



Rep. Gary Hannig

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1 AMENDMENT TO HOUSE BILL 3741

2 AMENDMENT NO. _____. Amend House Bill 3741 by replacing
3 everything after the enacting clause with the following:

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

1 the following in relation to the prevention and treatment of
2 acquired immunodeficiency syndrome (AIDS):

3 (1) Establish a State AIDS Control Unit within the
4 Department as a separate administrative subdivision, to
5 coordinate all State programs and services relating to the
6 prevention, treatment, and amelioration of AIDS.

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

19 (3) (Blank).

20 (4) Establish alternative blood test services that are not
21 operated by a blood bank, plasma center or hospital. The
22 Department shall prescribe by rule minimum criteria, standards
23 and procedures for the establishment and operation of such
24 services, which shall include, but not be limited to
25 requirements for the provision of information, counseling and
26 referral services that ensure appropriate counseling and

1 referral for persons whose blood is tested and shows evidence
2 of exposure to the human immunodeficiency virus (HIV) or other
3 identified causative agent of acquired immunodeficiency
4 syndrome (AIDS).

5 (5) Establish regional and community service networks of
6 public and private service providers or health care
7 professionals who may be involved in AIDS research, prevention
8 and treatment.

9 (6) Provide grants to individuals, organizations or
10 facilities to support the following:

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

12 (B) Interdisciplinary workshops for professionals
13 involved in research and treatment.

14 (C) Establishment and operation of a statewide
15 hotline.

16 (D) Establishment and operation of alternative testing
17 services.

18 (E) Research into detection, prevention, and
19 treatment.

20 (F) Supplementation of other public and private
21 resources.

22 (G) Implementation by long-term care facilities of
23 Department standards and procedures for the care and
24 treatment of persons with AIDS and the development of
25 adequate numbers and types of placements for those persons.

26 (7) (Blank).

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

4 (9) Develop and implement, in consultation with the
5 Long-Term Care Facility Advisory Board, standards and
6 procedures for long-term care facilities that provide care and
7 treatment of persons with AIDS, including appropriate
8 infection control procedures. The Department shall work
9 cooperatively with organizations representing those facilities
10 to develop adequate numbers and types of placements for persons
11 with AIDS and shall advise those facilities on proper
12 implementation of its standards and procedures.

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

24 (11) Approve tests or testing procedures used in
25 determining exposure to HIV or any other identified causative
26 agent of AIDS.

1 (12) Provide prescription drug benefits counseling for
2 persons with HIV or AIDS.

3 (13) Continue to administer the AIDS Drug Assistance
4 Program that provides drugs to prolong the lives of low income
5 Persons with Acquired Immunodeficiency Syndrome (AIDS) or
6 Human Immunodeficiency Virus (HIV) infection who are not
7 eligible under Article V of the Illinois Public Aid Code for
8 Medical Assistance, as provided under Title 77, Chapter 1,
9 Subchapter (k), Part 692, Section 692.10 of the Illinois
10 Administrative Code, effective August 1, 2000, except that the
11 financial qualification for that program shall be that the
12 anticipated gross monthly income shall be at or below 500% of
13 the most recent Federal Poverty Guidelines published annually
14 by the United States Department of Health and Human Services
15 for the size of the household.

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

17 (20 ILCS 2310/2310-394 new)

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

19 (a) Subject to appropriation, the Department shall create a
20 program of services for persons with multiple sclerosis to help
21 those persons stay in their homes and out of institutions. The
22 Department shall collaborate with consumers to develop a
23 program of services that is consumer directed.

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

1 (2) A review committee shall be established, comprised
2 of consumers and other stakeholders. The committee shall
3 meet at least once a year to evaluate the program,
4 including quality assurance data, and shall submit program
5 recommendations to the Department.

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

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

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

12 (1) He or she must have a current diagnosis of multiple
13 sclerosis.

14 (2) He or she must have applied for benefits under the
15 Home Services Program operated by the Department of Human
16 Services and must have been determined not eligible for
17 benefits under that program because his or her retirement
18 assets or life insurance assets, or both, exceeded the
19 limits applicable to that program.

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

25 (c) This Section does not create any new entitlement to a
26 service, program, or benefit, but does not affect any

1 entitlement to a service, program, or benefit created by any
2 other law.

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

5 (20 ILCS 3958/25)

6 Sec. 25. I-FLY Program.

7 (a) The Department shall establish the I-FLY Program, in
8 cooperation with the Commission. The Program shall consist of
9 the following components:

10 (1) air carrier recruitment and retention grants as
11 described in subsection (c); and

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

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

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

17 (a).

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

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

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

1 (B) it has a commitment from an air carrier to
2 start or continue air service to the community that the
3 airport serves subject to financial support from the
4 State and from the airport or unit of local government
5 that the airport serves. The commitment must specify
6 that the air carrier would not provide or continue to
7 provide service to the community if financial
8 assistance were not available.

9 (2) An application for an air carrier recruitment and
10 retention program grant must contain commitments from the
11 airport or the unit of local government in which the
12 airport is located as to the amount of the total project
13 cost, the contribution from the unit of local government or
14 airport, the method in which the contribution from the
15 airport or unit of local government will be generated, and
16 the requested State contribution.

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

22 (A) A grant may be used to guarantee that an air
23 carrier shall receive an agreed amount of revenue per
24 flight.

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

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

3 (4) During the first year of a grant under this
4 subsection (c), the grant shall pay 80% of the total cost
5 of the guarantee and the airport or unit of local
6 government in which the airport is located shall pay 20% of
7 the total cost of the guarantee. During the second year of
8 a grant under this subsection (c), the grant shall pay 80%
9 ~~50%~~ of the total cost of the guarantee and the airport or
10 the unit of local government in which the airport is
11 located shall pay 20% ~~50%~~ of the total cost of the
12 guarantee.

13 (5) The total State funding for a grant under this
14 subsection (c) to a particular airport may not exceed
15 \$1,000,000 in any year.

16 (6) An airport that has received a 2-year grant under
17 this subsection (c) may apply for another grant for an
18 additional 2-year period; however, the Department shall,
19 in determining whether to make a grant for an additional
20 2-year period, give priority to other airports that have
21 not previously received a grant under this subsection (c).
22 The Department shall also give priority in making grants
23 under this subsection (c) to airports at which the
24 Department determines that a 2-year grant may result in the
25 creation of stable and reliable commercial air service
26 without an additional grant.

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

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

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

18 (30 ILCS 105/5.710 new)

19 Sec. 5.710. The Civic Education Trust Fund.

20 (30 ILCS 105/6z-30)

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

22 (a) The University of Illinois Hospital Services Fund is
23 created as a special fund in the State Treasury. The following

1 moneys shall be deposited into the Fund:

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

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

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

19 (b) Moneys in the fund may be used by the Department of
20 Healthcare and Family Services (formerly Illinois Department
21 of Public Aid), subject to appropriation, to reimburse the
22 University of Illinois Hospital for hospital and pharmacy
23 services, and to reimburse practitioners as defined in Section
24 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are
25 employed by the University of Illinois Hospital. The fund may
26 also be used to make monthly transfers to the General Revenue

1 Fund as provided in subsection (c).

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

11 On June 30, 1995 and each June 30 thereafter, the State
12 Comptroller and State Treasurer shall automatically transfer
13 the entire balance in the University of Illinois Hospital
14 Services Fund to the General Revenue Fund.

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

16 (30 ILCS 105/6z-70)

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

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

24 (b) All moneys in the Secretary of State Identification
25 Security and Theft Prevention Fund shall be used, subject to

1 appropriation, for any costs related to implementing
2 identification security and theft prevention measures.

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

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

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

- 26 Lobbyist Registration Administration Fund \$100,000

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

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

9 (30 ILCS 105/6z-71)

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

1 Fund shall report to the Department of Human Services and the
2 General Assembly by April 1, 2008, and again by April 1, 2009,
3 as to the use and earnings of the program.

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

5 (30 ILCS 105/6z-76 new)

6 Sec. 6z-76. Civic Education Trust Fund. The Civic Education
7 Trust Fund is created as a special fund in the State treasury.
8 The Fund may receive any gifts, grants, donations,
9 appropriations, or transfers for use towards the purposes set
10 forth in Section 3-15.17 of the School Code.

11 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

20 first -- to pay the cost of administration of Chapters
21 2 through 10 of the Illinois Vehicle Code, except the cost
22 of administration of Articles I and II of Chapter 3 of that
23 Code; and

24 secondly -- for expenses of the Department of

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

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

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

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

17 1. Department of Public Health;

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

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

24 4. Judicial Systems and Agencies.

25 Beginning with fiscal year 1981 and thereafter, no Road
26 Fund monies shall be appropriated to the following Departments

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

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

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

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

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

26 1. Department of State Police, except not more than 40%

1 of the funds appropriated for the Division of Operations;

2 2. State Officers.

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

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

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

24 secondly -- no Road Fund monies derived from fees,
25 excises, or license taxes relating to registration,
26 operation and use of vehicles on public highways or to

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

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

25 Except as provided in this paragraph, beginning with fiscal
26 year 1991 and thereafter, no Road Fund monies shall be

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

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

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

1 other methods.

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

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

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

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

24 Nothing in this Section prohibits transfers from the Road
25 Fund to the State Construction Account Fund under Section 5e of
26 this Act; nor to the General Revenue Fund, as authorized by

1 this amendatory Act of the 93rd General Assembly.

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

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

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

19 (30 ILCS 105/8g)

20 Sec. 8g. Fund transfers.

21 (a) 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 \$10,000,000 from the General Revenue Fund

1 to the Motor Vehicle License Plate Fund created by Senate Bill
2 1028 of the 91st General Assembly.

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

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

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

22 Beginning January 1, 2000, on the first day of each month,
23 or as soon as may be practical thereafter, the State
24 Comptroller shall direct and the State Treasurer shall transfer
25 from the General Revenue Fund to each of the special funds from
26 which payments are to be made under Section 28.1(d) of the

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

11 (e) 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 \$15,000,000 from the General Revenue Fund to the Fund for
17 Illinois' Future.

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

25 (f-1) In fiscal year 2002, in addition to any other
26 transfers that may be provided for by law, at the direction of

1 and upon notification from the Governor, the State Comptroller
2 shall direct and the State Treasurer shall transfer amounts not
3 exceeding a total of \$160,000,000 from the General Revenue Fund
4 to the Long-Term Care Provider Fund.

5 (g) In addition to any other transfers that may be provided
6 for by law, on July 1, 2001, 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 (h) In each of fiscal years 2002 through 2004, but not
11 thereafter, in addition to any other transfers that may be
12 provided for by law, the State Comptroller shall direct and the
13 State Treasurer shall transfer \$5,000,000 from the General
14 Revenue Fund to the Tourism Promotion Fund.

15 (i) On or after July 1, 2001 and until May 1, 2002, 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 by the State Comptroller and the State Treasurer
23 from the Tobacco Settlement Recovery Fund to the General
24 Revenue Fund at the direction of and upon notification from the
25 Governor, but in any event on or before June 30, 2002.

26 (i-1) On or after July 1, 2002 and until May 1, 2003, in

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

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

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

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

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

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

24 (k-2) In addition to any other transfers that may be
25 provided for by law, on July 1, 2003, or as soon as may be
26 practical thereafter, the State Comptroller shall direct and

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

4 (k-3) On or after July 1, 2002 and no later than June 30,
 5 2003, 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	Appraisal Administration Fund	\$150,000
11	General Revenue Fund	10,440,000
12	Savings and Residential Finance	
13	Regulatory Fund	200,000
14	State Pensions Fund	100,000
15	Bank and Trust Company Fund	100,000
16	Professions Indirect Cost Fund	3,400,000
17	Public Utility Fund	2,081,200
18	Real Estate License Administration Fund	150,000
19	Title III Social Security and	
20	Employment Fund	1,000,000
21	Transportation Regulatory Fund	3,052,100
22	Underground Storage Tank Fund	50,000

23 (l) In addition to any other transfers that may be provided
 24 for by law, on July 1, 2002, or as soon as may be practical
 25 thereafter, the State Comptroller shall direct and the State
 26 Treasurer shall transfer the sum of \$3,000,000 from the General

1 Revenue Fund to the Presidential Library and Museum Operating
2 Fund.

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

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

15 (o) On or after July 1, 2003, and no later than June 30,
16 2004, in addition to any other transfers that may be provided
17 for by 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 to exceed the following
20 sums into the Vehicle Inspection Fund:

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

22 (p) On or after July 1, 2003 and until May 1, 2004, in
23 addition to any other transfers that may be provided for by
24 law, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not exceeding a total of

1 \$80,000,000 from the General Revenue Fund to the Tobacco
2 Settlement Recovery Fund. Any amounts so transferred shall be
3 re-transferred from the Tobacco Settlement Recovery Fund to the
4 General Revenue Fund at the direction of and upon notification
5 from the Governor, but in any event on or before June 30, 2004.

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

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

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

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

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

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

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

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

1 following sums:

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

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

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

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

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

17 (1) the Keep Illinois Beautiful Fund;

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

20 (3) the New Technology Recovery Fund;

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

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

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

24 (7) the State Postsecondary Review Program Fund;

25 (8) the Tourism Attraction Development Matching Grant
26 Fund;

- 1 (9) the Patent and Copyright Fund;
- 2 (10) the Credit Enhancement Development Fund;
- 3 (11) the Community Mental Health and Developmental
4 Disabilities Services Provider Participation Fee Trust
5 Fund;
- 6 (12) the Nursing Home Grant Assistance Fund;
- 7 (13) the By-product Material Safety Fund;
- 8 (14) the Illinois Student Assistance Commission Higher
9 EdNet Fund;
- 10 (15) the DORS State Project Fund;
- 11 (16) the School Technology Revolving Fund;
- 12 (17) the Energy Assistance Contribution Fund;
- 13 (18) the Illinois Building Commission Revolving Fund;
- 14 (19) the Illinois Aquaculture Development Fund;
- 15 (20) the Homelessness Prevention Fund;
- 16 (21) the DCFS Refugee Assistance Fund;
- 17 (22) the Illinois Century Network Special Purposes
18 Fund; and
- 19 (23) the Build Illinois Purposes Fund.
- 20 (z) In addition to any other transfers that may be provided
21 for by law, on July 1, 2005, or as soon as may be practical
22 thereafter, the State Comptroller shall direct and the State
23 Treasurer shall transfer the sum of \$1,200,000 from the General
24 Revenue Fund to the Violence Prevention Fund.
- 25 (aa) In addition to any other transfers that may be
26 provided for by law, on July 1, 2005, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
2 the State Treasurer shall transfer the sum of \$9,000,000 from
3 the General Revenue Fund to the Presidential Library and Museum
4 Operating Fund.

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

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

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

1 from the Public Aid Recoveries Trust Fund amounts not to exceed
2 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

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

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

16 (gg) In addition to any other transfers that may be
17 provided for by law, on and after July 1, 2006 and until May 1,
18 2007, at the direction of and upon notification from the
19 Governor, the State Comptroller shall direct and the State
20 Treasurer shall transfer amounts not exceeding a total of
21 \$80,000,000 from the General Revenue Fund to the Tobacco
22 Settlement Recovery Fund. Any amounts so transferred shall be
23 retransferred by the State Comptroller and the State Treasurer
24 from the Tobacco Settlement Recovery Fund to the General
25 Revenue Fund at the direction of and upon notification from the
26 Governor, but in any event on or before June 30, 2007.

1 (hh) 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 Governor, the State Comptroller shall direct and the State
 5 Treasurer shall transfer amounts from the Illinois Affordable
 6 Housing Trust Fund to the designated funds not exceeding the
 7 following amounts:

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

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

25 (jj) In addition to any other transfers that may be
 26 provided for by law, on July 1, 2006, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$8,250,000 from the General
3 Revenue Fund to the Presidential Library and Museum Operating
4 Fund.

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

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

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

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

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

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

24 (qq) In addition to any other transfers that may be
25 provided for by law, on and after July 1, 2007 and until May 1,
26 2008, at the direction of and upon notification from the

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

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

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

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

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

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

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

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

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

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

1 provided for by law, on July 1, 2007, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$4,000,000 from the General
4 Revenue Fund to the Digital Divide Elimination Infrastructure
5 Fund.

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

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

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

1 Housing Trust Fund to the designated funds not exceeding the
2 following amounts:

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

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

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

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

24 (Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816,
25 eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;
26 95-707, eff. 1-11-08.)

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

3 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

4 Sec. 901. Collection Authority.

5 (a) In general.

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

23 (b) Local Governmental Distributive Fund.

24 Beginning August 1, 1969, and continuing through June 30,

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

1 Section 201 of this Act.

2 (c) Deposits Into Income Tax Refund Fund.

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

1 overpayment of tax liability under subsections (a) and
2 (b) (1), (2), and (3) of Section 201 of this Act plus the
3 amount of such refunds remaining approved but unpaid at the
4 end of the preceding fiscal year, minus the amounts
5 transferred into the Income Tax Refund Fund from the
6 Tobacco Settlement Recovery Fund, and the denominator of
7 which shall be the amounts which will be collected pursuant
8 to subsections (a) and (b) (1), (2), and (3) of Section 201
9 of this Act during the preceding fiscal year; except that
10 in State fiscal year 2002, the Annual Percentage shall in
11 no event exceed 7.6%. The Director of Revenue shall certify
12 the Annual Percentage to the Comptroller on the last
13 business day of the fiscal year immediately preceding the
14 fiscal year for which it is to be effective.

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

1 the Annual Percentage shall be 27%. For fiscal year 2004,
2 the Annual Percentage shall be 32%. Upon the effective date
3 of this amendatory Act of the 93rd General Assembly, the
4 Annual Percentage shall be 24% for fiscal year 2005. For
5 fiscal year 2006, the Annual Percentage shall be 20%. For
6 fiscal year 2007, the Annual Percentage shall be 17.5%. For
7 fiscal year 2008, the Annual Percentage shall be 15.5%. For
8 fiscal year 2009, the Annual Percentage shall be 17.5%. For
9 all other fiscal years, the Annual Percentage shall be
10 calculated as a fraction, the numerator of which shall be
11 the amount of refunds approved for payment by the
12 Department during the preceding fiscal year as a result of
13 overpayment of tax liability under subsections (a) and
14 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
15 Act plus the amount of such refunds remaining approved but
16 unpaid at the end of the preceding fiscal year, and the
17 denominator of which shall be the amounts which will be
18 collected pursuant to subsections (a) and (b) (6), (7), and
19 (8), (c) and (d) of Section 201 of this Act during the
20 preceding fiscal year; except that in State fiscal year
21 2002, the Annual Percentage shall in no event exceed 23%.
22 The Director of Revenue shall certify the Annual Percentage
23 to the Comptroller on the last business day of the fiscal
24 year immediately preceding the fiscal year for which it is
25 to be effective.

26 (3) The Comptroller shall order transferred and the

1 Treasurer shall transfer from the Tobacco Settlement
2 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
3 in January, 2001, (ii) \$35,000,000 in January, 2002, and
4 (iii) \$35,000,000 in January, 2003.

5 (d) Expenditures from Income Tax Refund Fund.

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

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

21 (3) As soon as possible after the end of each fiscal
22 year, the Director shall order transferred and the State
23 Treasurer and State Comptroller shall transfer from the
24 Income Tax Refund Fund to the Personal Property Tax
25 Replacement Fund an amount, certified by the Director to
26 the Comptroller, equal to the excess of the amount

1 collected pursuant to subsections (c) and (d) of Section
2 201 of this Act deposited into the Income Tax Refund Fund
3 during the fiscal year over the amount of refunds resulting
4 from overpayment of tax liability under subsections (c) and
5 (d) of Section 201 of this Act paid from the Income Tax
6 Refund Fund during the fiscal year.

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

19 (4.5) As soon as possible after the end of fiscal year
20 1999 and of each fiscal year thereafter, the Director shall
21 order transferred and the State Treasurer and State
22 Comptroller shall transfer from the Income Tax Refund Fund
23 to the General Revenue Fund any surplus remaining in the
24 Income Tax Refund Fund as of the end of such fiscal year;
25 excluding for fiscal years 2000, 2001, and 2002 amounts
26 attributable to transfers under item (3) of subsection (c)

1 less refunds resulting from the earned income tax credit.

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

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

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

1 Department shall deposit 1.475% into the Income Tax Surcharge
2 Local Government Distributive Fund in the State Treasury.

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

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

7 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

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

24 (c) \$2,250,000 shall be transferred each month to the Grade

1 Crossing Protection Fund to be used as follows: not less than
2 \$6,000,000 each fiscal year shall be used for the construction
3 or reconstruction of rail highway grade separation structures;
4 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter
5 shall be transferred to the Transportation Regulatory Fund and
6 shall be accounted for as part of the rail carrier portion of
7 such funds and shall be used to pay the cost of administration
8 of the Illinois Commerce Commission's railroad safety program
9 in connection with its duties under subsection (3) of Section
10 18c-7401 of the Illinois Vehicle Code, with the remainder to be
11 used by the Department of Transportation upon order of the
12 Illinois Commerce Commission, to pay that part of the cost
13 apportioned by such Commission to the State to cover the
14 interest of the public in the use of highways, roads, streets,
15 or pedestrian walkways in the county highway system, township
16 and district road system, or municipal street system as defined
17 in the Illinois Highway Code, as the same may from time to time
18 be amended, for separation of grades, for installation,
19 construction or reconstruction of crossing protection or
20 reconstruction, alteration, relocation including construction
21 or improvement of any existing highway necessary for access to
22 property or improvement of any grade crossing including the
23 necessary highway approaches thereto of any railroad across the
24 highway or public road, or for the installation, construction,
25 reconstruction, or maintenance of a pedestrian walkway over or
26 under a railroad right-of-way, as provided for in and in

1 accordance with Section 18c-7401 of the Illinois Vehicle Code.
2 The Commission shall not order more than \$2,000,000 per year in
3 Grade Crossing Protection Fund moneys for pedestrian walkways.
4 In entering orders for projects for which payments from the
5 Grade Crossing Protection Fund will be made, the Commission
6 shall account for expenditures authorized by the orders on a
7 cash rather than an accrual basis. For purposes of this
8 requirement an "accrual basis" assumes that the total cost of
9 the project is expended in the fiscal year in which the order
10 is entered, while a "cash basis" allocates the cost of the
11 project among fiscal years as expenditures are actually made.
12 To meet the requirements of this subsection, the Illinois
13 Commerce Commission shall develop annual and 5-year project
14 plans of rail crossing capital improvements that will be paid
15 for with moneys from the Grade Crossing Protection Fund. The
16 annual project plan shall identify projects for the succeeding
17 fiscal year and the 5-year project plan shall identify projects
18 for the 5 directly succeeding fiscal years. The Commission
19 shall submit the annual and 5-year project plans for this Fund
20 to the Governor, the President of the Senate, the Senate
21 Minority Leader, the Speaker of the House of Representatives,
22 and the Minority Leader of the House of Representatives on the
23 first Wednesday in April of each year;

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

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

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

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

10 (4) from October 1, 1985 until June 30, 1994, the
11 administration of the Vehicle Emissions Inspection Law,
12 which amount shall be certified monthly by the
13 Environmental Protection Agency to the State Comptroller
14 and shall promptly be transferred by the State Comptroller
15 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
16 Inspection Fund, and for the period July 1, 1994 through
17 June 30, 2000, one-twelfth of \$25,000,000 each month, for
18 the period July 1, 2000 through June 30, 2003, one-twelfth
19 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
20 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
21 July 1 and October 1, or as soon thereafter as may be
22 practical, during the period July 1, 2004 through June 30,
23 2009 ~~2008~~, for the administration of the Vehicle Emissions
24 Inspection Law of 2005 ~~1995~~, to be transferred by the State
25 Comptroller and Treasurer from the Motor Fuel Tax Fund into
26 the Vehicle Inspection Fund;

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

2 (6) payment of motor fuel use taxes due to member
3 jurisdictions under the terms of the International Fuel Tax
4 Agreement. The Department shall certify these amounts to
5 the Comptroller by the 15th day of each month; the
6 Comptroller shall cause orders to be drawn for such
7 amounts, and the Treasurer shall administer those amounts
8 on or before the last day of each month;

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

12 (1) Until January 1, 2000, 58.4%, and beginning January
13 1, 2000, 45.6% shall be deposited as follows:

14 (A) 37% into the State Construction Account Fund,
15 and

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

21 (2) Until January 1, 2000, 41.6%, and beginning January
22 1, 2000, 54.4% shall be transferred to the Department of
23 Transportation to be distributed as follows:

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

25 (B) 16.74% to the counties of the State having
26 1,000,000 or more inhabitants,

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

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

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

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

1 Department of Transportation shall allot to each county its
2 share of the amount apportioned to the several counties of the
3 State as herein provided. Each allotment to the several
4 counties having less than 1,000,000 inhabitants shall be in
5 proportion to the amount of motor vehicle license fees received
6 from the residents of such counties, respectively, during the
7 preceding calendar year. The Secretary of State shall, on or
8 before April 15 of each year, transmit to the Department of
9 Transportation a full and complete report showing the amount of
10 motor vehicle license fees received from the residents of each
11 county, respectively, during the preceding calendar year. The
12 Department of Transportation shall, each month, use for
13 allotment purposes the last such report received from the
14 Secretary of State.

15 As soon as may be after the first day of each month, the
16 Department of Transportation shall allot to the several
17 counties their share of the amount apportioned for the use of
18 road districts. The allotment shall be apportioned among the
19 several counties in the State in the proportion which the total
20 mileage of township or district roads in the respective
21 counties bears to the total mileage of all township and
22 district roads in the State. Funds allotted to the respective
23 counties for the use of road districts therein shall be
24 allocated to the several road districts in the county in the
25 proportion which the total mileage of such township or district
26 roads in the respective road districts bears to the total

1 mileage of all such township or district roads in the county.
2 After July 1 of any year, no allocation shall be made for any
3 road district unless it levied a tax for road and bridge
4 purposes in an amount which will require the extension of such
5 tax against the taxable property in any such road district at a
6 rate of not less than either .08% of the value thereof, based
7 upon the assessment for the year immediately prior to the year
8 in which such tax was levied and as equalized by the Department
9 of Revenue or, in DuPage County, an amount equal to or greater
10 than \$12,000 per mile of road under the jurisdiction of the
11 road district, whichever is less. If any road district has
12 levied a special tax for road purposes pursuant to Sections
13 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such
14 tax was levied in an amount which would require extension at a
15 rate of not less than .08% of the value of the taxable property
16 thereof, as equalized or assessed by the Department of Revenue,
17 or, in DuPage County, an amount equal to or greater than
18 \$12,000 per mile of road under the jurisdiction of the road
19 district, whichever is less, such levy shall, however, be
20 deemed a proper compliance with this Section and shall qualify
21 such road district for an allotment under this Section. If a
22 township has transferred to the road and bridge fund money
23 which, when added to the amount of any tax levy of the road
24 district would be the equivalent of a tax levy requiring
25 extension at a rate of at least .08%, or, in DuPage County, an
26 amount equal to or greater than \$12,000 per mile of road under

1 the jurisdiction of the road district, whichever is less, such
2 transfer, together with any such tax levy, shall be deemed a
3 proper compliance with this Section and shall qualify the road
4 district for an allotment under this Section.

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

23 As used in this Section the term "road district" means any
24 road district, including a county unit road district, provided
25 for by the Illinois Highway Code; and the term "township or
26 district road" means any road in the township and district road

1 system as defined in the Illinois Highway Code. For the
2 purposes of this Section, "road district" also includes park
3 districts, forest preserve districts and conservation
4 districts organized under Illinois law and "township or
5 district road" also includes such roads as are maintained by
6 park districts, forest preserve districts and conservation
7 districts. The Department of Transportation shall determine
8 the mileage of all township and district roads for the purposes
9 of making allotments and allocations of motor fuel tax funds
10 for use in road districts.

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

17 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;
18 94-839, eff. 6-6-06; revised 1-30-08.)

19 Section 50. The School Code is amended by changing Sections
20 2-3.131, 14-13.01, and 18-8.05 as follows:

21 (105 ILCS 5/2-3.131)

22 Sec. 2-3.131. Transitional assistance payments.

23 (a) If the amount that the State Board of Education will
24 pay to a school district from fiscal year 2004 appropriations,

1 as estimated by the State Board of Education on April 1, 2004,
2 is less than the amount that the State Board of Education paid
3 to the school district from fiscal year 2003 appropriations,
4 then, subject to appropriation, the State Board of Education
5 shall make a fiscal year 2004 transitional assistance payment
6 to the school district in an amount equal to the difference
7 between the estimated amount to be paid from fiscal year 2004
8 appropriations and the amount paid from fiscal year 2003
9 appropriations.

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

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

1 amount equal to the difference between the estimated amount to
2 be paid from fiscal year 2006 appropriations and the amount
3 paid from fiscal year 2005 appropriations.

4 (d) If the amount that the State Board of Education will
5 pay to a school district from fiscal year 2007 appropriations,
6 as estimated by the State Board of Education on April 1, 2007,
7 is less than the amount that the State Board of Education paid
8 to the school district from fiscal year 2006 appropriations,
9 then the State Board of Education, subject to appropriation,
10 shall make a fiscal year 2007 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 2007
13 appropriations and the amount paid from fiscal year 2006
14 appropriations.

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

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

1 pay to a school district from fiscal year 2008 appropriations,
2 as estimated by the State Board of Education on April 1, 2008,
3 is less than the amount that the State Board of Education paid
4 to the school district from fiscal year 2007 appropriations,
5 then the State Board of Education, subject to appropriation,
6 shall make a fiscal year 2008 transitional assistance payment
7 to the school district in an amount equal to the difference
8 between the estimated amount to be paid from fiscal year 2008
9 appropriations and the amount paid from fiscal year 2007
10 appropriations.

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

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

24 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

25 Sec. 14-13.01. Reimbursement payable by State; Amounts.

1 Reimbursement for furnishing special educational facilities in
2 a recognized school to the type of children defined in Section
3 14-1.02 shall be paid to the school districts in accordance
4 with Section 14-12.01 for each school year ending June 30 by
5 the State Comptroller out of any money in the treasury
6 appropriated for such purposes on the presentation of vouchers
7 by the State Board of Education.

8 The reimbursement shall be limited to funds expended for
9 construction and maintenance of special education facilities
10 designed and utilized to house instructional programs,
11 diagnostic services, other special education services for
12 children with disabilities and reimbursement as provided in
13 Section 14-13.01. There shall be no reimbursement for
14 construction and maintenance of any administrative facility
15 separated from special education facilities designed and
16 utilized to house instructional programs, diagnostic services
17 and other special education services for children with
18 disabilities.

19 (a) For children who have not been identified as eligible
20 for special education and for eligible children with physical
21 disabilities, including all eligible children whose placement
22 has been determined under Section 14-8.02 in hospital or home
23 instruction, 1/2 of the teacher's salary but not more than
24 \$1,000 annually per child or \$8,000 per teacher for the
25 1985-1986 school year through the 2005-2006 school year, ~~and~~
26 \$1,000 per child or \$9,000 per teacher for the 2006-2007 school

1 year, and \$1,000 per child or \$10,000 per teacher for the
2 2007-2008 school year and for each school year thereafter,
3 whichever is less. Children to be included in any reimbursement
4 under this paragraph must regularly receive a minimum of one
5 hour of instruction each school day, or in lieu thereof of a
6 minimum of 5 hours of instruction in each school week in order
7 to qualify for full reimbursement under this Section. If the
8 attending physician for such a child has certified that the
9 child should not receive as many as 5 hours of instruction in a
10 school week, however, reimbursement under this paragraph on
11 account of that child shall be computed proportionate to the
12 actual hours of instruction per week for that child divided by
13 5.

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

22 (c) For each professional worker excluding those included
23 in subparagraphs (a), (d), (e), and (f) of this Section, the
24 annual sum of \$8,000 for the 1985-1986 school year through the
25 2005-2006 school year, ~~and~~ \$9,000 for the 2006-2007 school
26 year, and \$10,000 for the 2007-2008 school year and for each

1 school year thereafter.

2 (d) For one full time qualified director of the special
3 education program of each school district which maintains a
4 fully approved program of special education the annual sum of
5 \$8,000 for the 1985-1986 school year through the 2005-2006
6 school year, ~~and~~ \$9,000 for the 2006-2007 school year, and
7 \$10,000 for the 2007-2008 school year and for each school year
8 thereafter. Districts participating in a joint agreement
9 special education program shall not receive such reimbursement
10 if reimbursement is made for a director of the joint agreement
11 program.

12 (e) For each school psychologist as defined in Section
13 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year
14 through the 2005-2006 school year, ~~and~~ \$9,000 for the 2006-2007
15 school year, and \$10,000 for the 2007-2008 school year and for
16 each school year thereafter.

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

23 (g) For readers, working with blind or partially seeing
24 children 1/2 of their salary but not more than \$400 annually
25 per child. Readers may be employed to assist such children and
26 shall not be required to be certified but prior to employment

1 shall meet standards set up by the State Board of Education.

2 (h) For necessary non-certified employees working in any
3 class or program for children defined in this Article, 1/2 of
4 the salary paid or \$2,800 annually per employee through the
5 2005-2006 school year, ~~and~~ \$3,500 per employee for the
6 2006-2007 school year, and \$4,000 per employee for the
7 2007-2008 school year and for each school year thereafter,
8 whichever is less.

9 The State Board of Education shall set standards and
10 prescribe rules for determining the allocation of
11 reimbursement under this section on less than a full time basis
12 and for less than a school year.

13 When any school district eligible for reimbursement under
14 this Section operates a school or program approved by the State
15 Superintendent of Education for a number of days in excess of
16 the adopted school calendar but not to exceed 235 school days,
17 such reimbursement shall be increased by 1/180 of the amount or
18 rate paid hereunder for each day such school is operated in
19 excess of 180 days per calendar year.

20 Notwithstanding any other provision of law, any school
21 district receiving a payment under this Section or under
22 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify
23 all or a portion of the funds that it receives in a particular
24 fiscal year or from general State aid pursuant to Section
25 18-8.05 of this Code as funds received in connection with any
26 funding program for which it is entitled to receive funds from

1 the State in that fiscal year (including, without limitation,
2 any funding program referenced in this Section), regardless of
3 the source or timing of the receipt. The district may not
4 classify more funds as funds received in connection with the
5 funding program than the district is entitled to receive in
6 that fiscal year for that program. Any classification by a
7 district must be made by a resolution of its board of
8 education. The resolution must identify the amount of any
9 payments or general State aid to be classified under this
10 paragraph and must specify the funding program to which the
11 funds are to be treated as received in connection therewith.
12 This resolution is controlling as to the classification of
13 funds referenced therein. A certified copy of the resolution
14 must be sent to the State Superintendent of Education. The
15 resolution shall still take effect even though a copy of the
16 resolution has not been sent to the State Superintendent of
17 Education in a timely manner. No classification under this
18 paragraph by a district shall affect the total amount or timing
19 of money the district is entitled to receive under this Code.
20 No classification under this paragraph by a district shall in
21 any way relieve the district from or affect any requirements
22 that otherwise would apply with respect to that funding
23 program, including any accounting of funds by source, reporting
24 expenditures by original source and purpose, reporting
25 requirements, or requirements of providing services.

26 (Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

1 (105 ILCS 5/18-8.05)

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

5 (A) General Provisions.

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

22 (2) In addition to general State financial aid, school
23 districts with specified levels or concentrations of pupils
24 from low income households are eligible to receive supplemental

1 general State financial aid grants as provided pursuant to
2 subsection (H). The supplemental State aid grants provided for
3 school districts under subsection (H) shall be appropriated for
4 distribution to school districts as part of the same line item
5 in which the general State financial aid of school districts is
6 appropriated under this Section.

7 (3) To receive financial assistance under this Section,
8 school districts are required to file claims with the State
9 Board of Education, subject to the following requirements:

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

26 (b) School district claims filed under this Section are

1 subject to Sections 18-9 and 18-12, except as otherwise
2 provided in this Section.

3 (c) If a school district operates a full year school
4 under Section 10-19.1, the general State aid to the school
5 district shall be determined by the State Board of
6 Education in accordance with this Section as near as may be
7 applicable.

8 (d) (Blank).

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

13 School districts are not required to exert a minimum
14 Operating Tax Rate in order to qualify for assistance under
15 this Section.

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

18 (a) "Average Daily Attendance": A count of pupil
19 attendance in school, averaged as provided for in
20 subsection (C) and utilized in deriving per pupil financial
21 support levels.

22 (b) "Available Local Resources": A computation of
23 local financial support, calculated on the basis of Average
24 Daily Attendance and derived as provided pursuant to
25 subsection (D).

26 (c) "Corporate Personal Property Replacement Taxes":

1 Funds paid to local school districts pursuant to "An Act in
2 relation to the abolition of ad valorem personal property
3 tax and the replacement of revenues lost thereby, and
4 amending and repealing certain Acts and parts of Acts in
5 connection therewith", certified August 14, 1979, as
6 amended (Public Act 81-1st S.S.-1).

7 (d) "Foundation Level": A prescribed level of per pupil
8 financial support as provided for in subsection (B).

9 (e) "Operating Tax Rate": All school district property
10 taxes extended for all purposes, except Bond and Interest,
11 Summer School, Rent, Capital Improvement, and Vocational
12 Education Building purposes.

13 (B) Foundation Level.

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

24 (2) For the 1998-1999 school year, the Foundation Level of
25 support is \$4,225. For the 1999-2000 school year, the

1 Foundation Level of support is \$4,325. For the 2000-2001 school
2 year, the Foundation Level of support is \$4,425. For the
3 2001-2002 school year and 2002-2003 school year, the Foundation
4 Level of support is \$4,560. For the 2003-2004 school year, the
5 Foundation Level of support is \$4,810. For the 2004-2005 school
6 year, the Foundation Level of support is \$4,964. For the
7 2005-2006 school year, the Foundation Level of support is
8 \$5,164. For the 2006-2007 school year, the Foundation Level of
9 support is \$5,334. For the 2007-2008 school year, the
10 Foundation Level of support is \$5,734.

11 (3) For the 2008-2009 ~~2007-2008~~ school year and each school
12 year thereafter, the Foundation Level of support is \$6,034
13 ~~\$5,734~~ or such greater amount as may be established by law by
14 the General Assembly.

15 (C) Average Daily Attendance.

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

1 (F).

2 (2) The Average Daily Attendance figures utilized in
3 subsection (E) shall be the requisite attendance data for the
4 school year immediately preceding the school year for which
5 general State aid is being calculated or the average of the
6 attendance data for the 3 preceding school years, whichever is
7 greater. The Average Daily Attendance figures utilized in
8 subsection (H) shall be the requisite attendance data for the
9 school year immediately preceding the school year for which
10 general State aid is being calculated.

11 (D) Available Local Resources.

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

22 (2) In determining a school district's revenue from local
23 property taxes, the State Board of Education shall utilize the
24 equalized assessed valuation of all taxable property of each
25 school district as of September 30 of the previous year. The

1 equalized assessed valuation utilized shall be obtained and
2 determined as provided in subsection (G).

3 (3) For school districts maintaining grades kindergarten
4 through 12, local property tax revenues per pupil shall be
5 calculated as the product of the applicable equalized assessed
6 valuation for the district multiplied by 3.00%, and divided by
7 the district's Average Daily Attendance figure. For school
8 districts maintaining grades kindergarten through 8, local
9 property tax revenues per pupil shall be calculated as the
10 product of the applicable equalized assessed valuation for the
11 district multiplied by 2.30%, and divided by the district's
12 Average Daily Attendance figure. For school districts
13 maintaining grades 9 through 12, local property tax revenues
14 per pupil shall be the applicable equalized assessed valuation
15 of the district multiplied by 1.05%, and divided by the
16 district's Average Daily Attendance figure.

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

1 Attendance figure for grades 9 through 12.

2 (4) The Corporate Personal Property Replacement Taxes paid
3 to each school district during the calendar year 2 years before
4 the calendar year in which a school year begins, divided by the
5 Average Daily Attendance figure for that district, shall be
6 added to the local property tax revenues per pupil as derived
7 by the application of the immediately preceding paragraph (3).
8 The sum of these per pupil figures for each school district
9 shall constitute Available Local Resources as that term is
10 utilized in subsection (E) in the calculation of general State
11 aid.

12 (E) Computation of General State Aid.

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

16 (2) For any school district for which Available Local
17 Resources per pupil is less than the product of 0.93 times the
18 Foundation Level, general State aid for that district shall be
19 calculated as an amount equal to the Foundation Level minus
20 Available Local Resources, multiplied by the Average Daily
21 Attendance of the school district.

22 (3) For any school district for which Available Local
23 Resources per pupil is equal to or greater than the product of
24 0.93 times the Foundation Level and less than the product of
25 1.75 times the Foundation Level, the general State aid per

1 pupil shall be a decimal proportion of the Foundation Level
2 derived using a linear algorithm. Under this linear algorithm,
3 the calculated general State aid per pupil shall decline in
4 direct linear fashion from 0.07 times the Foundation Level for
5 a school district with Available Local Resources equal to the
6 product of 0.93 times the Foundation Level, to 0.05 times the
7 Foundation Level for a school district with Available Local
8 Resources equal to the product of 1.75 times the Foundation
9 Level. The allocation of general State aid for school districts
10 subject to this paragraph 3 shall be the calculated general
11 State aid per pupil figure multiplied by the Average Daily
12 Attendance of the school district.

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

18 (5) The amount of general State aid allocated to a school
19 district for the 1999-2000 school year meeting the requirements
20 set forth in paragraph (4) of subsection (G) shall be increased
21 by an amount equal to the general State aid that would have
22 been received by the district for the 1998-1999 school year by
23 utilizing the Extension Limitation Equalized Assessed
24 Valuation as calculated in paragraph (4) of subsection (G) less
25 the general State aid allotted for the 1998-1999 school year.
26 This amount shall be deemed a one time increase, and shall not

1 affect any future general State aid allocations.

2 (F) Compilation of Average Daily Attendance.

3 (1) Each school district shall, by July 1 of each year,
4 submit to the State Board of Education, on forms prescribed by
5 the State Board of Education, attendance figures for the school
6 year that began in the preceding calendar year. The attendance
7 information so transmitted shall identify the average daily
8 attendance figures for each month of the school year. Beginning
9 with the general State aid claim form for the 2002-2003 school
10 year, districts shall calculate Average Daily Attendance as
11 provided in subdivisions (a), (b), and (c) of this paragraph
12 (1).

13 (a) In districts that do not hold year-round classes,
14 days of attendance in August shall be added to the month of
15 September and any days of attendance in June shall be added
16 to the month of May.

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

21 (c) In districts in which some buildings, but not all,
22 hold year-round classes, for the non-year-round buildings,
23 days of attendance in August shall be added to the month of
24 September and any days of attendance in June shall be added
25 to the month of May. The average daily attendance for the

1 year-round buildings shall be computed as provided in
2 subdivision (b) of this paragraph (1). To calculate the
3 Average Daily Attendance for the district, the average
4 daily attendance for the year-round buildings shall be
5 multiplied by the days in session for the non-year-round
6 buildings for each month and added to the monthly
7 attendance of the non-year-round buildings.

8 Except as otherwise provided in this Section, days of
9 attendance by pupils shall be counted only for sessions of not
10 less than 5 clock hours of school work per day under direct
11 supervision of: (i) teachers, or (ii) non-teaching personnel or
12 volunteer personnel when engaging in non-teaching duties and
13 supervising in those instances specified in subsection (a) of
14 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
15 of legal school age and in kindergarten and grades 1 through
16 12.

17 Days of attendance by tuition pupils shall be accredited
18 only to the districts that pay the tuition to a recognized
19 school.

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

23 (a) Pupils regularly enrolled in a public school for
24 only a part of the school day may be counted on the basis
25 of 1/6 day for every class hour of instruction of 40
26 minutes or more attended pursuant to such enrollment,

1 unless a pupil is enrolled in a block-schedule format of 80
2 minutes or more of instruction, in which case the pupil may
3 be counted on the basis of the proportion of minutes of
4 school work completed each day to the minimum number of
5 minutes that school work is required to be held that day.

6 (b) Days of attendance may be less than 5 clock hours
7 on the opening and closing of the school term, and upon the
8 first day of pupil attendance, if preceded by a day or days
9 utilized as an institute or teachers' workshop.

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

15 (d) A session of 3 or more clock hours may be counted
16 as a day of attendance (1) when the remainder of the school
17 day or at least 2 hours in the evening of that day is
18 utilized for an in-service training program for teachers,
19 up to a maximum of 5 days per school year of which a
20 maximum of 4 days of such 5 days may be used for
21 parent-teacher conferences, provided a district conducts
22 an in-service training program for teachers which has been
23 approved by the State Superintendent of Education; or, in
24 lieu of 4 such days, 2 full days may be used, in which
25 event each such day may be counted as a day of attendance;
26 and (2) when days in addition to those provided in item (1)

1 are scheduled by a school pursuant to its school
2 improvement plan adopted under Article 34 or its revised or
3 amended school improvement plan adopted under Article 2,
4 provided that (i) such sessions of 3 or more clock hours
5 are scheduled to occur at regular intervals, (ii) the
6 remainder of the school days in which such sessions occur
7 are utilized for in-service training programs or other
8 staff development activities for teachers, and (iii) a
9 sufficient number of minutes of school work under the
10 direct supervision of teachers are added to the school days
11 between such regularly scheduled sessions to accumulate
12 not less than the number of minutes by which such sessions
13 of 3 or more clock hours fall short of 5 clock hours. Any
14 full days used for the purposes of this paragraph shall not
15 be considered for computing average daily attendance. Days
16 scheduled for in-service training programs, staff
17 development activities, or parent-teacher conferences may
18 be scheduled separately for different grade levels and
19 different attendance centers of the district.

20 (e) A session of not less than one clock hour of
21 teaching hospitalized or homebound pupils on-site or by
22 telephone to the classroom may be counted as 1/2 day of
23 attendance, however these pupils must receive 4 or more
24 clock hours of instruction to be counted for a full day of
25 attendance.

26 (f) A session of at least 4 clock hours may be counted

1 as a day of attendance for first grade pupils, and pupils
2 in full day kindergartens, and a session of 2 or more hours
3 may be counted as 1/2 day of attendance by pupils in
4 kindergartens which provide only 1/2 day of attendance.

5 (g) For children with disabilities who are below the
6 age of 6 years and who cannot attend 2 or more clock hours
7 because of their disability or immaturity, a session of not
8 less than one clock hour may be counted as 1/2 day of
9 attendance; however for such children whose educational
10 needs so require a session of 4 or more clock hours may be
11 counted as a full day of attendance.

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

1 year of kindergarten as determined under the rules and
2 regulations of the State Board of Education.

3 (i) On the days when the Prairie State Achievement
4 Examination is administered under subsection (c) of
5 Section 2-3.64 of this Code, the day of attendance for a
6 pupil whose school day must be shortened to accommodate
7 required testing procedures may be less than 5 clock hours
8 and shall be counted towards the 176 days of actual pupil
9 attendance required under Section 10-19 of this Code,
10 provided that a sufficient number of minutes of school work
11 in excess of 5 clock hours are first completed on other
12 school days to compensate for the loss of school work on
13 the examination days.

14 (G) Equalized Assessed Valuation Data.

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

25 The Department of Revenue shall add to the equalized

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

1 difference, if any, between the amount of the general homestead
2 exemption allowed for that parcel of property under Section
3 15-176 or 15-177 of the Property Tax Code and the amount that
4 would have been allowed had the general homestead exemption for
5 that parcel of property been determined under Section 15-175 of
6 the Property Tax Code. It is further the intent of this
7 paragraph that if additional exemptions are allowed under
8 Section 15-175 of the Property Tax Code for owners with a
9 household income of less than \$30,000, then the calculation of
10 Available Local Resources shall not be affected by the
11 difference, if any, because of those additional exemptions.

12 This equalized assessed valuation, as adjusted further by
13 the requirements of this subsection, shall be utilized in the
14 calculation of Available Local Resources.

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

17 (a) For the purposes of calculating State aid under
18 this Section, with respect to any part of a school district
19 within a redevelopment project area in respect to which a
20 municipality has adopted tax increment allocation
21 financing pursuant to the Tax Increment Allocation
22 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
23 of the Illinois Municipal Code or the Industrial Jobs
24 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
25 Illinois Municipal Code, no part of the current equalized
26 assessed valuation of real property located in any such

1 project area which is attributable to an increase above the
2 total initial equalized assessed valuation of such
3 property shall be used as part of the equalized assessed
4 valuation of the district, until such time as all
5 redevelopment project costs have been paid, as provided in
6 Section 11-74.4-8 of the Tax Increment Allocation
7 Redevelopment Act or in Section 11-74.6-35 of the
8 Industrial Jobs Recovery Law. For the purpose of the
9 equalized assessed valuation of the district, the total
10 initial equalized assessed valuation or the current
11 equalized assessed valuation, whichever is lower, shall be
12 used until such time as all redevelopment project costs
13 have been paid.

14 (b) The real property equalized assessed valuation for
15 a school district shall be adjusted by subtracting from the
16 real property value as equalized or assessed by the
17 Department of Revenue for the district an amount computed
18 by dividing the amount of any abatement of taxes under
19 Section 18-170 of the Property Tax Code by 3.00% for a
20 district maintaining grades kindergarten through 12, by
21 2.30% for a district maintaining grades kindergarten
22 through 8, or by 1.05% for a district maintaining grades 9
23 through 12 and adjusted by an amount computed by dividing
24 the amount of any abatement of taxes under subsection (a)
25 of Section 18-165 of the Property Tax Code by the same
26 percentage rates for district type as specified in this

1 subparagraph (b).

2 (3) For the 1999-2000 school year and each school year
3 thereafter, if a school district meets all of the criteria of
4 this subsection (G) (3), the school district's Available Local
5 Resources shall be calculated under subsection (D) using the
6 district's Extension Limitation Equalized Assessed Valuation
7 as calculated under this subsection (G) (3).

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

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

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

14 "Preceding Tax Year": The property tax levy year
15 immediately preceding the Base Tax Year.

16 "Base Tax Year's Tax Extension": The product of the
17 equalized assessed valuation utilized by the County Clerk
18 in the Base Tax Year multiplied by the limiting rate as
19 calculated by the County Clerk and defined in the Property
20 Tax Extension Limitation Law.

21 "Preceding Tax Year's Tax Extension": The product of
22 the equalized assessed valuation utilized by the County
23 Clerk in the Preceding Tax Year multiplied by the Operating
24 Tax Rate as defined in subsection (A).

25 "Extension Limitation Ratio": A numerical ratio,
26 certified by the County Clerk, in which the numerator is

1 the Base Tax Year's Tax Extension and the denominator is
2 the Preceding Tax Year's Tax Extension.

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

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

1 district's Available Local Resources under subsection (D).

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

6 (4) For the purposes of calculating general State aid for
7 the 1999-2000 school year only, if a school district
8 experienced a triennial reassessment on the equalized assessed
9 valuation used in calculating its general State financial aid
10 apportionment for the 1998-1999 school year, the State Board of
11 Education shall calculate the Extension Limitation Equalized
12 Assessed Valuation that would have been used to calculate the
13 district's 1998-1999 general State aid. This amount shall equal
14 the product of the equalized assessed valuation used to
15 calculate general State aid for the 1997-1998 school year and
16 the district's Extension Limitation Ratio. If the Extension
17 Limitation Equalized Assessed Valuation of the school district
18 as calculated under this paragraph (4) is less than the
19 district's equalized assessed valuation utilized in
20 calculating the district's 1998-1999 general State aid
21 allocation, then for purposes of calculating the district's
22 general State aid pursuant to paragraph (5) of subsection (E),
23 that Extension Limitation Equalized Assessed Valuation shall
24 be utilized to calculate the district's Available Local
25 Resources.

26 (5) For school districts having a majority of their

1 equalized assessed valuation in any county except Cook, DuPage,
2 Kane, Lake, McHenry, or Will, if the amount of general State
3 aid allocated to the school district for the 1999-2000 school
4 year under the provisions of subsection (E), (H), and (J) of
5 this Section is less than the amount of general State aid
6 allocated to the district for the 1998-1999 school year under
7 these subsections, then the general State aid of the district
8 for the 1999-2000 school year only shall be increased by the
9 difference between these amounts. The total payments made under
10 this paragraph (5) shall not exceed \$14,000,000. Claims shall
11 be prorated if they exceed \$14,000,000.

12 (H) Supplemental General State Aid.

13 (1) In addition to the general State aid a school district
14 is allotted pursuant to subsection (E), qualifying school
15 districts shall receive a grant, paid in conjunction with a
16 district's payments of general State aid, for supplemental
17 general State aid based upon the concentration level of
18 children from low-income households within the school
19 district. Supplemental State aid grants provided for school
20 districts under this subsection shall be appropriated for
21 distribution to school districts as part of the same line item
22 in which the general State financial aid of school districts is
23 appropriated under this Section. If the appropriation in any
24 fiscal year for general State aid and supplemental general
25 State aid is insufficient to pay the amounts required under the

1 general State aid and supplemental general State aid
2 calculations, then the State Board of Education shall ensure
3 that each school district receives the full amount due for
4 general State aid and the remainder of the appropriation shall
5 be used for supplemental general State aid, which the State
6 Board of Education shall calculate and pay to eligible
7 districts on a prorated basis.

8 (1.5) This paragraph (1.5) applies only to those school
9 years preceding the 2003-2004 school year. For purposes of this
10 subsection (H), the term "Low-Income Concentration Level"
11 shall be the low-income eligible pupil count from the most
12 recently available federal census divided by the Average Daily
13 Attendance of the school district. If, however, (i) the
14 percentage decrease from the 2 most recent federal censuses in
15 the low-income eligible pupil count of a high school district
16 with fewer than 400 students exceeds by 75% or more the
17 percentage change in the total low-income eligible pupil count
18 of contiguous elementary school districts, whose boundaries
19 are coterminous with the high school district, or (ii) a high
20 school district within 2 counties and serving 5 elementary
21 school districts, whose boundaries are coterminous with the
22 high school district, has a percentage decrease from the 2 most
23 recent federal censuses in the low-income eligible pupil count
24 and there is a percentage increase in the total low-income
25 eligible pupil count of a majority of the elementary school
26 districts in excess of 50% from the 2 most recent federal

1 censuses, then the high school district's low-income eligible
2 pupil count from the earlier federal census shall be the number
3 used as the low-income eligible pupil count for the high school
4 district, for purposes of this subsection (H). The changes made
5 to this paragraph (1) by Public Act 92-28 shall apply to
6 supplemental general State aid grants for school years
7 preceding the 2003-2004 school year that are paid in fiscal
8 year 1999 or thereafter and to any State aid payments made in
9 fiscal year 1994 through fiscal year 1998 pursuant to
10 subsection 1(n) of Section 18-8 of this Code (which was
11 repealed on July 1, 1998), and any high school district that is
12 affected by Public Act 92-28 is entitled to a recomputation of
13 its supplemental general State aid grant or State aid paid in
14 any of those fiscal years. This recomputation shall not be
15 affected by any other funding.

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

1 2004 and over the 3 immediately preceding fiscal years for each
2 fiscal year thereafter) divided by the Average Daily Attendance
3 of the school district.

4 (2) Supplemental general State aid pursuant to this
5 subsection (H) shall be provided as follows for the 1998-1999,
6 1999-2000, and 2000-2001 school years only:

7 (a) For any school district with a Low Income
8 Concentration Level of at least 20% and less than 35%, the
9 grant for any school year shall be \$800 multiplied by the
10 low income eligible pupil count.

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

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

19 (d) For any school district with a Low Income
20 Concentration Level of 60% or more, the grant for the
21 1998-99 school year shall be \$1,900 multiplied by the low
22 income eligible pupil count.

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

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

5 (2.5) Supplemental general State aid pursuant to this
6 subsection (H) shall be provided as follows for the 2002-2003
7 school year:

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

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

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

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

24 (e) For any school district with a Low Income
25 Concentration Level of at least 50% and less than 60%, the
26 grant for each school year shall be \$1,680 multiplied by

1 the low income eligible pupil count.

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

6 (2.10) Except as otherwise provided, supplemental general
7 State aid pursuant to this subsection (H) shall be provided as
8 follows for the 2003-2004 school year and each school year
9 thereafter:

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

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

19 For the 2003-2004 school year and each school year
20 thereafter through the 2008-2009 ~~2007-2008~~ school year only,
21 the grant shall be no less than the grant for the 2002-2003
22 school year. For the 2009-2010 ~~2008-2009~~ school year only, the
23 grant shall be no less than the grant for the 2002-2003 school
24 year multiplied by 0.66. For the 2010-2011 ~~2009-2010~~ school
25 year only, the grant shall be no less than the grant for the
26 2002-2003 school year multiplied by 0.33. Notwithstanding the

1 provisions of this paragraph to the contrary, if for any school
2 year supplemental general State aid grants are prorated as
3 provided in paragraph (1) of this subsection (H), then the
4 grants under this paragraph shall be prorated.

5 For the 2003-2004 school year only, the grant shall be no
6 greater than the grant received during the 2002-2003 school
7 year added to the product of 0.25 multiplied by the difference
8 between the grant amount calculated under subsection (a) or (b)
9 of this paragraph (2.10), whichever is applicable, and the
10 grant received during the 2002-2003 school year. For the
11 2004-2005 school year only, the grant shall be no greater than
12 the grant received during the 2002-2003 school year added to
13 the product of 0.50 multiplied by the difference between the
14 grant amount calculated under subsection (a) or (b) of this
15 paragraph (2.10), whichever is applicable, and the grant
16 received during the 2002-2003 school year. For the 2005-2006
17 school year only, the grant shall be no greater than the grant
18 received during the 2002-2003 school year added to the product
19 of 0.75 multiplied by the difference between the grant amount
20 calculated under subsection (a) or (b) of this paragraph
21 (2.10), whichever is applicable, and the grant received during
22 the 2002-2003 school year.

23 (3) School districts with an Average Daily Attendance of
24 more than 1,000 and less than 50,000 that qualify for
25 supplemental general State aid pursuant to this subsection
26 shall submit a plan to the State Board of Education prior to

1 October 30 of each year for the use of the funds resulting from
2 this grant of supplemental general State aid for the
3 improvement of instruction in which priority is given to
4 meeting the education needs of disadvantaged children. Such
5 plan shall be submitted in accordance with rules and
6 regulations promulgated by the State Board of Education.

7 (4) School districts with an Average Daily Attendance of
8 50,000 or more that qualify for supplemental general State aid
9 pursuant to this subsection shall be required to distribute
10 from funds available pursuant to this Section, no less than
11 \$261,000,000 in accordance with the following requirements:

12 (a) The required amounts shall be distributed to the
13 attendance centers within the district in proportion to the
14 number of pupils enrolled at each attendance center who are
15 eligible to receive free or reduced-price lunches or
16 breakfasts under the federal Child Nutrition Act of 1966
17 and under the National School Lunch Act during the
18 immediately preceding school year.

19 (b) The distribution of these portions of supplemental
20 and general State aid among attendance centers according to
21 these requirements shall not be compensated for or
22 contravened by adjustments of the total of other funds
23 appropriated to any attendance centers, and the Board of
24 Education shall utilize funding from one or several sources
25 in order to fully implement this provision annually prior
26 to the opening of school.

1 (c) Each attendance center shall be provided by the
2 school district a distribution of noncategorical funds and
3 other categorical funds to which an attendance center is
4 entitled under law in order that the general State aid and
5 supplemental general State aid provided by application of
6 this subsection supplements rather than supplants the
7 noncategorical funds and other categorical funds provided
8 by the school district to the attendance centers.

9 (d) Any funds made available under this subsection that
10 by reason of the provisions of this subsection are not
11 required to be allocated and provided to attendance centers
12 may be used and appropriated by the board of the district
13 for any lawful school purpose.

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

1 (f) Each district subject to the provisions of this
2 subdivision (H) (4) shall submit an acceptable plan to meet
3 the educational needs of disadvantaged children, in
4 compliance with the requirements of this paragraph, to the
5 State Board of Education prior to July 15 of each year.
6 This plan shall be consistent with the decisions of local
7 school councils concerning the school expenditure plans
8 developed in accordance with part 4 of Section 34-2.3. The
9 State Board shall approve or reject the plan within 60 days
10 after its submission. If the plan is rejected, the district
11 shall give written notice of intent to modify the plan
12 within 15 days of the notification of rejection and then
13 submit a modified plan within 30 days after the date of the
14 written notice of intent to modify. Districts may amend
15 approved plans pursuant to rules promulgated by the State
16 Board of Education.

17 Upon notification by the State Board of Education that
18 the district has not submitted a plan prior to July 15 or a
19 modified plan within the time period specified herein, the
20 State aid funds affected by that plan or modified plan
21 shall be withheld by the State Board of Education until a
22 plan or modified plan is submitted.

23 If the district fails to distribute State aid to
24 attendance centers in accordance with an approved plan, the
25 plan for the following year shall allocate funds, in
26 addition to the funds otherwise required by this

1 subsection, to those attendance centers which were
2 underfunded during the previous year in amounts equal to
3 such underfunding.

4 For purposes of determining compliance with this
5 subsection in relation to the requirements of attendance
6 center funding, each district subject to the provisions of
7 this subsection shall submit as a separate document by
8 December 1 of each year a report of expenditure data for
9 the prior year in addition to any modification of its
10 current plan. If it is determined that there has been a
11 failure to comply with the expenditure provisions of this
12 subsection regarding contravention or supplanting, the
13 State Superintendent of Education shall, within 60 days of
14 receipt of the report, notify the district and any affected
15 local school council. The district shall within 45 days of
16 receipt of that notification inform the State
17 Superintendent of Education of the remedial or corrective
18 action to be taken, whether by amendment of the current
19 plan, if feasible, or by adjustment in the plan for the
20 following year. Failure to provide the expenditure report
21 or the notification of remedial or corrective action in a
22 timely manner shall result in a withholding of the affected
23 funds.

24 The State Board of Education shall promulgate rules and
25 regulations to implement the provisions of this
26 subsection. No funds shall be released under this

1 subdivision (H) (4) to any district that has not submitted a
2 plan that has been approved by the State Board of
3 Education.

4 (I) (Blank).

5 (J) Supplementary Grants in Aid.

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

1 (2) If, as provided in paragraph (1) of this subsection
2 (J), a school district is to receive aggregate general State
3 aid in combination with supplemental general State aid under
4 this Section for the 1998-99 school year and any subsequent
5 school year that in any such school year is less than the
6 amount of the aggregate general State aid entitlement that the
7 district received for the 1997-98 school year, the school
8 district shall also receive, from a separate appropriation made
9 for purposes of this subsection (J), a supplementary payment
10 that is equal to the amount of the difference in the aggregate
11 State aid figures as described in paragraph (1).

12 (3) (Blank).

13 (K) Grants to Laboratory and Alternative Schools.

14 In calculating the amount to be paid to the governing board
15 of a public university that operates a laboratory school under
16 this Section or to any alternative school that is operated by a
17 regional superintendent of schools, the State Board of
18 Education shall require by rule such reporting requirements as
19 it deems necessary.

20 As used in this Section, "laboratory school" means a public
21 school which is created and operated by a public university and
22 approved by the State Board of Education. The governing board
23 of a public university which receives funds from the State
24 Board under this subsection (K) may not increase the number of
25 students enrolled in its laboratory school from a single

1 district, if that district is already sending 50 or more
2 students, except under a mutual agreement between the school
3 board of a student's district of residence and the university
4 which operates the laboratory school. A laboratory school may
5 not have more than 1,000 students, excluding students with
6 disabilities in a special education program.

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

23 Each laboratory and alternative school shall file, on forms
24 provided by the State Superintendent of Education, an annual
25 State aid claim which states the Average Daily Attendance of
26 the school's students by month. The best 3 months' Average

1 Daily Attendance shall be computed for each school. The general
2 State aid entitlement shall be computed by multiplying the
3 applicable Average Daily Attendance by the Foundation Level as
4 determined under this Section.

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

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

19 (2) (Blank).

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

22 (M) Education Funding Advisory Board.

23 The Education Funding Advisory Board, hereinafter in this
24 subsection (M) referred to as the "Board", is hereby created.

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

1 in session, the Governor shall make a temporary appointment
2 until the next meeting of the Senate, when he or she shall
3 appoint, by and with the advice and consent of the Senate, a
4 person to fill that membership for the unexpired term. If the
5 Senate is not in session when the initial appointments are
6 made, those appointments shall be made as in the case of
7 vacancies.

8 The Education Funding Advisory Board shall be deemed
9 established, and the initial members appointed by the Governor
10 to serve as members of the Board shall take office, on the date
11 that the Governor makes his or her appointment of the fifth
12 initial member of the Board, whether those initial members are
13 then serving pursuant to appointment and confirmation or
14 pursuant to temporary appointments that are made by the
15 Governor as in the case of vacancies.

16 The State Board of Education shall provide such staff
17 assistance to the Education Funding Advisory Board as is
18 reasonably required for the proper performance by the Board of
19 its responsibilities.

20 For school years after the 2000-2001 school year, the
21 Education Funding Advisory Board, in consultation with the
22 State Board of Education, shall make recommendations as
23 provided in this subsection (M) to the General Assembly for the
24 foundation level under subdivision (B)(3) of this Section and
25 for the supplemental general State aid grant level under
26 subsection (H) of this Section for districts with high

1 concentrations of children from poverty. The recommended
2 foundation level shall be determined based on a methodology
3 which incorporates the basic education expenditures of
4 low-spending schools exhibiting high academic performance. The
5 Education Funding Advisory Board shall make such
6 recommendations to the General Assembly on January 1 of odd
7 numbered years, beginning January 1, 2001.

8 (N) (Blank).

9 (O) References.

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

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

18 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
19 changes to this Section. Under Section 6 of the Statute on
20 Statutes there is an irreconcilable conflict between Public Act
21 93-808 and Public Act 93-838. Public Act 93-838, being the last
22 acted upon, is controlling. The text of Public Act 93-838 is
23 the law regardless of the text of Public Act 93-808.

1 (Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835,
2 eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07;
3 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff.
4 1-11-08; revised 1-14-08.)

5 Section 60. The Illinois Public Aid Code is amended by
6 changing Sections 5-5.4, 12-10.7, and 12-10.8 and by adding
7 Section 5-5.26 as follows:

8 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

9 Sec. 5-5.4. Standards of Payment - Department of Healthcare
10 and Family Services. The Department of Healthcare and Family
11 Services shall develop standards of payment of skilled nursing
12 and intermediate care services in facilities providing such
13 services under this Article which:

14 (1) Provide for the determination of a facility's payment
15 for skilled nursing and intermediate care services on a
16 prospective basis. The amount of the payment rate for all
17 nursing facilities certified by the Department of Public Health
18 under the Nursing Home Care Act as Intermediate Care for the
19 Developmentally Disabled facilities, Long Term Care for Under
20 Age 22 facilities, Skilled Nursing facilities, or Intermediate
21 Care facilities under the medical assistance program shall be
22 prospectively established annually on the basis of historical,
23 financial, and statistical data reflecting actual costs from
24 prior years, which shall be applied to the current rate year

1 and updated for inflation, except that the capital cost element
2 for newly constructed facilities shall be based upon projected
3 budgets. The annually established payment rate shall take
4 effect on July 1 in 1984 and subsequent years. No rate increase
5 and no update for inflation shall be provided on or after July
6 1, 1994 and before July 1, 2009 ~~2008~~, unless specifically
7 provided for in this Section. The changes made by Public Act
8 93-841 extending the duration of the prohibition against a rate
9 increase or update for inflation are effective retroactive to
10 July 1, 2004.

11 For facilities licensed by the Department of Public Health
12 under the Nursing Home Care Act as Intermediate Care for the
13 Developmentally Disabled facilities or Long Term Care for Under
14 Age 22 facilities, the rates taking effect on July 1, 1998
15 shall include an increase of 3%. For facilities licensed by the
16 Department of Public Health under the Nursing Home Care Act as
17 Skilled Nursing facilities or Intermediate Care facilities,
18 the rates taking effect on July 1, 1998 shall include an
19 increase of 3% plus \$1.10 per resident-day, as defined by the
20 Department. For facilities licensed by the Department of Public
21 Health under the Nursing Home Care Act as Intermediate Care
22 Facilities for the Developmentally Disabled or Long Term Care
23 for Under Age 22 facilities, the rates taking effect on January
24 1, 2006 shall include an increase of 3%. For facilities
25 licensed by the Department of Public Health under the Nursing
26 Home Care Act as Intermediate Care Facilities for the

1 Developmentally Disabled or Long Term Care for Under Age 22
2 facilities, the rates taking effect on July 1, 2008 shall
3 include an increase sufficient to provide a \$0.50 per hour wage
4 increase for non-executive staff.

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 July 1, 1999
9 shall include an increase of 1.6% plus \$3.00 per resident-day,
10 as defined by the Department. For facilities licensed by the
11 Department of Public Health under the Nursing Home Care Act as
12 Skilled Nursing facilities or Intermediate Care facilities,
13 the rates taking effect on July 1, 1999 shall include an
14 increase of 1.6% and, for services provided on or after October
15 1, 1999, shall be increased by \$4.00 per resident-day, as
16 defined by the Department.

17 For facilities licensed by the Department of Public Health
18 under the Nursing Home Care Act as Intermediate Care for the
19 Developmentally Disabled facilities or Long Term Care for Under
20 Age 22 facilities, the rates taking effect on July 1, 2000
21 shall include an increase of 2.5% per resident-day, as defined
22 by the Department. For facilities licensed by the Department of
23 Public Health under the Nursing Home Care Act as Skilled
24 Nursing facilities or Intermediate Care facilities, the rates
25 taking effect on July 1, 2000 shall include an increase of 2.5%
26 per resident-day, as defined by the Department.

1 For facilities licensed by the Department of Public Health
2 under the Nursing Home Care Act as skilled nursing facilities
3 or intermediate care facilities, a new payment methodology must
4 be implemented for the nursing component of the rate effective
5 July 1, 2003. The Department of Public Aid (now Healthcare and
6 Family Services) shall develop the new payment methodology
7 using the Minimum Data Set (MDS) as the instrument to collect
8 information concerning nursing home resident condition
9 necessary to compute the rate. The Department shall develop the
10 new payment methodology to meet the unique needs of Illinois
11 nursing home residents while remaining subject to the
12 appropriations provided by the General Assembly. A transition
13 period from the payment methodology in effect on June 30, 2003
14 to the payment methodology in effect on July 1, 2003 shall be
15 provided for a period not exceeding 3 years and 184 days after
16 implementation of the new payment methodology as follows:

17 (A) For a facility that would receive a lower nursing
18 component rate per patient day under the new system than
19 the facility received effective on the date immediately
20 preceding the date that the Department implements the new
21 payment methodology, the nursing component rate per
22 patient day for the facility shall be held at the level in
23 effect on the date immediately preceding the date that the
24 Department implements the new payment methodology until a
25 higher nursing component rate of reimbursement is achieved
26 by that facility.

1 (B) For a facility that would receive a higher nursing
2 component rate per patient day under the payment
3 methodology in effect on July 1, 2003 than the facility
4 received effective on the date immediately preceding the
5 date that the Department implements the new payment
6 methodology, the nursing component rate per patient day for
7 the facility shall be adjusted.

8 (C) Notwithstanding paragraphs (A) and (B), the
9 nursing component rate per patient day for the facility
10 shall be adjusted subject to appropriations provided by the
11 General Assembly.

12 For facilities licensed by the Department of Public Health
13 under the Nursing Home Care Act as Intermediate Care for the
14 Developmentally Disabled facilities or Long Term Care for Under
15 Age 22 facilities, the rates taking effect on March 1, 2001
16 shall include a statewide increase of 7.85%, as defined by the
17 Department.

18 Notwithstanding any other provision of this Section, for
19 facilities licensed by the Department of Public Health under
20 the Nursing Home Care Act as skilled nursing facilities or
21 intermediate care facilities, the numerator of the ratio used
22 by the Department of Healthcare and Family Services to compute
23 the rate payable under this Section using the Minimum Data Set
24 (MDS) methodology shall incorporate the following annual
25 amounts as the additional funds appropriated to the Department
26 specifically to pay for rates based on the MDS nursing

1 component methodology in excess of the funding in effect on
2 December 31, 2006:

3 (i) For rates taking effect January 1, 2007,
4 \$60,000,000.

5 (ii) For rates taking effect January 1, 2008,
6 \$110,000,000.

7 (iii) For rates taking effect July 1, 2008,
8 \$194,000,000.

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

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

25 For facilities licensed by the Department of Public Health
26 under the Nursing Home Care Act as skilled nursing facilities

1 or intermediate care facilities, the rates taking effect on
2 July 1, 2001 shall be computed using the most recent cost
3 reports on file with the Department of Public Aid no later than
4 April 1, 2000, updated for inflation to January 1, 2001. For
5 rates effective July 1, 2001 only, rates shall be the greater
6 of the rate computed for July 1, 2001 or the rate effective on
7 June 30, 2001.

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, the Illinois Department shall
12 determine by rule the rates taking effect on July 1, 2002,
13 which shall be 5.9% less than the rates in effect on June 30,
14 2002.

15 Notwithstanding any other provision of this Section, for
16 facilities licensed by the Department of Public Health under
17 the Nursing Home Care Act as skilled nursing facilities or
18 intermediate care facilities, if the payment methodologies
19 required under Section 5A-12 and the waiver granted under 42
20 CFR 433.68 are approved by the United States Centers for
21 Medicare and Medicaid Services, the rates taking effect on July
22 1, 2004 shall be 3.0% greater than the rates in effect on June
23 30, 2004. These rates shall take effect only upon approval and
24 implementation of the payment methodologies required under
25 Section 5A-12.

26 Notwithstanding any other provisions of this Section, for

1 facilities licensed by the Department of Public Health under
2 the Nursing Home Care Act as skilled nursing facilities or
3 intermediate care facilities, the rates taking effect on
4 January 1, 2005 shall be 3% more than the rates in effect on
5 December 31, 2004.

6 Notwithstanding any other provision of this Section, for
7 facilities licensed by the Department of Public Health under
8 the Nursing Home Care Act as skilled nursing facilities or
9 intermediate care facilities, effective July 1, 2008, the per
10 diem support component of the rates effective on January 1,
11 2008, computed using the most recent cost reports on file with
12 the Department of Healthcare and Family Services no later than
13 April 1, 2005, updated for inflation to January 1, 2006, shall
14 be increased to the amount that would have been derived using
15 standard Department of Healthcare and Family Services methods,
16 procedures, and inflators.

17 Notwithstanding any other provisions of this Section, for
18 facilities licensed by the Department of Public Health under
19 the Nursing Home Care Act as intermediate care facilities that
20 are federally defined as Institutions for Mental Disease, a
21 socio-development component rate equal to 6.6% of the
22 facility's nursing component rate as of January 1, 2006 shall
23 be established and paid effective July 1, 2006. The
24 socio-development component of the rate shall be increased by a
25 factor of 2.53 on the first day of the month that begins at
26 least 45 days after January 11, 2008 (the effective date of

1 Public Act 95-707). The socio-development component of the rate
2 shall be increased by a factor of 3.53 on July 1, 2008. ~~the~~
3 ~~effective date of this amendatory Act of the 95th General~~
4 ~~Assembly.~~ The Illinois Department may by rule adjust these
5 socio-development component rates, but in no case may such
6 rates be diminished.

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

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

21 Notwithstanding any other provision of this Section, for
22 facilities licensed by the Department of Public Health under
23 the Nursing Home Care Act as skilled nursing facilities or
24 intermediate care facilities, effective January 1, 2005,
25 facility rates shall be increased by the difference between (i)
26 a facility's per diem property, liability, and malpractice

1 insurance costs as reported in the cost report filed with the
2 Department of Public Aid and used to establish rates effective
3 July 1, 2001 and (ii) those same costs as reported in the
4 facility's 2002 cost report. These costs shall be passed
5 through to the facility without caps or limitations, except for
6 adjustments required under normal auditing procedures.

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

1 effective on July 1, 1984.

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

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

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

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

24 (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,
25 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;
26 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff.

1 1-11-08.)

2 (305 ILCS 5/5-5.26 new)

3 Sec. 5-5.26. Multiple sclerosis; home services; waiver.

4 The Department of Healthcare and Family Services shall apply
5 for a waiver of federal law and regulations to the extent
6 necessary to claim federal financial participation for medical
7 assistance for services provided under the Department of Human
8 Services' Home Services Program for persons with multiple
9 sclerosis who are over 60 years of age and have retirement
10 assets or life insurance assets, or both, that do not exceed a
11 total of \$500,000.

12 (305 ILCS 5/12-10.7)

13 Sec. 12-10.7. The Health and Human Services Medicaid Trust
14 Fund.

15 (a) The Health and Human Services Medicaid Trust Fund shall
16 consist of (i) moneys appropriated or transferred into the
17 Fund, pursuant to statute, (ii) federal financial
18 participation moneys received pursuant to expenditures from
19 the Fund, and (iii) the interest earned on moneys in the Fund.

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

23 (c) In addition to any other transfers that may be provided
24 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 \$3,500,000 from the Health
3 and Human Services Medicaid Trust Fund to the Human Services
4 Priority Capital Program Fund.

5 (d) In addition to any other transfers that may be provided
6 for by law, on July 1, 2008, or as soon thereafter as
7 practical, the State Comptroller shall direct and the State
8 Treasurer shall transfer the sum of \$7,000,000 from the Health
9 and Human Services Medicaid Trust Fund to the Human Services
10 Priority Capital Program Fund.

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

12 (305 ILCS 5/12-10.8)

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

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

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

3 (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

4 Sec. 8. Uses of Trust Fund.

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

22 (b) For each fiscal year commencing with fiscal year 1994,
23 the Program Administrator shall certify from time to time to
24 the Funding Agent, the Comptroller and the State Treasurer
25 amounts, up to an aggregate in any fiscal year of \$10,000,000,

1 of Trust Fund Moneys expected to be used or pledged by the
2 Program Administrator during the fiscal year for the purposes
3 and uses specified in Sections 8(c) and 9 of this Act. Subject
4 to annual appropriation, upon receipt of such certification,
5 the Funding Agent and the Comptroller shall dedicate and the
6 State Treasurer shall transfer not less often than monthly to
7 the Program Administrator or its designated payee, without
8 requisition or further request therefor, all amounts
9 accumulated in the Trust Fund within the State Treasury and not
10 already transferred to the Loan Commitment Account prior to the
11 Funding Agent's receipt of such certification, until the
12 Program Administrator has received the aggregate amount
13 certified by the Program Administrator, to be used solely for
14 the purposes and uses authorized and provided in Sections 8(c)
15 and 9 of this Act. Neither the Comptroller nor the Treasurer
16 shall transfer, dedicate or allocate any of the Trust Fund
17 Moneys transferred or certified for transfer by the Program
18 Administrator as provided above to any other fund, nor shall
19 the Governor authorize any such transfer, dedication or
20 allocation, nor shall any of the Trust Fund Moneys so
21 dedicated, allocated or transferred be used, temporarily or
22 otherwise, for interfund borrowing, or be otherwise used or
23 appropriated, except as expressly authorized and provided in
24 Sections 8(c) and 9 of this Act for the purposes and subject to
25 the priorities, limitations and conditions provided for
26 therein until such obligations, uses and dedications as therein

1 provided, have been satisfied.

2 (c) Notwithstanding Section 5(b) of this Act, any Trust
3 Fund Moneys transferred to the Program Administrator pursuant
4 to Section 8(b) of this Act, or otherwise obtained, paid to or
5 held by or for the Program Administrator, or pledged pursuant
6 to resolution of the Program Administrator, for Affordable
7 Housing Program Trust Fund Bonds or Notes under the Illinois
8 Housing Development Act, and all proceeds, payments and
9 receipts from investments or use of such moneys, including any
10 residual or additional funds or moneys generated or obtained in
11 connection with any of the foregoing, may be held, pledged,
12 applied or dedicated by the Program Administrator as follows:

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

18 (2) to or for costs of issuance and administration and
19 the payments of any principal, interest, premium or other
20 amounts or expenses incurred or accrued in connection with
21 Affordable Housing Program Trust Fund Bonds or Notes,
22 including rate protection contracts and credit support
23 arrangements pertaining thereto, and, provided such
24 expenses, fees and charges are obligations, whether
25 recourse or nonrecourse, and whether financed with or paid
26 from the proceeds of Affordable Housing Program Trust Fund

1 Bonds or Notes, of the developers, mortgagors or other
2 users, the Program Administrator's expenses and servicing,
3 administration and origination fees and charges in
4 connection with any loans, mortgages, or developments
5 funded or financed or expected to be funded or financed, in
6 whole or in part, from the issuance of Affordable Housing
7 Program Trust Fund Bonds or Notes;

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

1 expected to be funded or financed in whole or in part by
2 the Program Administrator through the issuance of or use of
3 proceeds from Affordable Housing Program Trust Fund Bonds
4 or Notes;

5 (4) to or for direct expenditures or reimbursement for
6 development costs, technical assistance, or other amounts
7 to construct, preserve, improve, renovate, rehabilitate,
8 refinance, or assist Affordable Housing, including
9 financially troubled Affordable Housing, permanent or
10 other financing for which has been funded or financed or is
11 expected to be funded or financed in whole or in part by
12 the Program Administrator through the issuance of or use of
13 proceeds from Affordable Housing Program Trust Fund Bonds
14 or Notes; and

15 (5) for deposit into any residual, sinking, reserve or
16 revolving fund or pool established by the Program
17 Administrator, whether or not pledged to secure Affordable
18 Housing Program Trust Fund Bonds or Notes, to support or be
19 utilized for the issuance, redemption, or payment of the
20 principal, interest, premium or other amounts payable on or
21 with respect to any existing, additional or future
22 Affordable Housing Program Trust Fund Bonds or Notes, or to
23 or for any other expenditure authorized by this Section
24 8(c).

25 (d) All or a portion of the Trust Fund Moneys on deposit or
26 to be deposited in the Trust Fund not already certified for

1 transfer or transferred to the Program Administrator pursuant
2 to Section 8(b) of this Act may be used to secure the repayment
3 of Affordable Housing Program Trust Fund Bonds or Notes, or
4 otherwise to supplement or support Affordable Housing funded or
5 financed or intended to be funded or financed, in whole or in
6 part, by Affordable Housing Program Trust Fund Bonds or Notes.

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

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

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

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

24 (i) Amounts on deposit in the Trust Fund may be used to
25 reimburse the Program Administrator and the Funding Agent for
26 costs incurred in the performance of their duties under this

1 Act, excluding costs and fees of the Program Administrator
2 associated with the Program Escrow to the extent withheld
3 pursuant to paragraph (8) of subsection (b) of Section 5.
4 (Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

5 Section 999. Effective date. This Act takes effect July 1,
6 2008.".