



Rep. Michael W. Tryon

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09800HB5842ham001

LRB098 18849 JLK 58215 a

1 AMENDMENT TO HOUSE BILL 5842

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5842 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall  
9 be open to the public unless excepted in subsection (c) and  
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained  
12 in subsection (c) are in derogation of the requirement that  
13 public bodies meet in the open, and therefore, the exceptions  
14 are to be strictly construed, extending only to subjects  
15 clearly within their scope. The exceptions authorize but do not  
16 require the holding of a closed meeting to discuss a subject

1 included within an enumerated exception.

2 (c) Exceptions. A public body may hold closed meetings to  
3 consider the following subjects:

4 (1) The appointment, employment, compensation,  
5 discipline, performance, or dismissal of specific  
6 employees of the public body or legal counsel for the  
7 public body, including hearing testimony on a complaint  
8 lodged against an employee of the public body or against  
9 legal counsel for the public body to determine its  
10 validity.

11 (2) Collective negotiating matters between the public  
12 body and its employees or their representatives, or  
13 deliberations concerning salary schedules for one or more  
14 classes of employees.

15 (3) The selection of a person to fill a public office,  
16 as defined in this Act, including a vacancy in a public  
17 office, when the public body is given power to appoint  
18 under law or ordinance, or the discipline, performance or  
19 removal of the occupant of a public office, when the public  
20 body is given power to remove the occupant under law or  
21 ordinance.

22 (4) Evidence or testimony presented in open hearing, or  
23 in closed hearing where specifically authorized by law, to  
24 a quasi-adjudicative body, as defined in this Act, provided  
25 that the body prepares and makes available for public  
26 inspection a written decision setting forth its

1           determinative reasoning.

2           (5) The purchase or lease of real property for the use  
3           of the public body, including meetings held for the purpose  
4           of discussing whether a particular parcel should be  
5           acquired.

6           (6) The setting of a price for sale or lease of  
7           property owned by the public body.

8           (7) The sale or purchase of securities, investments, or  
9           investment contracts. This exception shall not apply to the  
10          investment of assets or income of funds deposited into the  
11          Illinois Prepaid Tuition Trust Fund.

12          (8) Security procedures and the use of personnel and  
13          equipment to respond to an actual, a threatened, or a  
14          reasonably potential danger to the safety of employees,  
15          students, staff, the public, or public property.

16          (9) Student disciplinary cases.

17          (10) The placement of individual students in special  
18          education programs and other matters relating to  
19          individual students.

20          (11) Litigation, when an action against, affecting or  
21          on behalf of the particular public body has been filed and  
22          is pending before a court or administrative tribunal, or  
23          when the public body finds that an action is probable or  
24          imminent, in which case the basis for the finding shall be  
25          recorded and entered into the minutes of the closed  
26          meeting.

1           (12) The establishment of reserves or settlement of  
2           claims as provided in the Local Governmental and  
3           Governmental Employees Tort Immunity Act, if otherwise the  
4           disposition of a claim or potential claim might be  
5           prejudiced, or the review or discussion of claims, loss or  
6           risk management information, records, data, advice or  
7           communications from or with respect to any insurer of the  
8           public body or any intergovernmental risk management  
9           association or self insurance pool of which the public body  
10          is a member.

11          (13) Conciliation of complaints of discrimination in  
12          the sale or rental of housing, when closed meetings are  
13          authorized by the law or ordinance prescribing fair housing  
14          practices and creating a commission or administrative  
15          agency for their enforcement.

16          (14) Informant sources, the hiring or assignment of  
17          undercover personnel or equipment, or ongoing, prior or  
18          future criminal investigations, when discussed by a public  
19          body with criminal investigatory responsibilities.

20          (15) Professional ethics or performance when  
21          considered by an advisory body appointed to advise a  
22          licensing or regulatory agency on matters germane to the  
23          advisory body's field of competence.

24          (16) Self evaluation, practices and procedures or  
25          professional ethics, when meeting with a representative of  
26          a statewide association of which the public body is a

1 member.

2 (17) The recruitment, credentialing, discipline or  
3 formal peer review of physicians or other health care  
4 professionals for a hospital, or other institution  
5 providing medical care, that is operated by the public  
6 body.

7 (18) Deliberations for decisions of the Prisoner  
8 Review Board.

9 (19) Review or discussion of applications received  
10 under the Experimental Organ Transplantation Procedures  
11 Act.

12 (20) The classification and discussion of matters  
13 classified as confidential or continued confidential by  
14 the State Government Suggestion Award Board.

15 (21) Discussion of minutes of meetings lawfully closed  
16 under this Act, whether for purposes of approval by the  
17 body of the minutes or semi-annual review of the minutes as  
18 mandated by Section 2.06.

19 (22) Deliberations for decisions of the State  
20 Emergency Medical Services Disciplinary Review Board.

21 (23) The operation by a municipality of a municipal  
22 utility or the operation of a municipal power agency or  
23 municipal natural gas agency when the discussion involves  
24 (i) contracts relating to the purchase, sale, or delivery  
25 of electricity or natural gas or (ii) the results or  
26 conclusions of load forecast studies.

1           (24) Meetings of a residential health care facility  
2           resident sexual assault and death review team or the  
3           Executive Council under the Abuse Prevention Review Team  
4           Act.

5           (25) Meetings of an independent team of experts under  
6           Brian's Law.

7           (26) Meetings of a mortality review team appointed  
8           under the Department of Juvenile Justice Mortality Review  
9           Team Act.

10          (27) (Blank).

11          (28) Correspondence and records (i) that may not be  
12          disclosed under Section 11-9 of the Public Aid Code or (ii)  
13          that pertain to appeals under Section 11-8 of the Public  
14          Aid Code.

15          (29) Meetings between internal or external auditors  
16          and governmental audit committees, finance committees, and  
17          their equivalents, when the discussion involves internal  
18          control weaknesses, identification of potential fraud risk  
19          areas, known or suspected frauds, and fraud interviews  
20          conducted in accordance with generally accepted auditing  
21          standards of the United States of America.

22          (30) Those meetings or portions of meetings of an  
23          at-risk adult fatality review team or the Illinois At-Risk  
24          Adult Fatality Review Team Advisory Council during which a  
25          review of the death of an eligible adult in which abuse or  
26          neglect is suspected, alleged, or substantiated is

1 conducted pursuant to Section 15 of the Adult Protective  
2 Services Act.

3 (31) ~~(30)~~ Meetings and deliberations for decisions of  
4 the Concealed Carry Licensing Review Board under the  
5 Firearm Concealed Carry Act.

6 (32) Meetings between the Regional Transportation  
7 Authority Board and its Service Boards when the discussion  
8 involves review by the Regional Transportation Authority  
9 Board of employment contracts under Section 28d of the  
10 Metropolitan Transit Authority Act and Sections 3A.18 and  
11 3B.26 of the Regional Transportation Authority Act.

12 (d) Definitions. For purposes of this Section:

13 "Employee" means a person employed by a public body whose  
14 relationship with the public body constitutes an  
15 employer-employee relationship under the usual common law  
16 rules, and who is not an independent contractor.

17 "Public office" means a position created by or under the  
18 Constitution or laws of this State, the occupant of which is  
19 charged with the exercise of some portion of the sovereign  
20 power of this State. The term "public office" shall include  
21 members of the public body, but it shall not include  
22 organizational positions filled by members thereof, whether  
23 established by law or by a public body itself, that exist to  
24 assist the body in the conduct of its business.

25 "Quasi-adjudicative body" means an administrative body  
26 charged by law or ordinance with the responsibility to conduct

1 hearings, receive evidence or testimony and make  
2 determinations based thereon, but does not include local  
3 electoral boards when such bodies are considering petition  
4 challenges.

5 (e) Final action. No final action may be taken at a closed  
6 meeting. Final action shall be preceded by a public recital of  
7 the nature of the matter being considered and other information  
8 that will inform the public of the business being conducted.

9 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;  
10 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.  
11 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; revised  
12 7-23-13.)

13 Section 15. The Metropolitan Transit Authority Act is  
14 amended by changing Section 28 and adding Section 28d as  
15 follows:

16 (70 ILCS 3605/28) (from Ch. 111 2/3, par. 328)

17 Sec. 28. The Board shall classify all the offices,  
18 positions and grades of regular and exempt employment required,  
19 excepting that of the Chairman of the Board, the Executive  
20 Director, Secretary, Treasurer, General Counsel, and Chief  
21 Engineer, with reference to the duties, job title, job schedule  
22 number, and the compensation fixed therefor, and adopt rules  
23 governing appointments to any of such offices or positions on  
24 the basis of merit and efficiency. The job title shall be



1 generally descriptive of the duties performed in that job, and  
2 the job schedule number shall be used to identify a job title  
3 and to further classify positions within a job title. No  
4 discrimination shall be made in any appointment or promotion to  
5 any office, position, or grade of regular employment because of  
6 race, creed, color, sex, national origin, physical or mental  
7 handicap unrelated to ability, or political or religious  
8 affiliations. No officer or employee in regular employment  
9 shall be discharged or demoted except for cause which is  
10 detrimental to the service. Any officer or employee in regular  
11 employment who is discharged or demoted may file a complaint in  
12 writing with the Board within ten days after notice of his or  
13 her discharge or demotion. If an employee is a member of a  
14 labor organization the complaint may be filed by such  
15 organization for and in behalf of such employee. The Board  
16 shall grant a hearing on such complaint within thirty (30) days  
17 after it is filed. The time and place of the hearing shall be  
18 fixed by the Board and due notice thereof given to the  
19 complainant, the labor organization by or through which the  
20 complaint was filed and the Executive Director. The hearing  
21 shall be conducted by the Board, or any member thereof or any  
22 officers' committee or employees' committee appointed by the  
23 Board. The complainant may be represented by counsel. If the  
24 Board finds, or approves a finding of the member or committee  
25 appointed by the Board, that the complainant has been unjustly  
26 discharged or demoted, he or she shall be restored to his or

1 her office or position with back pay. The decision of the Board  
2 shall be final and not subject to review. The Board may  
3 designate such offices, positions, and grades of employment as  
4 exempt as it deems necessary for the efficient operation of the  
5 business of the Authority. The total number of employees  
6 occupying exempt offices, positions, or grades of employment  
7 may not exceed 3% of the total employment of the Authority. All  
8 exempt offices, positions, and grades of employment shall be at  
9 will. No discrimination shall be made in any appointment or  
10 promotion to any office, position, or grade of exempt  
11 employment because of race, creed, color, sex, national origin,  
12 physical or mental handicap unrelated to ability, or religious  
13 or political affiliation. The Board may abolish any vacant or  
14 occupied office or position. Additionally, the Board may reduce  
15 the force of employees for lack of work or lack of funds as  
16 determined by the Board. When the number of positions or  
17 employees holding positions of regular employment within a  
18 particular job title and job schedule number are reduced, those  
19 employees with the least company seniority in that job title  
20 and job schedule number shall be first released from regular  
21 employment service. For a period of one year, an employee  
22 released from service shall be eligible for reinstatement to  
23 the job title and job schedule number from which he or she was  
24 released, in order of company seniority, if additional force of  
25 employees is required. "Company seniority" as used in this  
26 Section means the overall employment service credited to an

1 employee by the Authority since the employee's most recent date  
2 of hire irrespective of job titles held. If 2 or more employees  
3 have the same company seniority date, time in the affected job  
4 title and job schedule number shall be used to break the  
5 company seniority tie. For purposes of this Section, company  
6 seniority shall be considered a working condition. When  
7 employees are represented by a labor organization that has a  
8 labor agreement with the Authority, the wages, hours, and  
9 working conditions (including, but not limited to, seniority  
10 rights) shall be governed by the terms of the agreement. Exempt  
11 employment shall not include any employees who are represented  
12 by a labor organization that has a labor agreement with the  
13 Authority.

14 No employee, officer, or agent of the Chicago Transit Board  
15 may receive a bonus that exceeds 10% of his or her annual  
16 salary unless that bonus has been reviewed for a period of 14  
17 days by the Regional Transportation Authority Board. After 14  
18 days, the bonus shall be considered reviewed. This Section does  
19 not apply to usual and customary salary adjustments.

20 (Source: P.A. 90-183, eff. 1-1-98.)

21 (70 ILCS 3605/28d new)

22 Sec. 28d. Employment contracts. Except as otherwise  
23 provided in Section 28a, before the Chicago Transit Board may  
24 enter into or amend any employment contract in excess of  
25 \$100,000, the Chicago Transit Board must submit that contract

1 or amendment to the Regional Transportation Authority Board for  
2 review for a period of 14 days. After 14 days, the contract  
3 shall be considered reviewed. This Section applies only to  
4 contracts entered into or amended on or after the effective  
5 date of this amendatory Act of the 98th General Assembly.

6 Section 20. The Regional Transportation Authority Act is  
7 amended by changing Sections 2.14, 3A.05, 3B.05, 4.01 and by  
8 adding Sections 3A.18, 3B.26, 4.15, 4.16 and 5.06 as follows:

9 (70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

10 Sec. 2.14. Appointment of Officers and Employees. The  
11 Authority may appoint, retain and employ officers, attorneys,  
12 agents, engineers and employees. The officers shall include an  
13 Executive Director, who shall be the chief executive officer of  
14 the Authority, appointed by the Chairman with the concurrence  
15 of 11 of the other then Directors of the Board. The Executive  
16 Director shall organize the staff of the Authority, shall  
17 allocate their functions and duties, shall transfer such staff  
18 to the Suburban Bus Division and the Commuter Rail Division as  
19 is sufficient to meet their purposes, shall fix compensation  
20 and conditions of employment of the staff of the Authority, and  
21 consistent with the policies of and direction from the Board,  
22 take all actions necessary to achieve its purposes, fulfill its  
23 responsibilities and carry out its powers, and shall have such  
24 other powers and responsibilities as the Board shall determine.

1 The Executive Director must be an individual of proven  
2 transportation and management skills and may not be a member of  
3 the Board. The Authority may employ its own professional  
4 management personnel to provide professional and technical  
5 expertise concerning its purposes and powers and to assist it  
6 in assessing the performance of the Service Boards in the  
7 metropolitan region.

8 No employee, officer, or agent of the Authority may receive  
9 a bonus that exceeds 10% of his or her annual salary unless  
10 that bonus has been reviewed by the Board for a period of 14  
11 days. After 14 days, the contract shall be considered reviewed.  
12 This Section does not apply to usual and customary salary  
13 adjustments.

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

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

1 action program shall include provisions relating to hiring,  
2 upgrading, demotion, transfer, recruitment, recruitment  
3 advertising, selection for training and rates of pay or other  
4 forms of compensation.

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

6 (70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

7 Sec. 3A.05. Appointment of officers and employees. The  
8 Suburban Bus Board shall appoint an Executive Director who  
9 shall be the chief executive officer of the Division,  
10 appointed, retained or dismissed with the concurrence of 9 of  
11 the directors of the Suburban Bus Board. The Executive Director  
12 shall appoint, retain and employ officers, attorneys, agents,  
13 engineers, employees and shall organize the staff, shall  
14 allocate their functions and duties, fix compensation and  
15 conditions of employment, and consistent with the policies of  
16 and direction from the Suburban Bus Board take all actions  
17 necessary to achieve its purposes, fulfill its  
18 responsibilities and carry out its powers, and shall have such  
19 other powers and responsibilities as the Suburban Bus Board  
20 shall determine. The Executive Director shall be an individual  
21 of proven transportation and management skills and may not be a  
22 member of the Suburban Bus Board. The Division may employ its  
23 own professional management personnel to provide professional  
24 and technical expertise concerning its purposes and powers and  
25 to assist it in assessing the performance of transportation

1 agencies in the metropolitan region.

2 No employee, officer, or agent of the Suburban Bus Board  
3 may receive a bonus that exceeds 10% of his or her annual  
4 salary unless that bonus has been reviewed by the Regional  
5 Transportation Authority Board for a period of 14 days. After  
6 14 days, the contract shall be considered reviewed. This  
7 Section does not apply to usual and customary salary  
8 adjustments.

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

15 The Division shall be subject to the "Illinois Human Rights  
16 Act", as now or hereafter amended, and the remedies and  
17 procedure established thereunder. The Suburban Bus Board shall  
18 file an affirmative action program for employment by it with  
19 the Department of Human Rights to ensure that applicants are  
20 employed and that employees are treated during employment,  
21 without regard to unlawful discrimination. Such affirmative  
22 action program shall include provisions relating to hiring,  
23 upgrading, demotion, transfer, recruitment, recruitment  
24 advertising, selection for training and rates of pay or other  
25 forms of compensation.

26 (Source: P.A. 95-906, eff. 8-26-08.)

1 (70 ILCS 3615/3A.18 new)

2 Sec. 3A.18. Employment contracts. Except as otherwise  
3 provided in Section 3A.14, before the Suburban Bus Board may  
4 enter into or amend any employment contract in excess of  
5 \$100,000, the Suburban Bus Board must submit that contract or  
6 amendment to the Board for review for a period of 14 days.  
7 After 14 days, the contract shall be considered reviewed. This  
8 Section applies only to contracts entered into or amended on or  
9 after the effective date of this amendatory Act of the 98th  
10 General Assembly.

11 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

12 Sec. 3B.05. Appointment of officers and employees. The  
13 Commuter Rail Board shall appoint an Executive Director who  
14 shall be the chief executive officer of the Division,  
15 appointed, retained or dismissed with the concurrence of 8 of  
16 the directors of the Commuter Rail Board. The Executive  
17 Director shall appoint, retain and employ officers, attorneys,  
18 agents, engineers, employees and shall organize the staff,  
19 shall allocate their functions and duties, fix compensation and  
20 conditions of employment, and consistent with the policies of  
21 and direction from the Commuter Rail Board take all actions  
22 necessary to achieve its purposes, fulfill its  
23 responsibilities and carry out its powers, and shall have such  
24 other powers and responsibilities as the Commuter Rail Board



1 shall determine. The Executive Director shall be an individual  
2 of proven transportation and management skills and may not be a  
3 member of the Commuter Rail Board. The Division may employ its  
4 own professional management personnel to provide professional  
5 and technical expertise concerning its purposes and powers and  
6 to assist it in assessing the performance of transportation  
7 agencies in the metropolitan region.

8 No employee, officer, or agent of the Commuter Rail Board  
9 may receive a bonus that exceeds 10% of his or her annual  
10 salary unless that bonus has been reviewed by the Regional  
11 Transportation Authority Board for a period of 14 days. After  
12 14 days, the contract shall be considered reviewed. This  
13 Section does not apply to usual and customary salary  
14 adjustments.

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

22 The Division shall be subject to the "Illinois Human Rights  
23 Act", as now or hereafter amended, and the remedies and  
24 procedure established thereunder. The Commuter Rail Board  
25 shall file an affirmative action program for employment by it  
26 with the Department of Human Rights to ensure that applicants

1 are employed and that employees are treated during employment,  
2 without regard to unlawful discrimination. Such affirmative  
3 action program shall include provisions relating to hiring,  
4 upgrading, demotion, transfer, recruitment, recruitment  
5 advertising, selection for training and rates of pay or other  
6 forms of compensation.

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

8 (70 ILCS 3615/3B.26 new)

9 Sec. 3B.26. Employment contracts. Except as otherwise  
10 provided in Section 3B.13, before the Commuter Rail Board may  
11 enter into or amend any employment contract in excess of  
12 \$100,000, the Commuter Rail Board must submit that contract or  
13 amendment to the Board for review for a period of 14 days.  
14 After 14 days, the contract shall be considered reviewed. This  
15 Section applies only to contracts entered into or amended on or  
16 after the effective date of this amendatory Act of the 98th  
17 General Assembly.

18 Before the Board of the Regional Transportation Authority  
19 may enter into or amend any employment contract in excess of  
20 \$100,000, the Board must submit that contract to the Chairman  
21 and Minority Spokesman of the Mass Transit Committee, or its  
22 successor committee, of the House of Representatives, and to  
23 the Chairman and Minority Spokesman of the Transportation  
24 Committee, or its successor committee, of the Senate.

1 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

2 Sec. 4.01. Budget and Program.

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

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

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

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

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

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

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

1 bonds or notes issued pursuant to that Section; the payment  
2 by the Commuter Rail Division of debt service on bonds  
3 issued 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  
22 services. For purposes of this Act, the percentages in this  
23 subsection (b)(ii) shall be referred to as the "system  
24 generated ADA paratransit services revenue recovery  
25 ratio". For purposes of the system generated ADA  
26 paratransit services revenue recovery ratio, "costs" shall

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

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

26 (d) This subsection applies only until the Department



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

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

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

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

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

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

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

12 (i) Each Service Board shall furnish to the Board access to  
13 its financial information including, but not limited to, audits  
14 and reports. The Board shall have real-time access to the  
15 financial information of the Service Boards; however, the Board  
16 shall be granted read-only access to the Service Board's  
17 financial information.

18 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;  
19 95-906, eff. 8-26-08.)

20 (70 ILCS 3615/4.15 new)

21 Sec. 4.15. Revolving door prohibition. No Director,  
22 Service Board director or member, former Director, or former  
23 Service Board director or member shall, during his or her term  
24 and for a period of one year immediately after the end of his  
25 or her term, engage in business dealings with, knowingly accept

1 employment from, or receive compensation or fees for services  
2 from the Regional Transportation Authority from the Regional  
3 Transportation Authority, the Suburban Bus Board, the Commuter  
4 Rail Board or the Chicago Transit Board. This prohibition shall  
5 not apply to any business dealings engaged in by the Director  
6 or Service Board director or member in the course of his or her  
7 official duties or responsibilities as a Director or Service  
8 Board director or member.

9 (70 ILCS 3615/4.16 new)

10 Sec. 4.16. Severance and employment-related settlement  
11 agreements. If any of the Service Boards seek to enter into a  
12 severance agreement in excess of \$50,000 or an  
13 employment-related settlement agreement in excess of \$200,000,  
14 that agreement shall be reviewed by the Board prior to  
15 execution for a period of 14 days. After 14 days, the agreement  
16 shall be considered reviewed. The Board shall review the  
17 agreement to determine whether the terms are reasonable and in  
18 the region's best interest. The Service Boards may only enter  
19 into severance agreements or employment-related settlement  
20 agreements that have been reviewed by the Board.

21 (70 ILCS 3615/5.06 new)

22 Sec. 5.06. Greater Chicago Mass Transit Transparency and  
23 Accountability Portal (CHI-TAP).

24 (a) The Authority, within 12 months after the effective

1 date of this amendatory Act of the 98th General Assembly, shall  
2 establish and maintain a website, known as the Greater Chicago  
3 Mass Transit Transparency and Accountability Portal (CHI-TAP),  
4 and shall be tasked with compiling and updating the CHI-TAP  
5 database with information received from the Authority and all  
6 of its Service Boards.

7 (b) For purposes of this Section:

8 "Contracts" means payment obligations with vendors on  
9 file to purchase goods and services exceeding \$10,000 in  
10 value.

11 "Recipients" means the Authority or any of its Service  
12 Boards.

13 (c) The CHI-TAP shall provide direct access to each of the  
14 following:

15 (1) A database of all current employees of the  
16 Authority and its Service Boards, sorted separately by:

17 (i) Name.

18 (ii) Employing entity.

19 (iii) Employing division or department.

20 (iv) Employment position title.

21 (v) Current base salary or hourly rate and  
22 year-to-date gross pay.

23 (2) A database of all current Authority expenditures,  
24 sorted separately by Service Board and category.

25 (3) A database of all Authority and Service Board  
26 contracts entered into after the effective date of this

1 amendatory Act of the 98th General Assembly, sorted  
2 separately by contractor name, awarding officer or agency,  
3 contract value, and goods or services provided.

4 (4) A database of all employees of the Authority and  
5 its Service Boards hired on or after the effective date of  
6 this amendatory Act of the 98th General Assembly, sorted  
7 searchably by each of the following at the time of  
8 employment:

9 (i) Name.

10 (ii) Employing entity.

11 (iii) Employing division.

12 (iv) Employment position title.

13 (v) Current base salary or hourly rate and  
14 year-to-date gross pay.

15 (vi) County of employment location.

16 (vii) Status of position including, but not  
17 limited to, bargained-for positions, at-will  
18 positions, or not bargained for positions.

19 (viii) Employment status including, but not  
20 limited to, full-time permanent, full-time temporary,  
21 part-time permanent and part-time temporary.

22 (ix) Status as a military veteran.

23 (5) A database of publicly available accident-related  
24 and safety-related information currently required to be  
25 reported to the federal Secretary of Transportation under  
26 49 U.S.C. 5335.

1       (d) The CHI-TAP shall include all information required to  
2 be published by subsection (c) of this Section that is  
3 available to the Authority in a format the Authority can  
4 compile and publish on the CHI-TAP. The Authority shall update  
5 the CHI-TAP within 30 days as additional information becomes  
6 available in a format that can be compiled and published on the  
7 CHI-TAP by the Authority.

8       (e) Each Service Board shall cooperate with the Authority  
9 in furnishing the information necessary for the implementation  
10 of this Section within a timeframe specified by the Authority.

11       (f) The Authority and its Service Boards are independently  
12 responsible for the accuracy of the specific information  
13 provided by each agency to be displayed on CHI-TAP.

14       Section 90. The State Mandates Act is amended by adding  
15 Section 8.38 as follows:

16       (30 ILCS 805/8.38 new)

17       Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8  
18 of this Act, no reimbursement by the State is required for the  
19 implementation of any mandate created by this amendatory Act of  
20 the 98th General Assembly."