

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 20. The Department of Public Health Powers and  
10 Duties Law of the Civil Administrative Code of Illinois is  
11 amended by changing Section 2310-315 and by adding Section  
12 2310-394 as follows:

13 (20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

14 Sec. 2310-315. Prevention and treatment of AIDS. To perform  
15 the following in relation to the prevention and treatment of  
16 acquired immunodeficiency syndrome (AIDS):

17 (1) Establish a State AIDS Control Unit within the  
18 Department as a separate administrative subdivision, to  
19 coordinate all State programs and services relating to the  
20 prevention, treatment, and amelioration of AIDS.

21 (2) Conduct a public information campaign for physicians,

1 hospitals, health facilities, public health departments, law  
2 enforcement personnel, public employees, laboratories, and the  
3 general public on acquired immunodeficiency syndrome (AIDS)  
4 and promote necessary measures to reduce the incidence of AIDS  
5 and the mortality from AIDS. This program shall include, but  
6 not be limited to, the establishment of a statewide hotline and  
7 a State AIDS information clearinghouse that will provide  
8 periodic reports and releases to public officials, health  
9 professionals, community service organizations, and the  
10 general public regarding new developments or procedures  
11 concerning prevention and treatment of AIDS.

12 (3) (Blank).

13 (4) Establish alternative blood test services that are not  
14 operated by a blood bank, plasma center or hospital. The  
15 Department shall prescribe by rule minimum criteria, standards  
16 and procedures for the establishment and operation of such  
17 services, which shall include, but not be limited to  
18 requirements for the provision of information, counseling and  
19 referral services that ensure appropriate counseling and  
20 referral for persons whose blood is tested and shows evidence  
21 of exposure to the human immunodeficiency virus (HIV) or other  
22 identified causative agent of acquired immunodeficiency  
23 syndrome (AIDS).

24 (5) Establish regional and community service networks of  
25 public and private service providers or health care  
26 professionals who may be involved in AIDS research, prevention

1 and treatment.

2 (6) Provide grants to individuals, organizations or  
3 facilities to support the following:

4 (A) Information, referral, and treatment services.

5 (B) Interdisciplinary workshops for professionals  
6 involved in research and treatment.

7 (C) Establishment and operation of a statewide  
8 hotline.

9 (D) Establishment and operation of alternative testing  
10 services.

11 (E) Research into detection, prevention, and  
12 treatment.

13 (F) Supplementation of other public and private  
14 resources.

15 (G) Implementation by long-term care facilities of  
16 Department standards and procedures for the care and  
17 treatment of persons with AIDS and the development of  
18 adequate numbers and types of placements for those persons.

19 (7) (Blank).

20 (8) Accept any gift, donation, bequest, or grant of funds  
21 from private or public agencies, including federal funds that  
22 may be provided for AIDS control efforts.

23 (9) Develop and implement, in consultation with the  
24 Long-Term Care Facility Advisory Board, standards and  
25 procedures for long-term care facilities that provide care and  
26 treatment of persons with AIDS, including appropriate

1 infection control procedures. The Department shall work  
2 cooperatively with organizations representing those facilities  
3 to develop adequate numbers and types of placements for persons  
4 with AIDS and shall advise those facilities on proper  
5 implementation of its standards and procedures.

6 (10) The Department shall create and administer a training  
7 program for State employees who have a need for understanding  
8 matters relating to AIDS in order to deal with or advise the  
9 public. The training shall include information on the cause and  
10 effects of AIDS, the means of detecting it and preventing its  
11 transmission, the availability of related counseling and  
12 referral, and other matters that may be appropriate. The  
13 training may also be made available to employees of local  
14 governments, public service agencies, and private agencies  
15 that contract with the State; in those cases the Department may  
16 charge a reasonable fee to recover the cost of the training.

17 (11) Approve tests or testing procedures used in  
18 determining exposure to HIV or any other identified causative  
19 agent of AIDS.

20 (12) Provide prescription drug benefits counseling for  
21 persons with HIV or AIDS.

22 (13) Continue to administer the AIDS Drug Assistance  
23 Program that provides drugs to prolong the lives of low income  
24 Persons with Acquired Immunodeficiency Syndrome (AIDS) or  
25 Human Immunodeficiency Virus (HIV) infection who are not  
26 eligible under Article V of the Illinois Public Aid Code for

1 Medical Assistance, as provided under Title 77, Chapter 1,  
2 Subchapter (k), Part 692, Section 692.10 of the Illinois  
3 Administrative Code, effective August 1, 2000, except that the  
4 financial qualification for that program shall be that the  
5 anticipated gross monthly income shall be at or below 500% of  
6 the most recent Federal Poverty Guidelines published annually  
7 by the United States Department of Health and Human Services  
8 for the size of the household.

9 (Source: P.A. 94-909, eff. 6-23-06.)

10 (20 ILCS 2310/2310-394 new)

11 Sec. 2310-394. Multiple sclerosis; home services.

12 (a) Subject to appropriation, the Department shall create a  
13 program of services for persons with multiple sclerosis to help  
14 those persons stay in their homes and out of institutions. The  
15 Department shall collaborate with consumers to develop a  
16 program of services that is consumer directed.

17 (1) There shall be meaningful consumer participation  
18 in all aspects of program design, review, and improvement.

19 (2) A review committee shall be established, comprised  
20 of consumers and other stakeholders. The committee shall  
21 meet at least once a year to evaluate the program,  
22 including quality assurance data, and shall submit program  
23 recommendations to the Department.

24 (3) Consumers shall have control in the selection,  
25 management, and termination of providers.

1           (4) Providers shall be educated about  
2           consumer-directed services and multiple sclerosis.

3           (b) To be eligible for the program, a person must meet the  
4           following requirements:

5           (1) He or she must have a current diagnosis of multiple  
6           sclerosis.

7           (2) He or she must have applied for benefits under the  
8           Home Services Program operated by the Department of Human  
9           Services and must have been determined not eligible for  
10           benefits under that program because his or her retirement  
11           assets or life insurance assets, or both, exceeded the  
12           limits applicable to that program.

13           (3) He or she must have assets not exceeding \$17,500.  
14           In determining whether a person's assets meet this  
15           requirement, the Department must disregard retirement  
16           assets up to a total of \$500,000 and disregard all life  
17           insurance assets.

18           (c) This Section does not create any new entitlement to a  
19           service, program, or benefit, but does not affect any  
20           entitlement to a service, program, or benefit created by any  
21           other law.

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

24           (20 ILCS 3958/25)

1           Sec. 25. I-FLY Program.

2           (a) The Department shall establish the I-FLY Program, in  
3 cooperation with the Commission. The Program shall consist of  
4 the following components:

5                 (1) air carrier recruitment and retention grants as  
6 described in subsection (c); and

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

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

10           (b) During any one-year period, an airport may receive a  
11 grant for only one of the 2 components specified in subsection  
12 (a).

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

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

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

20                         (B) it has a commitment from an air carrier to  
21 start or continue air service to the community that the  
22 airport serves subject to financial support from the  
23 State and from the airport or unit of local government  
24 that the airport serves. The commitment must specify  
25 that the air carrier would not provide or continue to  
26 provide service to the community if financial

1 assistance were not available.

2 (2) An application for an air carrier recruitment and  
3 retention program grant must contain commitments from the  
4 airport or the unit of local government in which the  
5 airport is located as to the amount of the total project  
6 cost, the contribution from the unit of local government or  
7 airport, the method in which the contribution from the  
8 airport or unit of local government will be generated, and  
9 the requested State contribution.

10 (3) The air carrier recruitment and retention program  
11 grant shall be used to guarantee the financial viability of  
12 air carriers providing reasonable air service at the  
13 airport. A grant under this subsection (c) to a particular  
14 airport may be in only one of the following 3 forms:

15 (A) A grant may be used to guarantee that an air  
16 carrier shall receive an agreed amount of revenue per  
17 flight.

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

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

22 (4) During the first year of a grant under this  
23 subsection (c), the grant shall pay 80% of the total cost  
24 of the guarantee and the airport or unit of local  
25 government in which the airport is located shall pay 20% of  
26 the total cost of the guarantee. During the second year of



1 a grant under this subsection (c), the grant shall pay 80%  
2 ~~50%~~ of the total cost of the guarantee and the airport or  
3 the unit of local government in which the airport is  
4 located shall pay 20% ~~50%~~ of the total cost of the  
5 guarantee.

6 (5) The total State funding for a grant under this  
7 subsection (c) to a particular airport may not exceed  
8 \$1,000,000 in any year.

9 (6) An airport that has received a 2-year grant under  
10 this subsection (c) may apply for another grant for an  
11 additional 2-year period; however, the Department shall,  
12 in determining whether to make a grant for an additional  
13 2-year period, give priority to other airports that have  
14 not previously received a grant under this subsection (c).  
15 The Department shall also give priority in making grants  
16 under this subsection (c) to airports at which the  
17 Department determines that a 2-year grant may result in the  
18 creation of stable and reliable commercial air service  
19 without an additional grant.

20 (d) Planning grants. An airport may apply for and receive a  
21 planning grant to conduct feasibility studies or business plans  
22 designed to study the recruitment, retention, or expansion of  
23 an air carrier at the airport. To be eligible for a grant under  
24 this subsection (d), the airport must have the potential for  
25 initial or expanded air service as the Department determines  
26 through its evaluation process. The grant shall pay 70% of the

1 total cost of the feasibility studies or business plans and the  
2 airport or the unit of local government in which the airport is  
3 located shall pay 30% of the total cost of the feasibility  
4 studies or business plans. An airport may receive only one  
5 planning grant.

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

7 Section 40. The State Finance Act is amended by changing  
8 Sections 6z-30, 6z-70, 8.3, and 8g, by renumbering and changing  
9 Section 6z-69 as added by Public Act 95-707, and by adding  
10 Sections 5.710 and 6z-76 as follows:

11 (30 ILCS 105/5.710 new)

12 Sec. 5.710. The Civic Education Trust Fund.

13 (30 ILCS 105/6z-30)

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

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

18 (1) As soon as possible after the beginning of each  
19 fiscal year (starting in fiscal year 1995), and in no event  
20 later than July 30, the State Comptroller and the State  
21 Treasurer shall automatically transfer \$44,700,000 from  
22 the General Revenue Fund to the University of Illinois  
23 Hospital Services Fund.

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

7           (3) All federal matching funds received by the  
8 Department of Healthcare and Family Services (formerly  
9 Illinois Department of Public Aid) as a result of  
10 expenditures made by the Department that are attributable  
11 to moneys that were deposited in the Fund.

12           (b) Moneys in the fund may be used by the Department of  
13 Healthcare and Family Services (formerly Illinois Department  
14 of Public Aid), subject to appropriation, to reimburse the  
15 University of Illinois Hospital for hospital and pharmacy  
16 services, and to reimburse practitioners as defined in Section  
17 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are  
18 employed by the University of Illinois Hospital. The fund may  
19 also be used to make monthly transfers to the General Revenue  
20 Fund as provided in subsection (c).

21           (c) The State Comptroller and State Treasurer shall  
22 automatically transfer on the last day of each month except  
23 June, beginning August 31, 1994, from the University of  
24 Illinois Hospital Services Fund to the General Revenue Fund, an  
25 amount determined and certified to the State Comptroller by the  
26 Director of Healthcare and Family Services (formerly Director

1 of Public Aid), equal to the amount by which the balance in the  
2 Fund exceeds the amount necessary to ensure timely payments to  
3 the University of Illinois Hospital.

4 On June 30, 1995 and each June 30 thereafter, the State  
5 Comptroller and State Treasurer shall automatically transfer  
6 the entire balance in the University of Illinois Hospital  
7 Services Fund to the General Revenue Fund.

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

9 (30 ILCS 105/6z-70)

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

12 (a) The Secretary of State Identification Security and  
13 Theft Prevention Fund is created as a special fund in the State  
14 treasury. The Fund shall consist of any fund transfers, grants,  
15 fees, or moneys from other sources received for the purpose of  
16 funding identification security and theft prevention measures.

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

21 (c) Notwithstanding any other provision of State law to the  
22 contrary, on or after July 1, 2007, and until June 30, 2008, in  
23 addition to any other transfers that may be provided for by  
24 law, at the direction of and upon notification of the Secretary  
25 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 Lobbyist Registration Administration Fund ..... \$100,000
- 5 Registered Limited Liability Partnership Fund .... \$75,000
- 6 Securities Investors Education Fund ..... \$500,000
- 7 Securities Audit and Enforcement Fund ..... \$5,725,000
- 8 Department of Business Services
- 9 Special Operations Fund ..... \$3,000,000
- 10 Corporate Franchise Tax Refund Fund ..... \$3,000,000.

11 (d) Notwithstanding any other provision of State law to the  
12 contrary, on or after July 1, 2008, and until June 30, 2009, in  
13 addition to any other transfers that may be provided for by  
14 law, at the direction of and upon notification of the Secretary  
15 of State, the State Comptroller shall direct and the State  
16 Treasurer shall transfer amounts into the Secretary of State  
17 Identification Security and Theft Prevention Fund from the  
18 designated funds not exceeding the following totals:

- 19 Lobbyist Registration Administration Fund ..... \$100,000
- 20 Registered Limited Liability Partnership Fund .... \$75,000
- 21 Securities Investors Education Fund ..... \$500,000
- 22 Securities Audit and Enforcement Fund ..... \$5,725,000
- 23 Department of Business Services
- 24 Special Operations Fund ..... \$3,000,000
- 25 Corporate Franchise Tax Refund Fund ..... \$3,000,000
- 26 State Parking Facility Maintenance Fund ..... \$100,000

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

2 (30 ILCS 105/6z-71)

3 Sec. 6z-71 ~~6z-69~~. Human Services Priority Capital Program  
4 Fund. The Human Services Priority Capital Program Fund is  
5 created as a special fund in the State treasury. Subject to  
6 appropriation, the Department of Human Services shall use  
7 moneys in the Human Services Priority Capital Program Fund to  
8 make grants to the Illinois Facilities Fund, a not-for-profit  
9 corporation, to make long term below market rate loans to  
10 nonprofit human service providers working under contract to the  
11 State of Illinois to assist those providers in meeting their  
12 capital needs. The loans shall be for the purpose of such  
13 capital needs, including but not limited to special use  
14 facilities, requirements for serving the disabled, mentally  
15 ill, or substance abusers, and medical and technology  
16 equipment. Loan repayments shall be deposited into the Human  
17 Services Priority Capital Program Fund. Interest income may be  
18 used to cover expenses of the program. The Illinois Facilities  
19 Fund shall report to the Department of Human Services and the  
20 General Assembly by April 1, 2008, and again by April 1, 2009,  
21 as to the use and earnings of the program.

22 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

23 (30 ILCS 105/6z-76 new)

24 Sec. 6z-76. Civic Education Trust Fund. The Civic Education

1 Trust Fund is created as a special fund in the State treasury.  
2 The Fund may receive any gifts, grants, donations,  
3 appropriations, or transfers for use towards the purposes set  
4 forth in Section 3-15.17 of the School Code.

5 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

6 Sec. 8.3. Money in the Road Fund shall, if and when the  
7 State of Illinois incurs any bonded indebtedness for the  
8 construction of permanent highways, be set aside and used for  
9 the purpose of paying and discharging annually the principal  
10 and interest on that bonded indebtedness then due and payable,  
11 and for no other purpose. The surplus, if any, in the Road Fund  
12 after the payment of principal and interest on that bonded  
13 indebtedness then annually due shall be used as follows:

14 first -- to pay the cost of administration of Chapters  
15 2 through 10 of the Illinois Vehicle Code, except the cost  
16 of administration of Articles I and II of Chapter 3 of that  
17 Code; and

18 secondly -- for expenses of the Department of  
19 Transportation for construction, reconstruction,  
20 improvement, repair, maintenance, operation, and  
21 administration of highways in accordance with the  
22 provisions of laws relating thereto, or for any purpose  
23 related or incident to and connected therewith, including  
24 the separation of grades of those highways with railroads  
25 and with highways and including the payment of awards made

1 by the Illinois Workers' Compensation Commission under the  
2 terms of the Workers' Compensation Act or Workers'  
3 Occupational Diseases Act for injury or death of an  
4 employee of the Division of Highways in the Department of  
5 Transportation; or for the acquisition of land and the  
6 erection of buildings for highway purposes, including the  
7 acquisition of highway right-of-way or for investigations  
8 to determine the reasonably anticipated future highway  
9 needs; or for making of surveys, plans, specifications and  
10 estimates for and in the construction and maintenance of  
11 flight strips and of highways necessary to provide access  
12 to military and naval reservations, to defense industries  
13 and defense-industry sites, and to the sources of raw  
14 materials and for replacing existing highways and highway  
15 connections shut off from general public use at military  
16 and naval reservations and defense-industry sites, or for  
17 the purchase of right-of-way, except that the State shall  
18 be reimbursed in full for any expense incurred in building  
19 the flight strips; or for the operating and maintaining of  
20 highway garages; or for patrolling and policing the public  
21 highways and conserving the peace; or for the operating  
22 expenses of the Department relating to the administration  
23 of public transportation programs; or for any of those  
24 purposes or any other purpose that may be provided by law.

25 Appropriations for any of those purposes are payable from  
26 the Road Fund. Appropriations may also be made from the Road



1 Fund for the administrative expenses of any State agency that  
2 are related to motor vehicles or arise from the use of motor  
3 vehicles.

4 Beginning with fiscal year 1980 and thereafter, no Road  
5 Fund monies shall be appropriated to the following Departments  
6 or agencies of State government for administration, grants, or  
7 operations; but this limitation is not a restriction upon  
8 appropriating for those purposes any Road Fund monies that are  
9 eligible for federal reimbursement;

10 1. Department of Public Health;

11 2. Department of Transportation, only with respect to  
12 subsidies for one-half fare Student Transportation and  
13 Reduced Fare for Elderly;

14 3. Department of Central Management Services, except  
15 for expenditures incurred for group insurance premiums of  
16 appropriate personnel;

17 4. Judicial Systems and Agencies.

18 Beginning with fiscal year 1981 and thereafter, no Road  
19 Fund monies shall be appropriated to the following Departments  
20 or agencies of State government for administration, grants, or  
21 operations; but this limitation is not a restriction upon  
22 appropriating for those purposes any Road Fund monies that are  
23 eligible for federal reimbursement:

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

26 2. Department of Transportation, only with respect to

1 Intercity Rail Subsidies and Rail Freight Services.

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

13 Beginning with fiscal year 1984 and thereafter, no Road  
14 Fund monies shall be appropriated to the following Departments  
15 or agencies of State government for administration, grants, or  
16 operations; but this limitation is not a restriction upon  
17 appropriating for those purposes any Road Fund monies that are  
18 eligible for federal reimbursement:

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

21 2. State Officers.

22 Beginning with fiscal year 1984 and thereafter, no Road  
23 Fund monies shall be appropriated to any Department or agency  
24 of State government for administration, grants, or operations  
25 except as provided hereafter; but this limitation is not a  
26 restriction upon appropriating for those purposes any Road Fund

1 monies that are eligible for federal reimbursement. It shall  
2 not be lawful to circumvent the above appropriation limitations  
3 by governmental reorganization or other methods.  
4 Appropriations shall be made from the Road Fund only in  
5 accordance with the provisions of this Section.

6 Money in the Road Fund shall, if and when the State of  
7 Illinois incurs any bonded indebtedness for the construction of  
8 permanent highways, be set aside and used for the purpose of  
9 paying and discharging during each fiscal year the principal  
10 and interest on that bonded indebtedness as it becomes due and  
11 payable as provided in the Transportation Bond Act, and for no  
12 other purpose. The surplus, if any, in the Road Fund after the  
13 payment of principal and interest on that bonded indebtedness  
14 then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters  
16 2 through 10 of the Illinois Vehicle Code; and

17 secondly -- no Road Fund monies derived from fees,  
18 excises, or license taxes relating to registration,  
19 operation and use of vehicles on public highways or to  
20 fuels used for the propulsion of those vehicles, shall be  
21 appropriated or expended other than for costs of  
22 administering the laws imposing those fees, excises, and  
23 license taxes, statutory refunds and adjustments allowed  
24 thereunder, administrative costs of the Department of  
25 Transportation, including, but not limited to, the  
26 operating expenses of the Department relating to the

1 administration of public transportation programs, payment  
2 of debts and liabilities incurred in construction and  
3 reconstruction of public highways and bridges, acquisition  
4 of rights-of-way for and the cost of construction,  
5 reconstruction, maintenance, repair, and operation of  
6 public highways and bridges under the direction and  
7 supervision of the State, political subdivision, or  
8 municipality collecting those monies, and the costs for  
9 patrolling and policing the public highways (by State,  
10 political subdivision, or municipality collecting that  
11 money) for enforcement of traffic laws. The separation of  
12 grades of such highways with railroads and costs associated  
13 with protection of at-grade highway and railroad crossing  
14 shall also be permissible.

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

18 Except as provided in this paragraph, beginning with fiscal  
19 year 1991 and thereafter, no Road Fund monies shall be  
20 appropriated to the Department of State Police for the purposes  
21 of this Section in excess of its total fiscal year 1990 Road  
22 Fund appropriations for those purposes unless otherwise  
23 provided in Section 5g of this Act. For fiscal years 2003,  
24 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
25 appropriated to the Department of State Police for the purposes  
26 of this Section in excess of \$97,310,000. For fiscal years ~~year~~

1 2008 and 2009 only, no Road Fund monies shall be appropriated  
2 to the Department of State Police for the purposes of this  
3 Section in excess of \$106,100,000. It shall not be lawful to  
4 circumvent this limitation on appropriations by governmental  
5 reorganization or other methods unless otherwise provided in  
6 Section 5g of this Act.

7 In fiscal year 1994, no Road Fund monies shall be  
8 appropriated to the Secretary of State for the purposes of this  
9 Section in excess of the total fiscal year 1991 Road Fund  
10 appropriations to the Secretary of State for those purposes,  
11 plus \$9,800,000. It shall not be lawful to circumvent this  
12 limitation on appropriations by governmental reorganization or  
13 other method.

14 Beginning with fiscal year 1995 and thereafter, no Road  
15 Fund monies shall be appropriated to the Secretary of State for  
16 the purposes of this Section in excess of the total fiscal year  
17 1994 Road Fund appropriations to the Secretary of State for  
18 those purposes. It shall not be lawful to circumvent this  
19 limitation on appropriations by governmental reorganization or  
20 other methods.

21 Beginning with fiscal year 2000, total Road Fund  
22 appropriations to the Secretary of State for the purposes of  
23 this Section shall not exceed the amounts specified for the  
24 following fiscal years:

25	Fiscal Year 2000	\$80,500,000;
26	Fiscal Year 2001	\$80,500,000;

1	Fiscal Year 2002	\$80,500,000;
2	Fiscal Year 2003	\$130,500,000;
3	Fiscal Year 2004	\$130,500,000;
4	Fiscal Year 2005	\$130,500,000;
5	Fiscal Year 2006	\$130,500,000;
6	Fiscal Year 2007	\$130,500,000;
7	Fiscal Year 2008	\$130,500,000;
8	Fiscal Year 2009 <del>and</del>	<u>\$130,500,000;</u>
9	<u>Fiscal Year 2010 and</u> each year thereafter	\$30,500,000.

10 It shall not be lawful to circumvent this limitation on  
11 appropriations by governmental reorganization or other  
12 methods.

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

17 Nothing in this Section prohibits transfers from the Road  
18 Fund to the State Construction Account Fund under Section 5e of  
19 this Act; nor to the General Revenue Fund, as authorized by  
20 this amendatory Act of the 93rd General Assembly.

21 The additional amounts authorized for expenditure in this  
22 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
23 shall be repaid to the Road Fund from the General Revenue Fund  
24 in the next succeeding fiscal year that the General Revenue  
25 Fund has a positive budgetary balance, as determined by  
26 generally accepted accounting principles applicable to

1 government.

2 The additional amounts authorized for expenditure by the  
3 Secretary of State and the Department of State Police in this  
4 Section by this amendatory Act of the 94th General Assembly  
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 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,  
11 eff. 1-11-08.)

12 (30 ILCS 105/8g)

13 Sec. 8g. Fund transfers.

14 (a) In addition to any other transfers that may be provided  
15 for by law, as soon as may be practical after the effective  
16 date of this amendatory Act of the 91st General Assembly, the  
17 State Comptroller shall direct and the State Treasurer shall  
18 transfer the sum of \$10,000,000 from the General Revenue Fund  
19 to the Motor Vehicle License Plate Fund created by Senate Bill  
20 1028 of the 91st General Assembly.

21 (b) In addition to any other transfers that may be provided  
22 for by law, as soon as may be practical after the effective  
23 date of this amendatory Act of the 91st General Assembly, the  
24 State Comptroller shall direct and the State Treasurer shall  
25 transfer the sum of \$25,000,000 from the General Revenue Fund

1 to the Fund for Illinois' Future created by Senate Bill 1066 of  
2 the 91st General Assembly.

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

10 (d) The payments to programs required under subsection (d)  
11 of Section 28.1 of the Horse Racing Act of 1975 shall be made,  
12 pursuant to appropriation, from the special funds referred to  
13 in the statutes cited in that subsection, rather than directly  
14 from the General Revenue Fund.

15 Beginning January 1, 2000, on the first day of each month,  
16 or as soon as may be practical thereafter, the State  
17 Comptroller shall direct and the State Treasurer shall transfer  
18 from the General Revenue Fund to each of the special funds from  
19 which payments are to be made under Section 28.1(d) of the  
20 Horse Racing Act of 1975 an amount equal to 1/12 of the annual  
21 amount required for those payments from that special fund,  
22 which annual amount shall not exceed the annual amount for  
23 those payments from that special fund for the calendar year  
24 1998. The special funds to which transfers shall be made under  
25 this subsection (d) include, but are not necessarily limited  
26 to, the Agricultural Premium Fund; the Metropolitan Exposition



1 Auditorium and Office Building Fund; the Fair and Exposition  
2 Fund; the Standardbred Breeders Fund; the Thoroughbred  
3 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

4 (e) 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, but  
7 in no event later than June 30, 2000, the State Comptroller  
8 shall direct and the State Treasurer shall transfer the sum of  
9 \$15,000,000 from the General Revenue Fund to the Fund for  
10 Illinois' Future.

11 (f) In addition to any other transfers that may be provided  
12 for by law, as soon as may be practical after the effective  
13 date of this amendatory Act of the 91st General Assembly, but  
14 in no event later than June 30, 2000, the State Comptroller  
15 shall direct and the State Treasurer shall transfer the sum of  
16 \$70,000,000 from the General Revenue Fund to the Long-Term Care  
17 Provider Fund.

18 (f-1) In fiscal year 2002, in addition to any other  
19 transfers that may be provided for by law, at the direction of  
20 and upon notification from the Governor, the State Comptroller  
21 shall direct and the State Treasurer shall transfer amounts not  
22 exceeding a total of \$160,000,000 from the General Revenue Fund  
23 to the Long-Term Care Provider Fund.

24 (g) In addition to any other transfers that may be provided  
25 for by law, on July 1, 2001, or as soon thereafter as may be  
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$1,200,000 from the General  
2 Revenue Fund to the Violence Prevention Fund.

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

8 (i) On or after July 1, 2001 and until May 1, 2002, in  
9 addition to any other transfers that may be provided for by  
10 law, at the direction of and upon notification from the  
11 Governor, the State Comptroller shall direct and the State  
12 Treasurer shall transfer amounts not exceeding a total of  
13 \$80,000,000 from the General Revenue Fund to the Tobacco  
14 Settlement Recovery Fund. Any amounts so transferred shall be  
15 re-transferred by the State Comptroller and the State Treasurer  
16 from the Tobacco Settlement Recovery Fund to the General  
17 Revenue Fund at the direction of and upon notification from the  
18 Governor, but in any event on or before June 30, 2002.

19 (i-1) On or after July 1, 2002 and until May 1, 2003, in  
20 addition to any other transfers that may be provided for by  
21 law, at the direction of and upon notification from the  
22 Governor, the State Comptroller shall direct and the State  
23 Treasurer shall transfer amounts not exceeding a total of  
24 \$80,000,000 from the General Revenue Fund to the Tobacco  
25 Settlement Recovery Fund. Any amounts so transferred shall be  
26 re-transferred by the State Comptroller and the State Treasurer

1 from the Tobacco Settlement Recovery Fund to the General  
 2 Revenue Fund at the direction of and upon notification from the  
 3 Governor, but in any event on or before June 30, 2003.

4 (j) On or after July 1, 2001 and no later than June 30,  
 5 2002, in addition to any other transfers that may be provided  
 6 for by law, at the direction of and upon notification from the  
 7 Governor, the State Comptroller shall direct and the State  
 8 Treasurer shall transfer amounts not to exceed the following  
 9 sums into the Statistical Services Revolving Fund:

10	From the General Revenue Fund .....	\$8,450,000
11	From the Public Utility Fund .....	1,700,000
12	From the Transportation Regulatory Fund .....	2,650,000
13	From the Title III Social Security and	
14	Employment Fund .....	3,700,000
15	From the Professions Indirect Cost Fund .....	4,050,000
16	From the Underground Storage Tank Fund .....	550,000
17	From the Agricultural Premium Fund .....	750,000
18	From the State Pensions Fund .....	200,000
19	From the Road Fund .....	2,000,000
20	From the Health Facilities	
21	Planning Fund .....	1,000,000
22	From the Savings and Residential Finance	
23	Regulatory Fund .....	130,800
24	From the Appraisal Administration Fund .....	28,600
25	From the Pawnbroker Regulation Fund .....	3,600
26	From the Auction Regulation	

1	Administration Fund .....	35,800
2	From the Bank and Trust Company Fund.....	634,800
3	From the Real Estate License	
4	Administration Fund .....	313,600

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

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

17 (k-2) In addition to any other transfers that may be  
18 provided for by law, on July 1, 2003, or as soon as may be  
19 practical thereafter, the State Comptroller shall direct and  
20 the State Treasurer shall transfer the sum of \$2,000,000 from  
21 the General Revenue Fund to the Teachers Health Insurance  
22 Security Fund.

23 (k-3) On or after July 1, 2002 and no later than June 30,  
24 2003, in addition to any other transfers that may be provided  
25 for by 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 to exceed the following  
 2 sums into the Statistical Services Revolving Fund:

3	Appraisal Administration Fund .....	\$150,000
4	General Revenue Fund .....	10,440,000
5	Savings and Residential Finance	
6	Regulatory Fund .....	200,000
7	State Pensions Fund .....	100,000
8	Bank and Trust Company Fund .....	100,000
9	Professions Indirect Cost Fund .....	3,400,000
10	Public Utility Fund .....	2,081,200
11	Real Estate License Administration Fund .....	150,000
12	Title III Social Security and	
13	Employment Fund .....	1,000,000
14	Transportation Regulatory Fund .....	3,052,100
15	Underground Storage Tank Fund .....	50,000

16 (l) In addition to any other transfers that may be provided  
 17 for by law, on July 1, 2002, or as soon as may be practical  
 18 thereafter, the State Comptroller shall direct and the State  
 19 Treasurer shall transfer the sum of \$3,000,000 from the General  
 20 Revenue Fund to the Presidential Library and Museum Operating  
 21 Fund.

22 (m) In addition to any other transfers that may be provided  
 23 for by law, on July 1, 2002 and on the effective date of this  
 24 amendatory Act of the 93rd General Assembly, or as soon  
 25 thereafter as may be practical, the State Comptroller shall  
 26 direct and the State Treasurer shall transfer the sum of

1 \$1,200,000 from the General Revenue Fund to the Violence  
2 Prevention Fund.

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

8 (o) On or after July 1, 2003, and no later than June 30,  
9 2004, in addition to any other transfers that may be provided  
10 for by law, at the direction of and upon notification from the  
11 Governor, the State Comptroller shall direct and the State  
12 Treasurer shall transfer amounts not to exceed the following  
13 sums into the Vehicle Inspection Fund:

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

15 (p) On or after July 1, 2003 and until May 1, 2004, in  
16 addition to any other transfers that may be provided for by  
17 law, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not exceeding a total of  
20 \$80,000,000 from the General Revenue Fund to the Tobacco  
21 Settlement Recovery Fund. Any amounts so transferred shall be  
22 re-transferred from the Tobacco Settlement Recovery Fund to the  
23 General Revenue Fund at the direction of and upon notification  
24 from the Governor, but in any event on or before June 30, 2004.

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

1 thereafter, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$5,000,000 from the General  
3 Revenue Fund to the Illinois Military Family Relief Fund.

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

10 (s) In addition to any other transfers that may be provided  
11 for by law, on or after July 1, 2003, the State Comptroller  
12 shall direct and the State Treasurer shall transfer the sum of  
13 \$4,800,000 from the Statewide Economic Development Fund to the  
14 General Revenue Fund.

15 (t) In addition to any other transfers that may be provided  
16 for by law, on or after July 1, 2003, the State Comptroller  
17 shall direct and the State Treasurer shall transfer the sum of  
18 \$50,000,000 from the General Revenue Fund to the Budget  
19 Stabilization Fund.

20 (u) On or after July 1, 2004 and until May 1, 2005, in  
21 addition to any other transfers that may be provided for by  
22 law, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts not exceeding a total of  
25 \$80,000,000 from the General Revenue Fund to the Tobacco  
26 Settlement Recovery Fund. Any amounts so transferred shall be

1 retransferred by the State Comptroller and the State Treasurer  
2 from the Tobacco Settlement Recovery Fund to the General  
3 Revenue Fund at the direction of and upon notification from the  
4 Governor, but in any event on or before June 30, 2005.

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

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

16 (x) In addition to any other transfers that may be provided  
17 for by law, on January 15, 2005, or as soon thereafter as may  
18 be practical, the State Comptroller shall direct and the State  
19 Treasurer shall transfer to the General Revenue Fund the  
20 following sums:

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

22 From the State Police Wireless Service Emergency Fund,  
23 \$200,000;

24 From the State Offender DNA Identification System  
25 Fund, \$800,000; and

26 From the State Police Whistleblower Reward and



1 Protection Fund, \$500,000.

2 (y) Notwithstanding any other provision of law to the  
3 contrary, in addition to any other transfers that may be  
4 provided for by law on June 30, 2005, or as soon as may be  
5 practical thereafter, the State Comptroller shall direct and  
6 the State Treasurer shall transfer the remaining balance from  
7 the designated funds into the General Revenue Fund and any  
8 future deposits that would otherwise be made into these funds  
9 must instead be made into the General Revenue Fund:

10 (1) the Keep Illinois Beautiful Fund;

11 (2) the Metropolitan Fair and Exposition Authority  
12 Reconstruction Fund;

13 (3) the New Technology Recovery Fund;

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

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

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

17 (7) the State Postsecondary Review Program Fund;

18 (8) the Tourism Attraction Development Matching Grant  
19 Fund;

20 (9) the Patent and Copyright Fund;

21 (10) the Credit Enhancement Development Fund;

22 (11) the Community Mental Health and Developmental  
23 Disabilities Services Provider Participation Fee Trust  
24 Fund;

25 (12) the Nursing Home Grant Assistance Fund;

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

1           (14) the Illinois Student Assistance Commission Higher  
2 EdNet Fund;

3           (15) the DORS State Project Fund;

4           (16) the School Technology Revolving Fund;

5           (17) the Energy Assistance Contribution Fund;

6           (18) the Illinois Building Commission Revolving Fund;

7           (19) the Illinois Aquaculture Development Fund;

8           (20) the Homelessness Prevention Fund;

9           (21) the DCFS Refugee Assistance Fund;

10           (22) the Illinois Century Network Special Purposes  
11 Fund; and

12           (23) the Build Illinois Purposes Fund.

13           (z) In addition to any other transfers that may be provided  
14 for by law, on July 1, 2005, or as soon as may be practical  
15 thereafter, 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           (aa) In addition to any other transfers that may be  
19 provided for by law, on July 1, 2005, or as soon as may be  
20 practical thereafter, the State Comptroller shall direct and  
21 the State Treasurer shall transfer the sum of \$9,000,000 from  
22 the General Revenue Fund to the Presidential Library and Museum  
23 Operating Fund.

24           (bb) In addition to any other transfers that may be  
25 provided for by law, on July 1, 2005, or as soon as may be  
26 practical thereafter, the State Comptroller shall direct and

1 the State Treasurer shall transfer the sum of \$6,803,600 from  
2 the General Revenue Fund to the Securities Audit and  
3 Enforcement Fund.

4 (cc) In addition to any other transfers that may be  
5 provided for by law, on or after July 1, 2005 and until May 1,  
6 2006, at the direction of and upon notification from the  
7 Governor, the State Comptroller shall direct and the State  
8 Treasurer shall transfer amounts not exceeding a total of  
9 \$80,000,000 from the General Revenue Fund to the Tobacco  
10 Settlement Recovery Fund. Any amounts so transferred shall be  
11 re-transferred by the State Comptroller and the State Treasurer  
12 from the Tobacco Settlement Recovery Fund to the General  
13 Revenue Fund at the direction of and upon notification from the  
14 Governor, but in any event on or before June 30, 2006.

15 (dd) In addition to any other transfers that may be  
16 provided for by law, on April 1, 2005, or as soon thereafter as  
17 may be practical, at the direction of the Director of Public  
18 Aid (now Director of Healthcare and Family Services), the State  
19 Comptroller shall direct and the State Treasurer shall transfer  
20 from the Public Aid Recoveries Trust Fund amounts not to exceed  
21 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

22 (ee) Notwithstanding any other provision of law, on July 1,  
23 2006, or as soon thereafter as practical, the State Comptroller  
24 shall direct and the State Treasurer shall transfer the  
25 remaining balance from the Illinois Civic Center Bond Fund to  
26 the Illinois Civic Center Bond Retirement and Interest Fund.

1           (ff) In addition to any other transfers that may be  
2 provided for by law, on and after July 1, 2006 and until June  
3 30, 2007, at the direction of and upon notification from the  
4 Director of the Governor's Office of Management and Budget, the  
5 State Comptroller shall direct and the State Treasurer shall  
6 transfer amounts not exceeding a total of \$1,900,000 from the  
7 General Revenue Fund to the Illinois Capital Revolving Loan  
8 Fund.

9           (gg) In addition to any other transfers that may be  
10 provided for by law, on and after July 1, 2006 and until May 1,  
11 2007, at the direction of and upon notification from the  
12 Governor, the State Comptroller shall direct and the State  
13 Treasurer shall transfer amounts not exceeding a total of  
14 \$80,000,000 from the General Revenue Fund to the Tobacco  
15 Settlement Recovery Fund. Any amounts so transferred shall be  
16 retransferred by the State Comptroller and the State Treasurer  
17 from the Tobacco Settlement Recovery Fund to the General  
18 Revenue Fund at the direction of and upon notification from the  
19 Governor, but in any event on or before June 30, 2007.

20           (hh) In addition to any other transfers that may be  
21 provided for by law, on and after July 1, 2006 and until June  
22 30, 2007, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts from the Illinois Affordable  
25 Housing Trust Fund to the designated funds not exceeding the  
26 following amounts:

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

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

18 (jj) 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 \$8,250,000 from the General  
 22 Revenue Fund to the Presidential Library and Museum Operating  
 23 Fund.

24 (kk) In addition to any other transfers that may be  
 25 provided for by law, on July 1, 2006, or as soon thereafter as  
 26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$1,400,000 from the General  
2 Revenue Fund to the Violence Prevention Fund.

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

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

15 (nn) In addition to any other transfers that may be  
16 provided for by law, on July 1, 2006, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$3,000,000 from the General  
19 Revenue Fund to the African-American HIV/AIDS Response Fund.

20 (oo) In addition to any other transfers that may be  
21 provided for by law, on and after July 1, 2006 and until June  
22 30, 2007, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts identified as net receipts  
25 from the sale of all or part of the Illinois Student Assistance  
26 Commission loan portfolio from the Student Loan Operating Fund

1 to the General Revenue Fund. The maximum amount that may be  
2 transferred pursuant to this Section is \$38,800,000. In  
3 addition, no transfer may be made pursuant to this Section that  
4 would have the effect of reducing the available balance in the  
5 Student Loan Operating Fund to an amount less than the amount  
6 remaining unexpended and unreserved from the total  
7 appropriations from the Fund estimated to be expended for the  
8 fiscal year. The State Treasurer and Comptroller shall transfer  
9 the amounts designated under this Section as soon as may be  
10 practical after receiving the direction to transfer from the  
11 Governor.

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

17 (qq) In addition to any other transfers that may be  
18 provided for by law, on and after July 1, 2007 and until May 1,  
19 2008, 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, 2008.

2 (rr) In addition to any other transfers that may be  
3 provided for by law, on and after July 1, 2007 and until June  
4 30, 2008, 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 (ss) In addition to any other transfers that may be  
15 provided for by law, on July 1, 2007, or as soon thereafter as  
16 practical, the State Comptroller shall direct and the State  
17 Treasurer shall transfer the sum of \$8,250,000 from the General  
18 Revenue Fund to the Presidential Library and Museum Operating  
19 Fund.

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

25 (uu) In addition to any other transfers that may be  
26 provided for by law, on July 1, 2007, or as soon thereafter as



1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$1,320,000 from the General  
3 Revenue Fund to the I-FLY Fund.

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

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

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

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

25 (zz) In addition to any other transfers that may be  
26 provided for by law, on July 1, 2008, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State  
2 Treasurer shall transfer the sum of \$5,000,000 from the General  
3 Revenue Fund to the Digital Divide Elimination Fund.

4 (aaa) In addition to any other transfers that may be  
5 provided for by law, on and after July 1, 2008 and until May 1,  
6 2009, at the direction of and upon notification from the  
7 Governor, the State Comptroller shall direct and the State  
8 Treasurer shall transfer amounts not exceeding a total of  
9 \$80,000,000 from the General Revenue Fund to the Tobacco  
10 Settlement Recovery Fund. Any amounts so transferred shall be  
11 retransferred by the State Comptroller and the State Treasurer  
12 from the Tobacco Settlement Recovery Fund to the General  
13 Revenue Fund at the direction of and upon notification from the  
14 Governor, but in any event on or before June 30, 2009.

15 (bbb) In addition to any other transfers that may be  
16 provided for by law, on and after July 1, 2008 and until June  
17 30, 2009, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts from the Illinois Affordable  
20 Housing Trust Fund to the designated funds not exceeding the  
21 following amounts:

22	<u>DCFS Children's Services Fund .....</u>	<u>\$2,200,000</u>
23	<u>Department of Corrections Reimbursement</u>	
24	<u>and Education Fund .....</u>	<u>\$1,500,000</u>
25	<u>Supplemental Low-Income Energy</u>	
26	<u>Assistance Fund .....</u>	<u>\$75,000</u>

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

7       (ddd) 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 \$1,400,000 from the General  
11 Revenue Fund to the Violence Prevention Fund.

12       (eee) In addition to any other transfers that may be  
13 provided for by law, on July 1, 2008, or as soon thereafter as  
14 practical, the State Comptroller shall direct and the State  
15 Treasurer shall transfer the sum of \$150,000 from the General  
16 Revenue Fund to the Civic Education Trust Fund.

17 (Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816,  
18 eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;  
19 95-707, eff. 1-11-08.)

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

22       (35 ILCS 5/901) (from Ch. 120, par. 9-901)

23       Sec. 901. Collection Authority.

24       (a) In general.

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

18           (b) Local Governmental Distributive Fund.

19           Beginning August 1, 1969, and continuing through June 30,  
20           1994, the Treasurer shall transfer each month from the General  
21           Revenue Fund to a special fund in the State treasury, to be  
22           known as the "Local Government Distributive Fund", an amount  
23           equal to 1/12 of the net revenue realized from the tax imposed  
24           by subsections (a) and (b) of Section 201 of this Act during  
25           the preceding month. Beginning July 1, 1994, and continuing  
26           through June 30, 1995, the Treasurer shall transfer each month

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

21 (c) Deposits Into Income Tax Refund Fund.

22 (1) Beginning on January 1, 1989 and thereafter, the  
23 Department shall deposit a percentage of the amounts  
24 collected pursuant to subsections (a) and (b) (1), (2), and  
25 (3), of Section 201 of this Act into a fund in the State  
26 treasury known as the Income Tax Refund Fund. The

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

1 to subsections (a) and (b) (1), (2), and (3) of Section 201  
2 of this Act during the preceding fiscal year; except that  
3 in State fiscal year 2002, the Annual Percentage shall in  
4 no event exceed 7.6%. The Director of Revenue shall certify  
5 the Annual Percentage to the Comptroller on the last  
6 business day of the fiscal year immediately preceding the  
7 fiscal year for which it is to be effective.

8 (2) Beginning on January 1, 1989 and thereafter, the  
9 Department shall deposit a percentage of the amounts  
10 collected pursuant to subsections (a) and (b) (6), (7), and  
11 (8), (c) and (d) of Section 201 of this Act into a fund in  
12 the State treasury known as the Income Tax Refund Fund. The  
13 Department shall deposit 18% of such amounts during the  
14 period beginning January 1, 1989 and ending on June 30,  
15 1989. Beginning with State fiscal year 1990 and for each  
16 fiscal year thereafter, the percentage deposited into the  
17 Income Tax Refund Fund during a fiscal year shall be the  
18 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
19 the Annual Percentage shall be 19%. For fiscal year 2003,  
20 the Annual Percentage shall be 27%. For fiscal year 2004,  
21 the Annual Percentage shall be 32%. Upon the effective date  
22 of this amendatory Act of the 93rd General Assembly, the  
23 Annual Percentage shall be 24% for fiscal year 2005. For  
24 fiscal year 2006, the Annual Percentage shall be 20%. For  
25 fiscal year 2007, the Annual Percentage shall be 17.5%. For  
26 fiscal year 2008, the Annual Percentage shall be 15.5%. For

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

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

24 (d) Expenditures from Income Tax Refund Fund.

25 (1) Beginning January 1, 1989, money in the Income Tax  
26 Refund Fund shall be expended exclusively for the purpose



1 of paying refunds resulting from overpayment of tax  
2 liability under Section 201 of this Act, for paying rebates  
3 under Section 208.1 in the event that the amounts in the  
4 Homeowners' Tax Relief Fund are insufficient for that  
5 purpose, and for making transfers pursuant to this  
6 subsection (d).

7 (2) The Director shall order payment of refunds  
8 resulting from overpayment of tax liability under Section  
9 201 of this Act from the Income Tax Refund Fund only to the  
10 extent that amounts collected pursuant to Section 201 of  
11 this Act and transfers pursuant to this subsection (d) and  
12 item (3) of subsection (c) have been deposited and retained  
13 in the Fund.

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

26 (4) As soon as possible after the end of each fiscal

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

12 (4.5) As soon as possible after the end of fiscal year  
13 1999 and of each fiscal year thereafter, the Director shall  
14 order transferred and the State Treasurer and State  
15 Comptroller shall transfer from the Income Tax Refund Fund  
16 to the General Revenue Fund any surplus remaining in the  
17 Income Tax Refund Fund as of the end of such fiscal year;  
18 excluding for fiscal years 2000, 2001, and 2002 amounts  
19 attributable to transfers under item (3) of subsection (c)  
20 less refunds resulting from the earned income tax credit.

21 (5) This Act shall constitute an irrevocable and  
22 continuing appropriation from the Income Tax Refund Fund  
23 for the purpose of paying refunds upon the order of the  
24 Director in accordance with the provisions of this Section.

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

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

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

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

1 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

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

18 (c) \$2,250,000 shall be transferred each month to the Grade  
19 Crossing Protection Fund to be used as follows: not less than  
20 \$6,000,000 each fiscal year shall be used for the construction  
21 or reconstruction of rail highway grade separation structures;  
22 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter  
23 shall be transferred to the Transportation Regulatory Fund and  
24 shall be accounted for as part of the rail carrier portion of  
25 such funds and shall be used to pay the cost of administration

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

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

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

20 (1) the costs of the Department of Revenue in  
21 administering this Act;

22 (2) the costs of the Department of Transportation in  
23 performing its duties imposed by the Illinois Highway Code  
24 for supervising the use of motor fuel tax funds apportioned  
25 to municipalities, counties and road districts;

26 (3) refunds provided for in Section 13 of this Act and

1 under the terms of the International Fuel Tax Agreement  
2 referenced in Section 14a;

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

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

21 (6) payment of motor fuel use taxes due to member  
22 jurisdictions under the terms of the International Fuel Tax  
23 Agreement. The Department shall certify these amounts to  
24 the Comptroller by the 15th day of each month; the  
25 Comptroller shall cause orders to be drawn for such  
26 amounts, and the Treasurer shall administer those amounts

1 on or before the last day of each month;

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

5 (1) Until January 1, 2000, 58.4%, and beginning January  
6 1, 2000, 45.6% shall be deposited as follows:

7 (A) 37% into the State Construction Account Fund,  
8 and

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

14 (2) Until January 1, 2000, 41.6%, and beginning January  
15 1, 2000, 54.4% shall be transferred to the Department of  
16 Transportation to be distributed as follows:

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

18 (B) 16.74% to the counties of the State having  
19 1,000,000 or more inhabitants,

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

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

23 As soon as may be after the first day of each month the  
24 Department of Transportation shall allot to each municipality  
25 its share of the amount apportioned to the several  
26 municipalities which shall be in proportion to the population



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

19 As soon as may be after the first day of each month the  
20 Department of Transportation shall allot to each county its  
21 share of the amount apportioned to the several counties of the  
22 State as herein provided. Each allotment to the several  
23 counties having less than 1,000,000 inhabitants shall be in  
24 proportion to the amount of motor vehicle license fees received  
25 from the residents of such counties, respectively, during the  
26 preceding calendar year. The Secretary of State shall, on or

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

8 As soon as may be after the first day of each month, the  
9 Department of Transportation shall allot to the several  
10 counties their share of the amount apportioned for the use of  
11 road districts. The allotment shall be apportioned among the  
12 several counties in the State in the proportion which the total  
13 mileage of township or district roads in the respective  
14 counties bears to the total mileage of all township and  
15 district roads in the State. Funds allotted to the respective  
16 counties for the use of road districts therein shall be  
17 allocated to the several road districts in the county in the  
18 proportion which the total mileage of such township or district  
19 roads in the respective road districts bears to the total  
20 mileage of all such township or district roads in the county.  
21 After July 1 of any year, no allocation shall be made for any  
22 road district unless it levied a tax for road and bridge  
23 purposes in an amount which will require the extension of such  
24 tax against the taxable property in any such road district at a  
25 rate of not less than either .08% of the value thereof, based  
26 upon the assessment for the year immediately prior to the year

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

24 In counties in which a property tax extension limitation is  
25 imposed under the Property Tax Extension Limitation Law, road  
26 districts may retain their entitlement to a motor fuel tax

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

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

1 the mileage of all township and district roads for the purposes  
2 of making allotments and allocations of motor fuel tax funds  
3 for use in road districts.

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

10 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;  
11 94-839, eff. 6-6-06; revised 1-30-08.)

12 Section 50. The School Code is amended by changing Sections  
13 2-3.131, 14-13.01, and 18-8.05 as follows:

14 (105 ILCS 5/2-3.131)

15 Sec. 2-3.131. Transitional assistance payments.

16 (a) If the amount that the State Board of Education will  
17 pay to a school district from fiscal year 2004 appropriations,  
18 as estimated by the State Board of Education on April 1, 2004,  
19 is less than the amount that the State Board of Education paid  
20 to the school district from fiscal year 2003 appropriations,  
21 then, subject to appropriation, the State Board of Education  
22 shall make a fiscal year 2004 transitional assistance payment  
23 to the school district in an amount equal to the difference  
24 between the estimated amount to be paid from fiscal year 2004

1 appropriations and the amount paid from fiscal year 2003  
2 appropriations.

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

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

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

1 to the school district from fiscal year 2006 appropriations,  
2 then the State Board of Education, subject to appropriation,  
3 shall make a fiscal year 2007 transitional assistance payment  
4 to the school district in an amount equal to the difference  
5 between the estimated amount to be paid from fiscal year 2007  
6 appropriations and the amount paid from fiscal year 2006  
7 appropriations.

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

19 (f) If the amount that the State Board of Education will  
20 pay to a school district from fiscal year 2008 appropriations,  
21 as estimated by the State Board of Education on April 1, 2008,  
22 is less than the amount that the State Board of Education paid  
23 to the school district from fiscal year 2007 appropriations,  
24 then the State Board of Education, subject to appropriation,  
25 shall make a fiscal year 2008 transitional assistance payment  
26 to the school district in an amount equal to the difference

1 between the estimated amount to be paid from fiscal year 2008  
2 appropriations and the amount paid from fiscal year 2007  
3 appropriations.

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

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

17 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

18 Sec. 14-13.01. Reimbursement payable by State; Amounts.  
19 Reimbursement for furnishing special educational facilities in  
20 a recognized school to the type of children defined in Section  
21 14-1.02 shall be paid to the school districts in accordance  
22 with Section 14-12.01 for each school year ending June 30 by  
23 the State Comptroller out of any money in the treasury  
24 appropriated for such purposes on the presentation of vouchers  
25 by the State Board of Education.



1           The reimbursement shall be limited to funds expended for  
2 construction and maintenance of special education facilities  
3 designed and utilized to house instructional programs,  
4 diagnostic services, other special education services for  
5 children with disabilities and reimbursement as provided in  
6 Section 14-13.01. There shall be no reimbursement for  
7 construction and maintenance of any administrative facility  
8 separated from special education facilities designed and  
9 utilized to house instructional programs, diagnostic services  
10 and other special education services for children with  
11 disabilities.

12           (a) For children who have not been identified as eligible  
13 for special education and for eligible children with physical  
14 disabilities, including all eligible children whose placement  
15 has been determined under Section 14-8.02 in hospital or home  
16 instruction, 1/2 of the teacher's salary but not more than  
17 \$1,000 annually per child or \$8,000 per teacher for the  
18 1985-1986 school year through the 2005-2006 school year, ~~and~~  
19 \$1,000 per child or \$9,000 per teacher for the 2006-2007 school  
20 year, and \$1,000 per child or \$10,000 per teacher for the  
21 2007-2008 school year and for each school year thereafter,  
22 whichever is less. Children to be included in any reimbursement  
23 under this paragraph must regularly receive a minimum of one  
24 hour of instruction each school day, or in lieu thereof of a  
25 minimum of 5 hours of instruction in each school week in order  
26 to qualify for full reimbursement under this Section. If the

1 attending physician for such a child has certified that the  
2 child should not receive as many as 5 hours of instruction in a  
3 school week, however, reimbursement under this paragraph on  
4 account of that child shall be computed proportionate to the  
5 actual hours of instruction per week for that child divided by  
6 5.

7 (b) For children described in Section 14-1.02, 4/5 of the  
8 cost of transportation for each such child, whom the State  
9 Superintendent of Education determined in advance requires  
10 special transportation service in order to take advantage of  
11 special educational facilities. Transportation costs shall be  
12 determined in the same fashion as provided in Section 29-5. For  
13 purposes of this subsection (b), the dates for processing  
14 claims specified in Section 29-5 shall apply.

15 (c) For each professional worker excluding those included  
16 in subparagraphs (a), (d), (e), and (f) of this Section, the  
17 annual sum of \$8,000 for the 1985-1986 school year through the  
18 2005-2006 school year, ~~and~~ \$9,000 for the 2006-2007 school  
19 year, and \$10,000 for the 2007-2008 school year and for each  
20 school year thereafter.

21 (d) For one full time qualified director of the special  
22 education program of each school district which maintains a  
23 fully approved program of special education the annual sum of  
24 \$8,000 for the 1985-1986 school year through the 2005-2006  
25 school year, ~~and~~ \$9,000 for the 2006-2007 school year, and  
26 \$10,000 for the 2007-2008 school year and for each school year

1 thereafter. Districts participating in a joint agreement  
2 special education program shall not receive such reimbursement  
3 if reimbursement is made for a director of the joint agreement  
4 program.

5 (e) For each school psychologist as defined in Section  
6 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year  
7 through the 2005-2006 school year, ~~and~~ \$9,000 for the 2006-2007  
8 school year, and \$10,000 for the 2007-2008 school year and for  
9 each school year thereafter.

10 (f) For each qualified teacher working in a fully approved  
11 program for children of preschool age who are deaf or  
12 hard-of-hearing the annual sum of \$8,000 for the 1985-1986  
13 school year through the 2005-2006 school year, ~~and~~ \$9,000 for  
14 the 2006-2007 school year, and \$10,000 for the 2007-2008 school  
15 year and for each school year thereafter.

16 (g) For readers, working with blind or partially seeing  
17 children 1/2 of their salary but not more than \$400 annually  
18 per child. Readers may be employed to assist such children and  
19 shall not be required to be certified but prior to employment  
20 shall meet standards set up by the State Board of Education.

21 (h) For necessary non-certified employees working in any  
22 class or program for children defined in this Article, 1/2 of  
23 the salary paid or \$2,800 annually per employee through the  
24 2005-2006 school year, ~~and~~ \$3,500 per employee for the  
25 2006-2007 school year, and \$4,000 per employee for the  
26 2007-2008 school year and for each school year thereafter,

1 whichever is less.

2 The State Board of Education shall set standards and  
3 prescribe rules for determining the allocation of  
4 reimbursement under this section on less than a full time basis  
5 and for less than a school year.

6 When any school district eligible for reimbursement under  
7 this Section operates a school or program approved by the State  
8 Superintendent of Education for a number of days in excess of  
9 the adopted school calendar but not to exceed 235 school days,  
10 such reimbursement shall be increased by 1/180 of the amount or  
11 rate paid hereunder for each day such school is operated in  
12 excess of 180 days per calendar year.

13 Notwithstanding any other provision of law, any school  
14 district receiving a payment under this Section or under  
15 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
16 all or a portion of the funds that it receives in a particular  
17 fiscal year or from general State aid pursuant to Section  
18 18-8.05 of this Code as funds received in connection with any  
19 funding program for which it is entitled to receive funds from  
20 the State in that fiscal year (including, without limitation,  
21 any funding program referenced in this Section), regardless of  
22 the source or timing of the receipt. The district may not  
23 classify more funds as funds received in connection with the  
24 funding program than the district is entitled to receive in  
25 that fiscal year for that program. Any classification by a  
26 district must be made by a resolution of its board of

1 education. The resolution must identify the amount of any  
2 payments or general State aid to be classified under this  
3 paragraph and must specify the funding program to which the  
4 funds are to be treated as received in connection therewith.  
5 This resolution is controlling as to the classification of  
6 funds referenced therein. A certified copy of the resolution  
7 must be sent to the State Superintendent of Education. The  
8 resolution shall still take effect even though a copy of the  
9 resolution has not been sent to the State Superintendent of  
10 Education in a timely manner. No classification under this  
11 paragraph by a district shall affect the total amount or timing  
12 of money the district is entitled to receive under this Code.  
13 No classification under this paragraph by a district shall in  
14 any way relieve the district from or affect any requirements  
15 that otherwise would apply with respect to that funding  
16 program, including any accounting of funds by source, reporting  
17 expenditures by original source and purpose, reporting  
18 requirements, or requirements of providing services.

19 (Source: P.A. 95-415, eff. 8-24-07; 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 \$6,034  
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, 12-10.7, and 12-10.8 and by adding

1 Section 5-5.26 as follows:

2 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

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

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

1 93-841 extending the duration of the prohibition against a rate  
2 increase or update for inflation are effective retroactive to  
3 July 1, 2004.

4 For facilities licensed by the Department of Public Health  
5 under the Nursing Home Care Act as Intermediate Care for the  
6 Developmentally Disabled facilities or Long Term Care for Under  
7 Age 22 facilities, the rates taking effect on July 1, 1998  
8 shall include an increase of 3%. For facilities licensed by the  
9 Department of Public Health under the Nursing Home Care Act as  
10 Skilled Nursing facilities or Intermediate Care facilities,  
11 the rates taking effect on July 1, 1998 shall include an  
12 increase of 3% plus \$1.10 per resident-day, as defined by the  
13 Department. For facilities licensed by the Department of Public  
14 Health under the Nursing Home Care Act as Intermediate Care  
15 Facilities for the Developmentally Disabled or Long Term Care  
16 for Under Age 22 facilities, the rates taking effect on January  
17 1, 2006 shall include an increase of 3%. For facilities  
18 licensed by the Department of Public Health under the Nursing  
19 Home Care Act as Intermediate Care Facilities for the  
20 Developmentally Disabled or Long Term Care for Under Age 22  
21 facilities, the rates taking effect on July 1, 2008 shall  
22 include an increase sufficient to provide a \$0.50 per hour wage  
23 increase for non-executive staff.

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 July 1, 1999  
2 shall include an increase of 1.6% plus \$3.00 per resident-day,  
3 as defined by the Department. For facilities licensed by the  
4 Department of Public Health under the Nursing Home Care Act as  
5 Skilled Nursing facilities or Intermediate Care facilities,  
6 the rates taking effect on July 1, 1999 shall include an  
7 increase of 1.6% and, for services provided on or after October  
8 1, 1999, shall be increased by \$4.00 per resident-day, as  
9 defined by the Department.

10 For facilities licensed by the Department of Public Health  
11 under the Nursing Home Care Act as Intermediate Care for the  
12 Developmentally Disabled facilities or Long Term Care for Under  
13 Age 22 facilities, the rates taking effect on July 1, 2000  
14 shall include an increase of 2.5% per resident-day, as defined  
15 by the Department. For facilities licensed by the Department of  
16 Public Health under the Nursing Home Care Act as Skilled  
17 Nursing facilities or Intermediate Care facilities, the rates  
18 taking effect on July 1, 2000 shall include an increase of 2.5%  
19 per resident-day, as defined by the Department.

20 For facilities licensed by the Department of Public Health  
21 under the Nursing Home Care Act as skilled nursing facilities  
22 or intermediate care facilities, a new payment methodology must  
23 be implemented for the nursing component of the rate effective  
24 July 1, 2003. The Department of Public Aid (now Healthcare and  
25 Family Services) shall develop the new payment methodology  
26 using the Minimum Data Set (MDS) as the instrument to collect

1 information concerning nursing home resident condition  
2 necessary to compute the rate. The Department shall develop the  
3 new payment methodology to meet the unique needs of Illinois  
4 nursing home residents while remaining subject to the  
5 appropriations provided by the General Assembly. A transition  
6 period from the payment methodology in effect on June 30, 2003  
7 to the payment methodology in effect on July 1, 2003 shall be  
8 provided for a period not exceeding 3 years and 184 days after  
9 implementation of the new payment methodology as follows:

10 (A) For a facility that would receive a lower nursing  
11 component rate per patient day under the new system than  
12 the facility received effective on the date immediately  
13 preceding the date that the Department implements the new  
14 payment methodology, the nursing component rate per  
15 patient day for the facility shall be held at the level in  
16 effect on the date immediately preceding the date that the  
17 Department implements the new payment methodology until a  
18 higher nursing component rate of reimbursement is achieved  
19 by that facility.

20 (B) For a facility that would receive a higher nursing  
21 component rate per patient day under the payment  
22 methodology in effect on July 1, 2003 than the facility  
23 received effective on the date immediately preceding the  
24 date that the Department implements the new payment  
25 methodology, the nursing component rate per patient day for  
26 the facility shall be adjusted.



1           (C) Notwithstanding paragraphs (A) and (B), the  
2           nursing component rate per patient day for the facility  
3           shall be adjusted subject to appropriations provided by the  
4           General Assembly.

5           For facilities licensed by the Department of Public Health  
6           under the Nursing Home Care Act as Intermediate Care for the  
7           Developmentally Disabled facilities or Long Term Care for Under  
8           Age 22 facilities, the rates taking effect on March 1, 2001  
9           shall include a statewide increase of 7.85%, as defined by the  
10          Department.

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

22               (i) For rates taking effect January 1, 2007,  
23               \$60,000,000.

24               (ii) For rates taking effect January 1, 2008,  
25               \$110,000,000.

26               (iii) For rates taking effect July 1, 2008,

1           \$194,000,000.

2           Notwithstanding any other provision of this Section, for  
3 facilities licensed by the Department of Public Health under  
4 the Nursing Home Care Act as skilled nursing facilities or  
5 intermediate care facilities, the support component of the  
6 rates taking effect on January 1, 2008 shall be computed using  
7 the most recent cost reports on file with the Department of  
8 Healthcare and Family Services no later than April 1, 2005,  
9 updated for inflation to January 1, 2006.

10           For facilities licensed by the Department of Public Health  
11 under the Nursing Home Care Act as Intermediate Care for the  
12 Developmentally Disabled facilities or Long Term Care for Under  
13 Age 22 facilities, the rates taking effect on April 1, 2002  
14 shall include a statewide increase of 2.0%, as defined by the  
15 Department. This increase terminates on July 1, 2002; beginning  
16 July 1, 2002 these rates are reduced to the level of the rates  
17 in effect on March 31, 2002, as defined by the Department.

18           For facilities licensed by the Department of Public Health  
19 under the Nursing Home Care Act as skilled nursing facilities  
20 or intermediate care facilities, the rates taking effect on  
21 July 1, 2001 shall be computed using the most recent cost  
22 reports on file with the Department of Public Aid no later than  
23 April 1, 2000, updated for inflation to January 1, 2001. For  
24 rates effective July 1, 2001 only, rates shall be the greater  
25 of the rate computed for July 1, 2001 or the rate effective on  
26 June 30, 2001.

1           Notwithstanding any other provision of this Section, for  
2 facilities licensed by the Department of Public Health under  
3 the Nursing Home Care Act as skilled nursing facilities or  
4 intermediate care facilities, the Illinois Department shall  
5 determine by rule the rates taking effect on July 1, 2002,  
6 which shall be 5.9% less than the rates in effect on June 30,  
7 2002.

8           Notwithstanding any other provision of this Section, for  
9 facilities licensed by the Department of Public Health under  
10 the Nursing Home Care Act as skilled nursing facilities or  
11 intermediate care facilities, if the payment methodologies  
12 required under Section 5A-12 and the waiver granted under 42  
13 CFR 433.68 are approved by the United States Centers for  
14 Medicare and Medicaid Services, the rates taking effect on July  
15 1, 2004 shall be 3.0% greater than the rates in effect on June  
16 30, 2004. These rates shall take effect only upon approval and  
17 implementation of the payment methodologies required under  
18 Section 5A-12.

19           Notwithstanding any other provisions 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 rates taking effect on  
23 January 1, 2005 shall be 3% more than the rates in effect on  
24 December 31, 2004.

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, effective July 1, 2008, the per  
3 diem support component of the rates effective on January 1,  
4 2008, computed using the most recent cost reports on file with  
5 the Department of Healthcare and Family Services no later than  
6 April 1, 2005, updated for inflation to January 1, 2006, shall  
7 be increased to the amount that would have been derived using  
8 standard Department of Healthcare and Family Services methods,  
9 procedures, and inflators.

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 intermediate care facilities that  
13 are federally defined as Institutions for Mental Disease, a  
14 socio-development component rate equal to 6.6% of the  
15 facility's nursing component rate as of January 1, 2006 shall  
16 be established and paid effective July 1, 2006. The  
17 socio-development component of the rate shall be increased by a  
18 factor of 2.53 on the first day of the month that begins at  
19 least 45 days after January 11, 2008 (the effective date of  
20 Public Act 95-707). The socio-development component of the rate  
21 shall be increased by a factor of 3.53 on July 1, 2008. ~~the~~  
22 effective date of this amendatory Act of the 95th General  
23 Assembly. The Illinois Department may by rule adjust these  
24 socio-development component rates, but in no case may such  
25 rates be diminished.

26 For facilities licensed by the Department of Public Health

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

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

14 Notwithstanding any other provision of this Section, for  
15 facilities licensed by the Department of Public Health under  
16 the Nursing Home Care Act as skilled nursing facilities or  
17 intermediate care facilities, effective January 1, 2005,  
18 facility rates shall be increased by the difference between (i)  
19 a facility's per diem property, liability, and malpractice  
20 insurance costs as reported in the cost report filed with the  
21 Department of Public Aid and used to establish rates effective  
22 July 1, 2001 and (ii) those same costs as reported in the  
23 facility's 2002 cost report. These costs shall be passed  
24 through to the facility without caps or limitations, except for  
25 adjustments required under normal auditing procedures.

26 Rates established effective each July 1 shall govern

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

21 (2) Shall take into account the actual costs incurred by  
22 facilities in providing services for recipients of skilled  
23 nursing and intermediate care services under the medical  
24 assistance program.

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

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

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

17           (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,  
18 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;  
19 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff.  
20 1-11-08.)

21           (305 ILCS 5/5-5.26 new)

22           Sec. 5-5.26. Multiple sclerosis; home services; waiver.  
23 The Department of Healthcare and Family Services shall apply  
24 for a waiver of federal law and regulations to the extent  
25 necessary to claim federal financial participation for medical

1 assistance for services provided under the Department of Human  
2 Services' Home Services Program for persons with multiple  
3 sclerosis who are over 60 years of age and have retirement  
4 assets or life insurance assets, or both, that do not exceed a  
5 total of \$500,000.

6 (305 ILCS 5/12-10.7)

7 Sec. 12-10.7. The Health and Human Services Medicaid Trust  
8 Fund.

9 (a) The Health and Human Services Medicaid Trust Fund shall  
10 consist of (i) moneys appropriated or transferred into the  
11 Fund, pursuant to statute, (ii) federal financial  
12 participation moneys received pursuant to expenditures from  
13 the Fund, and (iii) the interest earned on moneys in the Fund.

14 (b) Subject to appropriation, the moneys in the Fund shall  
15 be used by a State agency for such purposes as that agency may,  
16 by the appropriation language, be directed.

17 (c) In addition to any other transfers that may be provided  
18 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 Health  
21 and Human Services Medicaid Trust Fund to the Human Services  
22 Priority Capital Program Fund.

23 (d) In addition to any other transfers that may be provided  
24 for by law, on July 1, 2008, or as soon thereafter as  
25 practical, the State Comptroller shall direct and the State



1 Treasurer shall transfer the sum of \$7,000,000 from the Health  
2 and Human Services Medicaid Trust Fund to the Human Services  
3 Priority Capital Program Fund.

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

5 (305 ILCS 5/12-10.8)

6 Sec. 12-10.8. Mental health contracts. Subject to  
7 appropriations available for these purposes, including,  
8 without limitation, the FY08 and FY09 appropriations to the  
9 Department for federally defined Institutions for Mental  
10 Disease, the Department of Healthcare and Family Services shall  
11 enter into a contract for \$1,000,000 with a ~~the~~ provider of  
12 community mental health services that has more than 700 beds at  
13 over 30 service locations in multiple counties for purposes of  
14 supporting the implementation of time-limited resident review  
15 and rapid reintegration targeted to residents of federally  
16 defined Institutions for Mental Disease.

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

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

20 (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

21 Sec. 8. Uses of Trust Fund.

22 (a) Subject to annual appropriation to the Funding Agent  
23 and subject to the prior dedication, allocation, transfer and

1 use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and  
2 9 of this Act, the Trust Fund may be used to make grants,  
3 mortgages, or other loans to acquire, construct, rehabilitate,  
4 develop, operate, insure, and retain affordable single-family  
5 and multi-family housing in this State for low-income and very  
6 low-income households. The majority of monies appropriated to  
7 the Trust Fund in any given year are to be used for affordable  
8 housing for very low-income households. For the fiscal years  
9 2007, ~~and 2008,~~ and 2009 only, the Department of Human Services  
10 is authorized to receive appropriations and spend moneys from  
11 the Illinois Affordable Housing Trust Fund for the purpose of  
12 developing and coordinating public and private resources  
13 targeted to meet the affordable housing needs of low-income,  
14 very low-income, and special needs households in the State of  
15 Illinois.

16 (b) For each fiscal year commencing with fiscal year 1994,  
17 the Program Administrator shall certify from time to time to  
18 the Funding Agent, the Comptroller and the State Treasurer  
19 amounts, up to an aggregate in any fiscal year of \$10,000,000,  
20 of Trust Fund Moneys expected to be used or pledged by the  
21 Program Administrator during the fiscal year for the purposes  
22 and uses specified in Sections 8(c) and 9 of this Act. Subject  
23 to annual appropriation, upon receipt of such certification,  
24 the Funding Agent and the Comptroller shall dedicate and the  
25 State Treasurer shall transfer not less often than monthly to  
26 the Program Administrator or its designated payee, without

1 requisition or further request therefor, all amounts  
2 accumulated in the Trust Fund within the State Treasury and not  
3 already transferred to the Loan Commitment Account prior to the  
4 Funding Agent's receipt of such certification, until the  
5 Program Administrator has received the aggregate amount  
6 certified by the Program Administrator, to be used solely for  
7 the purposes and uses authorized and provided in Sections 8(c)  
8 and 9 of this Act. Neither the Comptroller nor the Treasurer  
9 shall transfer, dedicate or allocate any of the Trust Fund  
10 Moneys transferred or certified for transfer by the Program  
11 Administrator as provided above to any other fund, nor shall  
12 the Governor authorize any such transfer, dedication or  
13 allocation, nor shall any of the Trust Fund Moneys so  
14 dedicated, allocated or transferred be used, temporarily or  
15 otherwise, for interfund borrowing, or be otherwise used or  
16 appropriated, except as expressly authorized and provided in  
17 Sections 8(c) and 9 of this Act for the purposes and subject to  
18 the priorities, limitations and conditions provided for  
19 therein until such obligations, uses and dedications as therein  
20 provided, have been satisfied.

21 (c) Notwithstanding Section 5(b) of this Act, any Trust  
22 Fund Moneys transferred to the Program Administrator pursuant  
23 to Section 8(b) of this Act, or otherwise obtained, paid to or  
24 held by or for the Program Administrator, or pledged pursuant  
25 to resolution of the Program Administrator, for Affordable  
26 Housing Program Trust Fund Bonds or Notes under the Illinois

1 Housing Development Act, and all proceeds, payments and  
2 receipts from investments or use of such moneys, including any  
3 residual or additional funds or moneys generated or obtained in  
4 connection with any of the foregoing, may be held, pledged,  
5 applied or dedicated by the Program Administrator as follows:

6 (1) as required by the terms of any pledge of or  
7 resolution of the Program Administrator authorized under  
8 Section 9 of this Act in connection with Affordable Housing  
9 Program Trust Fund Bonds or Notes issued pursuant to the  
10 Illinois Housing Development Act;

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

1           (3) to or for costs of issuance and administration and  
2           the payments of principal, interest, premium, loan fees,  
3           and other amounts or other obligations of the Program  
4           Administrator, including rate protection contracts and  
5           credit support arrangements pertaining thereto, for loans,  
6           commercial paper or other notes or bonds issued by the  
7           Program Administrator pursuant to the Illinois Housing  
8           Development Act, provided that the proceeds of such loans,  
9           commercial paper or other notes or bonds are paid or  
10          expended in connection with, or refund or repay, loans,  
11          commercial paper or other notes or bonds issued or made in  
12          connection with bridge loans or loans for the construction,  
13          renovation, redevelopment, restructuring, reorganization  
14          of Affordable Housing and related expenses, including  
15          development costs, technical assistance, or other amounts  
16          to construct, preserve, improve, renovate, rehabilitate,  
17          refinance, or assist Affordable Housing, including  
18          financially troubled Affordable Housing, permanent or  
19          other financing for which has been funded or financed or is  
20          expected to be funded or financed in whole or in part by  
21          the Program Administrator through the issuance of or use of  
22          proceeds from Affordable Housing Program Trust Fund Bonds  
23          or Notes;

24          (4) to or for direct expenditures or reimbursement for  
25          development costs, technical assistance, or other amounts  
26          to construct, preserve, improve, renovate, rehabilitate,

1       refinance, or assist Affordable Housing, including  
2       financially troubled Affordable Housing, permanent or  
3       other financing for which has been funded or financed or is  
4       expected to be funded or financed in whole or in part by  
5       the Program Administrator through the issuance of or use of  
6       proceeds from Affordable Housing Program Trust Fund Bonds  
7       or Notes; and

8           (5) for deposit into any residual, sinking, reserve or  
9       revolving fund or pool established by the Program  
10      Administrator, whether or not pledged to secure Affordable  
11      Housing Program Trust Fund Bonds or Notes, to support or be  
12      utilized for the issuance, redemption, or payment of the  
13      principal, interest, premium or other amounts payable on or  
14      with respect to any existing, additional or future  
15      Affordable Housing Program Trust Fund Bonds or Notes, or to  
16      or for any other expenditure authorized by this Section  
17      8(c).

18       (d) All or a portion of the Trust Fund Moneys on deposit or  
19      to be deposited in the Trust Fund not already certified for  
20      transfer or transferred to the Program Administrator pursuant  
21      to Section 8(b) of this Act may be used to secure the repayment  
22      of Affordable Housing Program Trust Fund Bonds or Notes, or  
23      otherwise to supplement or support Affordable Housing funded or  
24      financed or intended to be funded or financed, in whole or in  
25      part, by Affordable Housing Program Trust Fund Bonds or Notes.

26       (e) Assisted housing may include housing for special needs

1 populations such as the homeless, single-parent families, the  
2 elderly, or the physically and mentally disabled. The Trust  
3 Fund shall be used to implement a demonstration congregate  
4 housing project for any such special needs population.

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

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

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

17 (i) Amounts on deposit in the Trust Fund may be used to  
18 reimburse the Program Administrator and the Funding Agent for  
19 costs incurred in the performance of their duties under this  
20 Act, excluding costs and fees of the Program Administrator  
21 associated with the Program Escrow to the extent withheld  
22 pursuant to paragraph (8) of subsection (b) of Section 5.

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

24 Section 999. Effective date. This Act takes effect July 1,  
25 2008.