



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4990

Introduced 1/27/2022, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

30 ILCS 740/2-7

from Ch. 111 2/3, par. 667

Amends the Downstate Public Transportation Act. Provides that no later than 180 days following the last day of a participant's fiscal year (rather than the State fiscal year) each participant shall provide the Department of Transportation with an audit prepared by a Certified Public Accountant covering that fiscal year. Provides that upon the Department's final reconciliation determination that identifies a discrepancy between the Downstate Operating Assistance Program funds paid and the percentage of the eligible operating expenses which results in a reimbursement payment due to the Department, the participant shall remit the reimbursement payment to the Department no later than 90 days after written notification. Provides that funds received by the Department from participants for reimbursement as a result of an over payment from a prior State fiscal year shall be deposited into the Downstate Public Transportation Fund in the fiscal year in which they are received and all unspent funds shall roll to following fiscal years. Provides that upon the Department's final reconciliation determination that identifies a discrepancy between the Downstate Operating Assistance Program funds paid and the percentage of the eligible operating expenses which results in a reimbursement payment due to the participant, the Department shall remit the reimbursement payment to the participant no later than 90 days after written notifications.

LRB102 23512 RJF 32692 b

1 AN ACT concerning finance.

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

4 Section 5. The Downstate Public Transportation Act is
5 amended by changing Section 2-7 as follows:

6 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

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

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

21 (b) Each participant other than any Metro-East Transit
22 District participant shall, 30 days before the end of each
23 quarter, file with the Department on forms provided by the

1 Department for such purposes a report of the projected
2 eligible operating expenses to be incurred in the next quarter
3 and 30 days before the third and fourth quarters of any fiscal
4 year a statement of actual eligible operating expenses
5 incurred in the preceding quarters. Except as otherwise
6 provided in subsection (b-5), within 45 days of receipt by the
7 Department of such quarterly report, the Comptroller shall
8 order paid and the Treasurer shall pay from the Downstate
9 Public Transportation Fund to each participant an amount equal
10 to one-third of such participant's eligible operating
11 expenses; provided, however, that in Fiscal Year 1997, the
12 amount paid to each participant from the Downstate Public
13 Transportation Fund shall be an amount equal to 47% of such
14 participant's eligible operating expenses and shall be
15 increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999,
16 53% in Fiscal Year 2000, 55% in Fiscal Years 2001 through 2007,
17 and 65% in Fiscal Year 2008 and thereafter; however, in any
18 year that a participant receives funding under subsection (i)
19 of Section 2705-305 of the Department of Transportation Law
20 (20 ILCS 2705/2705-305), that participant shall be eligible
21 only for assistance equal to the following percentage of its
22 eligible operating expenses: 42% in Fiscal Year 1997, 44% in
23 Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year
24 2000, and 50% in Fiscal Year 2001 and thereafter. Any such
25 payment for the third and fourth quarters of any fiscal year
26 shall be adjusted to reflect actual eligible operating

1 expenses for preceding quarters of such fiscal year. However,
2 no participant shall receive an amount less than that which
3 was received in the immediate prior year, provided in the
4 event of a shortfall in the fund those participants receiving
5 less than their full allocation pursuant to Section 2-6 of
6 this Article shall be the first participants to receive an
7 amount not less than that received in the immediate prior
8 year.

9 (b-5) (Blank.)

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

19 (b-15) Beginning on July 1, 2007, and for each fiscal year
20 thereafter, each participant shall maintain a minimum local
21 share contribution (from farebox and all other local revenues)
22 equal to the actual amount provided in Fiscal Year 2006 or, for
23 new recipients, an amount equivalent to the local share
24 provided in the first year of participation. The local share
25 contribution shall be reduced by an amount equal to the total
26 amount of lost revenue for services provided under Section

1 2-15.2 and Section 2-15.3 of this Act.

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

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

22 (d) Upon the Department's final reconciliation
23 determination that identifies a discrepancy between the
24 Downstate Operating Assistance Program funds paid and the
25 percentage of the eligible operating expenses which results in
26 a reimbursement payment due to the Department, the participant

1 shall remit the reimbursement payment to the Department no
2 later than 90 days after written notification.

3 (e) Funds received by the Department from participants for
4 reimbursement as a result of an over payment from a prior State
5 fiscal year shall be deposited into the Downstate Public
6 Transportation Fund in the fiscal year in which they are
7 received and all unspent funds shall roll to following fiscal
8 years.

9 (f) Upon the Department's final reconciliation
10 determination that identifies a discrepancy between the
11 Downstate Operating Assistance Program funds paid and the
12 percentage of the eligible operating expenses which results in
13 a reimbursement payment due to the participant, the Department
14 shall remit the reimbursement payment to the participant no
15 later than 90 days after written notifications.

16 (Source: P.A. 102-626, eff. 8-27-21.)