



Rep. Jay C. Hoffman

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LRB093 10755 MKM 51862 a

1 AMENDMENT TO SENATE BILL 829

2 AMENDMENT NO. _____. Amend Senate Bill 829 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 2-2.02, 2-2.04, 2-3, 2-6, and 2-7
6 as follows:

7 (30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)

8 Sec. 2-2.02. "Participant" means:

9 (1) a city, village, or incorporated town, or a local mass
10 transit district organized under the Local Mass Transit
11 District Act (a) serving an urbanized area of over 50,000
12 population on December 28, 1989, (b) receiving State mass
13 transportation operating assistance pursuant to the Downstate
14 Public Transportation Act during Fiscal Year 1979, or (c)
15 serving a nonurbanized area and receiving federal rural public
16 transportation assistance on or before December 31, 2003 ~~June~~
17 ~~30, 2002~~; or

18 (2) any Metro-East Transit District established pursuant
19 to Section 3 of the Local Mass Transit District Act and serving
20 one or more of the Counties of Madison, Monroe, and St. Clair
21 during Fiscal Year 1989, all located outside the boundaries of
22 the Regional Transportation Authority as established pursuant
23 to the Regional Transportation Authority Act.

24 (Source: P.A. 91-357, eff. 7-29-99; 92-258, eff. 8-7-01;

1 92-464, eff. 8-22-01.)

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

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

27 With respect to participants other than any Metro-East
28 Transit District participant and those receiving federal
29 research development and demonstration funds pursuant to
30 Section 6 of the "Urban Mass Transportation Act of 1964", as
31 amended, during the fiscal year ending June 30, 1979, the
32 maximum eligible operating expenses for any such participant in
33 any fiscal year after Fiscal Year 1980 shall be the amount

1 appropriated for such participant for the fiscal year ending
2 June 30, 1980, plus in each year a 10% increase over the
3 maximum established for the preceding fiscal year. For Fiscal
4 Year 1980 the maximum eligible operating expenses for any such
5 participant shall be the amount of projected operating expenses
6 upon which the appropriation for such participant for Fiscal
7 Year 1980 is based.

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

23 With respect to all participants other than any Metro-East
24 Transit District participant, the maximum eligible operating
25 expenses for any such participant in any fiscal year after
26 Fiscal Year 1985 shall be the amount appropriated for such
27 participant for the fiscal year ending June 30, 1985, plus in
28 each year a 10% increase over the maximum established for the
29 preceding year. For Fiscal Year 1985, the maximum eligible
30 operating expenses for any such participant shall be the amount
31 of projected operating expenses upon which the appropriation
32 for such participant for Fiscal Year 1985 is based.

33 With respect to any mass transit district participant that
34 has increased its district boundaries by annexing counties

1 since 1998 and is maintaining a level of local financial
2 support, including all income and revenues, equal to or greater
3 than the level in the State fiscal year ending June 30, 2001,
4 the maximum eligible operating expenses for any State fiscal
5 year after 2002 shall be the amount appropriated for that
6 participant for the State fiscal year ending June 30, 2002,
7 plus, in each State fiscal year, a 10% increase over the
8 preceding State fiscal year. For State fiscal year 2002, the
9 maximum eligible operating expenses for any such participant
10 shall be the amount of projected operating expenses upon which
11 the appropriation for that participant for State fiscal year
12 2002 is based. For that participant, eligible operating
13 expenses for State fiscal year 2002 in excess of the eligible
14 operating expenses for the State fiscal year ending June 30,
15 2001, plus 10%, must be attributed to the provision of services
16 in the newly annexed counties.

17 With respect to a participant that receives an initial
18 appropriation in State fiscal year 2002, the maximum eligible
19 operating expenses for any State fiscal year after 2003 shall
20 be the amount appropriated for that participant for the State
21 fiscal year ending June 30, 2003, plus, in each year, a 10%
22 increase over the preceding year. For State fiscal year 2003,
23 the maximum eligible operating expenses for any such
24 participant shall be the amount of projected operating expenses
25 upon which the appropriation for that participant for State
26 fiscal year 2003 is based.

27 With respect to the District serving primarily the counties
28 of Monroe and St. Clair, beginning July 1, 2004, the St. Clair
29 County Transit District shall no longer be included for new
30 appropriation funding purposes as part of the Metro-East Public
31 Transportation Fund and instead shall be included for new
32 appropriation funding purposes as part of the Downstate Public
33 Transportation Fund; provided, however, that nothing herein
34 shall alter the eligibility of such District for previously

1 appropriated funds to which it would otherwise be entitled.

2 (Source: P.A. 92-258, eff. 8-7-01; 92-464, eff. 8-22-01;
3 92-651, eff. 7-11-02.)

4 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

5 Sec. 2-3. (a) As soon as possible after the first day of
6 each month, beginning July 1, 1984, upon certification of the
7 Department of Revenue, the Comptroller shall order
8 transferred, and the Treasurer shall transfer, from the General
9 Revenue Fund to a special fund in the State Treasury which is
10 hereby created, to be known as the "Downstate Public
11 Transportation Fund", an amount equal to 2/32 (beginning July
12 1, 2004, 3/32) of the net revenue realized from the "Retailers'
13 Occupation Tax Act", as now or hereafter amended, the "Service
14 Occupation Tax Act", as now or hereafter amended, the "Use Tax
15 Act", as now or hereafter amended, and the "Service Use Tax
16 Act", as now or hereafter amended, from persons incurring
17 municipal or county retailers' or service occupation tax
18 liability for the benefit of any municipality or county located
19 wholly within the boundaries of each participant other than any
20 Metro-East Transit District participant certified pursuant to
21 subsection (c) of this Section during the preceding month,
22 except that the Department shall pay into the Downstate Public
23 Transportation Fund 2/32 (beginning July 1, 2004, 3/32) of 80%
24 of the net revenue realized under the State tax Acts named
25 above within any municipality or county located wholly within
26 the boundaries of each participant, other than any Metro-East
27 participant, for tax periods beginning on or after January 1,
28 1990; provided, however, that beginning with fiscal year 1985,
29 the transfers into the Downstate Public Transportation Fund
30 during any fiscal year shall not exceed the annual
31 appropriation from the Downstate Public Transportation Fund
32 for that year. The Department of Transportation shall notify
33 the Department of Revenue and the Comptroller at the beginning

1 of each fiscal year of the amount of the annual appropriation
2 from the Downstate Public Transportation Fund. Net revenue
3 realized for a month shall be the revenue collected by the
4 State pursuant to such Acts during the previous month from
5 persons incurring municipal or county retailers' or service
6 occupation tax liability for the benefit of any municipality or
7 county located wholly within the boundaries of a participant,
8 less the amount paid out during that same month as refunds or
9 credit memoranda to taxpayers for overpayment of liability
10 under such Acts for the benefit of any municipality or county
11 located wholly within the boundaries of a participant.

12 (b) As soon as possible after the first day of each month,
13 beginning July 1, 1989, upon certification of the Department of
14 Revenue, the Comptroller shall order transferred, and the
15 Treasurer shall transfer, from the General Revenue Fund to a
16 special fund in the State Treasury which is hereby created, to
17 be known as the "Metro-East Public Transportation Fund", an
18 amount equal to $2/32$ of the net revenue realized, as above,
19 from within the boundaries of Madison , Monroe and St. Clair
20 Counties, except that the Department shall pay into the
21 Metro-East Public Transportation Fund $2/32$ of 80% of the net
22 revenue realized under the State tax Acts specified in
23 subsection (a) of this Section within the boundaries of Madison
24 , Monroe and St. Clair Counties for tax periods beginning on or
25 after January 1, 1990. A local match equivalent to an amount
26 which could be raised by a tax levy at the rate of .05% on the
27 assessed value of property within the boundaries of Madison
28 County , ~~Monroe and St. Clair Counties~~ is required annually to
29 cause a total of $2/32$ of the net revenue to be deposited in the
30 Metro-East Public Transportation Fund. Failure to raise the
31 required local match annually shall result in only $1/32$ being
32 deposited into the Metro-East Public Transportation Fund after
33 July 1, 1989, or $1/32$ of 80% of the net revenue realized for
34 tax periods beginning on or after January 1, 1990.

1 (b-5) As soon as possible after the first day of each
2 month, beginning July 1, 2004, upon certification of the
3 Department of Revenue, the Comptroller shall order
4 transferred, and the Treasurer shall transfer, from the General
5 Revenue Fund to the Downstate Public Transportation Fund, an
6 amount equal to 3/32 of 80% of the net revenue realized from
7 within the boundaries of Monroe and St. Clair Counties under
8 the State tax Acts specified in subsection (a) of this Section
9 and provided further that, beginning July 1, 2004, the
10 provisions of subsection (b) shall no longer apply with respect
11 to such tax receipts from Monroe and St. Clair Counties.

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

17 (d) For the purposes of this Article the Department shall
18 include in its annual request for appropriation of ordinary and
19 contingent expenses an amount equal to the sum total funds
20 projected to be paid to the participants pursuant to Section
21 2-7.

22 (e) In addition to any other permitted use of moneys in the
23 Fund, and notwithstanding any restriction on the use of the
24 Fund, moneys in the Downstate Public Transportation Fund may be
25 transferred to the General Revenue Fund as authorized by Public
26 Act 87-14. The General Assembly finds that an excess of moneys
27 existed in the Fund on July 30, 1991, and the Governor's order
28 of July 30, 1991, and the Governor's order of July 30, 1991,
29 requesting the Comptroller and Treasurer to transfer an amount
30 from the Fund to the General Revenue Fund is hereby validated.

31 (Source: P.A. 86-590; 86-953; 87-838.)

32 (30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)

33 Sec. 2-6. Allocation of funds.

1 (a) With respect to all participants other than any
2 Metro-East Transit District participant, the Department shall
3 allocate the funds to be made available to each participant
4 under this Article for the following fiscal year and shall
5 notify the chief official of each participant not later than
6 the first day of the fiscal year of this amount. For Fiscal
7 Year 1975, notification shall be made not later than January 1,
8 1975, of the amount of such allocation. In determining the
9 allocation for each participant, the Department shall estimate
10 the funds available to the participant from the Downstate
11 Public Transportation Fund for the purposes of this Article
12 during the succeeding fiscal year, and shall allocate to each
13 participant the amount attributable to it which shall be the
14 amount paid into the Downstate Public Transportation Fund under
15 Section 2-3 from within its boundaries. Said allocations may be
16 exceeded for participants receiving assistance equal to
17 one-third of their eligible operating expenses, only if an
18 allocation is less than one-third of such participant's
19 eligible operating expenses, provided, however, that no other
20 participant is denied its one-third of eligible operating
21 expenses. Beginning in Fiscal Year 1997, said allocation may be
22 exceeded for participants receiving assistance equal to the
23 percentage of their eligible operating expenses provided for in
24 paragraph (b) of Section 2-7, only if allocation is less than
25 the percentage of such participant's eligible operating
26 expenses provided for in paragraph (b) of Section 2-7, provided
27 however, that no other participant is denied its percentage of
28 eligible operating expenses.

29 (b) With regard to any Metro-East Transit District
30 organized under the Local Mass Transit District Act and serving
31 one or more of the Counties of Madison, Monroe and St. Clair
32 during Fiscal Year 1989, the Department shall allocate the
33 funds to be made available to each participant for the
34 following and succeeding fiscal years and shall notify the

1 chief official of each participant not later than the first day
2 of the fiscal year of this amount. Beginning July 1, 2004, the
3 ~~The~~ Department shall allocate ~~55% of~~ the amount paid into the
4 Metro-East Public Transportation Fund to the District ~~servicing~~
5 ~~primarily the Counties of Monroe and St. Clair and 45% of the~~
6 ~~amount to that District~~ servicing primarily the County of
7 Madison.

8 (Source: P.A. 89-598, eff. 8-1-96.)

9 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

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

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

24 (b) Each participant other than any Metro-East Transit
25 District participant shall, 30 days before the end of each
26 quarter, file with the Department on forms provided by the
27 Department for such purposes a report of the projected eligible
28 operating expenses to be incurred in the next quarter and 30
29 days before the third and fourth quarters of any fiscal year a
30 statement of actual eligible operating expenses incurred in the
31 preceding quarters. Except as otherwise provided in subsection
32 (b-5), within ~~Within~~ 45 days of receipt by the Department of
33 such quarterly report, the Comptroller shall order paid and the

1 Treasurer shall pay from the Downstate Public Transportation
2 Fund to each participant an amount equal to one-third of such
3 participant's eligible operating expenses; provided, however,
4 that in Fiscal Year 1997, the amount paid to each participant
5 from the Downstate Public Transportation Fund shall be an
6 amount equal to 47% of such participant's eligible operating
7 expenses and shall be increased to 49% in Fiscal Year 1998, 51%
8 in Fiscal Year 1999, 53% in Fiscal Year 2000, and 55% in Fiscal
9 Year 2001 and thereafter; however, in any year that a
10 participant receives funding under subsection (i) of Section
11 2705-305 of the Department of Transportation Law (20 ILCS
12 2705/2705-305), that participant shall be eligible only for
13 assistance equal to the following percentage of its eligible
14 operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year
15 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50%
16 in Fiscal Year 2001 and thereafter. Any such payment for the
17 third and fourth quarters of any fiscal year shall be adjusted
18 to reflect actual eligible operating expenses for preceding
19 quarters of such fiscal year. However, no participant shall
20 receive an amount less than that which was received in the
21 immediate prior year, provided in the event of a shortfall in
22 the fund those participants receiving less than their full
23 allocation pursuant to Section 2-6 of this Article shall be the
24 first participants to receive an amount not less than that
25 received in the immediate prior year.

26 (b-5) With respect to the District serving primarily the
27 counties of Monroe and St. Clair, beginning July 1, 2004 and
28 each fiscal year thereafter, the District may file a request
29 with the Department for a monthly payment of 1/12 of the amount
30 appropriated to the District for that fiscal year; except that,
31 for the final month of the fiscal year, the District's request
32 shall be in an amount such that the total payments made to the
33 District in that fiscal year do not exceed the lesser of (i)
34 55% of the District's eligible operating expenses for that

1 fiscal year or (ii) the total amount appropriated to the
2 District for that fiscal year.

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

15 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
16 eff. 6-28-01; 92-258, eff. 8-7-01; 92-464, eff. 8-22-01.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."