3-7 of the Uniform Penalty and Interest Act,  
2 that are not inconsistent with this paragraph, as fully as if  
3 those provisions were set forth herein.

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

13 (d-5) (A) The county board of any county participating  
14 in the Metro East Mass Transit District may authorize, by  
15 ordinance, a referendum on the question of whether the tax  
16 rates for the Metro East Mass Transit District Retailers'  
17 Occupation Tax, the Metro East Mass Transit District Service  
18 Occupation Tax, and the Metro East Mass Transit District Use  
19 Tax for the District should be increased from 0.25% to 0.75%.  
20 Upon adopting the ordinance, the county board shall certify  
21 the proposition to the proper election officials who shall  
22 submit the proposition to the voters of the District at the  
23 next election, in accordance with the general election law.

24 The proposition shall be in substantially the following  
25 form:

26 Shall the tax rates for the Metro East Mass Transit  
27 District Retailers' Occupation Tax, the Metro East Mass  
28 Transit District Service Occupation Tax, and the Metro  
29 East Mass Transit District Use Tax be increased from  
30 0.25% to 0.75%?

31 (B) Two thousand five hundred electors of any Metro East  
32 Mass Transit District may petition the Chief Judge of the  
33 Circuit Court, or any judge of that Circuit designated by the  
34 Chief Judge, in which that District is located to cause to be

1 submitted to a vote of the electors the question whether the  
 2 tax rates for the Metro East Mass Transit District Retailers'  
 3 Occupation Tax, the Metro East Mass Transit District Service  
 4 Occupation Tax, and the Metro East Mass Transit District Use  
 5 Tax for the District should be increased from 0.25% to 0.75%.

6 Upon submission of such petition the court shall set a  
 7 date not less than 10 nor more than 30 days thereafter for a  
 8 hearing on the sufficiency thereof. Notice of the filing of  
 9 such petition and of such date shall be given in writing to  
 10 the District and the County Clerk at least 7 days before the  
 11 date of such hearing.

12 If such petition is found sufficient, the court shall  
 13 enter an order to submit that proposition at the next  
 14 election, in accordance with general election law.

15 The form of the petition shall be in substantially the  
 16 following form: To the Circuit Court of the County of (name  
 17 of county):

18 We, the undersigned electors of the (name of transit  
 19 district), respectfully petition your honor to submit to  
 20 a vote of the electors of (name of transit district) the  
 21 following proposition:

22 Shall the tax rates for the Metro East Mass Transit  
 23 District Retailers' Occupation Tax, the Metro East Mass  
 24 Transit District Service Occupation Tax, and the Metro  
 25 East Mass Transit District Use Tax be increased from  
 26 0.25% to 0.75%?

27	<u>Name</u>		<u>Address, with Street and Number.</u>
28	.....		.....
29	.....		.....

30 (C) The votes shall be recorded as "YES" or "NO". If a  
 31 majority of all votes cast on the proposition are for the  
 32 increase in the tax rates, the Metro East Mass Transit  
 33 District shall begin imposing the increased rates in the  
 34 District, and the Department of Revenue shall begin

1 collecting the increased amounts, as provided under this  
2 Section. An ordinance imposing or discontinuing a tax  
3 hereunder or effecting a change in the rate thereof shall be  
4 adopted and a certified copy thereof filed with the  
5 Department on or before the first day of October, whereupon  
6 the Department shall proceed to administer and enforce this  
7 Section as of the first day of January next following the  
8 adoption and filing.

9 (D) If the voters have approved a referendum under this  
10 subsection, before November 1, 1994, to increase the tax rate  
11 under this subsection, the Metro East Mass Transit District  
12 Board of Trustees may adopt by a majority vote an ordinance  
13 at any time before January 1, 1995 that excludes from the  
14 rate increase tangible personal property that is titled or  
15 registered with an agency of this State's government. The  
16 ordinance excluding titled or registered tangible personal  
17 property from the rate increase must be filed with the  
18 Department at least 15 days before its effective date. At any  
19 time after adopting an ordinance excluding from the rate  
20 increase tangible personal property that is titled or  
21 registered with an agency of this State's government, the  
22 Metro East Mass Transit District Board of Trustees may adopt  
23 an ordinance applying the rate increase to that tangible  
24 personal property. The ordinance shall be adopted, and a  
25 certified copy of that ordinance shall be filed with the  
26 Department, on or before October 1, whereupon the Department  
27 shall proceed to administer and enforce the rate increase  
28 against tangible personal property titled or registered with  
29 an agency of this State's government as of the following  
30 January 1. After December 31, 1995, any reimposed rate  
31 increase in effect under this subsection shall no longer  
32 apply to tangible personal property titled or registered with  
33 an agency of this State's government. Beginning January 1,  
34 1996, the Board of Trustees of any Metro East Mass Transit

1 District may never reimpose a previously excluded tax rate  
2 increase on tangible personal property titled or registered  
3 with an agency of this State's government.

4 (d-6) If the Board of Trustees of any Metro East Mass  
5 Transit District has imposed a rate increase under subsection  
6 (d-5) and filed an ordinance with the Department of Revenue  
7 excluding titled property from the higher rate, then that  
8 Board may, by ordinance adopted with the concurrence of  
9 two-thirds of the then trustees, impose throughout the  
10 District a fee. The fee on the excluded property shall not  
11 exceed \$20 per retail transaction or an amount equal to the  
12 amount of tax excluded, whichever is less, on tangible  
13 personal property that is titled or registered with an agency  
14 of this State's government. ~~The Board of Trustees of any  
15 Metro East Mass Transit District shall have full power to  
16 administer and enforce this subsection and to determine all  
17 rights to credit memoranda or refunds arising on account of  
18 the erroneous payment of the fee hereunder. The Board shall  
19 proceed to administer and enforce this subsection as of the  
20 first day of the second month following the adoption of the  
21 ordinance.~~

22 (d-7) If a fee has been imposed under subsection (d-6),  
23 a fee shall also be imposed upon the privilege of using, in  
24 the district, any item of tangible personal property that is  
25 titled or registered with any agency of this State's  
26 government, in an amount equal to the amount of the fee  
27 imposed under subsection (d-6). ~~The Board of Trustees of any  
28 Metro East Mass Transit District shall have full power to  
29 administer and enforce this subsection and to determine all  
30 rights to credit memoranda or refunds arising on account of  
31 the erroneous payment of the fee hereunder. The Board shall  
32 proceed to administer and enforce this subsection  
33 concurrently with the administration of the fee imposed under  
34 subsection (d-6).~~

1 (d-8) No item of titled property shall be subject to  
2 both the higher rate approved by referendum, as authorized  
3 under subsection (d-5), and any fee imposed under subsection  
4 (d-6) or (d-7).

5 (d-9) If fees have been imposed under subsections (d-6)  
6 and (d-7), the Board shall forward a copy of the ordinance  
7 adopting such fees, which shall include all zip codes in  
8 whole or in part within the boundaries of the district, to  
9 the Secretary of State within thirty days. By the 25th of  
10 each month, the Secretary of State shall subsequently provide  
11 the Illinois Department of Revenue Board with a list of  
12 identifiable retail transactions subject to the .25% rate  
13 occurring within the zip codes which are in whole or in part  
14 within the boundaries of the district and a list of title  
15 applications for addresses within the boundaries of the  
16 district for the previous month.

17 (d-10) In the event that a retailer fails to pay  
18 applicable fees within 30 days of the date of the  
19 transaction, a penalty shall be assessed at the rate of 25%  
20 of the amount of fees. Interest on both late fees and  
21 penalties shall be assessed at the rate of 1% per month. All  
22 fees, penalties, and attorney fees shall constitute a lien on  
23 the personal and real property of the retailer. ~~The Board of~~  
24 ~~Trustees of any Metro-East Transit District shall have full~~  
25 ~~power to administer and enforce this subsection.~~

26 (e) A certificate of registration issued by the State  
27 Department of Revenue to a retailer under the Retailers'  
28 Occupation Tax Act or under the Service Occupation Tax Act  
29 shall permit the registrant to engage in a business that is  
30 taxed under the tax imposed under paragraphs (b), (c) or (d)  
31 of this Section and no additional registration shall be  
32 required under the tax. A certificate issued under the Use  
33 Tax Act or the Service Use Tax Act shall be applicable with  
34 regard to any tax imposed under paragraph (c) of this

1 Section.

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

13 The Department shall immediately pay over to the State  
14 Treasurer, ex officio, as trustee, all taxes collected  
15 hereunder. On or before the 25th day of each calendar month,  
16 the Department shall prepare and certify to the Comptroller  
17 the disbursement of stated sums of money to named districts,  
18 the districts to be those from which retailers have paid  
19 taxes or penalties hereunder to the Department during the  
20 second preceding calendar month. The amount to be paid to  
21 each district shall be the amount collected hereunder during  
22 the second preceding calendar month by the Department, less  
23 any amount determined by the Department to be necessary for  
24 the payment of refunds. Within 10 days after receipt by the  
25 Comptroller of the disbursement certification to the  
26 districts, provided for in this Section to be given to the  
27 Comptroller by the Department, the Comptroller shall cause  
28 the orders to be drawn for the respective amounts in  
29 accordance with the directions contained in the  
30 certification.

31 (g) Any ordinance imposing or discontinuing any tax  
32 under this Section shall be adopted and a certified copy  
33 thereof filed with the Department on or before June 1,  
34 whereupon the Department of Revenue shall proceed to

1 administer and enforce this Section on behalf of the Metro  
2 East Mass Transit District as of September 1 next following  
3 such adoption and filing. Beginning January 1, 1992, an  
4 ordinance or resolution imposing or discontinuing the tax  
5 hereunder shall be adopted and a certified copy thereof filed  
6 with the Department on or before the first day of July,  
7 whereupon the Department shall proceed to administer and  
8 enforce this Section as of the first day of October next  
9 following such adoption and filing. Beginning January 1,  
10 1993, except as provided in subsection (d-5) of this Section,  
11 an ordinance or resolution imposing or discontinuing the tax  
12 hereunder shall be adopted and a certified copy thereof filed  
13 with the Department on or before the first day of October,  
14 whereupon the Department shall proceed to administer and  
15 enforce this Section as of the first day of January next  
16 following such adoption and filing.

17 (h) The State Department of Revenue shall, upon  
18 collecting any taxes as provided in this Section, pay the  
19 taxes over to the State Treasurer as trustee for the  
20 District. The taxes shall be held in a trust fund outside the  
21 State Treasury. On or before the 25th day of each calendar  
22 month, the State Department of Revenue shall prepare and  
23 certify to the Comptroller of the State of Illinois the  
24 amount to be paid to the District, which shall be the then  
25 balance in the fund, less any amount determined by the  
26 Department to be necessary for the payment of refunds. Within  
27 10 days after receipt by the Comptroller of the certification  
28 of the amount to be paid to the District, the Comptroller  
29 shall cause an order to be drawn for payment for the amount  
30 in accordance with the direction in the certification.

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

32 (70 ILCS 3610/8.1) (from Ch. 111 2/3, par. 358.1)

33 Sec. 8.1.

1 Any territory which is contiguous to a local mass transit  
2 district organized under Section 3.1 of this Act and which is  
3 not included in any local mass transit district may be  
4 annexed to such contiguous local mass transit district in the  
5 manner provided by this Section.

6 (a) If there are no legal voters residing in the  
7 territory to be annexed, then upon written petition under  
8 oath signed by all owners of record of the territory sought  
9 to be annexed filed with the secretary of the Board of  
10 Trustees requesting annexation, if the Board of Trustees  
11 deems it to be in the best interests of the District, such  
12 territory may be annexed to the District by an ordinance duly  
13 enacted by the Board.

14 (b) A petition, signed by 2/3 of the legal voters  
15 residing in the territory sought to be annexed and addressed  
16 to the circuit court of the county in which the local mass  
17 transit district to which annexation is sought was organized  
18 requesting that the territory described in the petition be  
19 annexed to such local mass transit district, may be filed  
20 with the clerk of that court. The clerk of the court shall  
21 thereupon present such petition to the court which shall be  
22 not less than 20 nor more than 45 days after the date the  
23 petition was filed. The court shall give notice of the time,  
24 place and date of the hearing, by publication in one or more  
25 newspapers having a general circulation within the local mass  
26 transit district and within the territory sought to be  
27 annexed thereto, which publication shall be made at least 15  
28 days before the date set for the hearing.

29 (Source: P.A. 76-1292.)

30 (70 ILCS 3610/8.4 rep.)

31 Section 10. The Local Mass Transit District Act is  
32 amended by repealing Section 8.4.