

1 AN ACT in relation to budget implementation.

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

4 Section 1. Short title. This Act may be cited as the
5 FY2009 Budget Implementation Act.

6 Section 5. Purpose. The purpose of this Act is to make the
7 changes in State programs that are necessary to implement the
8 FY2009 budget.

9 Section 30. The I-FLY Act is amended by changing Section 25
10 as follows:

11 (20 ILCS 3958/25)

12 Sec. 25. I-FLY Program.

13 (a) The Department shall establish the I-FLY Program, in
14 cooperation with the Commission. The Program shall consist of
15 the following components:

16 (1) air carrier recruitment and retention grants as
17 described in subsection (c); and

18 (2) planning grants under subsection (d).

19 The Department may make grants under this Act only to
20 airports that are located completely outside of Cook County.

21 (b) During any one-year period, an airport may receive a

1 grant for only one of the 2 components specified in subsection
2 (a).

3 (c) Air carrier recruitment and retention program grants.

4 (1) An airport may receive an air carrier recruitment
5 and retention program grant from the Department only if:

6 (A) it is capable of supporting takeoffs and
7 landings by aircraft that have at least 19 passenger
8 seats or have made improvements or commitments to the
9 Department to provide this capability; and

10 (B) it has a commitment from an air carrier to
11 start or continue air service to the community that the
12 airport serves subject to financial support from the
13 State and from the airport or unit of local government
14 that the airport serves. The commitment must specify
15 that the air carrier would not provide or continue to
16 provide service to the community if financial
17 assistance were not available.

18 (2) An application for an air carrier recruitment and
19 retention program grant must contain commitments from the
20 airport or the unit of local government in which the
21 airport is located as to the amount of the total project
22 cost, the contribution from the unit of local government or
23 airport, the method in which the contribution from the
24 airport or unit of local government will be generated, and
25 the requested State contribution.

26 (3) The air carrier recruitment and retention program

1 grant shall be used to guarantee the financial viability of
2 air carriers providing reasonable air service at the
3 airport. A grant under this subsection (c) to a particular
4 airport may be in only one of the following 3 forms:

5 (A) A grant may be used to guarantee that an air
6 carrier shall receive an agreed amount of revenue per
7 flight.

8 (B) A grant may be used to guarantee a reduced or
9 subsidized consumer ticket price.

10 (C) A grant may be used to guarantee a profit goal
11 established by the air carrier and airport.

12 (4) During the first year of a grant under this
13 subsection (c), the grant shall pay 80% of the total cost
14 of the guarantee and the airport or unit of local
15 government in which the airport is located shall pay 20% of
16 the total cost of the guarantee. During the second year of
17 a grant under this subsection (c), the grant shall pay 80%
18 ~~50%~~ of the total cost of the guarantee and the airport or
19 the unit of local government in which the airport is
20 located shall pay 20% ~~50%~~ of the total cost of the
21 guarantee.

22 (5) The total State funding for a grant under this
23 subsection (c) to a particular airport may not exceed
24 \$1,000,000 in any year.

25 (6) An airport that has received a 2-year grant under
26 this subsection (c) may apply for another grant for an

1 additional 2-year period; however, the Department shall,
2 in determining whether to make a grant for an additional
3 2-year period, give priority to other airports that have
4 not previously received a grant under this subsection (c).
5 The Department shall also give priority in making grants
6 under this subsection (c) to airports at which the
7 Department determines that a 2-year grant may result in the
8 creation of stable and reliable commercial air service
9 without an additional grant.

10 (d) Planning grants. An airport may apply for and receive a
11 planning grant to conduct feasibility studies or business plans
12 designed to study the recruitment, retention, or expansion of
13 an air carrier at the airport. To be eligible for a grant under
14 this subsection (d), the airport must have the potential for
15 initial or expanded air service as the Department determines
16 through its evaluation process. The grant shall pay 70% of the
17 total cost of the feasibility studies or business plans and the
18 airport or the unit of local government in which the airport is
19 located shall pay 30% of the total cost of the feasibility
20 studies or business plans. An airport may receive only one
21 planning grant.

22 (Source: P.A. 93-585, eff. 8-22-03; 94-839, eff. 6-6-06.)

23 Section 40. The State Finance Act is amended by changing
24 Sections 6z-30, 6z-70, 8.3, and 8g as follows:

1 (30 ILCS 105/6z-30)

2 Sec. 6z-30. University of Illinois Hospital Services Fund.

3 (a) The University of Illinois Hospital Services Fund is
4 created as a special fund in the State Treasury. The following
5 moneys shall be deposited into the Fund:

6 (1) As soon as possible after the beginning of each
7 fiscal year (starting in fiscal year 1995), and in no event
8 later than July 30, the State Comptroller and the State
9 Treasurer shall automatically transfer \$44,700,000 from
10 the General Revenue Fund to the University of Illinois
11 Hospital Services Fund.

12 (2) All intergovernmental transfer payments to the
13 Department of Healthcare and Family Services (formerly
14 Illinois Department of Public Aid) by the University of
15 Illinois made pursuant to an intergovernmental agreement
16 under subsection (b) or (c) of Section 5A-3 of the Illinois
17 Public Aid Code.

18 (3) All federal matching funds received by the
19 Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid) as a result of
21 expenditures made by the Department that are attributable
22 to moneys that were deposited in the Fund.

23 (b) Moneys in the fund may be used by the Department of
24 Healthcare and Family Services (formerly Illinois Department
25 of Public Aid), subject to appropriation, to reimburse the
26 University of Illinois Hospital for hospital and pharmacy

1 services, and to reimburse practitioners as defined in Section
2 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are
3 employed by the University of Illinois Hospital. The fund may
4 also be used to make monthly transfers to the General Revenue
5 Fund as provided in subsection (c).

6 (c) The State Comptroller and State Treasurer shall
7 automatically transfer on the last day of each month except
8 June, beginning August 31, 1994, from the University of
9 Illinois Hospital Services Fund to the General Revenue Fund, an
10 amount determined and certified to the State Comptroller by the
11 Director of Healthcare and Family Services (formerly Director
12 of Public Aid), equal to the amount by which the balance in the
13 Fund exceeds the amount necessary to ensure timely payments to
14 the University of Illinois Hospital.

15 On June 30, 1995 and each June 30 thereafter, the State
16 Comptroller and State Treasurer shall automatically transfer
17 the entire balance in the University of Illinois Hospital
18 Services Fund to the General Revenue Fund.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (30 ILCS 105/6z-70)

21 Sec. 6z-70. The Secretary of State Identification Security
22 and Theft Prevention Fund.

23 (a) The Secretary of State Identification Security and
24 Theft Prevention Fund is created as a special fund in the State
25 treasury. The Fund shall consist of any fund transfers, grants,

1 fees, or moneys from other sources received for the purpose of
2 funding identification security and theft prevention measures.

3 (b) All moneys in the Secretary of State Identification
4 Security and Theft Prevention Fund shall be used, subject to
5 appropriation, for any costs related to implementing
6 identification security and theft prevention measures.

7 (c) Notwithstanding any other provision of State law to the
8 contrary, on or after July 1, 2007, and until June 30, 2008, in
9 addition to any other transfers that may be provided for by
10 law, at the direction of and upon notification of the Secretary
11 of State, the State Comptroller shall direct and the State
12 Treasurer shall transfer amounts into the Secretary of State
13 Identification Security and Theft Prevention Fund from the
14 designated funds not exceeding the following totals:

- 15 Lobbyist Registration Administration Fund \$100,000
- 16 Registered Limited Liability Partnership Fund \$75,000
- 17 Securities Investors Education Fund \$500,000
- 18 Securities Audit and Enforcement Fund \$5,725,000
- 19 Department of Business Services
- 20 Special Operations Fund \$3,000,000
- 21 Corporate Franchise Tax Refund Fund \$3,000,000.

22 (d) Notwithstanding any other provision of State law to the
23 contrary, on or after July 1, 2008, and until June 30, 2009, in
24 addition to any other transfers that may be provided for by
25 law, at the direction of and upon notification of the Secretary
26 of State, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts into the Secretary of State
 2 Identification Security and Theft Prevention Fund from the
 3 designated funds not exceeding the following totals:

4	<u>Lobbyist Registration Administration Fund</u>	<u>\$100,000</u>
5	<u>Registered Limited Liability Partnership Fund</u>	<u>\$75,000</u>
6	<u>Securities Investors Education Fund</u>	<u>\$500,000</u>
7	<u>Securities Audit and Enforcement Fund</u>	<u>\$5,725,000</u>
8	<u>Department of Business Services</u>	
9	<u> Special Operations Fund</u>	<u>\$3,000,000</u>
10	<u> Corporate Franchise Tax Refund Fund</u>	<u>\$3,000,000</u>
11	<u> State Parking Facility Maintenance Fund</u>	<u>\$100,000</u>

12 (Source: P.A. 95-707, eff. 1-11-08.)

13 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

14 Sec. 8.3. Money in the Road Fund shall, if and when the
 15 State of Illinois incurs any bonded indebtedness for the
 16 construction of permanent highways, be set aside and used for
 17 the purpose of paying and discharging annually the principal
 18 and interest on that bonded indebtedness then due and payable,
 19 and for no other purpose. The surplus, if any, in the Road Fund
 20 after the payment of principal and interest on that bonded
 21 indebtedness then annually due shall be used as follows:

22 first -- to pay the cost of administration of Chapters
 23 2 through 10 of the Illinois Vehicle Code, except the cost
 24 of administration of Articles I and II of Chapter 3 of that
 25 Code; and

1 secondly -- for expenses of the Department of
2 Transportation for construction, reconstruction,
3 improvement, repair, maintenance, operation, and
4 administration of highways in accordance with the
5 provisions of laws relating thereto, or for any purpose
6 related or incident to and connected therewith, including
7 the separation of grades of those highways with railroads
8 and with highways and including the payment of awards made
9 by the Illinois Workers' Compensation Commission under the
10 terms of the Workers' Compensation Act or Workers'
11 Occupational Diseases Act for injury or death of an
12 employee of the Division of Highways in the Department of
13 Transportation; or for the acquisition of land and the
14 erection of buildings for highway purposes, including the
15 acquisition of highway right-of-way or for investigations
16 to determine the reasonably anticipated future highway
17 needs; or for making of surveys, plans, specifications and
18 estimates for and in the construction and maintenance of
19 flight strips and of highways necessary to provide access
20 to military and naval reservations, to defense industries
21 and defense-industry sites, and to the sources of raw
22 materials and for replacing existing highways and highway
23 connections shut off from general public use at military
24 and naval reservations and defense-industry sites, or for
25 the purchase of right-of-way, except that the State shall
26 be reimbursed in full for any expense incurred in building

1 the flight strips; or for the operating and maintaining of
2 highway garages; or for patrolling and policing the public
3 highways and conserving the peace; or for the operating
4 expenses of the Department relating to the administration
5 of public transportation programs; or for any of those
6 purposes or any other purpose that may be provided by law.

7 Appropriations for any of those purposes are payable from
8 the Road Fund. Appropriations may also be made from the Road
9 Fund for the administrative expenses of any State agency that
10 are related to motor vehicles or arise from the use of motor
11 vehicles.

12 Beginning with fiscal year 1980 and thereafter, no Road
13 Fund monies shall be appropriated to the following Departments
14 or agencies of State government for administration, grants, or
15 operations; but this limitation is not a restriction upon
16 appropriating for those purposes any Road Fund monies that are
17 eligible for federal reimbursement;

18 1. Department of Public Health;

19 2. Department of Transportation, only with respect to
20 subsidies for one-half fare Student Transportation and
21 Reduced Fare for Elderly;

22 3. Department of Central Management Services, except
23 for expenditures incurred for group insurance premiums of
24 appropriate personnel;

25 4. Judicial Systems and Agencies.

26 Beginning with fiscal year 1981 and thereafter, no Road

1 Fund monies shall be appropriated to the following Departments
2 or agencies of State government for administration, grants, or
3 operations; but this limitation is not a restriction upon
4 appropriating for those purposes any Road Fund monies that are
5 eligible for federal reimbursement:

6 1. Department of State Police, except for expenditures
7 with respect to the Division of Operations;

8 2. Department of Transportation, only with respect to
9 Intercity Rail Subsidies and Rail Freight Services.

10 Beginning with fiscal year 1982 and thereafter, no Road
11 Fund monies shall be appropriated to the following Departments
12 or agencies of State government for administration, grants, or
13 operations; but this limitation is not a restriction upon
14 appropriating for those purposes any Road Fund monies that are
15 eligible for federal reimbursement: Department of Central
16 Management Services, except for awards made by the Illinois
17 Workers' Compensation Commission under the terms of the
18 Workers' Compensation Act or Workers' Occupational Diseases
19 Act for injury or death of an employee of the Division of
20 Highways in the Department of Transportation.

21 Beginning with fiscal year 1984 and thereafter, no Road
22 Fund monies shall be appropriated to the following Departments
23 or agencies of State government for administration, grants, or
24 operations; but this limitation is not a restriction upon
25 appropriating for those purposes any Road Fund monies that are
26 eligible for federal reimbursement:

1 1. Department of State Police, except not more than 40%
2 of the funds appropriated for the Division of Operations;

3 2. State Officers.

4 Beginning with fiscal year 1984 and thereafter, no Road
5 Fund monies shall be appropriated to any Department or agency
6 of State government for administration, grants, or operations
7 except as provided hereafter; but this limitation is not a
8 restriction upon appropriating for those purposes any Road Fund
9 monies that are eligible for federal reimbursement. It shall
10 not be lawful to circumvent the above appropriation limitations
11 by governmental reorganization or other methods.
12 Appropriations shall be made from the Road Fund only in
13 accordance with the provisions of this Section.

14 Money in the Road Fund shall, if and when the State of
15 Illinois incurs any bonded indebtedness for the construction of
16 permanent highways, be set aside and used for the purpose of
17 paying and discharging during each fiscal year the principal
18 and interest on that bonded indebtedness as it becomes due and
19 payable as provided in the Transportation Bond Act, and for no
20 other purpose. The surplus, if any, in the Road Fund after the
21 payment of principal and interest on that bonded indebtedness
22 then annually due shall be used as follows:

23 first -- to pay the cost of administration of Chapters
24 2 through 10 of the Illinois Vehicle Code; and

25 secondly -- no Road Fund monies derived from fees,
26 excises, or license taxes relating to registration,

1 operation and use of vehicles on public highways or to
2 fuels used for the propulsion of those vehicles, shall be
3 appropriated or expended other than for costs of
4 administering the laws imposing those fees, excises, and
5 license taxes, statutory refunds and adjustments allowed
6 thereunder, administrative costs of the Department of
7 Transportation, including, but not limited to, the
8 operating expenses of the Department relating to the
9 administration of public transportation programs, payment
10 of debts and liabilities incurred in construction and
11 reconstruction of public highways and bridges, acquisition
12 of rights-of-way for and the cost of construction,
13 reconstruction, maintenance, repair, and operation of
14 public highways and bridges under the direction and
15 supervision of the State, political subdivision, or
16 municipality collecting those monies, and the costs for
17 patrolling and policing the public highways (by State,
18 political subdivision, or municipality collecting that
19 money) for enforcement of traffic laws. The separation of
20 grades of such highways with railroads and costs associated
21 with protection of at-grade highway and railroad crossing
22 shall also be permissible.

23 Appropriations for any of such purposes are payable from
24 the Road Fund or the Grade Crossing Protection Fund as provided
25 in Section 8 of the Motor Fuel Tax Law.

26 Except as provided in this paragraph, beginning with fiscal

1 year 1991 and thereafter, no Road Fund monies shall be
2 appropriated to the Department of State Police for the purposes
3 of this Section in excess of its total fiscal year 1990 Road
4 Fund appropriations for those purposes unless otherwise
5 provided in Section 5g of this Act. For fiscal years 2003,
6 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
7 appropriated to the Department of State Police for the purposes
8 of this Section in excess of \$97,310,000. For fiscal ~~years year~~
9 2008 and 2009 only, no Road Fund monies shall be appropriated
10 to the Department of State Police for the purposes of this
11 Section in excess of \$106,100,000. It shall not be lawful to
12 circumvent this limitation on appropriations by governmental
13 reorganization or other methods unless otherwise provided in
14 Section 5g of this Act.

15 In fiscal year 1994, no Road Fund monies shall be
16 appropriated to the Secretary of State for the purposes of this
17 Section in excess of the total fiscal year 1991 Road Fund
18 appropriations to the Secretary of State for those purposes,
19 plus \$9,800,000. It shall not be lawful to circumvent this
20 limitation on appropriations by governmental reorganization or
21 other method.

22 Beginning with fiscal year 1995 and thereafter, no Road
23 Fund monies shall be appropriated to the Secretary of State for
24 the purposes of this Section in excess of the total fiscal year
25 1994 Road Fund appropriations to the Secretary of State for
26 those purposes. It shall not be lawful to circumvent this

1 limitation on appropriations by governmental reorganization or
2 other methods.

3 Beginning with fiscal year 2000, total Road Fund
4 appropriations to the Secretary of State for the purposes of
5 this Section shall not exceed the amounts specified for the
6 following fiscal years:

7	Fiscal Year 2000	\$80,500,000;
8	Fiscal Year 2001	\$80,500,000;
9	Fiscal Year 2002	\$80,500,000;
10	Fiscal Year 2003	\$130,500,000;
11	Fiscal Year 2004	\$130,500,000;
12	Fiscal Year 2005	\$130,500,000;
13	Fiscal Year 2006	\$130,500,000;
14	Fiscal Year 2007	\$130,500,000;
15	Fiscal Year 2008	\$130,500,000;
16	Fiscal Year 2009 and	<u>\$130,500,000;</u>
17	<u>Fiscal Year 2010 and</u> each year thereafter	\$30,500,000.

18 It shall not be lawful to circumvent this limitation on
19 appropriations by governmental reorganization or other
20 methods.

21 No new program may be initiated in fiscal year 1991 and
22 thereafter that is not consistent with the limitations imposed
23 by this Section for fiscal year 1984 and thereafter, insofar as
24 appropriation of Road Fund monies is concerned.

25 Nothing in this Section prohibits transfers from the Road
26 Fund to the State Construction Account Fund under Section 5e of

1 this Act; nor to the General Revenue Fund, as authorized by
2 this amendatory Act of the 93rd General Assembly.

3 The additional amounts authorized for expenditure in this
4 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
5 shall be repaid to the Road Fund from the General Revenue Fund
6 in the next succeeding fiscal year that the General Revenue
7 Fund has a positive budgetary balance, as determined by
8 generally accepted accounting principles applicable to
9 government.

10 The additional amounts authorized for expenditure by the
11 Secretary of State and the Department of State Police in this
12 Section by this amendatory Act of the 94th General Assembly
13 shall be repaid to the Road Fund from the General Revenue Fund
14 in the next succeeding fiscal year that the General Revenue
15 Fund has a positive budgetary balance, as determined by
16 generally accepted accounting principles applicable to
17 government.

18 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
19 eff. 1-11-08.)

20 (30 ILCS 105/8g)

21 Sec. 8g. Fund transfers.

22 (a) In addition to any other transfers that may be provided
23 for by law, as soon as may be practical after the effective
24 date of this amendatory Act of the 91st General Assembly, the
25 State Comptroller shall direct and the State Treasurer shall

1 transfer the sum of \$10,000,000 from the General Revenue Fund
2 to the Motor Vehicle License Plate Fund created by Senate Bill
3 1028 of the 91st General Assembly.

4 (b) In addition to any other transfers that may be provided
5 for by law, as soon as may be practical after the effective
6 date of this amendatory Act of the 91st General Assembly, the
7 State Comptroller shall direct and the State Treasurer shall
8 transfer the sum of \$25,000,000 from the General Revenue Fund
9 to the Fund for Illinois' Future created by Senate Bill 1066 of
10 the 91st General Assembly.

11 (c) In addition to any other transfers that may be provided
12 for by law, on August 30 of each fiscal year's license period,
13 the Illinois Liquor Control Commission shall direct and the
14 State Comptroller and State Treasurer shall transfer from the
15 General Revenue Fund to the Youth Alcoholism and Substance
16 Abuse Prevention Fund an amount equal to the number of retail
17 liquor licenses issued for that fiscal year multiplied by \$50.

18 (d) The payments to programs required under subsection (d)
19 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
20 pursuant to appropriation, from the special funds referred to
21 in the statutes cited in that subsection, rather than directly
22 from the General Revenue Fund.

23 Beginning January 1, 2000, on the first day of each month,
24 or as soon as may be practical thereafter, the State
25 Comptroller shall direct and the State Treasurer shall transfer
26 from the General Revenue Fund to each of the special funds from

1 which payments are to be made under Section 28.1(d) of the
2 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
3 amount required for those payments from that special fund,
4 which annual amount shall not exceed the annual amount for
5 those payments from that special fund for the calendar year
6 1998. The special funds to which transfers shall be made under
7 this subsection (d) include, but are not necessarily limited
8 to, the Agricultural Premium Fund; the Metropolitan Exposition
9 Auditorium and Office Building Fund; the Fair and Exposition
10 Fund; the Standardbred Breeders Fund; the Thoroughbred
11 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

12 (e) In addition to any other transfers that may be provided
13 for by law, as soon as may be practical after the effective
14 date of this amendatory Act of the 91st General Assembly, but
15 in no event later than June 30, 2000, the State Comptroller
16 shall direct and the State Treasurer shall transfer the sum of
17 \$15,000,000 from the General Revenue Fund to the Fund for
18 Illinois' Future.

19 (f) In addition to any other transfers that may be provided
20 for by law, as soon as may be practical after the effective
21 date of this amendatory Act of the 91st General Assembly, but
22 in no event later than June 30, 2000, the State Comptroller
23 shall direct and the State Treasurer shall transfer the sum of
24 \$70,000,000 from the General Revenue Fund to the Long-Term Care
25 Provider Fund.

26 (f-1) In fiscal year 2002, in addition to any other

1 transfers that may be provided for by law, at the direction of
2 and upon notification from the Governor, the State Comptroller
3 shall direct and the State Treasurer shall transfer amounts not
4 exceeding a total of \$160,000,000 from the General Revenue Fund
5 to the Long-Term Care Provider Fund.

6 (g) In addition to any other transfers that may be provided
7 for by law, on July 1, 2001, or as soon thereafter as may be
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$1,200,000 from the General
10 Revenue Fund to the Violence Prevention Fund.

11 (h) In each of fiscal years 2002 through 2004, but not
12 thereafter, in addition to any other transfers that may be
13 provided for by law, the State Comptroller shall direct and the
14 State Treasurer shall transfer \$5,000,000 from the General
15 Revenue Fund to the Tourism Promotion Fund.

16 (i) On or after July 1, 2001 and until May 1, 2002, in
17 addition to any other transfers that may be provided for by
18 law, at the direction of and upon notification from the
19 Governor, the State Comptroller shall direct and the State
20 Treasurer shall transfer amounts not exceeding a total of
21 \$80,000,000 from the General Revenue Fund to the Tobacco
22 Settlement Recovery Fund. Any amounts so transferred shall be
23 re-transferred by the State Comptroller and the State Treasurer
24 from the Tobacco Settlement Recovery Fund to the General
25 Revenue Fund at the direction of and upon notification from the
26 Governor, but in any event on or before June 30, 2002.

1 (i-1) On or after July 1, 2002 and until May 1, 2003, in
 2 addition to any other transfers that may be provided for by
 3 law, at the direction of and upon notification from the
 4 Governor, the State Comptroller shall direct and the State
 5 Treasurer shall transfer amounts not exceeding a total of
 6 \$80,000,000 from the General Revenue Fund to the Tobacco
 7 Settlement Recovery Fund. Any amounts so transferred shall be
 8 re-transferred by the State Comptroller and the State Treasurer
 9 from the Tobacco Settlement Recovery Fund to the General
 10 Revenue Fund at the direction of and upon notification from the
 11 Governor, but in any event on or before June 30, 2003.

12 (j) On or after July 1, 2001 and no later than June 30,
 13 2002, in addition to any other transfers that may be provided
 14 for by law, at the direction of and upon notification from the
 15 Governor, the State Comptroller shall direct and the State
 16 Treasurer shall transfer amounts not to exceed the following
 17 sums into the Statistical Services Revolving Fund:

18	From the General Revenue Fund	\$8,450,000
19	From the Public Utility Fund	1,700,000
20	From the Transportation Regulatory Fund	2,650,000
21	From the Title III Social Security and	
22	Employment Fund	3,700,000
23	From the Professions Indirect Cost Fund	4,050,000
24	From the Underground Storage Tank Fund	550,000
25	From the Agricultural Premium Fund	750,000
26	From the State Pensions Fund	200,000

1	From the Road Fund	2,000,000
2	From the Health Facilities	
3	Planning Fund	1,000,000
4	From the Savings and Residential Finance	
5	Regulatory Fund	130,800
6	From the Appraisal Administration Fund	28,600
7	From the Pawnbroker Regulation Fund	3,600
8	From the Auction Regulation	
9	Administration Fund	35,800
10	From the Bank and Trust Company Fund.....	634,800
11	From the Real Estate License	
12	Administration Fund	313,600

13 (k) In addition to any other transfers that may be provided
 14 for by law, as soon as may be practical after the effective
 15 date of this amendatory Act of the 92nd General Assembly, the
 16 State Comptroller shall direct and the State Treasurer shall
 17 transfer the sum of \$2,000,000 from the General Revenue Fund to
 18 the Teachers Health Insurance Security Fund.

19 (k-1) In addition to any other transfers that may be
 20 provided for by law, on July 1, 2002, or as soon as may be
 21 practical thereafter, the State Comptroller shall direct and
 22 the State Treasurer shall transfer the sum of \$2,000,000 from
 23 the General Revenue Fund to the Teachers Health Insurance
 24 Security Fund.

25 (k-2) In addition to any other transfers that may be
 26 provided for by law, on July 1, 2003, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
 2 the State Treasurer shall transfer the sum of \$2,000,000 from
 3 the General Revenue Fund to the Teachers Health Insurance
 4 Security Fund.

5 (k-3) On or after July 1, 2002 and no later than June 30,
 6 2003, in addition to any other transfers that may be provided
 7 for by law, at the direction of and upon notification from the
 8 Governor, the State Comptroller shall direct and the State
 9 Treasurer shall transfer amounts not to exceed the following
 10 sums into the Statistical Services Revolving Fund:

11	Appraisal Administration Fund	\$150,000
12	General Revenue Fund	10,440,000
13	Savings and Residential Finance	
14	Regulatory Fund	200,000
15	State Pensions Fund	100,000
16	Bank and Trust Company Fund	100,000
17	Professions Indirect Cost Fund	3,400,000
18	Public Utility Fund	2,081,200
19	Real Estate License Administration Fund	150,000
20	Title III Social Security and	
21	Employment Fund	1,000,000
22	Transportation Regulatory Fund	3,052,100
23	Underground Storage Tank Fund	50,000

24 (l) In addition to any other transfers that may be provided
 25 for by law, on July 1, 2002, or as soon as may be practical
 26 thereafter, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$3,000,000 from the General
2 Revenue Fund to the Presidential Library and Museum Operating
3 Fund.

4 (m) In addition to any other transfers that may be provided
5 for by law, on July 1, 2002 and on the effective date of this
6 amendatory Act of the 93rd General Assembly, or as soon
7 thereafter as may be practical, the State Comptroller shall
8 direct and the State Treasurer shall transfer the sum of
9 \$1,200,000 from the General Revenue Fund to the Violence
10 Prevention Fund.

11 (n) In addition to any other transfers that may be provided
12 for by law, on July 1, 2003, or as soon thereafter as may be
13 practical, the State Comptroller shall direct and the State
14 Treasurer shall transfer the sum of \$6,800,000 from the General
15 Revenue Fund to the DHS Recoveries Trust Fund.

16 (o) On or after July 1, 2003, and no later than June 30,
17 2004, in addition to any other transfers that may be provided
18 for by law, at the direction of and upon notification from the
19 Governor, the State Comptroller shall direct and the State
20 Treasurer shall transfer amounts not to exceed the following
21 sums into the Vehicle Inspection Fund:

22 From the Underground Storage Tank Fund \$35,000,000.

23 (p) On or after July 1, 2003 and until May 1, 2004, in
24 addition to any other transfers that may be provided for by
25 law, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of
2 \$80,000,000 from the General Revenue Fund to the Tobacco
3 Settlement Recovery Fund. Any amounts so transferred shall be
4 re-transferred from the Tobacco Settlement Recovery Fund to the
5 General Revenue Fund at the direction of and upon notification
6 from the Governor, but in any event on or before June 30, 2004.

7 (q) In addition to any other transfers that may be provided
8 for by law, on July 1, 2003, or as soon as may be practical
9 thereafter, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$5,000,000 from the General
11 Revenue Fund to the Illinois Military Family Relief Fund.

12 (r) In addition to any other transfers that may be provided
13 for by law, on July 1, 2003, or as soon as may be practical
14 thereafter, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$1,922,000 from the General
16 Revenue Fund to the Presidential Library and Museum Operating
17 Fund.

18 (s) In addition to any other transfers that may be provided
19 for by law, on or after July 1, 2003, the State Comptroller
20 shall direct and the State Treasurer shall transfer the sum of
21 \$4,800,000 from the Statewide Economic Development Fund to the
22 General Revenue Fund.

23 (t) In addition to any other transfers that may be provided
24 for by law, on or after July 1, 2003, the State Comptroller
25 shall direct and the State Treasurer shall transfer the sum of
26 \$50,000,000 from the General Revenue Fund to the Budget

1 Stabilization Fund.

2 (u) On or after July 1, 2004 and until May 1, 2005, in
3 addition to any other transfers that may be provided for by
4 law, at the direction of and upon notification from the
5 Governor, the State Comptroller shall direct and the State
6 Treasurer shall transfer amounts not exceeding a total of
7 \$80,000,000 from the General Revenue Fund to the Tobacco
8 Settlement Recovery Fund. Any amounts so transferred shall be
9 retransferred by the State Comptroller and the State Treasurer
10 from the Tobacco Settlement Recovery Fund to the General
11 Revenue Fund at the direction of and upon notification from the
12 Governor, but in any event on or before June 30, 2005.

13 (v) In addition to any other transfers that may be provided
14 for by law, on July 1, 2004, or as soon thereafter as may be
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$1,200,000 from the General
17 Revenue Fund to the Violence Prevention Fund.

18 (w) In addition to any other transfers that may be provided
19 for by law, on July 1, 2004, or as soon thereafter as may be
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$6,445,000 from the General
22 Revenue Fund to the Presidential Library and Museum Operating
23 Fund.

24 (x) In addition to any other transfers that may be provided
25 for by law, on January 15, 2005, or as soon thereafter as may
26 be practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer to the General Revenue Fund the
2 following sums:

3 From the State Crime Laboratory Fund, \$200,000;

4 From the State Police Wireless Service Emergency Fund,
5 \$200,000;

6 From the State Offender DNA Identification System
7 Fund, \$800,000; and

8 From the State Police Whistleblower Reward and
9 Protection Fund, \$500,000.

10 (y) Notwithstanding any other provision of law to the
11 contrary, in addition to any other transfers that may be
12 provided for by law on June 30, 2005, or as soon as may be
13 practical thereafter, the State Comptroller shall direct and
14 the State Treasurer shall transfer the remaining balance from
15 the designated funds into the General Revenue Fund and any
16 future deposits that would otherwise be made into these funds
17 must instead be made into the General Revenue Fund:

18 (1) the Keep Illinois Beautiful Fund;

19 (2) the Metropolitan Fair and Exposition Authority
20 Reconstruction Fund;

21 (3) the New Technology Recovery Fund;

22 (4) the Illinois Rural Bond Bank Trust Fund;

23 (5) the ISBE School Bus Driver Permit Fund;

24 (6) the Solid Waste Management Revolving Loan Fund;

25 (7) the State Postsecondary Review Program Fund;

26 (8) the Tourism Attraction Development Matching Grant

1 Fund;

2 (9) the Patent and Copyright Fund;

3 (10) the Credit Enhancement Development Fund;

4 (11) the Community Mental Health and Developmental
5 Disabilities Services Provider Participation Fee Trust
6 Fund;

7 (12) the Nursing Home Grant Assistance Fund;

8 (13) the By-product Material Safety Fund;

9 (14) the Illinois Student Assistance Commission Higher
10 EdNet Fund;

11 (15) the DORS State Project Fund;

12 (16) the School Technology Revolving Fund;

13 (17) the Energy Assistance Contribution Fund;

14 (18) the Illinois Building Commission Revolving Fund;

15 (19) the Illinois Aquaculture Development Fund;

16 (20) the Homelessness Prevention Fund;

17 (21) the DCFS Refugee Assistance Fund;

18 (22) the Illinois Century Network Special Purposes
19 Fund; and

20 (23) the Build Illinois Purposes Fund.

21 (z) In addition to any other transfers that may be provided
22 for by law, on July 1, 2005, or as soon as may be practical
23 thereafter, the State Comptroller shall direct and the State
24 Treasurer shall transfer the sum of \$1,200,000 from the General
25 Revenue Fund to the Violence Prevention Fund.

26 (aa) In addition to any other transfers that may be

1 provided for by law, on July 1, 2005, or as soon as may be
2 practical thereafter, the State Comptroller shall direct and
3 the State Treasurer shall transfer the sum of \$9,000,000 from
4 the General Revenue Fund to the Presidential Library and Museum
5 Operating Fund.

6 (bb) In addition to any other transfers that may be
7 provided for by law, on July 1, 2005, or as soon as may be
8 practical thereafter, the State Comptroller shall direct and
9 the State Treasurer shall transfer the sum of \$6,803,600 from
10 the General Revenue Fund to the Securities Audit and
11 Enforcement Fund.

12 (cc) In addition to any other transfers that may be
13 provided for by law, on or after July 1, 2005 and until May 1,
14 2006, at the direction of and upon notification from the
15 Governor, the State Comptroller shall direct and the State
16 Treasurer shall transfer amounts not exceeding a total of
17 \$80,000,000 from the General Revenue Fund to the Tobacco
18 Settlement Recovery Fund. Any amounts so transferred shall be
19 re-transferred by the State Comptroller and the State Treasurer
20 from the Tobacco Settlement Recovery Fund to the General
21 Revenue Fund at the direction of and upon notification from the
22 Governor, but in any event on or before June 30, 2006.

23 (dd) In addition to any other transfers that may be
24 provided for by law, on April 1, 2005, or as soon thereafter as
25 may be practical, at the direction of the Director of Public
26 Aid (now Director of Healthcare and Family Services), the State

1 Comptroller shall direct and the State Treasurer shall transfer
2 from the Public Aid Recoveries Trust Fund amounts not to exceed
3 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

4 (ee) Notwithstanding any other provision of law, on July 1,
5 2006, or as soon thereafter as practical, the State Comptroller
6 shall direct and the State Treasurer shall transfer the
7 remaining balance from the Illinois Civic Center Bond Fund to
8 the Illinois Civic Center Bond Retirement and Interest Fund.

9 (ff) In addition to any other transfers that may be
10 provided for by law, on and after July 1, 2006 and until June
11 30, 2007, at the direction of and upon notification from the
12 Director of the Governor's Office of Management and Budget, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer amounts not exceeding a total of \$1,900,000 from the
15 General Revenue Fund to the Illinois Capital Revolving Loan
16 Fund.

17 (gg) In addition to any other transfers that may be
18 provided for by law, on and after July 1, 2006 and until May 1,
19 2007, at the direction of and upon notification from the
20 Governor, the State Comptroller shall direct and the State
21 Treasurer shall transfer amounts not exceeding a total of
22 \$80,000,000 from the General Revenue Fund to the Tobacco
23 Settlement Recovery Fund. Any amounts so transferred shall be
24 retransferred by the State Comptroller and the State Treasurer
25 from the Tobacco Settlement Recovery Fund to the General
26 Revenue Fund at the direction of and upon notification from the

1 Governor, but in any event on or before June 30, 2007.

2 (hh) In addition to any other transfers that may be
3 provided for by law, on and after July 1, 2006 and until June
4 30, 2007, at the direction of and upon notification from the
5 Governor, the State Comptroller shall direct and the State
6 Treasurer shall transfer amounts from the Illinois Affordable
7 Housing Trust Fund to the designated funds not exceeding the
8 following amounts:

- 9 DCFS Children's Services Fund \$2,200,000
- 10 Department of Corrections Reimbursement
- 11 and Education Fund \$1,500,000
- 12 Supplemental Low-Income Energy
- 13 Assistance Fund \$75,000

14 (ii) In addition to any other transfers that may be
15 provided for by law, on or before August 31, 2006, the Governor
16 and the State Comptroller may agree to transfer the surplus
17 cash balance from the General Revenue Fund to the Budget
18 Stabilization Fund and the Pension Stabilization Fund in equal
19 proportions. The determination of the amount of the surplus
20 cash balance shall be made by the Governor, with the
21 concurrence of the State Comptroller, after taking into account
22 the June 30, 2006 balances in the general funds and the actual
23 or estimated spending from the general funds during the lapse
24 period. Notwithstanding the foregoing, the maximum amount that
25 may be transferred under this subsection (ii) is \$50,000,000.

26 (jj) In addition to any other transfers that may be

1 provided for by law, on July 1, 2006, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$8,250,000 from the General
4 Revenue Fund to the Presidential Library and Museum Operating
5 Fund.

6 (kk) In addition to any other transfers that may be
7 provided for by law, on July 1, 2006, or as soon thereafter as
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$1,400,000 from the General
10 Revenue Fund to the Violence Prevention Fund.

11 (ll) In addition to any other transfers that may be
12 provided for by law, on the first day of each calendar quarter
13 of the fiscal year beginning July 1, 2006, or as soon
14 thereafter as practical, the State Comptroller shall direct and
15 the State Treasurer shall transfer from the General Revenue
16 Fund amounts equal to one-fourth of \$20,000,000 to the
17 Renewable Energy Resources Trust Fund.

18 (mm) In addition to any other transfers that may be
19 provided for by law, on July 1, 2006, or as soon thereafter as
20 practical, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$1,320,000 from the General
22 Revenue Fund to the I-FLY Fund.

23 (nn) In addition to any other transfers that may be
24 provided for by law, on July 1, 2006, or as soon thereafter as
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$3,000,000 from the General

1 Revenue Fund to the African-American HIV/AIDS Response Fund.

2 (oo) In addition to any other transfers that may be
3 provided for by law, on and after July 1, 2006 and until June
4 30, 2007, at the direction of and upon notification from the
5 Governor, the State Comptroller shall direct and the State
6 Treasurer shall transfer amounts identified as net receipts
7 from the sale of all or part of the Illinois Student Assistance
8 Commission loan portfolio from the Student Loan Operating Fund
9 to the General Revenue Fund. The maximum amount that may be
10 transferred pursuant to this Section is \$38,800,000. In
11 addition, no transfer may be made pursuant to this Section that
12 would have the effect of reducing the available balance in the
13 Student Loan Operating Fund to an amount less than the amount
14 remaining unexpended and unreserved from the total
15 appropriations from the Fund estimated to be expended for the
16 fiscal year. The State Treasurer and Comptroller shall transfer
17 the amounts designated under this Section as soon as may be
18 practical after receiving the direction to transfer from the
19 Governor.

20 (pp) In addition to any other transfers that may be
21 provided for by law, on July 1, 2006, or as soon thereafter as
22 practical, the State Comptroller shall direct and the State
23 Treasurer shall transfer the sum of \$2,000,000 from the General
24 Revenue Fund to the Illinois Veterans Assistance Fund.

25 (qq) In addition to any other transfers that may be
26 provided for by law, on and after July 1, 2007 and until May 1,

1 2008, at the direction of and upon notification from the
 2 Governor, the State Comptroller shall direct and the State
 3 Treasurer shall transfer amounts not exceeding a total of
 4 \$80,000,000 from the General Revenue Fund to the Tobacco
 5 Settlement Recovery Fund. Any amounts so transferred shall be
 6 retransferred by the State Comptroller and the State Treasurer
 7 from the Tobacco Settlement Recovery Fund to the General
 8 Revenue Fund at the direction of and upon notification from the
 9 Governor, but in any event on or before June 30, 2008.

10 (rr) In addition to any other transfers that may be
 11 provided for by law, on and after July 1, 2007 and until June
 12 30, 2008, at the direction of and upon notification from the
 13 Governor, the State Comptroller shall direct and the State
 14 Treasurer shall transfer amounts from the Illinois Affordable
 15 Housing Trust Fund to the designated funds not exceeding the
 16 following amounts:

- 17 DCFS Children's Services Fund \$2,200,000
- 18 Department of Corrections Reimbursement
- 19 and Education Fund \$1,500,000
- 20 Supplemental Low-Income Energy
- 21 Assistance Fund \$75,000

22 (ss) In addition to any other transfers that may be
 23 provided for by law, on July 1, 2007, or as soon thereafter as
 24 practical, the State Comptroller shall direct and the State
 25 Treasurer shall transfer the sum of \$8,250,000 from the General
 26 Revenue Fund to the Presidential Library and Museum Operating

1 Fund.

2 (tt) In addition to any other transfers that may be
3 provided for by law, on July 1, 2007, or as soon thereafter as
4 practical, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$1,400,000 from the General
6 Revenue Fund to the Violence Prevention Fund.

7 (uu) In addition to any other transfers that may be
8 provided for by law, on July 1, 2007, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$1,320,000 from the General
11 Revenue Fund to the I-FLY Fund.

12 (vv) In addition to any other transfers that may be
13 provided for by law, on July 1, 2007, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$3,000,000 from the General
16 Revenue Fund to the African-American HIV/AIDS Response Fund.

17 (ww) In addition to any other transfers that may be
18 provided for by law, on July 1, 2007, or as soon thereafter as
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$3,500,000 from the General
21 Revenue Fund to the Predatory Lending Database Program Fund.

22 (xx) In addition to any other transfers that may be
23 provided for by law, on July 1, 2007, or as soon thereafter as
24 practical, the State Comptroller shall direct and the State
25 Treasurer shall transfer the sum of \$5,000,000 from the General
26 Revenue Fund to the Digital Divide Elimination Fund.

1 (yy) In addition to any other transfers that may be
2 provided for by law, on July 1, 2007, or as soon thereafter as
3 practical, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$4,000,000 from the General
5 Revenue Fund to the Digital Divide Elimination Infrastructure
6 Fund.

7 (zz) In addition to any other transfers that may be
8 provided for by law, on July 1, 2008, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$5,000,000 from the General
11 Revenue Fund to the Digital Divide Elimination Fund.

12 (aaa) In addition to any other transfers that may be
13 provided for by law, on and after July 1, 2008 and until May 1,
14 2009, at the direction of and upon notification from the
15 Governor, the State Comptroller shall direct and the State
16 Treasurer shall transfer amounts not exceeding a total of
17 \$80,000,000 from the General Revenue Fund to the Tobacco
18 Settlement Recovery Fund. Any amounts so transferred shall be
19 retransferred by the State Comptroller and the State Treasurer
20 from the Tobacco Settlement Recovery Fund to the General
21 Revenue Fund at the direction of and upon notification from the
22 Governor, but in any event on or before June 30, 2009.

23 (bbb) In addition to any other transfers that may be
24 provided for by law, on and after July 1, 2008 and until June
25 30, 2009, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts from the Illinois Affordable
2 Housing Trust Fund to the designated funds not exceeding the
3 following amounts:

4 DCFS Children's Services Fund \$2,200,000
5 Department of Corrections Reimbursement
6 and Education Fund \$1,500,000
7 Supplemental Low-Income Energy
8 Assistance Fund \$75,000

9 (ccc) In addition to any other transfers that may be
10 provided for by law, on July 1, 2008, or as soon thereafter as
11 practical, the State Comptroller shall direct and the State
12 Treasurer shall transfer the sum of \$7,450,000 from the General
13 Revenue Fund to the Presidential Library and Museum Operating
14 Fund.

15 (ddd) In addition to any other transfers that may be
16 provided for by law, on July 1, 2008, or as soon thereafter as
17 practical, the State Comptroller shall direct and the State
18 Treasurer shall transfer the sum of \$1,400,000 from the General
19 Revenue Fund to the Violence Prevention Fund.

20 (Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816,
21 eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;
22 95-707, eff. 1-11-08.)

23 Section 45. The Illinois Income Tax Act is amended by
24 changing Section 901 as follows:

1 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

2 Sec. 901. Collection Authority.

3 (a) In general.

4 The Department shall collect the taxes imposed by this Act.
5 The Department shall collect certified past due child support
6 amounts under Section 2505-650 of the Department of Revenue Law
7 (20 ILCS 2505/2505-650). Except as provided in subsections (c)
8 and (e) of this Section, money collected pursuant to
9 subsections (a) and (b) of Section 201 of this Act shall be
10 paid into the General Revenue Fund in the State treasury; money
11 collected pursuant to subsections (c) and (d) of Section 201 of
12 this Act shall be paid into the Personal Property Tax
13 Replacement Fund, a special fund in the State Treasury; and
14 money collected under Section 2505-650 of the Department of
15 Revenue Law (20 ILCS 2505/2505-650) shall be paid into the
16 Child Support Enforcement Trust Fund, a special fund outside
17 the State Treasury, or to the State Disbursement Unit
18 established under Section 10-26 of the Illinois Public Aid
19 Code, as directed by the Department of Healthcare and Family
20 Services.

21 (b) Local Governmental Distributive Fund.

22 Beginning August 1, 1969, and continuing through June 30,
23 1994, the Treasurer shall transfer each month from the General
24 Revenue Fund to a special fund in the State treasury, to be
25 known as the "Local Government Distributive Fund", an amount
26 equal to 1/12 of the net revenue realized from the tax imposed

1 by subsections (a) and (b) of Section 201 of this Act during
2 the preceding month. Beginning July 1, 1994, and continuing
3 through June 30, 1995, the Treasurer shall transfer each month
4 from the General Revenue Fund to the Local Government
5 Distributive Fund an amount equal to 1/11 of the net revenue
6 realized from the tax imposed by subsections (a) and (b) of
7 Section 201 of this Act during the preceding month. Beginning
8 July 1, 1995, the Treasurer shall transfer each month from the
9 General Revenue Fund to the Local Government Distributive Fund
10 an amount equal to the net of (i) 1/10 of the net revenue
11 realized from the tax imposed by subsections (a) and (b) of
12 Section 201 of the Illinois Income Tax Act during the preceding
13 month (ii) minus, beginning July 1, 2003 and ending June 30,
14 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue
15 realized for a month shall be defined as the revenue from the
16 tax imposed by subsections (a) and (b) of Section 201 of this
17 Act which is deposited in the General Revenue Fund, the
18 Educational Assistance Fund and the Income Tax Surcharge Local
19 Government Distributive Fund during the month minus the amount
20 paid out of the General Revenue Fund in State warrants during
21 that same month as refunds to taxpayers for overpayment of
22 liability under the tax imposed by subsections (a) and (b) of
23 Section 201 of this Act.

24 (c) Deposits Into Income Tax Refund Fund.

25 (1) Beginning on January 1, 1989 and thereafter, the
26 Department shall deposit a percentage of the amounts

1 collected pursuant to subsections (a) and (b) (1), (2), and
2 (3), of Section 201 of this Act into a fund in the State
3 treasury known as the Income Tax Refund Fund. The
4 Department shall deposit 6% of such amounts during the
5 period beginning January 1, 1989 and ending on June 30,
6 1989. Beginning with State fiscal year 1990 and for each
7 fiscal year thereafter, the percentage deposited into the
8 Income Tax Refund Fund during a fiscal year shall be the
9 Annual Percentage. For fiscal years 1999 through 2001, the
10 Annual Percentage shall be 7.1%. For fiscal year 2003, the
11 Annual Percentage shall be 8%. For fiscal year 2004, the
12 Annual Percentage shall be 11.7%. Upon the effective date
13 of this amendatory Act of the 93rd General Assembly, the
14 Annual Percentage shall be 10% for fiscal year 2005. For
15 fiscal year 2006, the Annual Percentage shall be 9.75%. For
16 fiscal year 2007, the Annual Percentage shall be 9.75%. For
17 fiscal year 2008, the Annual Percentage shall be 7.75%. For
18 fiscal year 2009, the Annual Percentage shall be 9.75%. For
19 all other fiscal years, the Annual Percentage shall be
20 calculated as a fraction, the numerator of which shall be
21 the amount of refunds approved for payment by the
22 Department during the preceding fiscal year as a result of
23 overpayment of tax liability under subsections (a) and
24 (b) (1), (2), and (3) of Section 201 of this Act plus the
25 amount of such refunds remaining approved but unpaid at the
26 end of the preceding fiscal year, minus the amounts

1 transferred into the Income Tax Refund Fund from the
2 Tobacco Settlement Recovery Fund, and the denominator of
3 which shall be the amounts which will be collected pursuant
4 to subsections (a) and (b) (1), (2), and (3) of Section 201
5 of this Act during the preceding fiscal year; except that
6 in State fiscal year 2002, the Annual Percentage shall in
7 no event exceed 7.6%. The Director of Revenue shall certify
8 the Annual Percentage to the Comptroller on the last
9 business day of the fiscal year immediately preceding the
10 fiscal year for which it is to be effective.

11 (2) Beginning on January 1, 1989 and thereafter, the
12 Department shall deposit a percentage of the amounts
13 collected pursuant to subsections (a) and (b) (6), (7), and
14 (8), (c) and (d) of Section 201 of this Act into a fund in
15 the State treasury known as the Income Tax Refund Fund. The
16 Department shall deposit 18% of such amounts during the
17 period beginning January 1, 1989 and ending on June 30,
18 1989. Beginning with State fiscal year 1990 and for each
19 fiscal year thereafter, the percentage deposited into the
20 Income Tax Refund Fund during a fiscal year shall be the
21 Annual Percentage. For fiscal years 1999, 2000, and 2001,
22 the Annual Percentage shall be 19%. For fiscal year 2003,
23 the Annual Percentage shall be 27%. For fiscal year 2004,
24 the Annual Percentage shall be 32%. Upon the effective date
25 of this amendatory Act of the 93rd General Assembly, the
26 Annual Percentage shall be 24% for fiscal year 2005. For

1 fiscal year 2006, the Annual Percentage shall be 20%. For
2 fiscal year 2007, the Annual Percentage shall be 17.5%. For
3 fiscal year 2008, the Annual Percentage shall be 15.5%. For
4 fiscal year 2009, the Annual Percentage shall be 17.5%. For
5 all other fiscal years, the Annual Percentage shall be
6 calculated as a fraction, the numerator of which shall be
7 the amount of refunds approved for payment by the
8 Department during the preceding fiscal year as a result of
9 overpayment of tax liability under subsections (a) and
10 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
11 Act plus the amount of such refunds remaining approved but
12 unpaid at the end of the preceding fiscal year, and the
13 denominator of which shall be the amounts which will be
14 collected pursuant to subsections (a) and (b) (6), (7), and
15 (8), (c) and (d) of Section 201 of this Act during the
16 preceding fiscal year; except that in State fiscal year
17 2002, the Annual Percentage shall in no event exceed 23%.
18 The Director of Revenue shall certify the Annual Percentage
19 to the Comptroller on the last business day of the fiscal
20 year immediately preceding the fiscal year for which it is
21 to be effective.

22 (3) The Comptroller shall order transferred and the
23 Treasurer shall transfer from the Tobacco Settlement
24 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
25 in January, 2001, (ii) \$35,000,000 in January, 2002, and
26 (iii) \$35,000,000 in January, 2003.

1 (d) Expenditures from Income Tax Refund Fund.

2 (1) Beginning January 1, 1989, money in the Income Tax
3 Refund Fund shall be expended exclusively for the purpose
4 of paying refunds resulting from overpayment of tax
5 liability under Section 201 of this Act, for paying rebates
6 under Section 208.1 in the event that the amounts in the
7 Homeowners' Tax Relief Fund are insufficient for that
8 purpose, and for making transfers pursuant to this
9 subsection (d).

10 (2) The Director shall order payment of refunds
11 resulting from overpayment of tax liability under Section
12 201 of this Act from the Income Tax Refund Fund only to the
13 extent that amounts collected pursuant to Section 201 of
14 this Act and transfers pursuant to this subsection (d) and
15 item (3) of subsection (c) have been deposited and retained
16 in the Fund.

17 (3) As soon as possible after the end of each fiscal
18 year, the Director shall order transferred and the State
19 Treasurer and State Comptroller shall transfer from the
20 Income Tax Refund Fund to the Personal Property Tax
21 Replacement Fund an amount, certified by the Director to
22 the Comptroller, equal to the excess of the amount
23 collected pursuant to subsections (c) and (d) of Section
24 201 of this Act deposited into the Income Tax Refund Fund
25 during the fiscal year over the amount of refunds resulting
26 from overpayment of tax liability under subsections (c) and

1 (d) of Section 201 of this Act paid from the Income Tax
2 Refund Fund during the fiscal year.

3 (4) As soon as possible after the end of each fiscal
4 year, the Director shall order transferred and the State
5 Treasurer and State Comptroller shall transfer from the
6 Personal Property Tax Replacement Fund to the Income Tax
7 Refund Fund an amount, certified by the Director to the
8 Comptroller, equal to the excess of the amount of refunds
9 resulting from overpayment of tax liability under
10 subsections (c) and (d) of Section 201 of this Act paid
11 from the Income Tax Refund Fund during the fiscal year over
12 the amount collected pursuant to subsections (c) and (d) of
13 Section 201 of this Act deposited into the Income Tax
14 Refund Fund during the fiscal year.

15 (4.5) As soon as possible after the end of fiscal year
16 1999 and of each fiscal year thereafter, the Director shall
17 order transferred and the State Treasurer and State
18 Comptroller shall transfer from the Income Tax Refund Fund
19 to the General Revenue Fund any surplus remaining in the
20 Income Tax Refund Fund as of the end of such fiscal year;
21 excluding for fiscal years 2000, 2001, and 2002 amounts
22 attributable to transfers under item (3) of subsection (c)
23 less refunds resulting from the earned income tax credit.

24 (5) This Act shall constitute an irrevocable and
25 continuing appropriation from the Income Tax Refund Fund
26 for the purpose of paying refunds upon the order of the

1 Director in accordance with the provisions of this Section.

2 (e) Deposits into the Education Assistance Fund and the
3 Income Tax Surcharge Local Government Distributive Fund.

4 On July 1, 1991, and thereafter, of the amounts collected
5 pursuant to subsections (a) and (b) of Section 201 of this Act,
6 minus deposits into the Income Tax Refund Fund, the Department
7 shall deposit 7.3% into the Education Assistance Fund in the
8 State Treasury. Beginning July 1, 1991, and continuing through
9 January 31, 1993, of the amounts collected pursuant to
10 subsections (a) and (b) of Section 201 of the Illinois Income
11 Tax Act, minus deposits into the Income Tax Refund Fund, the
12 Department shall deposit 3.0% into the Income Tax Surcharge
13 Local Government Distributive Fund in the State Treasury.
14 Beginning February 1, 1993 and continuing through June 30,
15 1993, of the amounts collected pursuant to subsections (a) and
16 (b) of Section 201 of the Illinois Income Tax Act, minus
17 deposits into the Income Tax Refund Fund, the Department shall
18 deposit 4.4% into the Income Tax Surcharge Local Government
19 Distributive Fund in the State Treasury. Beginning July 1,
20 1993, and continuing through June 30, 1994, of the amounts
21 collected under subsections (a) and (b) of Section 201 of this
22 Act, minus deposits into the Income Tax Refund Fund, the
23 Department shall deposit 1.475% into the Income Tax Surcharge
24 Local Government Distributive Fund in the State Treasury.

25 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
26 eff. 1-11-08.)

1 Section 47. The Motor Fuel Tax Law is amended by changing
2 Section 8 as follows:

3 (35 ILCS 505/8) (from Ch. 120, par. 424)

4 Sec. 8. Except as provided in Section 8a, subdivision
5 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
6 16 of Section 15, all money received by the Department under
7 this Act, including payments made to the Department by member
8 jurisdictions participating in the International Fuel Tax
9 Agreement, shall be deposited in a special fund in the State
10 treasury, to be known as the "Motor Fuel Tax Fund", and shall
11 be used as follows:

12 (a) 2 1/2 cents per gallon of the tax collected on special
13 fuel under paragraph (b) of Section 2 and Section 13a of this
14 Act shall be transferred to the State Construction Account Fund
15 in the State Treasury;

16 (b) \$420,000 shall be transferred each month to the State
17 Boating Act Fund to be used by the Department of Natural
18 Resources for the purposes specified in Article X of the Boat
19 Registration and Safety Act;

20 (c) \$2,250,000 shall be transferred each month to the Grade
21 Crossing Protection Fund to be used as follows: not less than
22 \$6,000,000 each fiscal year shall be used for the construction
23 or reconstruction of rail highway grade separation structures;
24 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter

1 shall be transferred to the Transportation Regulatory Fund and
2 shall be accounted for as part of the rail carrier portion of
3 such funds and shall be used to pay the cost of administration
4 of the Illinois Commerce Commission's railroad safety program
5 in connection with its duties under subsection (3) of Section
6 18c-7401 of the Illinois Vehicle Code, with the remainder to be
7 used by the Department of Transportation upon order of the
8 Illinois Commerce Commission, to pay that part of the cost
9 apportioned by such Commission to the State to cover the
10 interest of the public in the use of highways, roads, streets,
11 or pedestrian walkways in the county highway system, township
12 and district road system, or municipal street system as defined
13 in the Illinois Highway Code, as the same may from time to time
14 be amended, for separation of grades, for installation,
15 construction or reconstruction of crossing protection or
16 reconstruction, alteration, relocation including construction
17 or improvement of any existing highway necessary for access to
18 property or improvement of any grade crossing including the
19 necessary highway approaches thereto of any railroad across the
20 highway or public road, or for the installation, construction,
21 reconstruction, or maintenance of a pedestrian walkway over or
22 under a railroad right-of-way, as provided for in and in
23 accordance with Section 18c-7401 of the Illinois Vehicle Code.
24 The Commission shall not order more than \$2,000,000 per year in
25 Grade Crossing Protection Fund moneys for pedestrian walkways.
26 In entering orders for projects for which payments from the

1 Grade Crossing Protection Fund will be made, the Commission
2 shall account for expenditures authorized by the orders on a
3 cash rather than an accrual basis. For purposes of this
4 requirement an "accrual basis" assumes that the total cost of
5 the project is expended in the fiscal year in which the order
6 is entered, while a "cash basis" allocates the cost of the
7 project among fiscal years as expenditures are actually made.
8 To meet the requirements of this subsection, the Illinois
9 Commerce Commission shall develop annual and 5-year project
10 plans of rail crossing capital improvements that will be paid
11 for with moneys from the Grade Crossing Protection Fund. The
12 annual project plan shall identify projects for the succeeding
13 fiscal year and the 5-year project plan shall identify projects
14 for the 5 directly succeeding fiscal years. The Commission
15 shall submit the annual and 5-year project plans for this Fund
16 to the Governor, the President of the Senate, the Senate
17 Minority Leader, the Speaker of the House of Representatives,
18 and the Minority Leader of the House of Representatives on the
19 first Wednesday in April of each year;

20 (d) of the amount remaining after allocations provided for
21 in subsections (a), (b) and (c), a sufficient amount shall be
22 reserved to pay all of the following:

23 (1) the costs of the Department of Revenue in
24 administering this Act;

25 (2) the costs of the Department of Transportation in
26 performing its duties imposed by the Illinois Highway Code

1 for supervising the use of motor fuel tax funds apportioned
2 to municipalities, counties and road districts;

3 (3) refunds provided for in Section 13 of this Act and
4 under the terms of the International Fuel Tax Agreement
5 referenced in Section 14a;

6 (4) from October 1, 1985 until June 30, 1994, the
7 administration of the Vehicle Emissions Inspection Law,
8 which amount shall be certified monthly by the
9 Environmental Protection Agency to the State Comptroller
10 and shall promptly be transferred by the State Comptroller
11 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
12 Inspection Fund, and for the period July 1, 1994 through
13 June 30, 2000, one-twelfth of \$25,000,000 each month, for
14 the period July 1, 2000 through June 30, 2003, one-twelfth
15 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
16 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
17 July 1 and October 1, or as soon thereafter as may be
18 practical, during the period July 1, 2004 through June 30,
19 2009 ~~2008~~, for the administration of the Vehicle Emissions
20 Inspection Law of 2005 ~~1995~~, to be transferred by the State
21 Comptroller and Treasurer from the Motor Fuel Tax Fund into
22 the Vehicle Inspection Fund;

23 (5) amounts ordered paid by the Court of Claims; and

24 (6) payment of motor fuel use taxes due to member
25 jurisdictions under the terms of the International Fuel Tax
26 Agreement. The Department shall certify these amounts to

1 the Comptroller by the 15th day of each month; the
2 Comptroller shall cause orders to be drawn for such
3 amounts, and the Treasurer shall administer those amounts
4 on or before the last day of each month;

5 (e) after allocations for the purposes set forth in
6 subsections (a), (b), (c) and (d), the remaining amount shall
7 be apportioned as follows:

8 (1) Until January 1, 2000, 58.4%, and beginning January
9 1, 2000, 45.6% shall be deposited as follows:

10 (A) 37% into the State Construction Account Fund,
11 and

12 (B) 63% into the Road Fund, \$1,250,000 of which
13 shall be reserved each month for the Department of
14 Transportation to be used in accordance with the
15 provisions of Sections 6-901 through 6-906 of the
16 Illinois Highway Code;

17 (2) Until January 1, 2000, 41.6%, and beginning January
18 1, 2000, 54.4% shall be transferred to the Department of
19 Transportation to be distributed as follows:

20 (A) 49.10% to the municipalities of the State,

21 (B) 16.74% to the counties of the State having
22 1,000,000 or more inhabitants,

23 (C) 18.27% to the counties of the State having less
24 than 1,000,000 inhabitants,

25 (D) 15.89% to the road districts of the State.

26 As soon as may be after the first day of each month the

1 Department of Transportation shall allot to each municipality
2 its share of the amount apportioned to the several
3 municipalities which shall be in proportion to the population
4 of such municipalities as determined by the last preceding
5 municipal census if conducted by the Federal Government or
6 Federal census. If territory is annexed to any municipality
7 subsequent to the time of the last preceding census the
8 corporate authorities of such municipality may cause a census
9 to be taken of such annexed territory and the population so
10 ascertained for such territory shall be added to the population
11 of the municipality as determined by the last preceding census
12 for the purpose of determining the allotment for that
13 municipality. If the population of any municipality was not
14 determined by the last Federal census preceding any
15 apportionment, the apportionment to such municipality shall be
16 in accordance with any census taken by such municipality. Any
17 municipal census used in accordance with this Section shall be
18 certified to the Department of Transportation by the clerk of
19 such municipality, and the accuracy thereof shall be subject to
20 approval of the Department which may make such corrections as
21 it ascertains to be necessary.

22 As soon as may be after the first day of each month the
23 Department of Transportation shall allot to each county its
24 share of the amount apportioned to the several counties of the
25 State as herein provided. Each allotment to the several
26 counties having less than 1,000,000 inhabitants shall be in

1 proportion to the amount of motor vehicle license fees received
2 from the residents of such counties, respectively, during the
3 preceding calendar year. The Secretary of State shall, on or
4 before April 15 of each year, transmit to the Department of
5 Transportation a full and complete report showing the amount of
6 motor vehicle license fees received from the residents of each
7 county, respectively, during the preceding calendar year. The
8 Department of Transportation shall, each month, use for
9 allotment purposes the last such report received from the
10 Secretary of State.

11 As soon as may be after the first day of each month, the
12 Department of Transportation shall allot to the several
13 counties their share of the amount apportioned for the use of
14 road districts. The allotment shall be apportioned among the
15 several counties in the State in the proportion which the total
16 mileage of township or district roads in the respective
17 counties bears to the total mileage of all township and
18 district roads in the State. Funds allotted to the respective
19 counties for the use of road districts therein shall be
20 allocated to the several road districts in the county in the
21 proportion which the total mileage of such township or district
22 roads in the respective road districts bears to the total
23 mileage of all such township or district roads in the county.
24 After July 1 of any year, no allocation shall be made for any
25 road district unless it levied a tax for road and bridge
26 purposes in an amount which will require the extension of such

1 tax against the taxable property in any such road district at a
2 rate of not less than either .08% of the value thereof, based
3 upon the assessment for the year immediately prior to the year
4 in which such tax was levied and as equalized by the Department
5 of Revenue or, in DuPage County, an amount equal to or greater
6 than \$12,000 per mile of road under the jurisdiction of the
7 road district, whichever is less. If any road district has
8 levied a special tax for road purposes pursuant to Sections
9 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such
10 tax was levied in an amount which would require extension at a
11 rate of not less than .08% of the value of the taxable property
12 thereof, as equalized or assessed by the Department of Revenue,
13 or, in DuPage County, an amount equal to or greater than
14 \$12,000 per mile of road under the jurisdiction of the road
15 district, whichever is less, such levy shall, however, be
16 deemed a proper compliance with this Section and shall qualify
17 such road district for an allotment under this Section. If a
18 township has transferred to the road and bridge fund money
19 which, when added to the amount of any tax levy of the road
20 district would be the equivalent of a tax levy requiring
21 extension at a rate of at least .08%, or, in DuPage County, an
22 amount equal to or greater than \$12,000 per mile of road under
23 the jurisdiction of the road district, whichever is less, such
24 transfer, together with any such tax levy, shall be deemed a
25 proper compliance with this Section and shall qualify the road
26 district for an allotment under this Section.

1 In counties in which a property tax extension limitation is
2 imposed under the Property Tax Extension Limitation Law, road
3 districts may retain their entitlement to a motor fuel tax
4 allotment if, at the time the property tax extension limitation
5 was imposed, the road district was levying a road and bridge
6 tax at a rate sufficient to entitle it to a motor fuel tax
7 allotment and continues to levy the maximum allowable amount
8 after the imposition of the property tax extension limitation.
9 Any road district may in all circumstances retain its
10 entitlement to a motor fuel tax allotment if it levied a road
11 and bridge tax in an amount that will require the extension of
12 the tax against the taxable property in the road district at a
13 rate of not less than 0.08% of the assessed value of the
14 property, based upon the assessment for the year immediately
15 preceding the year in which the tax was levied and as equalized
16 by the Department of Revenue or, in DuPage County, an amount
17 equal to or greater than \$12,000 per mile of road under the
18 jurisdiction of the road district, whichever is less.

19 As used in this Section the term "road district" means any
20 road district, including a county unit road district, provided
21 for by the Illinois Highway Code; and the term "township or
22 district road" means any road in the township and district road
23 system as defined in the Illinois Highway Code. For the
24 purposes of this Section, "road district" also includes park
25 districts, forest preserve districts and conservation
26 districts organized under Illinois law and "township or

1 district road" also includes such roads as are maintained by
2 park districts, forest preserve districts and conservation
3 districts. The Department of Transportation shall determine
4 the mileage of all township and district roads for the purposes
5 of making allotments and allocations of motor fuel tax funds
6 for use in road districts.

7 Payment of motor fuel tax moneys to municipalities and
8 counties shall be made as soon as possible after the allotment
9 is made. The treasurer of the municipality or county may invest
10 these funds until their use is required and the interest earned
11 by these investments shall be limited to the same uses as the
12 principal funds.

13 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;
14 94-839, eff. 6-6-06; revised 1-30-08.)

15 Section 50. The School Code is amended by changing Sections
16 2-3.131 and 18-8.05 as follows:

17 (105 ILCS 5/2-3.131)

18 Sec. 2-3.131. Transitional assistance payments.

19 (a) If the amount that the State Board of Education will
20 pay to a school district from fiscal year 2004 appropriations,
21 as estimated by the State Board of Education on April 1, 2004,
22 is less than the amount that the State Board of Education paid
23 to the school district from fiscal year 2003 appropriations,
24 then, subject to appropriation, the State Board of Education

1 shall make a fiscal year 2004 transitional assistance payment
2 to the school district in an amount equal to the difference
3 between the estimated amount to be paid from fiscal year 2004
4 appropriations and the amount paid from fiscal year 2003
5 appropriations.

6 (b) If the amount that the State Board of Education will
7 pay to a school district from fiscal year 2005 appropriations,
8 as estimated by the State Board of Education on April 1, 2005,
9 is less than the amount that the State Board of Education paid
10 to the school district from fiscal year 2004 appropriations,
11 then the State Board of Education shall make a fiscal year 2005
12 transitional assistance payment to the school district in an
13 amount equal to the difference between the estimated amount to
14 be paid from fiscal year 2005 appropriations and the amount
15 paid from fiscal year 2004 appropriations.

16 (c) If the amount that the State Board of Education will
17 pay to a school district from fiscal year 2006 appropriations,
18 as estimated by the State Board of Education on April 1, 2006,
19 is less than the amount that the State Board of Education paid
20 to the school district from fiscal year 2005 appropriations,
21 then the State Board of Education shall make a fiscal year 2006
22 transitional assistance payment to the school district in an
23 amount equal to the difference between the estimated amount to
24 be paid from fiscal year 2006 appropriations and the amount
25 paid from fiscal year 2005 appropriations.

26 (d) If the amount that the State Board of Education will

1 pay to a school district from fiscal year 2007 appropriations,
2 as estimated by the State Board of Education on April 1, 2007,
3 is less than the amount that the State Board of Education paid
4 to the school district from fiscal year 2006 appropriations,
5 then the State Board of Education, subject to appropriation,
6 shall make a fiscal year 2007 transitional assistance payment
7 to the school district in an amount equal to the difference
8 between the estimated amount to be paid from fiscal year 2007
9 appropriations and the amount paid from fiscal year 2006
10 appropriations.

11 (e) Subject to appropriation, beginning on July 1, 2007,
12 the State Board of Education shall adjust prior year
13 information for the transitional assistance calculations under
14 this Section in the event of the creation or reorganization of
15 any school district pursuant to Article 11E of this Code, the
16 dissolution of an entire district and the annexation of all of
17 its territory to one or more other districts pursuant to
18 Article 7 of this Code, or a boundary change whereby the
19 enrollment of the annexing district increases by 90% or more as
20 a result of annexing territory detached from another district
21 pursuant to Article 7 of this Code.

22 (f) If the amount that the State Board of Education will
23 pay to a school district from fiscal year 2008 appropriations,
24 as estimated by the State Board of Education on April 1, 2008,
25 is less than the amount that the State Board of Education paid
26 to the school district from fiscal year 2007 appropriations,

1 then the State Board of Education, subject to appropriation,
2 shall make a fiscal year 2008 transitional assistance payment
3 to the school district in an amount equal to the difference
4 between the estimated amount to be paid from fiscal year 2008
5 appropriations and the amount paid from fiscal year 2007
6 appropriations.

7 (g) If the amount that the State Board of Education will
8 pay to a school district from fiscal year 2009 appropriations,
9 as estimated by the State Board of Education on April 1, 2009,
10 is less than the amount that the State Board of Education paid
11 to the school district from fiscal year 2008 appropriations,
12 then the State Board of Education, subject to appropriation,
13 shall make a fiscal year 2009 transitional assistance payment
14 to the school district in an amount equal to the difference
15 between the estimated amount to be paid from fiscal year 2009
16 appropriations and the amount paid from fiscal year 2008
17 appropriations.

18 (Source: P.A. 94-69, eff. 7-1-05; 94-835, eff. 6-6-06; 95-331,
19 eff. 8-21-07; 95-707, eff. 1-11-08.)

20 (105 ILCS 5/18-8.05)

21 Sec. 18-8.05. Basis for apportionment of general State
22 financial aid and supplemental general State aid to the common
23 schools for the 1998-1999 and subsequent school years.

24 (A) General Provisions.

1 (1) The provisions of this Section apply to the 1998-1999
2 and subsequent school years. The system of general State
3 financial aid provided for in this Section is designed to
4 assure that, through a combination of State financial aid and
5 required local resources, the financial support provided each
6 pupil in Average Daily Attendance equals or exceeds a
7 prescribed per pupil Foundation Level. This formula approach
8 imputes a level of per pupil Available Local Resources and
9 provides for the basis to calculate a per pupil level of
10 general State financial aid that, when added to Available Local
11 Resources, equals or exceeds the Foundation Level. The amount
12 of per pupil general State financial aid for school districts,
13 in general, varies in inverse relation to Available Local
14 Resources. Per pupil amounts are based upon each school
15 district's Average Daily Attendance as that term is defined in
16 this Section.

17 (2) In addition to general State financial aid, school
18 districts with specified levels or concentrations of pupils
19 from low income households are eligible to receive supplemental
20 general State financial aid grants as provided pursuant to
21 subsection (H). The supplemental State aid grants provided for
22 school districts under subsection (H) shall be appropriated for
23 distribution to school districts as part of the same line item
24 in which the general State financial aid of school districts is
25 appropriated under this Section.

26 (3) To receive financial assistance under this Section,

1 school districts are required to file claims with the State
2 Board of Education, subject to the following requirements:

3 (a) Any school district which fails for any given
4 school year to maintain school as required by law, or to
5 maintain a recognized school is not eligible to file for
6 such school year any claim upon the Common School Fund. In
7 case of nonrecognition of one or more attendance centers in
8 a school district otherwise operating recognized schools,
9 the claim of the district shall be reduced in the
10 proportion which the Average Daily Attendance in the
11 attendance center or centers bear to the Average Daily
12 Attendance in the school district. A "recognized school"
13 means any public school which meets the standards as
14 established for recognition by the State Board of
15 Education. A school district or attendance center not
16 having recognition status at the end of a school term is
17 entitled to receive State aid payments due upon a legal
18 claim which was filed while it was recognized.

19 (b) School district claims filed under this Section are
20 subject to Sections 18-9 and 18-12, except as otherwise
21 provided in this Section.

22 (c) If a school district operates a full year school
23 under Section 10-19.1, the general State aid to the school
24 district shall be determined by the State Board of
25 Education in accordance with this Section as near as may be
26 applicable.

1 (d) (Blank).

2 (4) Except as provided in subsections (H) and (L), the
3 board of any district receiving any of the grants provided for
4 in this Section may apply those funds to any fund so received
5 for which that board is authorized to make expenditures by law.

6 School districts are not required to exert a minimum
7 Operating Tax Rate in order to qualify for assistance under
8 this Section.

9 (5) As used in this Section the following terms, when
10 capitalized, shall have the meaning ascribed herein:

11 (a) "Average Daily Attendance": A count of pupil
12 attendance in school, averaged as provided for in
13 subsection (C) and utilized in deriving per pupil financial
14 support levels.

15 (b) "Available Local Resources": A computation of
16 local financial support, calculated on the basis of Average
17 Daily Attendance and derived as provided pursuant to
18 subsection (D).

19 (c) "Corporate Personal Property Replacement Taxes":
20 Funds paid to local school districts pursuant to "An Act in
21 relation to the abolition of ad valorem personal property
22 tax and the replacement of revenues lost thereby, and
23 amending and repealing certain Acts and parts of Acts in
24 connection therewith", certified August 14, 1979, as
25 amended (Public Act 81-1st S.S.-1).

26 (d) "Foundation Level": A prescribed level of per pupil

1 financial support as provided for in subsection (B).

2 (e) "Operating Tax Rate": All school district property
3 taxes extended for all purposes, except Bond and Interest,
4 Summer School, Rent, Capital Improvement, and Vocational
5 Education Building purposes.

6 (B) Foundation Level.

7 (1) The Foundation Level is a figure established by the
8 State representing the minimum level of per pupil financial
9 support that should be available to provide for the basic
10 education of each pupil in Average Daily Attendance. As set
11 forth in this Section, each school district is assumed to exert
12 a sufficient local taxing effort such that, in combination with
13 the aggregate of general State financial aid provided the
14 district, an aggregate of State and local resources are
15 available to meet the basic education needs of pupils in the
16 district.

17 (2) For the 1998-1999 school year, the Foundation Level of
18 support is \$4,225. For the 1999-2000 school year, the
19 Foundation Level of support is \$4,325. For the 2000-2001 school
20 year, the Foundation Level of support is \$4,425. For the
21 2001-2002 school year and 2002-2003 school year, the Foundation
22 Level of support is \$4,560. For the 2003-2004 school year, the
23 Foundation Level of support is \$4,810. For the 2004-2005 school
24 year, the Foundation Level of support is \$4,964. For the
25 2005-2006 school year, the Foundation Level of support is

1 \$5,164. For the 2006-2007 school year, the Foundation Level of
2 support is \$5,334. For the 2007-2008 school year, the
3 Foundation Level of support is \$5,734.

4 (3) For the 2008-2009 ~~2007-2008~~ school year and each school
5 year thereafter, the Foundation Level of support is \$5,862
6 ~~\$5,734~~ or such greater amount as may be established by law by
7 the General Assembly.

8 (C) Average Daily Attendance.

9 (1) For purposes of calculating general State aid pursuant
10 to subsection (E), an Average Daily Attendance figure shall be
11 utilized. The Average Daily Attendance figure for formula
12 calculation purposes shall be the monthly average of the actual
13 number of pupils in attendance of each school district, as
14 further averaged for the best 3 months of pupil attendance for
15 each school district. In compiling the figures for the number
16 of pupils in attendance, school districts and the State Board
17 of Education shall, for purposes of general State aid funding,
18 conform attendance figures to the requirements of subsection
19 (F).

20 (2) The Average Daily Attendance figures utilized in
21 subsection (E) shall be the requisite attendance data for the
22 school year immediately preceding the school year for which
23 general State aid is being calculated or the average of the
24 attendance data for the 3 preceding school years, whichever is
25 greater. The Average Daily Attendance figures utilized in

1 subsection (H) shall be the requisite attendance data for the
2 school year immediately preceding the school year for which
3 general State aid is being calculated.

4 (D) Available Local Resources.

5 (1) For purposes of calculating general State aid pursuant
6 to subsection (E), a representation of Available Local
7 Resources per pupil, as that term is defined and determined in
8 this subsection, shall be utilized. Available Local Resources
9 per pupil shall include a calculated dollar amount representing
10 local school district revenues from local property taxes and
11 from Corporate Personal Property Replacement Taxes, expressed
12 on the basis of pupils in Average Daily Attendance. Calculation
13 of Available Local Resources shall exclude any tax amnesty
14 funds received as a result of Public Act 93-26.

15 (2) In determining a school district's revenue from local
16 property taxes, the State Board of Education shall utilize the
17 equalized assessed valuation of all taxable property of each
18 school district as of September 30 of the previous year. The
19 equalized assessed valuation utilized shall be obtained and
20 determined as provided in subsection (G).

21 (3) For school districts maintaining grades kindergarten
22 through 12, local property tax revenues per pupil shall be
23 calculated as the product of the applicable equalized assessed
24 valuation for the district multiplied by 3.00%, and divided by
25 the district's Average Daily Attendance figure. For school

1 districts maintaining grades kindergarten through 8, local
2 property tax revenues per pupil shall be calculated as the
3 product of the applicable equalized assessed valuation for the
4 district multiplied by 2.30%, and divided by the district's
5 Average Daily Attendance figure. For school districts
6 maintaining grades 9 through 12, local property tax revenues
7 per pupil shall be the applicable equalized assessed valuation
8 of the district multiplied by 1.05%, and divided by the
9 district's Average Daily Attendance figure.

10 For partial elementary unit districts created pursuant to
11 Article 11E of this Code, local property tax revenues per pupil
12 shall be calculated as the product of the equalized assessed
13 valuation for property within the elementary and high school
14 classification of the partial elementary unit district
15 multiplied by 2.06% and divided by the Average Daily Attendance
16 figure for grades kindergarten through 8, plus the product of
17 the equalized assessed valuation for property within the high
18 school only classification of the partial elementary unit
19 district multiplied by 0.94% and divided by the Average Daily
20 Attendance figure for grades 9 through 12.

21 (4) The Corporate Personal Property Replacement Taxes paid
22 to each school district during the calendar year 2 years before
23 the calendar year in which a school year begins, divided by the
24 Average Daily Attendance figure for that district, shall be
25 added to the local property tax revenues per pupil as derived
26 by the application of the immediately preceding paragraph (3).

1 The sum of these per pupil figures for each school district
2 shall constitute Available Local Resources as that term is
3 utilized in subsection (E) in the calculation of general State
4 aid.

5 (E) Computation of General State Aid.

6 (1) For each school year, the amount of general State aid
7 allotted to a school district shall be computed by the State
8 Board of Education as provided in this subsection.

9 (2) For any school district for which Available Local
10 Resources per pupil is less than the product of 0.93 times the
11 Foundation Level, general State aid for that district shall be
12 calculated as an amount equal to the Foundation Level minus
13 Available Local Resources, multiplied by the Average Daily
14 Attendance of the school district.

15 (3) For any school district for which Available Local
16 Resources per pupil is equal to or greater than the product of
17 0.93 times the Foundation Level and less than the product of
18 1.75 times the Foundation Level, the general State aid per
19 pupil shall be a decimal proportion of the Foundation Level
20 derived using a linear algorithm. Under this linear algorithm,
21 the calculated general State aid per pupil shall decline in
22 direct linear fashion from 0.07 times the Foundation Level for
23 a school district with Available Local Resources equal to the
24 product of 0.93 times the Foundation Level, to 0.05 times the
25 Foundation Level for a school district with Available Local

1 Resources equal to the product of 1.75 times the Foundation
2 Level. The allocation of general State aid for school districts
3 subject to this paragraph 3 shall be the calculated general
4 State aid per pupil figure multiplied by the Average Daily
5 Attendance of the school district.

6 (4) For any school district for which Available Local
7 Resources per pupil equals or exceeds the product of 1.75 times
8 the Foundation Level, the general State aid for the school
9 district shall be calculated as the product of \$218 multiplied
10 by the Average Daily Attendance of the school district.

11 (5) The amount of general State aid allocated to a school
12 district for the 1999-2000 school year meeting the requirements
13 set forth in paragraph (4) of subsection (G) shall be increased
14 by an amount equal to the general State aid that would have
15 been received by the district for the 1998-1999 school year by
16 utilizing the Extension Limitation Equalized Assessed
17 Valuation as calculated in paragraph (4) of subsection (G) less
18 the general State aid allotted for the 1998-1999 school year.
19 This amount shall be deemed a one time increase, and shall not
20 affect any future general State aid allocations.

21 (F) Compilation of Average Daily Attendance.

22 (1) Each school district shall, by July 1 of each year,
23 submit to the State Board of Education, on forms prescribed by
24 the State Board of Education, attendance figures for the school
25 year that began in the preceding calendar year. The attendance

1 information so transmitted shall identify the average daily
2 attendance figures for each month of the school year. Beginning
3 with the general State aid claim form for the 2002-2003 school
4 year, districts shall calculate Average Daily Attendance as
5 provided in subdivisions (a), (b), and (c) of this paragraph
6 (1).

7 (a) In districts that do not hold year-round classes,
8 days of attendance in August shall be added to the month of
9 September and any days of attendance in June shall be added
10 to the month of May.

11 (b) In districts in which all buildings hold year-round
12 classes, days of attendance in July and August shall be
13 added to the month of September and any days of attendance
14 in June shall be added to the month of May.

15 (c) In districts in which some buildings, but not all,
16 hold year-round classes, for the non-year-round buildings,
17 days of attendance in August shall be added to the month of
18 September and any days of attendance in June shall be added
19 to the month of May. The average daily attendance for the
20 year-round buildings shall be computed as provided in
21 subdivision (b) of this paragraph (1). To calculate the
22 Average Daily Attendance for the district, the average
23 daily attendance for the year-round buildings shall be
24 multiplied by the days in session for the non-year-round
25 buildings for each month and added to the monthly
26 attendance of the non-year-round buildings.

1 Except as otherwise provided in this Section, days of
2 attendance by pupils shall be counted only for sessions of not
3 less than 5 clock hours of school work per day under direct
4 supervision of: (i) teachers, or (ii) non-teaching personnel or
5 volunteer personnel when engaging in non-teaching duties and
6 supervising in those instances specified in subsection (a) of
7 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
8 of legal school age and in kindergarten and grades 1 through
9 12.

10 Days of attendance by tuition pupils shall be accredited
11 only to the districts that pay the tuition to a recognized
12 school.

13 (2) Days of attendance by pupils of less than 5 clock hours
14 of school shall be subject to the following provisions in the
15 compilation of Average Daily Attendance.

16 (a) Pupils regularly enrolled in a public school for
17 only a part of the school day may be counted on the basis
18 of 1/6 day for every class hour of instruction of 40
19 minutes or more attended pursuant to such enrollment,
20 unless a pupil is enrolled in a block-schedule format of 80
21 minutes or more of instruction, in which case the pupil may
22 be counted on the basis of the proportion of minutes of
23 school work completed each day to the minimum number of
24 minutes that school work is required to be held that day.

25 (b) Days of attendance may be less than 5 clock hours
26 on the opening and closing of the school term, and upon the

1 first day of pupil attendance, if preceded by a day or days
2 utilized as an institute or teachers' workshop.

3 (c) A session of 4 or more clock hours may be counted
4 as a day of attendance upon certification by the regional
5 superintendent, and approved by the State Superintendent
6 of Education to the extent that the district has been
7 forced to use daily multiple sessions.

8 (d) A session of 3 or more clock hours may be counted
9 as a day of attendance (1) when the remainder of the school
10 day or at least 2 hours in the evening of that day is
11 utilized for an in-service training program for teachers,
12 up to a maximum of 5 days per school year of which a
13 maximum of 4 days of such 5 days may be used for
14 parent-teacher conferences, provided a district conducts
15 an in-service training program for teachers which has been
16 approved by the State Superintendent of Education; or, in
17 lieu of 4 such days, 2 full days may be used, in which
18 event each such day may be counted as a day of attendance;
19 and (2) when days in addition to those provided in item (1)
20 are scheduled by a school pursuant to its school
21 improvement plan adopted under Article 34 or its revised or
22 amended school improvement plan adopted under Article 2,
23 provided that (i) such sessions of 3 or more clock hours
24 are scheduled to occur at regular intervals, (ii) the
25 remainder of the school days in which such sessions occur
26 are utilized for in-service training programs or other

1 staff development activities for teachers, and (iii) a
2 sufficient number of minutes of school work under the
3 direct supervision of teachers are added to the school days
4 between such regularly scheduled sessions to accumulate
5 not less than the number of minutes by which such sessions
6 of 3 or more clock hours fall short of 5 clock hours. Any
7 full days used for the purposes of this paragraph shall not
8 be considered for computing average daily attendance. Days
9 scheduled for in-service training programs, staff
10 development activities, or parent-teacher conferences may
11 be scheduled separately for different grade levels and
12 different attendance centers of the district.

13 (e) A session of not less than one clock hour of
14 teaching hospitalized or homebound pupils on-site or by
15 telephone to the classroom may be counted as 1/2 day of
16 attendance, however these pupils must receive 4 or more
17 clock hours of instruction to be counted for a full day of
18 attendance.

19 (f) A session of at least 4 clock hours may be counted
20 as a day of attendance for first grade pupils, and pupils
21 in full day kindergartens, and a session of 2 or more hours
22 may be counted as 1/2 day of attendance by pupils in
23 kindergartens which provide only 1/2 day of attendance.

24 (g) For children with disabilities who are below the
25 age of 6 years and who cannot attend 2 or more clock hours
26 because of their disability or immaturity, a session of not

1 less than one clock hour may be counted as 1/2 day of
2 attendance; however for such children whose educational
3 needs so require a session of 4 or more clock hours may be
4 counted as a full day of attendance.

5 (h) A recognized kindergarten which provides for only
6 1/2 day of attendance by each pupil shall not have more
7 than 1/2 day of attendance counted in any one day. However,
8 kindergartens may count 2 1/2 days of attendance in any 5
9 consecutive school days. When a pupil attends such a
10 kindergarten for 2 half days on any one school day, the
11 pupil shall have the following day as a day absent from
12 school, unless the school district obtains permission in
13 writing from the State Superintendent of Education.
14 Attendance at kindergartens which provide for a full day of
15 attendance by each pupil shall be counted the same as
16 attendance by first grade pupils. Only the first year of
17 attendance in one kindergarten shall be counted, except in
18 case of children who entered the kindergarten in their
19 fifth year whose educational development requires a second
20 year of kindergarten as determined under the rules and
21 regulations of the State Board of Education.

22 (i) On the days when the Prairie State Achievement
23 Examination is administered under subsection (c) of
24 Section 2-3.64 of this Code, the day of attendance for a
25 pupil whose school day must be shortened to accommodate
26 required testing procedures may be less than 5 clock hours

1 and shall be counted towards the 176 days of actual pupil
2 attendance required under Section 10-19 of this Code,
3 provided that a sufficient number of minutes of school work
4 in excess of 5 clock hours are first completed on other
5 school days to compensate for the loss of school work on
6 the examination days.

7 (G) Equalized Assessed Valuation Data.

8 (1) For purposes of the calculation of Available Local
9 Resources required pursuant to subsection (D), the State Board
10 of Education shall secure from the Department of Revenue the
11 value as equalized or assessed by the Department of Revenue of
12 all taxable property of every school district, together with
13 (i) the applicable tax rate used in extending taxes for the
14 funds of the district as of September 30 of the previous year
15 and (ii) the limiting rate for all school districts subject to
16 property tax extension limitations as imposed under the
17 Property Tax Extension Limitation Law.

18 The Department of Revenue shall add to the equalized
19 assessed value of all taxable property of each school district
20 situated entirely or partially within a county that is or was
21 subject to the provisions of Section 15-176 or 15-177 of the
22 Property Tax Code (a) an amount equal to the total amount by
23 which the homestead exemption allowed under Section 15-176 or
24 15-177 of the Property Tax Code for real property situated in
25 that school district exceeds the total amount that would have

1 been allowed in that school district if the maximum reduction
2 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
3 all other counties in tax year 2003 or (ii) \$5,000 in all
4 counties in tax year 2004 and thereafter and (b) an amount
5 equal to the aggregate amount for the taxable year of all
6 additional exemptions under Section 15-175 of the Property Tax
7 Code for owners with a household income of \$30,000 or less. The
8 county clerk of any county that is or was subject to the
9 provisions of Section 15-176 or 15-177 of the Property Tax Code
10 shall annually calculate and certify to the Department of
11 Revenue for each school district all homestead exemption
12 amounts under Section 15-176 or 15-177 of the Property Tax Code
13 and all amounts of additional exemptions under Section 15-175
14 of the Property Tax Code for owners with a household income of
15 \$30,000 or less. It is the intent of this paragraph that if the
16 general homestead exemption for a parcel of property is
17 determined under Section 15-176 or 15-177 of the Property Tax
18 Code rather than Section 15-175, then the calculation of
19 Available Local Resources shall not be affected by the
20 difference, if any, between the amount of the general homestead
21 exemption allowed for that parcel of property under Section
22 15-176 or 15-177 of the Property Tax Code and the amount that
23 would have been allowed had the general homestead exemption for
24 that parcel of property been determined under Section 15-175 of
25 the Property Tax Code. It is further the intent of this
26 paragraph that if additional exemptions are allowed under

1 Section 15-175 of the Property Tax Code for owners with a
2 household income of less than \$30,000, then the calculation of
3 Available Local Resources shall not be affected by the
4 difference, if any, because of those additional exemptions.

5 This equalized assessed valuation, as adjusted further by
6 the requirements of this subsection, shall be utilized in the
7 calculation of Available Local Resources.

8 (2) The equalized assessed valuation in paragraph (1) shall
9 be adjusted, as applicable, in the following manner:

10 (a) For the purposes of calculating State aid under
11 this Section, with respect to any part of a school district
12 within a redevelopment project area in respect to which a
13 municipality has adopted tax increment allocation
14 financing pursuant to the Tax Increment Allocation
15 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
16 of the Illinois Municipal Code or the Industrial Jobs
17 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
18 Illinois Municipal Code, no part of the current equalized
19 assessed valuation of real property located in any such
20 project area which is attributable to an increase above the
21 total initial equalized assessed valuation of such
22 property shall be used as part of the equalized assessed
23 valuation of the district, until such time as all
24 redevelopment project costs have been paid, as provided in
25 Section 11-74.4-8 of the Tax Increment Allocation
26 Redevelopment Act or in Section 11-74.6-35 of the

1 Industrial Jobs Recovery Law. For the purpose of the
2 equalized assessed valuation of the district, the total
3 initial equalized assessed valuation or the current
4 equalized assessed valuation, whichever is lower, shall be
5 used until such time as all redevelopment project costs
6 have been paid.

7 (b) The real property equalized assessed valuation for
8 a school district shall be adjusted by subtracting from the
9 real property value as equalized or assessed by the
10 Department of Revenue for the district an amount computed
11 by dividing the amount of any abatement of taxes under
12 Section 18-170 of the Property Tax Code by 3.00% for a
13 district maintaining grades kindergarten through 12, by
14 2.30% for a district maintaining grades kindergarten
15 through 8, or by 1.05% for a district maintaining grades 9
16 through 12 and adjusted by an amount computed by dividing
17 the amount of any abatement of taxes under subsection (a)
18 of Section 18-165 of the Property Tax Code by the same
19 percentage rates for district type as specified in this
20 subparagraph (b).

21 (3) For the 1999-2000 school year and each school year
22 thereafter, if a school district meets all of the criteria of
23 this subsection (G) (3), the school district's Available Local
24 Resources shall be calculated under subsection (D) using the
25 district's Extension Limitation Equalized Assessed Valuation
26 as calculated under this subsection (G) (3).

1 For purposes of this subsection (G) (3) the following terms
2 shall have the following meanings:

3 "Budget Year": The school year for which general State
4 aid is calculated and awarded under subsection (E).

5 "Base Tax Year": The property tax levy year used to
6 calculate the Budget Year allocation of general State aid.

7 "Preceding Tax Year": The property tax levy year
8 immediately preceding the Base Tax Year.

9 "Base Tax Year's Tax Extension": The product of the
10 equalized assessed valuation utilized by the County Clerk
11 in the Base Tax Year multiplied by the limiting rate as
12 calculated by the County Clerk and defined in the Property
13 Tax Extension Limitation Law.

14 "Preceding Tax Year's Tax Extension": The product of
15 the equalized assessed valuation utilized by the County
16 Clerk in the Preceding Tax Year multiplied by the Operating
17 Tax Rate as defined in subsection (A).

18 "Extension Limitation Ratio": A numerical ratio,
19 certified by the County Clerk, in which the numerator is
20 the Base Tax Year's Tax Extension and the denominator is
21 the Preceding Tax Year's Tax Extension.

22 "Operating Tax Rate": The operating tax rate as defined
23 in subsection (A).

24 If a school district is subject to property tax extension
25 limitations as imposed under the Property Tax Extension
26 Limitation Law, the State Board of Education shall calculate

1 the Extension Limitation Equalized Assessed Valuation of that
2 district. For the 1999-2000 school year, the Extension
3 Limitation Equalized Assessed Valuation of a school district as
4 calculated by the State Board of Education shall be equal to
5 the product of the district's 1996 Equalized Assessed Valuation
6 and the district's Extension Limitation Ratio. For the
7 2000-2001 school year and each school year thereafter, the
8 Extension Limitation Equalized Assessed Valuation of a school
9 district as calculated by the State Board of Education shall be
10 equal to the product of the Equalized Assessed Valuation last
11 used in the calculation of general State aid and the district's
12 Extension Limitation Ratio. If the Extension Limitation
13 Equalized Assessed Valuation of a school district as calculated
14 under this subsection (G)(3) is less than the district's
15 equalized assessed valuation as calculated pursuant to
16 subsections (G)(1) and (G)(2), then for purposes of calculating
17 the district's general State aid for the Budget Year pursuant
18 to subsection (E), that Extension Limitation Equalized
19 Assessed Valuation shall be utilized to calculate the
20 district's Available Local Resources under subsection (D).

21 Partial elementary unit districts created in accordance
22 with Article 11E of this Code shall not be eligible for the
23 adjustment in this subsection (G)(3) until the fifth year
24 following the effective date of the reorganization.

25 (4) For the purposes of calculating general State aid for
26 the 1999-2000 school year only, if a school district

1 experienced a triennial reassessment on the equalized assessed
2 valuation used in calculating its general State financial aid
3 apportionment for the 1998-1999 school year, the State Board of
4 Education shall calculate the Extension Limitation Equalized
5 Assessed Valuation that would have been used to calculate the
6 district's 1998-1999 general State aid. This amount shall equal
7 the product of the equalized assessed valuation used to
8 calculate general State aid for the 1997-1998 school year and
9 the district's Extension Limitation Ratio. If the Extension
10 Limitation Equalized Assessed Valuation of the school district
11 as calculated under this paragraph (4) is less than the
12 district's equalized assessed valuation utilized in
13 calculating the district's 1998-1999 general State aid
14 allocation, then for purposes of calculating the district's
15 general State aid pursuant to paragraph (5) of subsection (E),
16 that Extension Limitation Equalized Assessed Valuation shall
17 be utilized to calculate the district's Available Local
18 Resources.

19 (5) For school districts having a majority of their
20 equalized assessed valuation in any county except Cook, DuPage,
21 Kane, Lake, McHenry, or Will, if the amount of general State
22 aid allocated to the school district for the 1999-2000 school
23 year under the provisions of subsection (E), (H), and (J) of
24 this Section is less than the amount of general State aid
25 allocated to the district for the 1998-1999 school year under
26 these subsections, then the general State aid of the district

1 for the 1999-2000 school year only shall be increased by the
2 difference between these amounts. The total payments made under
3 this paragraph (5) shall not exceed \$14,000,000. Claims shall
4 be prorated if they exceed \$14,000,000.

5 (H) Supplemental General State Aid.

6 (1) In addition to the general State aid a school district
7 is allotted pursuant to subsection (E), qualifying school
8 districts shall receive a grant, paid in conjunction with a
9 district's payments of general State aid, for supplemental
10 general State aid based upon the concentration level of
11 children from low-income households within the school
12 district. Supplemental State aid grants provided for school
13 districts under this subsection shall be appropriated for
14 distribution to school districts as part of the same line item
15 in which the general State financial aid of school districts is
16 appropriated under this Section. If the appropriation in any
17 fiscal year for general State aid and supplemental general
18 State aid is insufficient to pay the amounts required under the
19 general State aid and supplemental general State aid
20 calculations, then the State Board of Education shall ensure
21 that each school district receives the full amount due for
22 general State aid and the remainder of the appropriation shall
23 be used for supplemental general State aid, which the State
24 Board of Education shall calculate and pay to eligible
25 districts on a prorated basis.

1 (1.5) This paragraph (1.5) applies only to those school
2 years preceding the 2003-2004 school year. For purposes of this
3 subsection (H), the term "Low-Income Concentration Level"
4 shall be the low-income eligible pupil count from the most
5 recently available federal census divided by the Average Daily
6 Attendance of the school district. If, however, (i) the
7 percentage decrease from the 2 most recent federal censuses in
8 the low-income eligible pupil count of a high school district
9 with fewer than 400 students exceeds by 75% or more the
10 percentage change in the total low-income eligible pupil count
11 of contiguous elementary school districts, whose boundaries
12 are coterminous with the high school district, or (ii) a high
13 school district within 2 counties and serving 5 elementary
14 school districts, whose boundaries are coterminous with the
15 high school district, has a percentage decrease from the 2 most
16 recent federal censuses in the low-income eligible pupil count
17 and there is a percentage increase in the total low-income
18 eligible pupil count of a majority of the elementary school
19 districts in excess of 50% from the 2 most recent federal
20 censuses, then the high school district's low-income eligible
21 pupil count from the earlier federal census shall be the number
22 used as the low-income eligible pupil count for the high school
23 district, for purposes of this subsection (H). The changes made
24 to this paragraph (1) by Public Act 92-28 shall apply to
25 supplemental general State aid grants for school years
26 preceding the 2003-2004 school year that are paid in fiscal

1 year 1999 or thereafter and to any State aid payments made in
2 fiscal year 1994 through fiscal year 1998 pursuant to
3 subsection 1(n) of Section 18-8 of this Code (which was
4 repealed on July 1, 1998), and any high school district that is
5 affected by Public Act 92-28 is entitled to a recomputation of
6 its supplemental general State aid grant or State aid paid in
7 any of those fiscal years. This recomputation shall not be
8 affected by any other funding.

9 (1.10) This paragraph (1.10) applies to the 2003-2004
10 school year and each school year thereafter. For purposes of
11 this subsection (H), the term "Low-Income Concentration Level"
12 shall, for each fiscal year, be the low-income eligible pupil
13 count as of July 1 of the immediately preceding fiscal year (as
14 determined by the Department of Human Services based on the
15 number of pupils who are eligible for at least one of the
16 following low income programs: Medicaid, KidCare, TANF, or Food
17 Stamps, excluding pupils who are eligible for services provided
18 by the Department of Children and Family Services, averaged
19 over the 2 immediately preceding fiscal years for fiscal year
20 2004 and over the 3 immediately preceding fiscal years for each
21 fiscal year thereafter) divided by the Average Daily Attendance
22 of the school district.

23 (2) Supplemental general State aid pursuant to this
24 subsection (H) shall be provided as follows for the 1998-1999,
25 1999-2000, and 2000-2001 school years only:

26 (a) For any school district with a Low Income

1 Concentration Level of at least 20% and less than 35%, the
2 grant for any school year shall be \$800 multiplied by the
3 low income eligible pupil count.

4 (b) For any school district with a Low Income
5 Concentration Level of at least 35% and less than 50%, the
6 grant for the 1998-1999 school year shall be \$1,100
7 multiplied by the low income eligible pupil count.

8 (c) For any school district with a Low Income
9 Concentration Level of at least 50% and less than 60%, the
10 grant for the 1998-99 school year shall be \$1,500
11 multiplied by the low income eligible pupil count.

12 (d) For any school district with a Low Income
13 Concentration Level of 60% or more, the grant for the
14 1998-99 school year shall be \$1,900 multiplied by the low
15 income eligible pupil count.

16 (e) For the 1999-2000 school year, the per pupil amount
17 specified in subparagraphs (b), (c), and (d) immediately
18 above shall be increased to \$1,243, \$1,600, and \$2,000,
19 respectively.

20 (f) For the 2000-2001 school year, the per pupil
21 amounts specified in subparagraphs (b), (c), and (d)
22 immediately above shall be \$1,273, \$1,640, and \$2,050,
23 respectively.

24 (2.5) Supplemental general State aid pursuant to this
25 subsection (H) shall be provided as follows for the 2002-2003
26 school year:

1 (a) For any school district with a Low Income
2 Concentration Level of less than 10%, the grant for each
3 school year shall be \$355 multiplied by the low income
4 eligible pupil count.

5 (b) For any school district with a Low Income
6 Concentration Level of at least 10% and less than 20%, the
7 grant for each school year shall be \$675 multiplied by the
8 low income eligible pupil count.

9 (c) For any school district with a Low Income
10 Concentration Level of at least 20% and less than 35%, the
11 grant for each school year shall be \$1,330 multiplied by
12 the low income eligible pupil count.

13 (d) For any school district with a Low Income
14 Concentration Level of at least 35% and less than 50%, the
15 grant for each school year shall be \$1,362 multiplied by
16 the low income eligible pupil count.

17 (e) For any school district with a Low Income
18 Concentration Level of at least 50% and less than 60%, the
19 grant for each school year shall be \$1,680 multiplied by
20 the low income eligible pupil count.

21 (f) For any school district with a Low Income
22 Concentration Level of 60% or more, the grant for each
23 school year shall be \$2,080 multiplied by the low income
24 eligible pupil count.

25 (2.10) Except as otherwise provided, supplemental general
26 State aid pursuant to this subsection (H) shall be provided as

1 follows for the 2003-2004 school year and each school year
2 thereafter:

3 (a) For any school district with a Low Income
4 Concentration Level of 15% or less, the grant for each
5 school year shall be \$355 multiplied by the low income
6 eligible pupil count.

7 (b) For any school district with a Low Income
8 Concentration Level greater than 15%, the grant for each
9 school year shall be \$294.25 added to the product of \$2,700
10 and the square of the Low Income Concentration Level, all
11 multiplied by the low income eligible pupil count.

12 For the 2003-2004 school year and each school year
13 thereafter through the 2008-2009 ~~2007-2008~~ school year only,
14 the grant shall be no less than the grant for the 2002-2003
15 school year. For the 2009-2010 ~~2008-2009~~ school year only, the
16 grant shall be no less than the grant for the 2002-2003 school
17 year multiplied by 0.66. For the 2010-2011 ~~2009-2010~~ school
18 year only, the grant shall be no less than the grant for the
19 2002-2003 school year multiplied by 0.33. Notwithstanding the
20 provisions of this paragraph to the contrary, if for any school
21 year supplemental general State aid grants are prorated as
22 provided in paragraph (1) of this subsection (H), then the
23 grants under this paragraph shall be prorated.

24 For the 2003-2004 school year only, the grant shall be no
25 greater than the grant received during the 2002-2003 school
26 year added to the product of 0.25 multiplied by the difference

1 between the grant amount calculated under subsection (a) or (b)
2 of this paragraph (2.10), whichever is applicable, and the
3 grant received during the 2002-2003 school year. For the
4 2004-2005 school year only, the grant shall be no greater than
5 the grant received during the 2002-2003 school year added to
6 the product of 0.50 multiplied by the difference between the
7 grant amount calculated under subsection (a) or (b) of this
8 paragraph (2.10), whichever is applicable, and the grant
9 received during the 2002-2003 school year. For the 2005-2006
10 school year only, the grant shall be no greater than the grant
11 received during the 2002-2003 school year added to the product
12 of 0.75 multiplied by the difference between the grant amount
13 calculated under subsection (a) or (b) of this paragraph
14 (2.10), whichever is applicable, and the grant received during
15 the 2002-2003 school year.

16 (3) School districts with an Average Daily Attendance of
17 more than 1,000 and less than 50,000 that qualify for
18 supplemental general State aid pursuant to this subsection
19 shall submit a plan to the State Board of Education prior to
20 October 30 of each year for the use of the funds resulting from
21 this grant of supplemental general State aid for the
22 improvement of instruction in which priority is given to
23 meeting the education needs of disadvantaged children. Such
24 plan shall be submitted in accordance with rules and
25 regulations promulgated by the State Board of Education.

26 (4) School districts with an Average Daily Attendance of

1 50,000 or more that qualify for supplemental general State aid
2 pursuant to this subsection shall be required to distribute
3 from funds available pursuant to this Section, no less than
4 \$261,000,000 in accordance with the following requirements:

5 (a) The required amounts shall be distributed to the
6 attendance centers within the district in proportion to the
7 number of pupils enrolled at each attendance center who are
8 eligible to receive free or reduced-price lunches or
9 breakfasts under the federal Child Nutrition Act of 1966
10 and under the National School Lunch Act during the
11 immediately preceding school year.

12 (b) The distribution of these portions of supplemental
13 and general State aid among attendance centers according to
14 these requirements shall not be compensated for or
15 contravened by adjustments of the total of other funds
16 appropriated to any attendance centers, and the Board of
17 Education shall utilize funding from one or several sources
18 in order to fully implement this provision annually prior
19 to the opening of school.

20 (c) Each attendance center shall be provided by the
21 school district a distribution of noncategorical funds and
22 other categorical funds to which an attendance center is
23 entitled under law in order that the general State aid and
24 supplemental general State aid provided by application of
25 this subsection supplements rather than supplants the
26 noncategorical funds and other categorical funds provided

1 by the school district to the attendance centers.

2 (d) Any funds made available under this subsection that
3 by reason of the provisions of this subsection are not
4 required to be allocated and provided to attendance centers
5 may be used and appropriated by the board of the district
6 for any lawful school purpose.

7 (e) Funds received by an attendance center pursuant to
8 this subsection shall be used by the attendance center at
9 the discretion of the principal and local school council
10 for programs to improve educational opportunities at
11 qualifying schools through the following programs and
12 services: early childhood education, reduced class size or
13 improved adult to student classroom ratio, enrichment
14 programs, remedial assistance, attendance improvement, and
15 other educationally beneficial expenditures which
16 supplement the regular and basic programs as determined by
17 the State Board of Education. Funds provided shall not be
18 expended for any political or lobbying purposes as defined
19 by board rule.

20 (f) Each district subject to the provisions of this
21 subdivision (H) (4) shall submit an acceptable plan to meet
22 the educational needs of disadvantaged children, in
23 compliance with the requirements of this paragraph, to the
24 State Board of Education prior to July 15 of each year.
25 This plan shall be consistent with the decisions of local
26 school councils concerning the school expenditure plans

1 developed in accordance with part 4 of Section 34-2.3. The
2 State Board shall approve or reject the plan within 60 days
3 after its submission. If the plan is rejected, the district
4 shall give written notice of intent to modify the plan
5 within 15 days of the notification of rejection and then
6 submit a modified plan within 30 days after the date of the
7 written notice of intent to modify. Districts may amend
8 approved plans pursuant to rules promulgated by the State
9 Board of Education.

10 Upon notification by the State Board of Education that
11 the district has not submitted a plan prior to July 15 or a
12 modified plan within the time period specified herein, the
13 State aid funds affected by that plan or modified plan
14 shall be withheld by the State Board of Education until a
15 plan or modified plan is submitted.

16 If the district fails to distribute State aid to
17 attendance centers in accordance with an approved plan, the
18 plan for the following year shall allocate funds, in
19 addition to the funds otherwise required by this
20 subsection, to those attendance centers which were
21 underfunded during the previous year in amounts equal to
22 such underfunding.

23 For purposes of determining compliance with this
24 subsection in relation to the requirements of attendance
25 center funding, each district subject to the provisions of
26 this subsection shall submit as a separate document by

1 December 1 of each year a report of expenditure data for
2 the prior year in addition to any modification of its
3 current plan. If it is determined that there has been a
4 failure to comply with the expenditure provisions of this
5 subsection regarding contravention or supplanting, the
6 State Superintendent of Education shall, within 60 days of
7 receipt of the report, notify the district and any affected
8 local school council. The district shall within 45 days of
9 receipt of that notification inform the State
10 Superintendent of Education of the remedial or corrective
11 action to be taken, whether by amendment of the current
12 plan, if feasible, or by adjustment in the plan for the
13 following year. Failure to provide the expenditure report
14 or the notification of remedial or corrective action in a
15 timely manner shall result in a withholding of the affected
16 funds.

17 The State Board of Education shall promulgate rules and
18 regulations to implement the provisions of this
19 subsection. No funds shall be released under this
20 subdivision (H) (4) to any district that has not submitted a
21 plan that has been approved by the State Board of
22 Education.

23 (I) (Blank).

24 (J) Supplementary Grants in Aid.

1 (1) Notwithstanding any other provisions of this Section,
2 the amount of the aggregate general State aid in combination
3 with supplemental general State aid under this Section for
4 which each school district is eligible shall be no less than
5 the amount of the aggregate general State aid entitlement that
6 was received by the district under Section 18-8 (exclusive of
7 amounts received under subsections 5(p) and 5(p-5) of that
8 Section) for the 1997-98 school year, pursuant to the
9 provisions of that Section as it was then in effect. If a
10 school district qualifies to receive a supplementary payment
11 made under this subsection (J), the amount of the aggregate
12 general State aid in combination with supplemental general
13 State aid under this Section which that district is eligible to
14 receive for each school year shall be no less than the amount
15 of the aggregate general State aid entitlement that was
16 received by the district under Section 18-8 (exclusive of
17 amounts received under subsections 5(p) and 5(p-5) of that
18 Section) for the 1997-1998 school year, pursuant to the
19 provisions of that Section as it was then in effect.

20 (2) If, as provided in paragraph (1) of this subsection
21 (J), a school district is to receive aggregate general State
22 aid in combination with supplemental general State aid under
23 this Section for the 1998-99 school year and any subsequent
24 school year that in any such school year is less than the
25 amount of the aggregate general State aid entitlement that the
26 district received for the 1997-98 school year, the school

1 district shall also receive, from a separate appropriation made
2 for purposes of this subsection (J), a supplementary payment
3 that is equal to the amount of the difference in the aggregate
4 State aid figures as described in paragraph (1).

5 (3) (Blank).

6 (K) Grants to Laboratory and Alternative Schools.

7 In calculating the amount to be paid to the governing board
8 of a public university that operates a laboratory school under
9 this Section or to any alternative school that is operated by a
10 regional superintendent of schools, the State Board of
11 Education shall require by rule such reporting requirements as
12 it deems necessary.

13 As used in this Section, "laboratory school" means a public
14 school which is created and operated by a public university and
15 approved by the State Board of Education. The governing board
16 of a public university which receives funds from the State
17 Board under this subsection (K) may not increase the number of
18 students enrolled in its laboratory school from a single
19 district, if that district is already sending 50 or more
20 students, except under a mutual agreement between the school
21 board of a student's district of residence and the university
22 which operates the laboratory school. A laboratory school may
23 not have more than 1,000 students, excluding students with
24 disabilities in a special education program.

25 As used in this Section, "alternative school" means a

1 public school which is created and operated by a Regional
2 Superintendent of Schools and approved by the State Board of
3 Education. Such alternative schools may offer courses of
4 instruction for which credit is given in regular school
5 programs, courses to prepare students for the high school
6 equivalency testing program or vocational and occupational
7 training. A regional superintendent of schools may contract
8 with a school district or a public community college district
9 to operate an alternative school. An alternative school serving
10 more than one educational service region may be established by
11 the regional superintendents of schools of the affected
12 educational service regions. An alternative school serving
13 more than one educational service region may be operated under
14 such terms as the regional superintendents of schools of those
15 educational service regions may agree.

16 Each laboratory and alternative school shall file, on forms
17 provided by the State Superintendent of Education, an annual
18 State aid claim which states the Average Daily Attendance of
19 the school's students by month. The best 3 months' Average
20 Daily Attendance shall be computed for each school. The general
21 State aid entitlement shall be computed by multiplying the
22 applicable Average Daily Attendance by the Foundation Level as
23 determined under this Section.

24 (L) Payments, Additional Grants in Aid and Other Requirements.

25 (1) For a school district operating under the financial

1 supervision of an Authority created under Article 34A, the
2 general State aid otherwise payable to that district under this
3 Section, but not the supplemental general State aid, shall be
4 reduced by an amount equal to the budget for the operations of
5 the Authority as certified by the Authority to the State Board
6 of Education, and an amount equal to such reduction shall be
7 paid to the Authority created for such district for its
8 operating expenses in the manner provided in Section 18-11. The
9 remainder of general State school aid for any such district
10 shall be paid in accordance with Article 34A when that Article
11 provides for a disposition other than that provided by this
12 Article.

13 (2) (Blank).

14 (3) Summer school. Summer school payments shall be made as
15 provided in Section 18-4.3.

16 (M) Education Funding Advisory Board.

17 The Education Funding Advisory Board, hereinafter in this
18 subsection (M) referred to as the "Board", is hereby created.
19 The Board shall consist of 5 members who are appointed by the
20 Governor, by and with the advice and consent of the Senate. The
21 members appointed shall include representatives of education,
22 business, and the general public. One of the members so
23 appointed shall be designated by the Governor at the time the
24 appointment is made as the chairperson of the Board. The
25 initial members of the Board may be appointed any time after

1 the effective date of this amendatory Act of 1997. The regular
2 term of each member of the Board shall be for 4 years from the
3 third Monday of January of the year in which the term of the
4 member's appointment is to commence, except that of the 5
5 initial members appointed to serve on the Board, the member who
6 is appointed as the chairperson shall serve for a term that
7 commences on the date of his or her appointment and expires on
8 the third Monday of January, 2002, and the remaining 4 members,
9 by lots drawn at the first meeting of the Board that is held
10 after all 5 members are appointed, shall determine 2 of their
11 number to serve for terms that commence on the date of their
12 respective appointments and expire on the third Monday of
13 January, 2001, and 2 of their number to serve for terms that
14 commence on the date of their respective appointments and
15 expire on the third Monday of January, 2000. All members
16 appointed to serve on the Board shall serve until their
17 respective successors are appointed and confirmed. Vacancies
18 shall be filled in the same manner as original appointments. If
19 a vacancy in membership occurs at a time when the Senate is not
20 in session, the Governor shall make a temporary appointment
21 until the next meeting of the Senate, when he or she shall
22 appoint, by and with the advice and consent of the Senate, a
23 person to fill that membership for the unexpired term. If the
24 Senate is not in session when the initial appointments are
25 made, those appointments shall be made as in the case of
26 vacancies.

1 The Education Funding Advisory Board shall be deemed
2 established, and the initial members appointed by the Governor
3 to serve as members of the Board shall take office, on the date
4 that the Governor makes his or her appointment of the fifth
5 initial member of the Board, whether those initial members are
6 then serving pursuant to appointment and confirmation or
7 pursuant to temporary appointments that are made by the
8 Governor as in the case of vacancies.

9 The State Board of Education shall provide such staff
10 assistance to the Education Funding Advisory Board as is
11 reasonably required for the proper performance by the Board of
12 its responsibilities.

13 For school years after the 2000-2001 school year, the
14 Education Funding Advisory Board, in consultation with the
15 State Board of Education, shall make recommendations as
16 provided in this subsection (M) to the General Assembly for the
17 foundation level under subdivision (B)(3) of this Section and
18 for the supplemental general State aid grant level under
19 subsection (H) of this Section for districts with high
20 concentrations of children from poverty. The recommended
21 foundation level shall be determined based on a methodology
22 which incorporates the basic education expenditures of
23 low-spending schools exhibiting high academic performance. The
24 Education Funding Advisory Board shall make such
25 recommendations to the General Assembly on January 1 of odd
26 numbered years, beginning January 1, 2001.

1 (N) (Blank).

2 (O) References.

3 (1) References in other laws to the various subdivisions of
4 Section 18-8 as that Section existed before its repeal and
5 replacement by this Section 18-8.05 shall be deemed to refer to
6 the corresponding provisions of this Section 18-8.05, to the
7 extent that those references remain applicable.

8 (2) References in other laws to State Chapter 1 funds shall
9 be deemed to refer to the supplemental general State aid
10 provided under subsection (H) of this Section.

11 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
12 changes to this Section. Under Section 6 of the Statute on
13 Statutes there is an irreconcilable conflict between Public Act
14 93-808 and Public Act 93-838. Public Act 93-838, being the last
15 acted upon, is controlling. The text of Public Act 93-838 is
16 the law regardless of the text of Public Act 93-808.

17 (Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835,
18 eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07;
19 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff.
20 1-11-08; revised 1-14-08.)

21 Section 60. The Illinois Public Aid Code is amended by
22 changing Sections 5-5.4 and 12-10.8 as follows:

1 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

2 Sec. 5-5.4. Standards of Payment - Department of Healthcare
3 and Family Services. The Department of Healthcare and Family
4 Services shall develop standards of payment of skilled nursing
5 and intermediate care services in facilities providing such
6 services under this Article which:

7 (1) Provide for the determination of a facility's payment
8 for skilled nursing and intermediate care services on a
9 prospective basis. The amount of the payment rate for all
10 nursing facilities certified by the Department of Public Health
11 under the Nursing Home Care Act as Intermediate Care for the
12 Developmentally Disabled facilities, Long Term Care for Under
13 Age 22 facilities, Skilled Nursing facilities, or Intermediate
14 Care facilities under the medical assistance program shall be
15 prospectively established annually on the basis of historical,
16 financial, and statistical data reflecting actual costs from
17 prior years, which shall be applied to the current rate year
18 and updated for inflation, except that the capital cost element
19 for newly constructed facilities shall be based upon projected
20 budgets. The annually established payment rate shall take
21 effect on July 1 in 1984 and subsequent years. No rate increase
22 and no update for inflation shall be provided on or after July
23 1, 1994 and before July 1, 2009 ~~2008~~, unless specifically
24 provided for in this Section. The changes made by Public Act
25 93-841 extending the duration of the prohibition against a rate

1 increase or update for inflation are effective retroactive to
2 July 1, 2004.

3 For facilities licensed by the Department of Public Health
4 under the Nursing Home Care Act as Intermediate Care for the
5 Developmentally Disabled facilities or Long Term Care for Under
6 Age 22 facilities, the rates taking effect on July 1, 1998
7 shall include an increase of 3%. For facilities licensed by the
8 Department of Public Health under the Nursing Home Care Act as
9 Skilled Nursing facilities or Intermediate Care facilities,
10 the rates taking effect on July 1, 1998 shall include an
11 increase of 3% plus \$1.10 per resident-day, as defined by the
12 Department. For facilities licensed by the Department of Public
13 Health under the Nursing Home Care Act as Intermediate Care
14 Facilities for the Developmentally Disabled or Long Term Care
15 for Under Age 22 facilities, the rates taking effect on January
16 1, 2006 shall include an increase of 3%.

17 For facilities licensed by the Department of Public Health
18 under the Nursing Home Care Act as Intermediate Care for the
19 Developmentally Disabled facilities or Long Term Care for Under
20 Age 22 facilities, the rates taking effect on July 1, 1999
21 shall include an increase of 1.6% plus \$3.00 per resident-day,
22 as defined by the Department. For facilities licensed by the
23 Department of Public Health under the Nursing Home Care Act as
24 Skilled Nursing facilities or Intermediate Care facilities,
25 the rates taking effect on July 1, 1999 shall include an
26 increase of 1.6% and, for services provided on or after October

1 1, 1999, shall be increased by \$4.00 per resident-day, as
2 defined by the Department.

3 For facilities licensed by the Department of Public Health
4 under the Nursing Home Care Act as Intermediate Care for the
5 Developmentally Disabled facilities or Long Term Care for Under
6 Age 22 facilities, the rates taking effect on July 1, 2000
7 shall include an increase of 2.5% per resident-day, as defined
8 by the Department. For facilities licensed by the Department of
9 Public Health under the Nursing Home Care Act as Skilled
10 Nursing facilities or Intermediate Care facilities, the rates
11 taking effect on July 1, 2000 shall include an increase of 2.5%
12 per resident-day, as defined by the Department.

13 For facilities licensed by the Department of Public Health
14 under the Nursing Home Care Act as skilled nursing facilities
15 or intermediate care facilities, a new payment methodology must
16 be implemented for the nursing component of the rate effective
17 July 1, 2003. The Department of Public Aid (now Healthcare and
18 Family Services) shall develop the new payment methodology
19 using the Minimum Data Set (MDS) as the instrument to collect
20 information concerning nursing home resident condition
21 necessary to compute the rate. The Department shall develop the
22 new payment methodology to meet the unique needs of Illinois
23 nursing home residents while remaining subject to the
24 appropriations provided by the General Assembly. A transition
25 period from the payment methodology in effect on June 30, 2003
26 to the payment methodology in effect on July 1, 2003 shall be

1 provided for a period not exceeding 3 years and 184 days after
2 implementation of the new payment methodology as follows:

3 (A) For a facility that would receive a lower nursing
4 component rate per patient day under the new system than
5 the facility received effective on the date immediately
6 preceding the date that the Department implements the new
7 payment methodology, the nursing component rate per
8 patient day for the facility shall be held at the level in
9 effect on the date immediately preceding the date that the
10 Department implements the new payment methodology until a
11 higher nursing component rate of reimbursement is achieved
12 by that facility.

13 (B) For a facility that would receive a higher nursing
14 component rate per patient day under the payment
15 methodology in effect on July 1, 2003 than the facility
16 received effective on the date immediately preceding the
17 date that the Department implements the new payment
18 methodology, the nursing component rate per patient day for
19 the facility shall be adjusted.

20 (C) Notwithstanding paragraphs (A) and (B), the
21 nursing component rate per patient day for the facility
22 shall be adjusted subject to appropriations provided by the
23 General Assembly.

24 For facilities licensed by the Department of Public Health
25 under the Nursing Home Care Act as Intermediate Care for the
26 Developmentally Disabled facilities or Long Term Care for Under

1 Age 22 facilities, the rates taking effect on March 1, 2001
2 shall include a statewide increase of 7.85%, as defined by the
3 Department.

4 Notwithstanding any other provision of this Section, for
5 facilities licensed by the Department of Public Health under
6 the Nursing Home Care Act as skilled nursing facilities or
7 intermediate care facilities, the numerator of the ratio used
8 by the Department of Healthcare and Family Services to compute
9 the rate payable under this Section using the Minimum Data Set
10 (MDS) methodology shall incorporate the following annual
11 amounts as the additional funds appropriated to the Department
12 specifically to pay for rates based on the MDS nursing
13 component methodology in excess of the funding in effect on
14 December 31, 2006:

15 (i) For rates taking effect January 1, 2007,
16 \$60,000,000.

17 (ii) For rates taking effect January 1, 2008,
18 \$110,000,000.

19 Notwithstanding any other provision of this Section, for
20 facilities licensed by the Department of Public Health under
21 the Nursing Home Care Act as skilled nursing facilities or
22 intermediate care facilities, the support component of the
23 rates taking effect on January 1, 2008 shall be computed using
24 the most recent cost reports on file with the Department of
25 Healthcare and Family Services no later than April 1, 2005,
26 updated for inflation to January 1, 2006.

1 For facilities licensed by the Department of Public Health
2 under the Nursing Home Care Act as Intermediate Care for the
3 Developmentally Disabled facilities or Long Term Care for Under
4 Age 22 facilities, the rates taking effect on April 1, 2002
5 shall include a statewide increase of 2.0%, as defined by the
6 Department. This increase terminates on July 1, 2002; beginning
7 July 1, 2002 these rates are reduced to the level of the rates
8 in effect on March 31, 2002, as defined by the Department.

9 For facilities licensed by the Department of Public Health
10 under the Nursing Home Care Act as skilled nursing facilities
11 or intermediate care facilities, the rates taking effect on
12 July 1, 2001 shall be computed using the most recent cost
13 reports on file with the Department of Public Aid no later than
14 April 1, 2000, updated for inflation to January 1, 2001. For
15 rates effective July 1, 2001 only, rates shall be the greater
16 of the rate computed for July 1, 2001 or the rate effective on
17 June 30, 2001.

18 Notwithstanding any other provision of this Section, for
19 facilities licensed by the Department of Public Health under
20 the Nursing Home Care Act as skilled nursing facilities or
21 intermediate care facilities, the Illinois Department shall
22 determine by rule the rates taking effect on July 1, 2002,
23 which shall be 5.9% less than the rates in effect on June 30,
24 2002.

25 Notwithstanding any other provision of this Section, for
26 facilities licensed by the Department of Public Health under

1 the Nursing Home Care Act as skilled nursing facilities or
2 intermediate care facilities, if the payment methodologies
3 required under Section 5A-12 and the waiver granted under 42
4 CFR 433.68 are approved by the United States Centers for
5 Medicare and Medicaid Services, the rates taking effect on July
6 1, 2004 shall be 3.0% greater than the rates in effect on June
7 30, 2004. These rates shall take effect only upon approval and
8 implementation of the payment methodologies required under
9 Section 5A-12.

10 Notwithstanding any other provisions of this Section, for
11 facilities licensed by the Department of Public Health under
12 the Nursing Home Care Act as skilled nursing facilities or
13 intermediate care facilities, the rates taking effect on
14 January 1, 2005 shall be 3% more than the rates in effect on
15 December 31, 2004.

16 Notwithstanding any other provisions of this Section, for
17 facilities licensed by the Department of Public Health under
18 the Nursing Home Care Act as intermediate care facilities that
19 are federally defined as Institutions for Mental Disease, a
20 socio-development component rate equal to 6.6% of the
21 facility's nursing component rate as of January 1, 2006 shall
22 be established and paid effective July 1, 2006. The
23 socio-development component of the rate shall be increased by a
24 factor of 2.53 on the first day of the month that begins at
25 least 45 days after the effective date of this amendatory Act
26 of the 95th General Assembly. The Illinois Department may by

1 rule adjust these socio-development component rates, but in no
2 case may such rates be diminished.

3 For facilities licensed by the Department of Public Health
4 under the Nursing Home Care Act as Intermediate Care for the
5 Developmentally Disabled facilities or as long-term care
6 facilities for residents under 22 years of age, the rates
7 taking effect on July 1, 2003 shall include a statewide
8 increase of 4%, as defined by the Department.

9 For facilities licensed by the Department of Public Health
10 under the Nursing Home Care Act as Intermediate Care for the
11 Developmentally Disabled facilities or Long Term Care for Under
12 Age 22 facilities, the rates taking effect on the first day of
13 the month that begins at least 45 days after the effective date
14 of this amendatory Act of the 95th General Assembly shall
15 include a statewide increase of 2.5%, as defined by the
16 Department.

17 Notwithstanding any other provision of this Section, for
18 facilities licensed by the Department of Public Health under
19 the Nursing Home Care Act as skilled nursing facilities or
20 intermediate care facilities, effective January 1, 2005,
21 facility rates shall be increased by the difference between (i)
22 a facility's per diem property, liability, and malpractice
23 insurance costs as reported in the cost report filed with the
24 Department of Public Aid and used to establish rates effective
25 July 1, 2001 and (ii) those same costs as reported in the
26 facility's 2002 cost report. These costs shall be passed

1 through to the facility without caps or limitations, except for
2 adjustments required under normal auditing procedures.

3 Rates established effective each July 1 shall govern
4 payment for services rendered throughout that fiscal year,
5 except that rates established on July 1, 1996 shall be
6 increased by 6.8% for services provided on or after January 1,
7 1997. Such rates will be based upon the rates calculated for
8 the year beginning July 1, 1990, and for subsequent years
9 thereafter until June 30, 2001 shall be based on the facility
10 cost reports for the facility fiscal year ending at any point
11 in time during the previous calendar year, updated to the
12 midpoint of the rate year. The cost report shall be on file
13 with the Department no later than April 1 of the current rate
14 year. Should the cost report not be on file by April 1, the
15 Department shall base the rate on the latest cost report filed
16 by each skilled care facility and intermediate care facility,
17 updated to the midpoint of the current rate year. In
18 determining rates for services rendered on and after July 1,
19 1985, fixed time shall not be computed at less than zero. The
20 Department shall not make any alterations of regulations which
21 would reduce any component of the Medicaid rate to a level
22 below what that component would have been utilizing in the rate
23 effective on July 1, 1984.

24 (2) Shall take into account the actual costs incurred by
25 facilities in providing services for recipients of skilled
26 nursing and intermediate care services under the medical

1 assistance program.

2 (3) Shall take into account the medical and psycho-social
3 characteristics and needs of the patients.

4 (4) Shall take into account the actual costs incurred by
5 facilities in meeting licensing and certification standards
6 imposed and prescribed by the State of Illinois, any of its
7 political subdivisions or municipalities and by the U.S.
8 Department of Health and Human Services pursuant to Title XIX
9 of the Social Security Act.

10 The Department of Healthcare and Family Services shall
11 develop precise standards for payments to reimburse nursing
12 facilities for any utilization of appropriate rehabilitative
13 personnel for the provision of rehabilitative services which is
14 authorized by federal regulations, including reimbursement for
15 services provided by qualified therapists or qualified
16 assistants, and which is in accordance with accepted
17 professional practices. Reimbursement also may be made for
18 utilization of other supportive personnel under appropriate
19 supervision.

20 (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,
21 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;
22 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff.
23 1-11-08.)

24 (305 ILCS 5/12-10.8)

25 Sec. 12-10.8. Mental health contracts. Subject to

1 appropriations available for these purposes, including,
2 without limitation, the FY08 and FY09 appropriations to the
3 Department for federally defined Institutions for Mental
4 Disease, the Department of Healthcare and Family Services shall
5 enter into a contract for \$1,000,000 with a ~~the~~ provider of
6 community mental health services that has more than 700 beds at
7 over 30 service locations in multiple counties for purposes of
8 supporting the implementation of time-limited resident review
9 and rapid reintegration targeted to residents of federally
10 defined Institutions for Mental Disease.

11 (Source: P.A. 95-707, eff. 1-11-08.)

12 Section 70. The Illinois Affordable Housing Act is amended
13 by changing Section 8 as follows:

14 (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

15 Sec. 8. Uses of Trust Fund.

16 (a) Subject to annual appropriation to the Funding Agent
17 and subject to the prior dedication, allocation, transfer and
18 use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and
19 9 of this Act, the Trust Fund may be used to make grants,
20 mortgages, or other loans to acquire, construct, rehabilitate,
21 develop, operate, insure, and retain affordable single-family
22 and multi-family housing in this State for low-income and very
23 low-income households. The majority of monies appropriated to
24 the Trust Fund in any given year are to be used for affordable

1 housing for very low-income households. For the fiscal years
2 2007, ~~and 2008,~~ and 2009 only, the Department of Human Services
3 is authorized to receive appropriations and spend moneys from
4 the Illinois Affordable Housing Trust Fund for the purpose of
5 developing and coordinating public and private resources
6 targeted to meet the affordable housing needs of low-income,
7 very low-income, and special needs households in the State of
8 Illinois.

9 (b) For each fiscal year commencing with fiscal year 1994,
10 the Program Administrator shall certify from time to time to
11 the Funding Agent, the Comptroller and the State Treasurer
12 amounts, up to an aggregate in any fiscal year of \$10,000,000,
13 of Trust Fund Moneys expected to be used or pledged by the
14 Program Administrator during the fiscal year for the purposes
15 and uses specified in Sections 8(c) and 9 of this Act. Subject
16 to annual appropriation, upon receipt of such certification,
17 the Funding Agent and the Comptroller shall dedicate and the
18 State Treasurer shall transfer not less often than monthly to
19 the Program Administrator or its designated payee, without
20 requisition or further request therefor, all amounts
21 accumulated in the Trust Fund within the State Treasury and not
22 already transferred to the Loan Commitment Account prior to the
23 Funding Agent's receipt of such certification, until the
24 Program Administrator has received the aggregate amount
25 certified by the Program Administrator, to be used solely for
26 the purposes and uses authorized and provided in Sections 8(c)

1 and 9 of this Act. Neither the Comptroller nor the Treasurer
2 shall transfer, dedicate or allocate any of the Trust Fund
3 Moneys transferred or certified for transfer by the Program
4 Administrator as provided above to any other fund, nor shall
5 the Governor authorize any such transfer, dedication or
6 allocation, nor shall any of the Trust Fund Moneys so
7 dedicated, allocated or transferred be used, temporarily or
8 otherwise, for interfund borrowing, or be otherwise used or
9 appropriated, except as expressly authorized and provided in
10 Sections 8(c) and 9 of this Act for the purposes and subject to
11 the priorities, limitations and conditions provided for
12 therein until such obligations, uses and dedications as therein
13 provided, have been satisfied.

14 (c) Notwithstanding Section 5(b) of this Act, any Trust
15 Fund Moneys transferred to the Program Administrator pursuant
16 to Section 8(b) of this Act, or otherwise obtained, paid to or
17 held by or for the Program Administrator, or pledged pursuant
18 to resolution of the Program Administrator, for Affordable
19 Housing Program Trust Fund Bonds or Notes under the Illinois
20 Housing Development Act, and all proceeds, payments and
21 receipts from investments or use of such moneys, including any
22 residual or additional funds or moneys generated or obtained in
23 connection with any of the foregoing, may be held, pledged,
24 applied or dedicated by the Program Administrator as follows:

25 (1) as required by the terms of any pledge of or
26 resolution of the Program Administrator authorized under

1 Section 9 of this Act in connection with Affordable Housing
2 Program Trust Fund Bonds or Notes issued pursuant to the
3 Illinois Housing Development Act;

4 (2) to or for costs of issuance and administration and
5 the payments of any principal, interest, premium or other
6 amounts or expenses incurred or accrued in connection with
7 Affordable Housing Program Trust Fund Bonds or Notes,
8 including rate protection contracts and credit support
9 arrangements pertaining thereto, and, provided such
10 expenses, fees and charges are obligations, whether
11 recourse or nonrecourse, and whether financed with or paid
12 from the proceeds of Affordable Housing Program Trust Fund
13 Bonds or Notes, of the developers, mortgagors or other
14 users, the Program Administrator's expenses and servicing,
15 administration and origination fees and charges in
16 connection with any loans, mortgages, or developments
17 funded or financed or expected to be funded or financed, in
18 whole or in part, from the issuance of Affordable Housing
19 Program Trust Fund Bonds or Notes;

20 (3) to or for costs of issuance and administration and
21 the payments of principal, interest, premium, loan fees,
22 and other amounts or other obligations of the Program
23 Administrator, including rate protection contracts and
24 credit support arrangements pertaining thereto, for loans,
25 commercial paper or other notes or bonds issued by the
26 Program Administrator pursuant to the Illinois Housing

1 Development Act, provided that the proceeds of such loans,
2 commercial paper or other notes or bonds are paid or
3 expended in connection with, or refund or repay, loans,
4 commercial paper or other notes or bonds issued or made in
5 connection with bridge loans or loans for the construction,
6 renovation, redevelopment, restructuring, reorganization
7 of Affordable Housing and related expenses, including
8 development costs, technical assistance, or other amounts
9 to construct, preserve, improve, renovate, rehabilitate,
10 refinance, or assist Affordable Housing, including
11 financially troubled Affordable Housing, permanent or
12 other financing for which has been funded or financed or is
13 expected to be funded or financed in whole or in part by
14 the Program Administrator through the issuance of or use of
15 proceeds from Affordable Housing Program Trust Fund Bonds
16 or Notes;

17 (4) to or for direct expenditures or reimbursement for
18 development costs, technical assistance, or other amounts
19 to construct, preserve, improve, renovate, rehabilitate,
20 refinance, or assist Affordable Housing, including
21 financially troubled Affordable Housing, permanent or
22 other financing for which has been funded or financed or is
23 expected to be funded or financed in whole or in part by
24 the Program Administrator through the issuance of or use of
25 proceeds from Affordable Housing Program Trust Fund Bonds
26 or Notes; and

1 (5) for deposit into any residual, sinking, reserve or
2 revolving fund or pool established by the Program
3 Administrator, whether or not pledged to secure Affordable
4 Housing Program Trust Fund Bonds or Notes, to support or be
5 utilized for the issuance, redemption, or payment of the
6 principal, interest, premium or other amounts payable on or
7 with respect to any existing, additional or future
8 Affordable Housing Program Trust Fund Bonds or Notes, or to
9 or for any other expenditure authorized by this Section
10 8(c).

11 (d) All or a portion of the Trust Fund Moneys on deposit or
12 to be deposited in the Trust Fund not already certified for
13 transfer or transferred to the Program Administrator pursuant
14 to Section 8(b) of this Act may be used to secure the repayment
15 of Affordable Housing Program Trust Fund Bonds or Notes, or
16 otherwise to supplement or support Affordable Housing funded or
17 financed or intended to be funded or financed, in whole or in
18 part, by Affordable Housing Program Trust Fund Bonds or Notes.

19 (e) Assisted housing may include housing for special needs
20 populations such as the homeless, single-parent families, the
21 elderly, or the physically and mentally disabled. The Trust
22 Fund shall be used to implement a demonstration congregate
23 housing project for any such special needs population.

24 (f) Grants from the Trust Fund may include, but are not
25 limited to, rental assistance and security deposit subsidies
26 for low and very low-income households.

1 (g) The Trust Fund may be used to pay actual and reasonable
2 costs for Commission members to attend Commission meetings, and
3 any litigation costs and expenses, including legal fees,
4 incurred by the Program Administrator in any litigation related
5 to this Act or its action as Program Administrator.

6 (h) The Trust Fund may be used to make grants for (1) the
7 provision of technical assistance, (2) outreach, and (3)
8 building an organization's capacity to develop affordable
9 housing projects.

10 (i) Amounts on deposit in the Trust Fund may be used to
11 reimburse the Program Administrator and the Funding Agent for
12 costs incurred in the performance of their duties under this
13 Act, excluding costs and fees of the Program Administrator
14 associated with the Program Escrow to the extent withheld
15 pursuant to paragraph (8) of subsection (b) of Section 5.

16 (Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

17 Section 999. Effective date. This Act takes effect July 1,
18 2008.