



Rep. Daniel V. Beiser

**Filed: 4/7/2014**

09800HB3863ham001

LRB098 15422 HLH 58004 a

1 AMENDMENT TO HOUSE BILL 3863

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3863 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Downstate Public Transportation Act is  
5 amended by changing Sections 2-2.04, 2-10, 2-14, and 2-15 as  
6 follows:

7 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

8 Sec. 2-2.04. "Eligible operating expenses" means all  
9 expenses required for public transportation, including  
10 employee wages and benefits, materials, fuels, supplies,  
11 rental of facilities, taxes other than income taxes, any  
12 payment made for debt service (including principal and  
13 interest) by any participant on publicly owned equipment or  
14 facilities, payment made to the Illinois Municipal Retirement  
15 Fund for the purpose of addressing the unfunded pension  
16 liability, and any other expenditure which is an operating

1 expense according to standard accounting practices for the  
2 providing of public transportation. Eligible operating  
3 expenses shall not include allowances: (a) for depreciation  
4 whether funded or unfunded; (b) for amortization of any  
5 intangible costs; (c) for debt service on capital acquired with  
6 the assistance of capital grant funds provided by the State of  
7 Illinois; (d) for profits or return on investment; (e) for  
8 excessive payment to associated entities; (f) for  
9 Comprehensive Employment Training Act expenses; (g) (blank)  
10 ~~for costs reimbursed under Sections 6 and 8 of the "Urban Mass~~  
11 ~~Transportation Act of 1964", as amended;~~ (h) for entertainment  
12 expenses; (i) for charter expenses; (j) for fines and  
13 penalties; (k) for charitable donations; (l) for interest  
14 expense on long term borrowing and debt retirement other than  
15 on publicly owned equipment or facilities; (m) for income  
16 taxes; or (n) for such other expenses as the Department may  
17 determine consistent with federal Department of Transportation  
18 regulations or requirements. In consultation with  
19 participants, the Department shall, by October 2008,  
20 promulgate or update rules, pursuant to the Illinois  
21 Administrative Procedure Act, concerning eligible expenses to  
22 ensure consistent application of the Act, and the Department  
23 shall provide written copies of those rules to all eligible  
24 recipients. The Department shall review this process in the  
25 same manner no less frequently than every 5 years.

26 ~~With respect to participants other than any Metro East~~

1 ~~Transit District participant and those receiving federal~~  
2 ~~research development and demonstration funds pursuant to~~  
3 ~~Section 6 of the "Urban Mass Transportation Act of 1964", as~~  
4 ~~amended, during the fiscal year ending June 30, 1979, the~~  
5 ~~maximum eligible operating expenses for any such participant in~~  
6 ~~any fiscal year after Fiscal Year 1980 shall be the amount~~  
7 ~~appropriated for such participant for the fiscal year ending~~  
8 ~~June 30, 1980, plus in each year a 10% increase over the~~  
9 ~~maximum established for the preceding fiscal year. For Fiscal~~  
10 ~~Year 1980 the maximum eligible operating expenses for any such~~  
11 ~~participant shall be the amount of projected operating expenses~~  
12 ~~upon which the appropriation for such participant for Fiscal~~  
13 ~~Year 1980 is based.~~

14 ~~With respect to participants receiving federal research~~  
15 ~~development and demonstration operating assistance funds for~~  
16 ~~operating assistance pursuant to Section 6 of the "Urban Mass~~  
17 ~~Transportation Act of 1964", as amended, during the fiscal year~~  
18 ~~ending June 30, 1979, the maximum eligible operating expenses~~  
19 ~~for any such participant in any fiscal year after Fiscal Year~~  
20 ~~1980 shall not exceed such participant's eligible operating~~  
21 ~~expenses for the fiscal year ending June 30, 1980, plus in each~~  
22 ~~year a 10% increase over the maximum established for the~~  
23 ~~preceding fiscal year. For Fiscal Year 1980, the maximum~~  
24 ~~eligible operating expenses for any such participant shall be~~  
25 ~~the eligible operating expenses incurred during such fiscal~~  
26 ~~year, or projected operating expenses upon which the~~

1 ~~appropriation for such participant for the Fiscal Year 1980 is~~  
2 ~~based; whichever is less.~~

3 With respect to all participants ~~other than any Metro-East~~  
4 ~~Transit District participant,~~ the maximum eligible operating  
5 expenses for any such participant in any fiscal year after  
6 Fiscal Year 1985 (except Fiscal Year 2008 and Fiscal Year 2009)  
7 shall be the amount appropriated for such participant for the  
8 fiscal year ending June 30, 1985, plus (i) in fiscal years  
9 prior to Fiscal Year 2015, ~~in each year~~ a 10% increase over the  
10 maximum established for the preceding year and (ii) for Fiscal  
11 Year 2015 and each fiscal year thereafter, a percentage  
12 increase equal to the percentage change in transfers ordered in  
13 to the Downstate Public Transportation Fund under subsection  
14 (b-6) of Section 2-3 of this Act for the most recently  
15 completed fiscal year over the amount ordered transferred under  
16 that Section in the immediately preceding fiscal year, except  
17 that, if the percentage change is zero or less than zero, then  
18 the maximum established shall be equal to the maximum  
19 established for the preceding fiscal year. For Fiscal Year  
20 1985, the maximum eligible operating expenses for any such  
21 participant shall be the amount of projected operating expenses  
22 upon which the appropriation for such participant for Fiscal  
23 Year 1985 is based.

24 With respect to any mass transit district participant that  
25 has increased its district boundaries by annexing counties  
26 since 1998 and is maintaining a level of local financial

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

17 With respect to a participant that receives an initial  
18 appropriation in State fiscal year 2002 or thereafter, the  
19 maximum eligible operating expenses for any State fiscal year  
20 after 2003 (except State fiscal years 2006 through 2009) shall  
21 be the amount appropriated for that participant for the State  
22 fiscal year in which it received its initial appropriation,  
23 plus, in fiscal years prior to Fiscal Year 2015 ~~in each year~~, a  
24 10% increase over the preceding year and (ii) for Fiscal Year  
25 2015 and each fiscal year thereafter, a percentage increase  
26 equal to the percentage change in transfers ordered in to the

1 Downstate Public Transportation Fund under subsection (b-6) of  
2 Section 2-3 of this Act for the most recently completed fiscal  
3 year over the amount ordered transferred under that Section in  
4 the immediately preceding fiscal year, except that, if the  
5 percentage change is zero or less than zero, then the maximum  
6 established shall be equal to the maximum established for the  
7 preceding fiscal year. For the initial State fiscal year in  
8 which a participant received an appropriation, the maximum  
9 eligible operating expenses for any such participant shall be  
10 the amount of projected operating expenses upon which the  
11 appropriation for that participant for that State fiscal year  
12 is based.

13 With respect to the District serving primarily the counties  
14 of Monroe and St. Clair, beginning July 1, 2005, the St. Clair  
15 County Transit District shall no longer be included for new  
16 appropriation funding purposes as part of the Metro-East Public  
17 Transportation Fund and instead shall be included for new  
18 appropriation funding purposes as part of the Downstate Public  
19 Transportation Fund; provided, however, that nothing herein  
20 shall alter the eligibility of that District for previously  
21 appropriated funds to which it would otherwise be entitled.

22 With respect to the District serving primarily Madison  
23 County, beginning July 1, 2008, the Madison County Transit  
24 District shall no longer be included for new appropriation  
25 funding purposes as part of the Metro-East Public  
26 Transportation Fund and instead shall be included for new

1 appropriation funding purposes as part of the Downstate Public  
2 Transportation Fund; provided, however, that nothing herein  
3 shall alter the eligibility of that District for previously  
4 appropriated funds to which it would otherwise be entitled.

5 With respect to the fiscal year beginning July 1, 2007, and  
6 thereafter, the following shall be included for new  
7 appropriation funding purposes as part of the Downstate Public  
8 Transportation Fund: Bond County; Bureau County; Coles County;  
9 Edgar County; Stephenson County and the City of Freeport; Henry  
10 County; Jo Daviess County; Kankakee and McLean Counties; Peoria  
11 County; Piatt County; Shelby County; Tazewell and Woodford  
12 Counties; Vermilion County; Williamson County; and Kendall  
13 County.

14 (Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08.)

15 (30 ILCS 740/2-10) (from Ch. 111 2/3, par. 670)

16 Sec. 2-10. Cooperative projects. Nothing in this Act shall  
17 prohibit any participant from (i) including in a program of  
18 proposed expenditures funding for a portion of a cooperative  
19 public transportation project or purpose, the total cost of  
20 which is shared among one or more other participants or other  
21 financial contributors, as long as the residents of the  
22 participant are served by any such project or purpose or (ii)  
23 applying for and receiving another participant's appropriation  
24 if both participants agree by intergovernmental agreement to  
25 such agreement. Intergovernmental agreements must be in a form

1 approved by the Department and contain provisions for service  
2 equity in each participant's area and participant oversight of  
3 these requirements.

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

5 (30 ILCS 740/2-14) (from Ch. 111 2/3, par. 674)

6 Sec. 2-14. Grants. (a) Upon a determination by the  
7 Department that any initial or amended program of proposed  
8 expenditures is in compliance with the provisions of this Act,  
9 and upon approval thereof, the Department shall enter into one  
10 or more grant agreements with and shall make grants to that  
11 participant as necessary to implement the adopted program of  
12 expenditures.

13 (b) All grants by the Department pursuant to this Act shall  
14 be administered upon such conditions as the Secretary of  
15 Transportation shall determine, consistent with the provisions  
16 and purpose of this Act.

17 (c) Any procurement by a participant with respect to a  
18 project for which the participant will be requesting operating  
19 reimbursement of the debt service pursuant to this Act, shall  
20 not be subject to the Department's procurement process, but  
21 shall be subject to a locally approved procurement process that  
22 complies with all federal procurement standards.

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

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



1           Sec. 2-15. Residual fund balance.

2           (a) Except as otherwise provided in this Section, all funds  
3 which remain in the Downstate Public Transportation Fund or the  
4 Metro-East Public Transportation Fund after the payment of the  
5 fourth quarterly payment to participants other than Metro-East  
6 Transit District participants and the last monthly payment to  
7 Metro-East Transit participants in each fiscal year shall be  
8 transferred (i) to the General Revenue Fund through fiscal year  
9 2008 and (ii) to the Downstate Transit Improvement Fund for  
10 Fiscal Years ~~fiscal year~~ 2009 through 2012 and each fiscal year  
11 thereafter. Any amounts requested by the Department of  
12 Transportation for transfer into the Downstate Transit  
13 Improvement Fund during Fiscal Year 2014 are hereby nullified  
14 and, if the funds have been transferred into the Downstate  
15 Transit Improvement Fund on or before the effective date of  
16 this amendatory Act of the 98th General Assembly, then the  
17 State Comptroller shall immediately order transferred and the  
18 State Treasurer shall transfer such funds back to the Downstate  
19 Public Transportation Fund. In Fiscal Year 2015 and each fiscal  
20 year thereafter, the transfer to the Downstate Transit  
21 Improvement Fund shall be determined as follows:

22           (1) The Department of Transportation shall calculate  
23 the amounts directed to be transferred in to the Downstate  
24 Public Transportation Fund pursuant to subsection (b-6) of  
25 Section 2-3 of this Act, minus the amounts expended via  
26 appropriations and transfers from the Downstate Public

1       Transportation Fund for the most recently completed Fiscal  
2       Year (the "Net Resources Amount").

3       (2) The Department of Transportation shall also  
4       compute the June 30 available balance in the Downstate  
5       Public Transportation Fund for both the most recently  
6       completed fiscal year and the immediately preceding fiscal  
7       year and determine the change (positive or negative) in the  
8       available balance over the course of the most recently  
9       completed fiscal year (the "Balance Change Amount").

10       (3) If the Balance Change Amount indicates that the  
11       June 30 available balance in the Downstate Public  
12       Transportation Fund has stayed the same or increased during  
13       the most recently completed fiscal year, then the requested  
14       transfer to the Downstate Transit Improvement Fund in the  
15       current fiscal year will be equal to the Net Resources  
16       Amount calculated in item (1) above.

17       (4) If the Balance Change Amount indicates that the  
18       June 30 available balance has decreased during the most  
19       recently completed fiscal year, then the requested  
20       transfer to the Downstate Transit Improvement Fund shall be  
21       equal to the Net Resources Amount reduced by the Balance  
22       Change Amount. If the Balance Change Amount under item (2)  
23       is greater than or equal to the Net Resources Amount, then  
24       there will not be a transfer into the Downstate Transit  
25       Improvement Fund during the current fiscal year.

26       Transfers shall be made no later than 90 days following

1 the end of such fiscal year. Beginning fiscal year 2010, all  
2 moneys each year in the Downstate Transit Improvement Fund  
3 shall be  $\tau$  held solely for the benefit of the participants in  
4 the Downstate Public Transportation Fund and shall be  
5 appropriated solely to the Department to make competitive  
6 capital grants to the participants of the respective funds and  
7 for no other purpose. However, such amount as the Department  
8 determines to be necessary for (1) allocation to participants  
9 for the purposes of Section 2-7 for the first quarter of the  
10 succeeding fiscal year and (2) an amount equal to 2% of the  
11 total allocations to participants in the fiscal year just ended  
12 to be used for the purpose of audit adjustments shall be  
13 retained in such Funds to be used by the Department for such  
14 purposes.

15 (b) Notwithstanding any other provision of law, in addition  
16 to any other transfers that may be provided by law, on July 1,  
17 2011, or as soon thereafter as practical, the State Comptroller  
18 shall direct and the State Treasurer shall transfer the  
19 remaining balance from the Metro East Public Transportation  
20 Fund into the General Revenue Fund. Upon completion of the  
21 transfers, the Metro East Public Transportation Fund is  
22 dissolved, and any future deposits due to that Fund and any  
23 outstanding obligations or liabilities of that Fund pass to the  
24 General Revenue Fund.

25 (Source: P.A. 97-72, eff. 7-1-11.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".