



Executive Committee

**Filed: 5/28/2008**

09500SB1920ham001

LRB095 17927 RLJ 51537 a

1 AMENDMENT TO SENATE BILL 1920

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1920 by replacing  
3 everything after the enacting clause with the following:

4 "Section 3. The Downstate Public Transportation Act is  
5 amended by changing Section 2-7 and adding Section 2-15.3 as  
6 follows:

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

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

9 (a) Any Metro-East Transit District participant shall, no  
10 later than 60 days following the end of each quarter of any  
11 fiscal year, file with the Department on forms provided by the  
12 Department for that purpose, a report of the actual operating  
13 deficit experienced during that quarter. The Department shall,  
14 upon receipt of the quarterly report, determine whether the  
15 operating deficits were incurred in conformity with the program  
16 of proposed expenditures approved by the Department pursuant to

1 Section 2-11. Any Metro-East District may either monthly or  
2 quarterly for any fiscal year file a request for the  
3 participant's eligible share, as allocated in accordance with  
4 Section 2-6, of the amounts transferred into the Metro-East  
5 Public Transportation Fund.

6 (b) Each participant other than any Metro-East Transit  
7 District participant shall, 30 days before the end of each  
8 quarter, file with the Department on forms provided by the  
9 Department for such purposes a report of the projected eligible  
10 operating expenses to be incurred in the next quarter and 30  
11 days before the third and fourth quarters of any fiscal year a  
12 statement of actual eligible operating expenses incurred in the  
13 preceding quarters. Except as otherwise provided in subsection  
14 (b-5), within 45 days of receipt by the Department of such  
15 quarterly report, the Comptroller shall order paid and the  
16 Treasurer shall pay from the Downstate Public Transportation  
17 Fund to each participant an amount equal to one-third of such  
18 participant's eligible operating expenses; provided, however,  
19 that in Fiscal Year 1997, the amount paid to each participant  
20 from the Downstate Public Transportation Fund shall be an  
21 amount equal to 47% of such participant's eligible operating  
22 expenses and shall be increased to 49% in Fiscal Year 1998, 51%  
23 in Fiscal Year 1999, 53% in Fiscal Year 2000, 55% in Fiscal  
24 Years 2001 through 2007, and 65% in Fiscal Year 2008 and  
25 thereafter; however, in any year that a participant receives  
26 funding under subsection (i) of Section 2705-305 of the

1 Department of Transportation Law (20 ILCS 2705/2705-305), that  
2 participant shall be eligible only for assistance equal to the  
3 following percentage of its eligible operating expenses: 42% in  
4 Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year  
5 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and  
6 thereafter. Any such payment for the third and fourth quarters  
7 of any fiscal year shall be adjusted to reflect actual eligible  
8 operating expenses for preceding quarters of such fiscal year.  
9 However, no participant shall receive an amount less than that  
10 which was received in the immediate prior year, provided in the  
11 event of a shortfall in the fund those participants receiving  
12 less than their full allocation pursuant to Section 2-6 of this  
13 Article shall be the first participants to receive an amount  
14 not less than that received in the immediate prior year.

15 (b-5) (Blank.)

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

25 (b-15) Beginning on July 1, 2007, and for each fiscal year  
26 thereafter, each participant shall maintain a minimum local

1 share contribution (from farebox and all other local revenues)  
2 equal to the actual amount provided in Fiscal Year 2006 or, for  
3 new recipients, an amount equivalent to the local share  
4 provided in the first year of participation. The local share  
5 contribution shall be reduced by an amount equal to the total  
6 amount of lost revenue for services provided under Section  
7 2-15.2 and Section 2-15.3 of this Act.

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

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

1 appropriate payment or credit.

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

3 (30 ILCS 740/2-15.3 new)

4 Sec. 2-15.3. Transit services for disabled individuals.  
5 Notwithstanding any law to the contrary, no later than 60 days  
6 following the effective date of this amendatory Act of the 95th  
7 General Assembly, all fixed route public transportation  
8 services provided by, or under grant or purchase of service  
9 contract of, any participant shall be provided without charge  
10 to all disabled persons who meet the income eligibility  
11 limitation set forth in subsection (a-5) of Section 4 of the  
12 Senior Citizens and Disabled Persons Property Tax Relief and  
13 Pharmaceutical Assistance Act, under such procedures as shall  
14 be prescribed by the participant. The Department on Aging shall  
15 furnish all information reasonably necessary to determine  
16 eligibility, including updated lists of individuals who are  
17 eligible for services without charge under this Section.

18 Section 5. The Illinois Pension Code is amended by changing  
19 Section 22-101B as follows:

20 (40 ILCS 5/22-101B)

21 Sec. 22-101B. Health Care Benefits.

22 (a) The Chicago Transit Authority (hereinafter referred to  
23 in this Section as the "Authority") shall take all actions

1 lawfully available to it to separate the funding of health care  
2 benefits for retirees and their dependents and survivors from  
3 the funding for its retirement system. The Authority shall  
4 endeavor to achieve this separation as soon as possible, and in  
5 any event no later than July 1, 2009.

6 (b) Effective 90 days after the effective date of this  
7 amendatory Act of the 95th General Assembly, a Retiree Health  
8 Care Trust is established for the purpose of providing health  
9 care benefits to eligible retirees and their dependents and  
10 survivors in accordance with the terms and conditions set forth  
11 in this Section 22-101B. The Retiree Health Care Trust shall be  
12 solely responsible for providing health care benefits to  
13 eligible retirees and their dependents and survivors by no  
14 later than July 1, 2009, but no earlier than January 1, 2009.

15 (1) The Board of Trustees shall consist of 7 members  
16 appointed as follows: (i) 3 trustees shall be appointed by  
17 the Chicago Transit Board; (ii) one trustee shall be  
18 appointed by an organization representing the highest  
19 number of Chicago Transit Authority participants; (iii)  
20 one trustee shall be appointed by an organization  
21 representing the second-highest number of Chicago Transit  
22 Authority participants; (iv) one trustee shall be  
23 appointed by the recognized coalition representatives of  
24 participants who are not represented by an organization  
25 with the highest or second-highest number of Chicago  
26 Transit Authority participants; and (v) one trustee shall

1 be selected by the Regional Transportation Authority Board  
2 of Directors, and the trustee shall be a professional  
3 fiduciary who has experience in the area of collectively  
4 bargained retiree health plans. Trustees shall serve until  
5 a successor has been appointed and qualified, or until  
6 resignation, death, incapacity, or disqualification.

7 Any person appointed as a trustee of the board shall  
8 qualify by taking an oath of office that he or she will  
9 diligently and honestly administer the affairs of the  
10 system, and will not knowingly violate or willfully permit  
11 the violation of any of the provisions of law applicable to  
12 the Plan, including Sections 1-109, 1-109.1, 1-109.2,  
13 1-110, 1-111, 1-114, and 1-115 of Article 1 of the Illinois  
14 Pension Code.

15 Each trustee shall cast individual votes, and a  
16 majority vote shall be final and binding upon all  
17 interested parties, provided that the Board of Trustees may  
18 require a supermajority vote with respect to the investment  
19 of the assets of the Retiree Health Care Trust, and may set  
20 forth that requirement in the trust agreement or by-laws of  
21 the Board of Trustees. Each trustee shall have the rights,  
22 privileges, authority and obligations as are usual and  
23 customary for such fiduciaries.

24 (2) The Board of Trustees shall establish and  
25 administer a health care benefit program for eligible  
26 retirees and their dependents and survivors. The health

1 care benefit program for eligible retirees and their  
2 dependents and survivors shall not contain any plan which  
3 provides for more than 90% coverage for in-network services  
4 or 70% coverage for out-of-network services after any  
5 deductible has been paid.

6 (3) The Retiree Health Care Trust shall be administered  
7 by the Board of Trustees according to the following  
8 requirements:

9 (i) The Board of Trustees may cause amounts on  
10 deposit in the Retiree Health Care Trust to be invested  
11 in those investments that are permitted investments  
12 for the investment of moneys held under any one or more  
13 of the pension or retirement systems of the State, any  
14 unit of local government or school district, or any  
15 agency or instrumentality thereof. The Board, by a vote  
16 of at least two-thirds of the trustees, may transfer  
17 investment management to the Illinois State Board of  
18 Investment, which is hereby authorized to manage these  
19 investments when so requested by the Board of Trustees.

20 (ii) The Board of Trustees shall establish and  
21 maintain an appropriate funding reserve level which  
22 shall not be less than the amount of incurred and  
23 unreported claims plus 12 months of expected claims and  
24 administrative expenses.

25 (iii) The Board of Trustees shall make an annual  
26 assessment of the funding levels of the Retiree Health



1 Care Trust and shall submit a report to the Auditor  
2 General at least 90 days prior to the end of the fiscal  
3 year. The report shall provide the following:

4 (A) the actuarial present value of projected  
5 benefits expected to be paid to current and future  
6 retirees and their dependents and survivors;

7 (B) the actuarial present value of projected  
8 contributions and trust income plus assets;

9 (C) the reserve required by subsection  
10 (b) (3) (ii); and

11 (D) an assessment of whether the actuarial  
12 present value of projected benefits expected to be  
13 paid to current and future retirees and their  
14 dependents and survivors exceeds or is less than  
15 the actuarial present value of projected  
16 contributions and trust income plus assets in  
17 excess of the reserve required by subsection  
18 (b) (3) (ii).

19 If the actuarial present value of projected  
20 benefits expected to be paid to current and future  
21 retirees and their dependents and survivors exceeds  
22 the actuarial present value of projected contributions  
23 and trust income plus assets in excess of the reserve  
24 required by subsection (b) (3) (ii), then the report  
25 shall provide a plan of increases in employee, retiree,  
26 dependent, or survivor contribution levels, decreases

1 in benefit levels, or both, which is projected to cure  
2 the shortfall over a period of not more than 10 years.  
3 If the actuarial present value of projected benefits  
4 expected to be paid to current and future retirees and  
5 their dependents and survivors is less than the  
6 actuarial present value of projected contributions and  
7 trust income plus assets in excess of the reserve  
8 required by subsection (b)(3)(ii), then the report may  
9 provide a plan of decreases in employee, retiree,  
10 dependent, or survivor contribution levels, increases  
11 in benefit levels, or both, to the extent of the  
12 surplus.

13 (iv) The Auditor General shall review the report  
14 and plan provided in subsection (b)(3)(iii) and issue a  
15 determination within 90 days after receiving the  
16 report and plan, with a copy of such determination  
17 provided to the General Assembly and the Regional  
18 Transportation Authority, as follows:

19 (A) In the event of a projected shortfall, if  
20 the Auditor General determines that the  
21 assumptions stated in the report are not  
22 unreasonable in the aggregate and that the plan of  
23 increases in employee, retiree, dependent, or  
24 survivor contribution levels, decreases in benefit  
25 levels, or both, is reasonably projected to cure  
26 the shortfall over a period of not more than 10

1           years, then the Board of Trustees shall implement  
2           the plan. If the Auditor General determines that  
3           the assumptions stated in the report are  
4           unreasonable in the aggregate, or that the plan of  
5           increases in employee, retiree, dependent, or  
6           survivor contribution levels, decreases in benefit  
7           levels, or both, is not reasonably projected to  
8           cure the shortfall over a period of not more than  
9           10 years, then the Board of Trustees shall not  
10          implement the plan, the Auditor General shall  
11          explain the basis for such determination to the  
12          Board of Trustees, and the Auditor General may make  
13          recommendations as to an alternative report and  
14          plan.

15                 (B) In the event of a projected surplus, if the  
16          Auditor General determines that the assumptions  
17          stated in the report are not unreasonable in the  
18          aggregate and that the plan of decreases in  
19          employee, retiree, dependent, or survivor  
20          contribution levels, increases in benefit levels,  
21          or both, is not unreasonable in the aggregate, then  
22          the Board of Trustees shall implement the plan. If  
23          the Auditor General determines that the  
24          assumptions stated in the report are unreasonable  
25          in the aggregate, or that the plan of decreases in  
26          employee, retiree, dependent, or survivor

1 contribution levels, increases in benefit levels,  
2 or both, is unreasonable in the aggregate, then the  
3 Board of Trustees shall not implement the plan, the  
4 Auditor General shall explain the basis for such  
5 determination to the Board of Trustees, and the  
6 Auditor General may make recommendations as to an  
7 alternative report and plan.

8 (C) The Board of Trustees shall submit an  
9 alternative report and plan within 45 days after  
10 receiving a rejection determination by the Auditor  
11 General. A determination by the Auditor General on  
12 any alternative report and plan submitted by the  
13 Board of Trustees shall be made within 90 days  
14 after receiving the alternative report and plan,  
15 and shall be accepted or rejected according to the  
16 requirements of this subsection (b)(3)(iv). The  
17 Board of Trustees shall continue to submit  
18 alternative reports and plans to the Auditor  
19 General, as necessary, until a favorable  
20 determination is made by the Auditor General.

21 (4) For any retiree who first retires effective on or  
22 after January 18, 2008 ~~the effective date of this~~  
23 ~~amendatory Act of the 95th General Assembly~~, to be eligible  
24 for retiree health care benefits upon retirement, the  
25 retiree must be at least 55 years of age, retire with 10 or  
26 more years of continuous service and satisfy the

1       preconditions established by Public Act 95-708 ~~this~~  
2       ~~amendatory Act~~ in addition to any rules or regulations  
3       promulgated by the Board of Trustees. Notwithstanding the  
4       foregoing, any retiree who retired prior to the effective  
5       date of this amendatory Act with 25 years or more of  
6       continuous service, or who retires within 90 days after the  
7       effective date of this amendatory Act or by January 1,  
8       2009, whichever is later, with 25 years or more of  
9       continuous service, shall be eligible for retiree health  
10       care benefits upon retirement. This paragraph (4) shall not  
11       apply to a disability allowance.

12       (5) Effective January 1, 2009, the aggregate amount of  
13       retiree, dependent and survivor contributions to the cost  
14       of their health care benefits shall not exceed more than  
15       45% of the total cost of such benefits. The Board of  
16       Trustees shall have the discretion to provide different  
17       contribution levels for retirees, dependents and survivors  
18       based on their years of service, level of coverage or  
19       Medicare eligibility, provided that the total contribution  
20       from all retirees, dependents, and survivors shall be not  
21       more than 45% of the total cost of such benefits. The term  
22       "total cost of such benefits" for purposes of this  
23       subsection shall be the total amount expended by the  
24       retiree health benefit program in the prior plan year, as  
25       calculated and certified in writing by the Retiree Health  
26       Care Trust's enrolled actuary to be appointed and paid for

1 by the Board of Trustees.

2 (6) Effective January 18, 2008 ~~30 days after the~~  
3 ~~establishment of the Retiree Health Care Trust,~~ all  
4 employees of the Authority shall contribute to the Retiree  
5 Health Care Trust in an amount not less than 3% of  
6 compensation.

7 (7) No earlier than January 1, 2009 and no later than  
8 July 1, 2009 as the Retiree Health Care Trust becomes  
9 solely responsible for providing health care benefits to  
10 eligible retirees and their dependents and survivors in  
11 accordance with subsection (b) of this Section 22-101B, the  
12 Authority shall not have any obligation to provide health  
13 care to current or future retirees and their dependents or  
14 survivors. Employees, retirees, dependents, and survivors  
15 who are required to make contributions to the Retiree  
16 Health Care Trust shall make contributions at the level set  
17 by the Board of Trustees pursuant to the requirements of  
18 this Section 22-101B.

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

20 Section 10. If and only if the provisions of House Bill 656  
21 of the 95th General Assembly become law, the Counties Code is  
22 amended by adding Section 6-34000 as follows:

23 (55 ILCS 5/6-34000 new)

24 Sec. 6-34000. Report on funds received under the Regional

1 Transportation Authority Act. If the Board of the Regional  
2 Transportation Authority adopts an ordinance under Section  
3 4.03 of the Regional Transportation Authority Act imposing a  
4 retailers' occupation tax and a service occupation tax at the  
5 rate of 0.75% in the counties of DuPage, Kane, Lake, McHenry,  
6 and Will, then the County Boards of DuPage, Kane, Lake,  
7 McHenry, and Will counties shall each report to the General  
8 Assembly and the Commission on Government Forecasting and  
9 Accountability by March 1 of the year following the adoption of  
10 the ordinance and March 1 of each year thereafter. That report  
11 shall include the total amounts received by the County under  
12 subsection (n) of Section 4.03 of the Regional Transportation  
13 Authority Act and the expenditures and obligations of the  
14 County using those funds during the previous calendar year.

15 Section 15. The Metropolitan Transit Authority Act is  
16 amended by adding Section 52 as follows:

17 (70 ILCS 3605/52 new)

18 Sec. 52. Transit services for disabled individuals.  
19 Notwithstanding any law to the contrary, no later than 60 days  
20 following the effective date of this amendatory Act of the 95th  
21 General Assembly, all fixed route public transportation  
22 services provided by, or under grant or purchase of service  
23 contract of, the Board shall be provided without charge to all  
24 disabled persons who meet the income eligibility limitation set

1 forth in subsection (a-5) of Section 4 of the Senior Citizens  
2 and Disabled Persons Property Tax Relief and Pharmaceutical  
3 Assistance Act, under such procedures as shall be prescribed by  
4 the Board. The Department on Aging shall furnish all  
5 information reasonably necessary to determine eligibility,  
6 including updated lists of individuals who are eligible for  
7 services without charge under this Section.

8 Section 20. The Local Mass Transit District Act is amended  
9 by adding Section 8.7 as follows:

10 (70 ILCS 3610/8.7 new)

11 Sec. 8.7. Transit services for disabled individuals.  
12 Notwithstanding any law to the contrary, no later than 60 days  
13 following the effective date of this amendatory Act of the 95th  
14 General Assembly, all fixed route public transportation  
15 services provided by, or under grant or purchase of service  
16 contract of, any District shall be provided without charge to  
17 all disabled persons who meet the income eligibility limitation  
18 set forth in subsection (a-5) of Section 4 of the Senior  
19 Citizens and Disabled Persons Property Tax Relief and  
20 Pharmaceutical Assistance Act, under such procedures as shall  
21 be prescribed by the District. The Department on Aging shall  
22 furnish all information reasonably necessary to determine  
23 eligibility, including updated lists of individuals who are  
24 eligible for services without charge under this Section.



1           Section 25. The Regional Transportation Authority Act is  
2 amended by changing Sections 3A.02, 3A.05, 3A.12, 4.01, 4.09,  
3 and 5.01 and adding Sections 3A.16 and 3B.15 as follows:

4           (70 ILCS 3615/3A.02) (from Ch. 111 2/3, par. 703A.02)

5           Sec. 3A.02. Suburban Bus Board. The governing body of the  
6 Suburban Bus Division shall be a board consisting of 13 ~~12~~  
7 directors appointed as follows:

8           (a) Six Directors appointed by the members of the Cook  
9 County Board elected from that part of Cook County outside of  
10 Chicago, or in the event such Board of Commissioners becomes  
11 elected from single member districts, by those Commissioners  
12 elected from districts, a majority of the residents of which  
13 reside outside of Chicago from the chief executive officers of  
14 the municipalities, of that portion of Cook County outside of  
15 Chicago. Provided however, that:

16           (i) One of the Directors shall be the chief executive  
17 officer of a municipality within the area of the Northwest  
18 Region defined in Section 3A.13;

19           (ii) One of the Directors shall be the chief executive  
20 officer of a municipality within the area of the North Central  
21 Region defined in Section 3A.13;

22           (iii) One of the Directors shall be the chief executive  
23 officer of a municipality within the area of the North Shore  
24 Region defined in Section 3A.13;

1 (iv) One of the Directors shall be the chief executive  
2 officer of a municipality within the area of the Central Region  
3 defined in Section 3A.13;

4 (v) One of the Directors shall be the chief executive  
5 officer of a municipality within the area of the Southwest  
6 Region defined in Section 3A.13;

7 (vi) One of the Directors shall be the chief executive  
8 officer of a municipality within the area of the South Region  
9 defined in Section 3A.13;

10 (b) One Director by the Chairman of the Kane County Board  
11 who shall be a chief executive officer of a municipality within  
12 Kane County;

13 (c) One Director by the Chairman of the Lake County Board  
14 who shall be a chief executive officer of a municipality within  
15 Lake County;

16 (d) One Director by the Chairman of the DuPage County Board  
17 who shall be a chief executive officer of a municipality within  
18 DuPage County;

19 (e) One Director by the Chairman of the McHenry County  
20 Board who shall be a chief executive officer of a municipality  
21 within McHenry County;

22 (f) One Director by the Chairman of the Will County Board  
23 who shall be a chief executive officer of a municipality within  
24 Will County;

25 (g) The Commissioner of the Mayor's Office for People with  
26 Disabilities, from the City of Chicago, who shall serve as an

1 ex-officio member; and

2 (h) ~~(g)~~ The Chairman by the Governor for the initial term,  
3 and thereafter by a majority of the Chairmen of the DuPage,  
4 Kane, Lake, McHenry and Will County Boards and the members of  
5 the Cook County Board elected from that part of Cook County  
6 outside of Chicago, or in the event such Board of Commissioners  
7 is elected from single member districts, by those Commissioners  
8 elected from districts, a majority of the electors of which  
9 reside outside of Chicago; and who after the effective date of  
10 this amendatory Act of the 95th General Assembly may not be a  
11 resident of the City of Chicago.

12 Each appointment made under paragraphs (a) through (g) and  
13 under Section 3A.03 shall be certified by the appointing  
14 authority to the Suburban Bus Board which shall maintain the  
15 certifications as part of the official records of the Suburban  
16 Bus Board; provided that the initial appointments shall be  
17 certified to the Secretary of State, who shall transmit the  
18 certifications to the Suburban Bus Board following its  
19 organization.

20 For the purposes of this Section, "chief executive officer  
21 of a municipality" includes a former chief executive officer of  
22 a municipality within the specified Region or County, provided  
23 that the former officer continues to reside within such Region  
24 or County.

25 (Source: P.A. 84-1246.)

1 (70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

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

22 No unlawful discrimination, as defined and prohibited in  
23 the Illinois Human Rights Act, shall be made in any term or  
24 aspect of employment nor shall there be discrimination based  
25 upon political reasons or factors. The Suburban Bus Board shall  
26 establish regulations to insure that its discharges shall not

1 be arbitrary and that hiring and promotion are based on merit.

2 The Division shall be subject to the "Illinois Human Rights  
3 Act", as now or hereafter amended, and the remedies and  
4 procedure established thereunder. The Suburban Bus Board shall  
5 file an affirmative action program for employment by it with  
6 the Department of Human Rights to ensure that applicants are  
7 employed and that employees are treated during employment,  
8 without regard to unlawful discrimination. Such affirmative  
9 action program shall include provisions relating to hiring,  
10 upgrading, demotion, transfer, recruitment, recruitment  
11 advertising, selection for training and rates of pay or other  
12 forms of compensation.

13 (Source: P.A. 83-885; 83-886.)

14 (70 ILCS 3615/3A.12) (from Ch. 111 2/3, par. 703A.12)

15 Sec. 3A.12. Working Cash Borrowing. The Suburban Bus Board  
16 with the affirmative vote of 9 & of its Directors may demand  
17 and direct the Board of the Authority to issue Working Cash  
18 Notes at such time and in such amounts and having such  
19 maturities as the Suburban Bus Board deems proper, provided  
20 however any such borrowing shall have been specifically  
21 identified in the budget of the Suburban Bus Board as approved  
22 by the Board of the Authority. Provided further, that the  
23 Suburban Bus Board may not demand and direct the Board of the  
24 Authority to have issued and have outstanding at any time in  
25 excess of \$5,000,000 in Working Cash Notes.

1 (Source: P.A. 83-886.)

2 (70 ILCS 3615/3A.16 new)

3 Sec. 3A.16. Transit services for disabled individuals.

4 Notwithstanding any law to the contrary, no later than 60 days  
5 following the effective date of this amendatory Act of the 95th  
6 General Assembly, all fixed route public transportation  
7 services provided by, or under grant or purchase of service  
8 contract of, the Suburban Bus Board shall be provided without  
9 charge to all disabled persons who meet the income eligibility  
10 limitation set forth in subsection (a-5) of Section 4 of the  
11 Senior Citizens and Disabled Persons Property Tax Relief and  
12 Pharmaceutical Assistance Act, under such procedures as shall  
13 be prescribed by the Board. The Department on Aging shall  
14 furnish all information reasonably necessary to determine  
15 eligibility, including updated lists of individuals who are  
16 eligible for services without charge under this Section.

17 (70 ILCS 3615/3B.15 new)

18 Sec. 3B.15. Transit services for disabled individuals.

19 Notwithstanding any law to the contrary, no later than 60 days  
20 following the effective date of this amendatory Act of the 95th  
21 General Assembly, all fixed route public transportation  
22 services provided by, or under grant or purchase of service  
23 contract of, the Commuter Rail Board shall be provided without  
24 charge to all disabled persons who meet the income eligibility

1 limitation set forth in subsection (a-5) of Section 4 of the  
2 Senior Citizens and Disabled Persons Property Tax Relief and  
3 Pharmaceutical Assistance Act, under such procedures as shall  
4 be prescribed by the Board. The Department on Aging shall  
5 furnish all information reasonably necessary to determine  
6 eligibility, including updated lists of individuals who are  
7 eligible for services without charge under this Section.

8 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

9 Sec. 4.01. Budget and Program.

10 (a) The Board shall control the finances of the Authority.  
11 It shall by ordinance adopted by the affirmative vote of at  
12 least 12 of its then Directors (i) appropriate money to perform  
13 the Authority's purposes and provide for payment of debts and  
14 expenses of the Authority, (ii) take action with respect to the  
15 budget and two-year financial plan of each Service Board, as  
16 provided in Section 4.11, and (iii) adopt an Annual Budget and  
17 Two-Year Financial Plan for the Authority that includes the  
18 annual budget and two-year financial plan of each Service Board  
19 that has been approved by the Authority. The Annual Budget and  
20 Two-Year Financial Plan shall contain a statement of the funds  
21 estimated to be on hand for the Authority and each Service  
22 Board at the beginning of the fiscal year, the funds estimated  
23 to be received from all sources for such year, the estimated  
24 expenses and obligations of the Authority and each Service  
25 Board for all purposes, including expenses for contributions to

1 be made with respect to pension and other employee benefits,  
2 and the funds estimated to be on hand at the end of such year.  
3 The fiscal year of the Authority and each Service Board shall  
4 begin on January 1st and end on the succeeding December 31st.  
5 By July 1st of each year the Director of the Illinois  
6 Governor's Office of Management and Budget (formerly Bureau of  
7 the Budget) shall submit to the Authority an estimate of  
8 revenues for the next fiscal year of the Authority to be  
9 collected from the taxes imposed by the Authority and the  
10 amounts to be available in the Public Transportation Fund and  
11 the Regional Transportation Authority Occupation and Use Tax  
12 Replacement Fund and the amounts otherwise to be appropriated  
13 by the State to the Authority for its purposes. The Authority  
14 shall file a copy of its Annual Budget and Two-Year Financial  
15 Plan with the General Assembly and the Governor after its  
16 adoption. Before the proposed Annual Budget and Two-Year  
17 Financial Plan is adopted, the Authority shall hold at least  
18 one public hearing thereon in the metropolitan region, and  
19 shall meet with the county board or its designee of each of the  
20 several counties in the metropolitan region. After conducting  
21 such hearings and holding such meetings and after making such  
22 changes in the proposed Annual Budget and Two-Year Financial  
23 Plan as the Board deems appropriate, the Board shall adopt its  
24 annual appropriation and Annual Budget and Two-Year Financial  
25 Plan ordinance. The ordinance may be adopted only upon the  
26 affirmative votes of 12 of its then Directors. The ordinance



1 shall appropriate such sums of money as are deemed necessary to  
2 defray all necessary expenses and obligations of the Authority,  
3 specifying purposes and the objects or programs for which  
4 appropriations are made and the amount appropriated for each  
5 object or program. Additional appropriations, transfers  
6 between items and other changes in such ordinance may be made  
7 from time to time by the Board upon the affirmative votes of 12  
8 of its then Directors.

9 (b) The Annual Budget and Two-Year Financial Plan shall  
10 show a balance between anticipated revenues from all sources  
11 and anticipated expenses including funding of operating  
12 deficits or the discharge of encumbrances incurred in prior  
13 periods and payment of principal and interest when due, and  
14 shall show cash balances sufficient to pay with reasonable  
15 promptness all obligations and expenses as incurred.

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

17 (i) that the level of fares and charges for mass  
18 transportation provided by, or under grant or purchase of  
19 service contracts of, the Service Boards is sufficient to  
20 cause the aggregate of all projected fare revenues from  
21 such fares and charges received in each fiscal year to  
22 equal at least 50% of the aggregate costs of providing such  
23 public transportation in such fiscal year. "Fare revenues"  
24 include the proceeds of all fares and charges for services  
25 provided, contributions received in connection with public  
26 transportation from units of local government other than

1 the Authority, except for contributions received by the  
2 Chicago Transit Authority from a real estate transfer tax  
3 imposed under subsection (i) of Section 8-3-19 of the  
4 Illinois Municipal Code, and from the State pursuant to  
5 subsection (i) of Section 2705-305 of the Department of  
6 Transportation Law (20 ILCS 2705/2705-305), and all other  
7 operating revenues properly included consistent with  
8 generally accepted accounting principles but do not  
9 include: the proceeds of any borrowings, and, beginning  
10 with the 2007 fiscal year, all revenues and receipts,  
11 including but not limited to fares and grants received from  
12 the federal, State or any unit of local government or other  
13 entity, derived from providing ADA paratransit service  
14 pursuant to Section 2.30 of the Regional Transportation  
15 Authority Act. "Costs" include all items properly included  
16 as operating costs consistent with generally accepted  
17 accounting principles, including administrative costs, but  
18 do not include: depreciation; payment of principal and  
19 interest on bonds, notes or other evidences of obligation  
20 for borrowed money issued by the Authority; payments with  
21 respect to public transportation facilities made pursuant  
22 to subsection (b) of Section 2.20 of this Act; any payments  
23 with respect to rate protection contracts, credit  
24 enhancements or liquidity agreements made under Section  
25 4.14; any other cost to which it is reasonably expected  
26 that a cash expenditure will not be made; costs for

1 passenger security including grants, contracts, personnel,  
2 equipment and administrative expenses, except in the case  
3 of the Chicago Transit Authority, in which case the term  
4 does not include costs spent annually by that entity for  
5 protection against crime as required by Section 27a of the  
6 Metropolitan Transit Authority Act; the payment by the  
7 Chicago Transit Authority of Debt Service, as defined in  
8 Section 12c of the Metropolitan Transit Authority Act, on  
9 bonds or notes issued pursuant to that Section; the payment  
10 by the Commuter Rail Division of debt service on bonds  
11 issued pursuant to Section 3B.09; expenses incurred by the  
12 Suburban Bus Division for the cost of new public  
13 transportation services funded from grants pursuant to  
14 Section 2.01e of this amendatory Act of the 95th General  
15 Assembly for a period of 2 years from the date of  
16 initiation of each such service; costs as exempted by the  
17 Board for projects pursuant to Section 2.09 of this Act;  
18 or, beginning with the 2007 fiscal year, expenses related  
19 to providing ADA paratransit service pursuant to Section  
20 2.30 of the Regional Transportation Authority Act; and in  
21 fiscal years 2008 through 2012 inclusive, costs in the  
22 amount of \$200,000,000 in fiscal year 2008, reducing by  
23 \$40,000,000 in each fiscal year thereafter until this  
24 exemption is eliminated; and

25 (ii) that the level of fares charged for ADA  
26 paratransit services is sufficient to cause the aggregate

1 of all projected revenues from such fares charged and  
2 received in each fiscal year to equal at least 10% of the  
3 aggregate costs of providing such ADA paratransit  
4 services. ~~in fiscal years 2007 and 2008 and at least 12% of~~  
5 ~~the aggregate costs of providing such ADA paratransit~~  
6 ~~services in fiscal years 2009 and thereafter; for~~ For  
7 purposes of this Act, the percentages in this subsection  
8 (b)(ii) shall be referred to as the "system generated ADA  
9 paratransit services revenue recovery ratio". For purposes  
10 of the system generated ADA paratransit services revenue  
11 recovery ratio, "costs" shall include all items properly  
12 included as operating costs consistent with generally  
13 accepted accounting principles. However, the Board may  
14 exclude from costs an amount that does not exceed the  
15 allowable "capital costs of contracting" for ADA  
16 paratransit services pursuant to the Federal Transit  
17 Administration guidelines for the Urbanized Area Formula  
18 Program.

19 (c) The actual administrative expenses of the Authority for  
20 the fiscal year commencing January 1, 1985 may not exceed  
21 \$5,000,000. The actual administrative expenses of the  
22 Authority for the fiscal year commencing January 1, 1986, and  
23 for each fiscal year thereafter shall not exceed the maximum  
24 administrative expenses for the previous fiscal year plus 5%.  
25 "Administrative expenses" are defined for purposes of this  
26 Section as all expenses except: (1) capital expenses and

1 purchases of the Authority on behalf of the Service Boards; (2)  
2 payments to Service Boards; and (3) payment of principal and  
3 interest on bonds, notes or other evidence of obligation for  
4 borrowed money issued by the Authority; (4) costs for passenger  
5 security including grants, contracts, personnel, equipment and  
6 administrative expenses; (5) payments with respect to public  
7 transportation facilities made pursuant to subsection (b) of  
8 Section 2.20 of this Act; and (6) any payments with respect to  
9 rate protection contracts, credit enhancements or liquidity  
10 agreements made pursuant to Section 4.14.

11 (d) This subsection applies only until the Department  
12 begins administering and enforcing an increased tax under  
13 Section 4.03(m) as authorized by this amendatory Act of the  
14 95th General Assembly. After withholding 15% of the proceeds of  
15 any tax imposed by the Authority and 15% of money received by  
16 the Authority from the Regional Transportation Authority  
17 Occupation and Use Tax Replacement Fund, the Board shall  
18 allocate the proceeds and money remaining to the Service Boards  
19 as follows: (1) an amount equal to 85% of the proceeds of those  
20 taxes collected within the City of Chicago and 85% of the money  
21 received by the Authority on account of transfers to the  
22 Regional Transportation Authority Occupation and Use Tax  
23 Replacement Fund from the County and Mass Transit District Fund  
24 attributable to retail sales within the City of Chicago shall  
25 be allocated to the Chicago Transit Authority; (2) an amount  
26 equal to 85% of the proceeds of those taxes collected within

1 Cook County outside the City of Chicago and 85% of the money  
2 received by the Authority on account of transfers to the  
3 Regional Transportation Authority Occupation and Use Tax  
4 Replacement Fund from the County and Mass Transit District Fund  
5 attributable to retail sales within Cook County outside of the  
6 city of Chicago shall be allocated 30% to the Chicago Transit  
7 Authority, 55% to the Commuter Rail Board and 15% to the  
8 Suburban Bus Board; and (3) an amount equal to 85% of the  
9 proceeds of the taxes collected within the Counties of DuPage,  
10 Kane, Lake, McHenry and Will shall be allocated 70% to the  
11 Commuter Rail Board and 30% to the Suburban Bus Board.

12 (e) This subsection applies only until the Department  
13 begins administering and enforcing an increased tax under  
14 Section 4.03(m) as authorized by this amendatory Act of the  
15 95th General Assembly. Moneys received by the Authority on  
16 account of transfers to the Regional Transportation Authority  
17 Occupation and Use Tax Replacement Fund from the State and  
18 Local Sales Tax Reform Fund shall be allocated among the  
19 Authority and the Service Boards as follows: 15% of such moneys  
20 shall be retained by the Authority and the remaining 85% shall  
21 be transferred to the Service Boards as soon as may be  
22 practicable after the Authority receives payment. Moneys which  
23 are distributable to the Service Boards pursuant to the  
24 preceding sentence shall be allocated among the Service Boards  
25 on the basis of each Service Board's distribution ratio. The  
26 term "distribution ratio" means, for purposes of this

1 subsection (e) of this Section 4.01, the ratio of the total  
2 amount distributed to a Service Board pursuant to subsection  
3 (d) of Section 4.01 for the immediately preceding calendar year  
4 to the total amount distributed to all of the Service Boards  
5 pursuant to subsection (d) of Section 4.01 for the immediately  
6 preceding calendar year.

7 (f) To carry out its duties and responsibilities under this  
8 Act, the Board shall employ staff which shall: (1) propose for  
9 adoption by the Board of the Authority rules for the Service  
10 Boards that establish (i) forms and schedules to be used and  
11 information required to be provided with respect to a five-year  
12 capital program, annual budgets, and two-year financial plans  
13 and regular reporting of actual results against adopted budgets  
14 and financial plans, (ii) financial practices to be followed in  
15 the budgeting and expenditure of public funds, (iii)  
16 assumptions and projections that must be followed in preparing  
17 and submitting its annual budget and two-year financial plan or  
18 a five-year capital program; (2) evaluate for the Board public  
19 transportation programs operated or proposed by the Service  
20 Boards and transportation agencies in terms of the goals and  
21 objectives set out in the Strategic Plan; (3) keep the Board  
22 and the public informed of the extent to which the Service  
23 Boards and transportation agencies are meeting the goals and  
24 objectives adopted by the Authority in the Strategic Plan; and  
25 (4) assess the efficiency or adequacy of public transportation  
26 services provided by a Service Board and make recommendations

1 for change in that service to the end that the moneys available  
2 to the Authority may be expended in the most economical manner  
3 possible with the least possible duplication.

4 (g) All Service Boards, transportation agencies,  
5 comprehensive planning agencies, including the Chicago  
6 Metropolitan Agency for Planning, or transportation planning  
7 agencies in the metropolitan region shall furnish to the  
8 Authority such information pertaining to public transportation  
9 or relevant for plans therefor as it may from time to time  
10 require. The Executive Director, or his or her designee, shall,  
11 for the purpose of securing any such information necessary or  
12 appropriate to carry out any of the powers and responsibilities  
13 of the Authority under this Act, have access to, and the right  
14 to examine, all books, documents, papers or records of a  
15 Service Board or any transportation agency receiving funds from  
16 the Authority or Service Board, and such Service Board or  
17 transportation agency shall comply with any request by the  
18 Executive Director, or his or her designee, within 30 days or  
19 an extended time provided by the Executive Director.

20 (h) No Service Board shall undertake any capital  
21 improvement which is not identified in the Five-Year Capital  
22 Program.

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

24 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

25 Sec. 4.09. Public Transportation Fund and the Regional



1 Transportation Authority Occupation and Use Tax Replacement  
2 Fund.

3 (a)(1) As soon as possible after the first day of each  
4 month, beginning July 1, 1984, upon certification of the  
5 Department of Revenue, the Comptroller shall order transferred  
6 and the Treasurer shall transfer from the General Revenue Fund  
7 to a special fund in the State Treasury to be known as the  
8 Public Transportation Fund an amount equal to 25% of the net  
9 revenue, before the deduction of the serviceman and retailer  
10 discounts pursuant to Section 9 of the Service Occupation Tax  
11 Act and Section 3 of the Retailers' Occupation Tax Act,  
12 realized from any tax imposed by the Authority pursuant to  
13 Sections 4.03 and 4.03.1 and 25% of the amounts deposited into  
14 the Regional Transportation Authority tax fund created by  
15 Section 4.03 of this Act, from the County and Mass Transit  
16 District Fund as provided in Section 6z-20 of the State Finance  
17 Act and 25% of the amounts deposited into the Regional  
18 Transportation Authority Occupation and Use Tax Replacement  
19 Fund from the State and Local Sales Tax Reform Fund as provided  
20 in Section 6z-17 of the State Finance Act. On the first day of  
21 the month following the date that the Department receives  
22 revenues from increased taxes under Section 4.03(m) as  
23 authorized by this amendatory Act of the 95th General Assembly,  
24 in lieu of the transfers authorized in the preceding sentence,  
25 upon certification of the Department of Revenue, the  
26 Comptroller shall order transferred and the Treasurer shall

1 transfer from the General Revenue Fund to the Public  
2 Transportation Fund an amount equal to 25% of the net revenue,  
3 before the deduction of the serviceman and retailer discounts  
4 pursuant to Section 9 of the Service Occupation Tax Act and  
5 Section 3 of the Retailers' Occupation Tax Act, realized from  
6 (i) 80% of the proceeds of any tax imposed by the Authority at  
7 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any  
8 tax imposed by the Authority at the rate of 1% in Cook County,  
9 and (iii) one-third of the proceeds of any tax imposed by the  
10 Authority at the rate of 0.75% in the Counties of DuPage, Kane,  
11 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%  
12 of the net revenue realized from any tax imposed by the  
13 Authority pursuant to Section 4.03.1, and 25% of the amounts  
14 deposited into the Regional Transportation Authority tax fund  
15 created by Section 4.03 of this Act from the County and Mass  
16 Transit District Fund as provided in Section 6z-20 of the State  
17 Finance Act, and 25% of the amounts deposited into the Regional  
18 Transportation Authority Occupation and Use Tax Replacement  
19 Fund from the State and Local Sales Tax Reform Fund as provided  
20 in Section 6z-17 of the State Finance Act. As used in this  
21 Section, net revenue realized for a month shall be the revenue  
22 collected by the State pursuant to Sections 4.03 and 4.03.1  
23 during the previous month from within the metropolitan region,  
24 less the amount paid out during that same month as refunds to  
25 taxpayers for overpayment of liability in the metropolitan  
26 region under Sections 4.03 and 4.03.1.

1           (2) On the first day of the month following the effective  
2 date of this amendatory Act of the 95th General Assembly and  
3 each month thereafter, upon certification by the Department of  
4 Revenue, the Comptroller shall order transferred and the  
5 Treasurer shall transfer from the General Revenue Fund to the  
6 Public Transportation Fund an amount equal to 5% of the net  
7 revenue, before the deduction of the serviceman and retailer  
8 discounts pursuant to Section 9 of the Service Occupation Tax  
9 Act and Section 3 of the Retailers' Occupation Tax Act,  
10 realized from any tax imposed by the Authority pursuant to  
11 Sections 4.03 and 4.03.1 and certified by the Department of  
12 Revenue under Section 4.03(n) of this Act to be paid to the  
13 Authority and 5% of the amounts deposited into the Regional  
14 Transportation Authority tax fund created by Section 4.03 of  
15 this Act from the County and Mass Transit District Fund as  
16 provided in Section 6z-20 of the State Finance Act, and 5% of  
17 the amounts deposited into the Regional Transportation  
18 Authority Occupation and Use Tax Replacement Fund from the  
19 State and Local Sales Tax Reform Fund as provided in Section  
20 6z-17 of the State Finance Act, and 5% of the revenue realized  
21 by the Chicago Transit Authority as financial assistance from  
22 the City of Chicago from the proceeds of any tax imposed by the  
23 City of Chicago under Section 8-3-19 of the Illinois Municipal  
24 Code.

25           (3) As soon as possible after the first day of January,  
26 2009 and each month thereafter, upon certification of the

1 Department of Revenue with respect to the taxes collected under  
2 Section 4.03, the Comptroller shall order transferred and the  
3 Treasurer shall transfer from the General Revenue Fund to the  
4 Public Transportation Fund an amount equal to 25% of the net  
5 revenue, before the deduction of the serviceman and retailer  
6 discounts pursuant to Section 9 of the Service Occupation Tax  
7 Act and Section 3 of the Retailers' Occupation Tax Act,  
8 realized from (i) 20% of the proceeds of any tax imposed by the  
9 Authority at a rate of 1.25% in Cook County, (ii) 25% of the  
10 proceeds of any tax imposed by the Authority at the rate of 1%  
11 in Cook County, and (iii) one-third of the proceeds of any tax  
12 imposed by the Authority at the rate of 0.75% in the Counties  
13 of DuPage, Kane, Lake, McHenry, and Will, all pursuant to  
14 Section 4.03, and the Comptroller shall order transferred and  
15 the Treasurer shall transfer from the General Revenue Fund to  
16 the Public Transportation Fund (iv) an amount equal to 25% of  
17 the revenue realized by the Chicago Transit Authority as  
18 financial assistance from the City of Chicago from the proceeds  
19 of any tax imposed by the City of Chicago under Section 8-3-19  
20 of the Illinois Municipal Code.

21 (b)(1) All moneys deposited in the Public Transportation  
22 Fund and the Regional Transportation Authority Occupation and  
23 Use Tax Replacement Fund, whether deposited pursuant to this  
24 Section or otherwise, are allocated to the Authority. The  
25 Comptroller, as soon as possible after each monthly transfer  
26 provided in this Section and after each deposit into the Public

1 Transportation Fund, shall order the Treasurer to pay to the  
2 Authority out of the Public Transportation Fund the amount so  
3 transferred or deposited. Any Additional State Assistance and  
4 Additional Financial Assistance paid to the Authority under  
5 this Section shall be expended by the Authority for its  
6 purposes as provided in this Act. The balance of the amounts  
7 paid to the Authority from the Public Transportation Fund shall  
8 be expended by the Authority as provided in Section 4.03.3. The  
9 Comptroller, as soon as possible after each deposit into the  
10 Regional Transportation Authority Occupation and Use Tax  
11 Replacement Fund provided in this Section and Section 6z-17 of  
12 the State Finance Act, shall order the Treasurer to pay to the  
13 Authority out of the Regional Transportation Authority  
14 Occupation and Use Tax Replacement Fund the amount so  
15 deposited. Such amounts paid to the Authority may be expended  
16 by it for its purposes as provided in this Act. The provisions  
17 directing the distributions from the Public Transportation  
18 Fund and the Regional Transportation Authority Occupation and  
19 Use Tax Replacement Fund provided for in this Section shall  
20 constitute an irrevocable and continuing appropriation of all  
21 amounts as provided herein. The State Treasurer and State  
22 Comptroller are hereby authorized and directed to make  
23 distributions as provided in this Section. (2) Provided,  
24 however, no moneys deposited under subsection (a) of this  
25 Section shall be paid from the Public Transportation Fund to  
26 the Authority or its assignee for any fiscal year until the

1 Authority has certified to the Governor, the Comptroller, and  
2 the Mayor of the City of Chicago that it has adopted for that  
3 fiscal year an Annual Budget and Two-Year Financial Plan  
4 meeting the requirements in Section 4.01(b).

5 (c) In recognition of the efforts of the Authority to  
6 enhance the mass transportation facilities under its control,  
7 the State shall provide financial assistance ("Additional  
8 State Assistance") in excess of the amounts transferred to the  
9 Authority from the General Revenue Fund under subsection (a) of  
10 this Section. Additional State Assistance shall be calculated  
11 as provided in subsection (d), but shall in no event exceed the  
12 following specified amounts with respect to the following State  
13 fiscal years:

14	1990	\$5,000,000;
15	1991	\$5,000,000;
16	1992	\$10,000,000;
17	1993	\$10,000,000;
18	1994	\$20,000,000;
19	1995	\$30,000,000;
20	1996	\$40,000,000;
21	1997	\$50,000,000;
22	1998	\$55,000,000; and
23	each year thereafter	\$55,000,000.

24 (c-5) The State shall provide financial assistance  
25 ("Additional Financial Assistance") in addition to the  
26 Additional State Assistance provided by subsection (c) and the

1 amounts transferred to the Authority from the General Revenue  
2 Fund under subsection (a) of this Section. Additional Financial  
3 Assistance provided by this subsection shall be calculated as  
4 provided in subsection (d), but shall in no event exceed the  
5 following specified amounts with respect to the following State  
6 fiscal years:

7	2000	\$0;
8	2001	\$16,000,000;
9	2002	\$35,000,000;
10	2003	\$54,000,000;
11	2004	\$73,000,000;
12	2005	\$93,000,000; and
13	each year thereafter	\$100,000,000.

14 (d) Beginning with State fiscal year 1990 and continuing  
15 for each State fiscal year thereafter, the Authority shall  
16 annually certify to the State Comptroller and State Treasurer,  
17 separately with respect to each of subdivisions (g)(2) and  
18 (g)(3) of Section 4.04 of this Act, the following amounts:

19 (1) The amount necessary and required, during the State  
20 fiscal year with respect to which the certification is  
21 made, to pay its obligations for debt service on all  
22 outstanding bonds or notes issued by the Authority under  
23 subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

24 (2) An estimate of the amount necessary and required to  
25 pay its obligations for debt service for any bonds or notes  
26 which the Authority anticipates it will issue under

1 subdivisions (g) (2) and (g) (3) of Section 4.04 during that  
2 State fiscal year.

3 (3) Its debt service savings during the preceding State  
4 fiscal year from refunding or advance refunding of bonds or  
5 notes issued under subdivisions (g) (2) and (g) (3) of  
6 Section 4.04.

7 (4) The amount of interest, if any, earned by the  
8 Authority during the previous State fiscal year on the  
9 proceeds of bonds or notes issued pursuant to subdivisions  
10 (g) (2) and (g) (3) of Section 4.04, other than refunding or  
11 advance refunding bonds or notes.

12 The certification shall include a specific schedule of debt  
13 service payments, including the date and amount of each payment  
14 for all outstanding bonds or notes and an estimated schedule of  
15 anticipated debt service for all bonds and notes it intends to  
16 issue, if any, during that State fiscal year, including the  
17 estimated date and estimated amount of each payment.

18 Immediately upon the issuance of bonds for which an  
19 estimated schedule of debt service payments was prepared, the  
20 Authority shall file an amended certification with respect to  
21 item (2) above, to specify the actual schedule of debt service  
22 payments, including the date and amount of each payment, for  
23 the remainder of the State fiscal year.

24 On the first day of each month of the State fiscal year in  
25 which there are bonds outstanding with respect to which the  
26 certification is made, the State Comptroller shall order



1 transferred and the State Treasurer shall transfer from the  
2 General Revenue Fund to the Public Transportation Fund the  
3 Additional State Assistance and Additional Financial  
4 Assistance in an amount equal to the aggregate of (i)  
5 one-twelfth of the sum of the amounts certified under items (1)  
6 and (3) above less the amount certified under item (4) above,  
7 plus (ii) the amount required to pay debt service on bonds and  
8 notes issued during the fiscal year, if any, divided by the  
9 number of months remaining in the fiscal year after the date of  
10 issuance, or some smaller portion as may be necessary under  
11 subsection (c) or (c-5) of this Section for the relevant State  
12 fiscal year, plus (iii) any cumulative deficiencies in  
13 transfers for prior months, until an amount equal to the sum of  
14 the amounts certified under items (1) and (3) above, plus the  
15 actual debt service certified under item (2) above, less the  
16 amount certified under item (4) above, has been transferred;  
17 except that these transfers are subject to the following  
18 limits:

19 (A) In no event shall the total transfers in any State  
20 fiscal year relating to outstanding bonds and notes issued  
21 by the Authority under subdivision (g)(2) of Section 4.04  
22 exceed the lesser of the annual maximum amount specified in  
23 subsection (c) or the sum of the amounts certified under  
24 items (1) and (3) above, plus the actual debt service  
25 certified under item (2) above, less the amount certified  
26 under item (4) above, with respect to those bonds and

1 notes.

2 (B) In no event shall the total transfers in any State  
3 fiscal year relating to outstanding bonds and notes issued  
4 by the Authority under subdivision (g)(3) of Section 4.04  
5 exceed the lesser of the annual maximum amount specified in  
6 subsection (c-5) or the sum of the amounts certified under  
7 items (1) and (3) above, plus the actual debt service  
8 certified under item (2) above, less the amount certified  
9 under item (4) above, with respect to those bonds and  
10 notes.

11 The term "outstanding" does not include bonds or notes for  
12 which refunding or advance refunding bonds or notes have been  
13 issued.

14 (e) Neither Additional State Assistance nor Additional  
15 Financial Assistance may be pledged, either directly or  
16 indirectly as general revenues of the Authority, as security  
17 for any bonds issued by the Authority. The Authority may not  
18 assign its right to receive Additional State Assistance or  
19 Additional Financial Assistance, or direct payment of  
20 Additional State Assistance or Additional Financial  
21 Assistance, to a trustee or any other entity for the payment of  
22 debt service on its bonds.

23 (f) The certification required under subsection (d) with  
24 respect to outstanding bonds and notes of the Authority shall  
25 be filed as early as practicable before the beginning of the  
26 State fiscal year to which it relates. The certification shall

1 be revised as may be necessary to accurately state the debt  
2 service requirements of the Authority.

3 (g) Within 6 months of the end of each fiscal year, the  
4 Authority shall determine:

5 (i) whether the aggregate of all system generated  
6 revenues for public transportation in the metropolitan  
7 region which is provided by, or under grant or purchase of  
8 service contracts with, the Service Boards equals 50% of  
9 the aggregate of all costs of providing such public  
10 transportation. "System generated revenues" include all  
11 the proceeds of fares and charges for services provided,  
12 contributions received in connection with public  
13 transportation from units of local government other than  
14 the Authority, except for contributions received by the  
15 Chicago Transit Authority from a real estate transfer tax  
16 imposed under subsection (i) of Section 8-3-19 of the  
17 Illinois Municipal Code, and from the State pursuant to  
18 subsection (i) of Section 2705-305 of the Department of  
19 Transportation Law (20 ILCS 2705/2705-305), and all other  
20 revenues properly included consistent with generally  
21 accepted accounting principles but may not include: the  
22 proceeds from any borrowing, and, beginning with the 2007  
23 fiscal year, all revenues and receipts, including but not  
24 limited to fares and grants received from the federal,  
25 State or any unit of local government or other entity,  
26 derived from providing ADA paratransit service pursuant to

1 Section 2.30 of the Regional Transportation Authority Act.  
2 "Costs" include all items properly included as operating  
3 costs consistent with generally accepted accounting  
4 principles, including administrative costs, but do not  
5 include: depreciation; payment of principal and interest  
6 on bonds, notes or other evidences of obligations for  
7 borrowed money of the Authority; payments with respect to  
8 public transportation facilities made pursuant to  
9 subsection (b) of Section 2.20; any payments with respect  
10 to rate protection contracts, credit enhancements or  
11 liquidity agreements made under Section 4.14; any other  
12 cost as to which it is reasonably expected that a cash  
13 expenditure will not be made; costs for passenger security  
14 including grants, contracts, personnel, equipment and  
15 administrative expenses, except in the case of the Chicago  
16 Transit Authority, in which case the term does not include  
17 costs spent annually by that entity for protection against  
18 crime as required by Section 27a of the Metropolitan  
19 Transit Authority Act; the costs of Debt Service paid by  
20 the Chicago Transit Authority, as defined in Section 12c of  
21 the Metropolitan Transit Authority Act, or bonds or notes  
22 issued pursuant to that Section; the payment by the  
23 Commuter Rail Division of debt service on bonds issued  
24 pursuant to Section 3B.09; expenses incurred by the  
25 Suburban Bus Division for the cost of new public  
26 transportation services funded from grants pursuant to

1 Section 2.01e of this amendatory Act of the 95th General  
2 Assembly for a period of 2 years from the date of  
3 initiation of each such service; costs as exempted by the  
4 Board for projects pursuant to Section 2.09 of this Act;  
5 or, beginning with the 2007 fiscal year, expenses related  
6 to providing ADA paratransit service pursuant to Section  
7 2.30 of the Regional Transportation Authority Act; or in  
8 fiscal years 2008 through 2012 inclusive, costs in the  
9 amount of \$200,000,000 in fiscal year 2008, reducing by  
10 \$40,000,000 in each fiscal year thereafter until this  
11 exemption is eliminated. If said system generated revenues  
12 are less than 50% of said costs, the Board shall remit an  
13 amount equal to the amount of the deficit to the State. The  
14 Treasurer shall deposit any such payment in the General  
15 Revenue Fund; and

16 (ii) whether, beginning with the 2007 fiscal year, the  
17 aggregate of all fares charged and received for ADA  
18 paratransit services equals the system generated ADA  
19 paratransit services revenue recovery ratio percentage of  
20 the aggregate of all costs of providing such ADA  
21 paratransit services.

22 (h) If the Authority makes any payment to the State under  
23 paragraph (g), the Authority shall reduce the amount provided  
24 to a Service Board from funds transferred under paragraph (a)  
25 in proportion to the amount by which that Service Board failed  
26 to meet its required system generated revenues recovery ratio.

1 A Service Board which is affected by a reduction in funds under  
2 this paragraph shall submit to the Authority concurrently with  
3 its next due quarterly report a revised budget incorporating  
4 the reduction in funds. The revised budget must meet the  
5 criteria specified in clauses (i) through (vi) of Section  
6 4.11(b)(2). The Board shall review and act on the revised  
7 budget as provided in Section 4.11(b)(3).

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

9 (70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

10 Sec. 5.01. Hearings and Citizen Participation.

11 (a) The Authority shall provide for and encourage  
12 participation by the public in the development and review of  
13 public transportation policy, and in the process by which major  
14 decisions significantly affecting the provision of public  
15 transportation are made. The Authority shall coordinate such  
16 public participation processes with the Chicago Metropolitan  
17 Agency for Planning to the extent practicable.

18 (b) The Authority shall hold such public hearings as may be  
19 required by this Act or as the Authority may deem appropriate  
20 to the performance of any of its functions. The Authority shall  
21 coordinate such public hearings with the Chicago Metropolitan  
22 Agency for Planning to the extent practicable.

23 (c) Unless such items are specifically provided for either  
24 in the Five-Year Capital Program or in the annual budget  
25 program which has been the subject of public hearings as

1 provided in Sections 2.01 or 4.01 of this Act, the Board shall  
2 hold public hearings at which citizens may be heard prior to:

3 (i) the construction or acquisition of any public  
4 transportation facility, the aggregate cost of which  
5 exceeds \$5 million; and

6 (ii) the extension of, or major addition to services  
7 provided by the Authority or by any transportation agency  
8 pursuant to a purchase of service agreement with the  
9 Authority.

10 (d) Unless such items are specifically provided for in the  
11 annual budget and program which has been the subject of public  
12 hearing, as provided in Section 4.01 of this Act, the Board  
13 shall hold public hearings at which citizens may be heard prior  
14 to the providing for or allowing, by means of any purchase of  
15 service agreement or any grant pursuant to Section 2.02 of this  
16 Act, ~~any general increase or series of increases in fares or~~  
17 ~~charges for public transportation, whether by the Authority or~~  
18 ~~by any transportation agency, which increase or series of~~  
19 ~~increases within any twelve months affects more than 25% of the~~  
20 ~~consumers of service of the Authority or of the transportation~~  
21 ~~agency;~~ or so providing for or allowing any discontinuance of  
22 any public transportation route, or major portion thereof,  
23 which has been in service for more than a year.

24 (e) At least twenty days prior notice of any public  
25 hearing, as required in this Section, shall be given by public  
26 advertisement in a newspaper of general circulation in the

1 metropolitan region.

2 (e-5) With respect to any increase in fares or charges for  
3 public transportation, whether by the Authority or by any  
4 Service Board or transportation agency, a public hearing must  
5 be held in each county in which the fare increase takes effect.  
6 Notice of the public hearing shall be given at least 20 days  
7 prior to the hearing and at least 30 days prior to the  
8 effective date of any fare increase. Notice shall be given by  
9 public advertisement in a newspaper of general circulation in  
10 the metropolitan region and must also be sent to the Governor  
11 and to each member of the General Assembly whose district  
12 overlaps in whole or in part with the area in which the  
13 increase takes effect. The notice must state the date, time,  
14 and place of the hearing and must contain a description of the  
15 proposed increase. The notice must also specify how interested  
16 persons may obtain copies of any reports, resolutions, or  
17 certificates describing the basis upon which the increase was  
18 calculated.

19 (f) The Authority may designate one or more Directors or  
20 may appoint one or more hearing officers to preside over any  
21 hearing pursuant to this Act. The Authority shall have the  
22 power in connection with any such hearing to issue subpoenas to  
23 require the attendance of witnesses and the production of  
24 documents, and the Authority may apply to any circuit court in  
25 the State to require compliance with such subpoenas.

26 (g) The Authority may require any Service Board to hold one



1 or more public hearings with respect to any item described in  
2 paragraphs (c), ~~and~~ (d), and (e-5) of this Section 5.01,  
3 notwithstanding whether such item has been the subject of a  
4 public hearing under this Section 5.01 or Section 2.01 or 4.01  
5 of this Act.

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

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".