



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1772

Introduced 2/9/2017, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

15 ILCS 20/50-40 new	
30 ILCS 115/12	from Ch. 85, par. 616
35 ILCS 200/3-20	
35 ILCS 200/3-40	
55 ILCS 5/3-4007	from Ch. 34, par. 3-4007
55 ILCS 5/4-2001	from Ch. 34, par. 4-2001

Amends the State Budget Law of the Civil Administrative Code of Illinois. Provides that the aggregate appropriations available for the State portion of salaries State's Attorneys, those Assistant State's Attorneys that receive funding for a portion of their salary from the State, county supervisors of assessments, and public defenders from all State funds for each State fiscal year shall be no less than the total aggregate appropriations made available for the State portion of salaries State's Attorneys, those Assistant State's Attorneys that receive funding for a portion of their salary from the State, county supervisors of assessments, and public defenders for the immediately preceding fiscal year. Provides that if for any reason the aggregate appropriations made available are insufficient to meet the levels required by subsections (a) of this Section, this Section shall constitute a continuing appropriation of all amounts necessary for these purposes. Allows the General Assembly to appropriate lesser amounts by law. Amends the Property Tax Code. Provides that the portion of the salary for the county supervisor of assessments that is paid by the State is no longer subject to appropriation. Amends the Counties Code. Provides that the portion of the salary for State's Attorneys, certain Assistant State's Attorneys, and public defenders that is paid by the State is no longer subject to appropriation. Amends the State Revenue Sharing Act to make conforming changes.

LRB100 08611 MLM 18745 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Budget Law of the Civil Administrative
5 Code of Illinois is amended by adding Section 50-40 as follows:

6 (15 ILCS 20/50-40 new)

7 Sec. 50-40. Funding for salaries of State portions of
8 certain county officials.

9 (a) Beginning July 1, 2017, the aggregate appropriations
10 available for the State portion of salaries State's Attorneys,
11 those Assistant State's Attorneys that receive funding for a
12 portion of their salary from the State, county supervisors of
13 assessments, and public defenders from all State funds for each
14 State fiscal year shall be no less than the total aggregate
15 appropriations made available for the State portion of salaries
16 State's Attorneys, those Assistant State's Attorneys that
17 receive funding for a portion of their salary from the State,
18 county supervisors of assessments, and public defenders for the
19 immediately preceding fiscal year.

20 (b) If for any reason the aggregate appropriations made
21 available are insufficient to meet the levels required by
22 subsections (a) of this Section, this Section shall constitute
23 a continuing appropriation of all amounts necessary for these

1 purposes. The General Assembly may appropriate lesser amounts
2 by law.

3 Section 10. The State Revenue Sharing Act is amended by
4 changing Section 12 as follows:

5 (30 ILCS 115/12) (from Ch. 85, par. 616)

6 Sec. 12. Personal Property Tax Replacement Fund. There is
7 hereby created the Personal Property Tax Replacement Fund, a
8 special fund in the State Treasury into which shall be paid all
9 revenue realized:

10 (a) all amounts realized from the additional personal
11 property tax replacement income tax imposed by subsections (c)
12 and (d) of Section 201 of the Illinois Income Tax Act, except
13 for those amounts deposited into the Income Tax Refund Fund
14 pursuant to subsection (c) of Section 901 of the Illinois
15 Income Tax Act; and

16 (b) all amounts realized from the additional personal
17 property replacement invested capital taxes imposed by Section
18 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue
19 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and
20 Section 3 of the Water Company Invested Capital Tax Act, and
21 amounts payable to the Department of Revenue under the
22 Telecommunications Infrastructure Maintenance Fee Act.

23 As soon as may be after the end of each month, the
24 Department of Revenue shall certify to the Treasurer and the

1 Comptroller the amount of all refunds paid out of the General
2 Revenue Fund through the preceding month on account of
3 overpayment of liability on taxes paid into the Personal
4 Property Tax Replacement Fund. Upon receipt of such
5 certification, the Treasurer and the Comptroller shall
6 transfer the amount so certified from the Personal Property Tax
7 Replacement Fund into the General Revenue Fund.

8 The payments of revenue into the Personal Property Tax
9 Replacement Fund shall be used exclusively for distribution to
10 taxing districts, regional offices and officials, and State and
11 local officials as provided by law ~~in this Section~~ and in the
12 School Code, payment of the ordinary and contingent expenses of
13 the Property Tax Appeal Board, payment of the expenses of the
14 Department of Revenue incurred in administering the collection
15 and distribution of monies paid into the Personal Property Tax
16 Replacement Fund and transfers due to refunds to taxpayers for
17 overpayment of liability for taxes paid into the Personal
18 Property Tax Replacement Fund.

19 In addition, moneys in the Personal Property Tax
20 Replacement Fund may be used to pay any of the following: (i)
21 salary, stipends, and additional compensation as provided by
22 law for chief election clerks, county clerks, and county
23 recorders; (ii) costs associated with regional offices of
24 education and educational service centers; (iii)
25 reimbursements payable by the State Board of Elections under
26 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the

1 Election Code; (iv) expenses of the Illinois Educational Labor
2 Relations Board; and (v) salary, personal services, and
3 additional compensation as provided by law for court reporters
4 under the Court Reporters Act.

5 As soon as may be after the effective date of this
6 amendatory Act of 1980, the Department of Revenue shall certify
7 to the Treasurer the amount of net replacement revenue paid
8 into the General Revenue Fund prior to that effective date from
9 the additional tax imposed by Section 2a.1 of the Messages Tax
10 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of
11 the Public Utilities Revenue Act; Section 3 of the Water
12 Company Invested Capital Tax Act; amounts collected by the
13 Department of Revenue under the Telecommunications
14 Infrastructure Maintenance Fee Act; and the additional
15 personal property tax replacement income tax imposed by the
16 Illinois Income Tax Act, as amended by Public Act 81-1st
17 Special Session-1. Net replacement revenue shall be defined as
18 the total amount paid into and remaining in the General Revenue
19 Fund as a result of those Acts minus the amount outstanding and
20 obligated from the General Revenue Fund in state vouchers or
21 warrants prior to the effective date of this amendatory Act of
22 1980 as refunds to taxpayers for overpayment of liability under
23 those Acts.

24 All interest earned by monies accumulated in the Personal
25 Property Tax Replacement Fund shall be deposited in such Fund.
26 All amounts allocated pursuant to this Section are appropriated

1 on a continuing basis.

2 Prior to December 31, 1980, as soon as may be after the end
3 of each quarter beginning with the quarter ending December 31,
4 1979, and on and after December 31, 1980, as soon as may be
5 after January 1, March 1, April 1, May 1, July 1, August 1,
6 October 1 and December 1 of each year, the Department of
7 Revenue shall allocate to each taxing district as defined in
8 Section 1-150 of the Property Tax Code, in accordance with the
9 provisions of paragraph (2) of this Section the portion of the
10 funds held in the Personal Property Tax Replacement Fund which
11 is required to be distributed, as provided in paragraph (1),
12 for each quarter. Provided, however, under no circumstances
13 shall any taxing district during each of the first two years of
14 distribution of the taxes imposed by this amendatory Act of
15 1979 be entitled to an annual allocation which is less than the
16 funds such taxing district collected from the 1978 personal
17 property tax. Provided further that under no circumstances
18 shall any taxing district during the third year of distribution
19 of the taxes imposed by this amendatory Act of 1979 receive
20 less than 60% of the funds such taxing district collected from
21 the 1978 personal property tax. In the event that the total of
22 the allocations made as above provided for all taxing
23 districts, during either of such 3 years, exceeds the amount
24 available for distribution the allocation of each taxing
25 district shall be proportionately reduced. Except as provided
26 in Section 13 of this Act, the Department shall then certify,

1 pursuant to appropriation, such allocations to the State
2 Comptroller who shall pay over to the several taxing districts
3 the respective amounts allocated to them.

4 Any township which receives an allocation based in whole or
5 in part upon personal property taxes which it levied pursuant
6 to Section 6-507 or 6-512 of the Illinois Highway Code and
7 which was previously required to be paid over to a municipality
8 shall immediately pay over to that municipality a proportionate
9 share of the personal property replacement funds which such
10 township receives.

11 Any municipality or township, other than a municipality
12 with a population in excess of 500,000, which receives an
13 allocation based in whole or in part on personal property taxes
14 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the
15 Illinois Local Library Act and which was previously required to
16 be paid over to a public library shall immediately pay over to
17 that library a proportionate share of the personal property tax
18 replacement funds which such municipality or township
19 receives; provided that if such a public library has converted
20 to a library organized under The Illinois Public Library
21 District Act, regardless of whether such conversion has
22 occurred on, after or before January 1, 1988, such
23 proportionate share shall be immediately paid over to the
24 library district which maintains and operates the library.
25 However, any library that has converted prior to January 1,
26 1988, and which hitherto has not received the personal property

1 tax replacement funds, shall receive such funds commencing on
2 January 1, 1988.

3 Any township which receives an allocation based in whole or
4 in part on personal property taxes which it levied pursuant to
5 Section 1c of the Public Graveyards Act and which taxes were
6 previously required to be paid over to or used for such public
7 cemetery or cemeteries shall immediately pay over to or use for
8 such public cemetery or cemeteries a proportionate share of the
9 personal property tax replacement funds which the township
10 receives.

11 Any taxing district which receives an allocation based in
12 whole or in part upon personal property taxes which it levied
13 for another governmental body or school district in Cook County
14 in 1976 or for another governmental body or school district in
15 the remainder of the State in 1977 shall immediately pay over
16 to that governmental body or school district the amount of
17 personal property replacement funds which such governmental
18 body or school district would receive directly under the
19 provisions of paragraph (2) of this Section, had it levied its
20 own taxes.

21 (1) The portion of the Personal Property Tax
22 Replacement Fund required to be distributed as of the time
23 allocation is required to be made shall be the amount
24 available in such Fund as of the time allocation is
25 required to be made.

26 The amount available for distribution shall be the

1 total amount in the fund at such time minus the necessary
2 administrative and other authorized expenses as limited by
3 the appropriation and the amount determined by: (a) \$2.8
4 million for fiscal year 1981; (b) for fiscal year 1982,
5 .54% of the funds distributed from the fund during the
6 preceding fiscal year; (c) for fiscal year 1983 through
7 fiscal year 1988, .54% of the funds distributed from the
8 fund during the preceding fiscal year less .02% of such
9 fund for fiscal year 1983 and less .02% of such funds for
10 each fiscal year thereafter; (d) for fiscal year 1989
11 through fiscal year 2011 no more than 105% of the actual
12 administrative expenses of the prior fiscal year; (e) for
13 fiscal year 2012 and beyond, a sufficient amount to pay (i)
14 stipends, additional compensation, salary reimbursements,
15 and other amounts directed to be paid out of this Fund for
16 local officials as authorized or required by statute and
17 (ii) no more than 105% of the actual administrative
18 expenses of the prior fiscal year, including payment of the
19 ordinary and contingent expenses of the Property Tax Appeal
20 Board and payment of the expenses of the Department of
21 Revenue incurred in administering the collection and
22 distribution of moneys paid into the Fund; or (f) for
23 fiscal years 2012 and 2013 only, a sufficient amount to pay
24 stipends, additional compensation, salary reimbursements,
25 and other amounts directed to be paid out of this Fund for
26 regional offices and officials as authorized or required by

1 statute. Such portion of the fund shall be determined after
2 the transfer into the General Revenue Fund due to refunds,
3 if any, paid from the General Revenue Fund during the
4 preceding quarter. If at any time, for any reason, there is
5 insufficient amount in the Personal Property Tax
6 Replacement Fund for payments for regional offices and
7 officials or local officials or payment of costs of
8 administration or for transfers due to refunds at the end
9 of any particular month, the amount of such insufficiency
10 shall be carried over for the purposes of payments for
11 regional offices and officials, local officials, transfers
12 into the General Revenue Fund, and costs of administration
13 to the following month or months. Net replacement revenue
14 held, and defined above, shall be transferred by the
15 Treasurer and Comptroller to the Personal Property Tax
16 Replacement Fund within 10 days of such certification.

17 (2) Each quarterly allocation shall first be
18 apportioned in the following manner: 51.65% for taxing
19 districts in Cook County and 48.35% for taxing districts in
20 the remainder of the State.

21 The Personal Property Replacement Ratio of each taxing
22 district outside Cook County shall be the ratio which the Tax
23 Base of that taxing district bears to the Downstate Tax Base.
24 The Tax Base of each taxing district outside of Cook County is
25 the personal property tax collections for that taxing district
26 for the 1977 tax year. The Downstate Tax Base is the personal

1 property tax collections for all taxing districts in the State
2 outside of Cook County for the 1977 tax year. The Department of
3 Revenue shall have authority to review for accuracy and
4 completeness the personal property tax collections for each
5 taxing district outside Cook County for the 1977 tax year.

6 The Personal Property Replacement Ratio of each Cook County
7 taxing district shall be the ratio which the Tax Base of that
8 taxing district bears to the Cook County Tax Base. The Tax Base
9 of each Cook County taxing district is the personal property
10 tax collections for that taxing district for the 1976 tax year.
11 The Cook County Tax Base is the personal property tax
12 collections for all taxing districts in Cook County for the
13 1976 tax year. The Department of Revenue shall have authority
14 to review for accuracy and completeness the personal property
15 tax collections for each taxing district within Cook County for
16 the 1976 tax year.

17 For all purposes of this Section 12, amounts paid to a
18 taxing district for such tax years as may be applicable by a
19 foreign corporation under the provisions of Section 7-202 of
20 the Public Utilities Act, as amended, shall be deemed to be
21 personal property taxes collected by such taxing district for
22 such tax years as may be applicable. The Director shall
23 determine from the Illinois Commerce Commission, for any tax
24 year as may be applicable, the amounts so paid by any such
25 foreign corporation to any and all taxing districts. The
26 Illinois Commerce Commission shall furnish such information to

1 the Director. For all purposes of this Section 12, the Director
2 shall deem such amounts to be collected personal property taxes
3 of each such taxing district for the applicable tax year or
4 years.

5 Taxing districts located both in Cook County and in one or
6 more other counties shall receive both a Cook County allocation
7 and a Downstate allocation determined in the same way as all
8 other taxing districts.

9 If any taxing district in existence on July 1, 1979 ceases
10 to exist, or discontinues its operations, its Tax Base shall
11 thereafter be deemed to be zero. If the powers, duties and
12 obligations of the discontinued taxing district are assumed by
13 another taxing district, the Tax Base of the discontinued
14 taxing district shall be added to the Tax Base of the taxing
15 district assuming such powers, duties and obligations.

16 If two or more taxing districts in existence on July 1,
17 1979, or a successor or successors thereto shall consolidate
18 into one taxing district, the Tax Base of such consolidated
19 taxing district shall be the sum of the Tax Bases of each of
20 the taxing districts which have consolidated.

21 If a single taxing district in existence on July 1, 1979,
22 or a successor or successors thereto shall be divided into two
23 or more separate taxing districts, the tax base of the taxing
24 district so divided shall be allocated to each of the resulting
25 taxing districts in proportion to the then current equalized
26 assessed value of each resulting taxing district.

1 If a portion of the territory of a taxing district is
2 disconnected and annexed to another taxing district of the same
3 type, the Tax Base of the taxing district from which
4 disconnection was made shall be reduced in proportion to the
5 then current equalized assessed value of the disconnected
6 territory as compared with the then current equalized assessed
7 value within the entire territory of the taxing district prior
8 to disconnection, and the amount of such reduction shall be
9 added to the Tax Base of the taxing district to which
10 annexation is made.

11 If a community college district is created after July 1,
12 1979, beginning on the effective date of this amendatory Act of
13 1995, its Tax Base shall be 3.5% of the sum of the personal
14 property tax collected for the 1977 tax year within the
15 territorial jurisdiction of the district.

16 The amounts allocated and paid to taxing districts pursuant
17 to the provisions of this amendatory Act of 1979 shall be
18 deemed to be substitute revenues for the revenues derived from
19 taxes imposed on personal property pursuant to the provisions
20 of the "Revenue Act of 1939" or "An Act for the assessment and
21 taxation of private car line companies", approved July 22,
22 1943, as amended, or Section 414 of the Illinois Insurance
23 Code, prior to the abolition of such taxes and shall be used
24 for the same purposes as the revenues derived from ad valorem
25 taxes on real estate.

26 Monies received by any taxing districts from the Personal

1 Property Tax Replacement Fund shall be first applied toward
2 payment of the proportionate amount of debt service which was
3 previously levied and collected from extensions against
4 personal property on bonds outstanding as of December 31, 1978
5 and next applied toward payment of the proportionate share of
6 the pension or retirement obligations of the taxing district
7 which were previously levied and collected from extensions
8 against personal property. For each such outstanding bond
9 issue, the County Clerk shall determine the percentage of the
10 debt service which was collected from extensions against real
11 estate in the taxing district for 1978 taxes payable in 1979,
12 as related to the total amount of such levies and collections
13 from extensions against both real and personal property. For
14 1979 and subsequent years' taxes, the County Clerk shall levy
15 and extend taxes against the real estate of each taxing
16 district which will yield the said percentage or percentages of
17 the debt service on such outstanding bonds. The balance of the
18 amount necessary to fully pay such debt service shall
19 constitute a first and prior lien upon the monies received by
20 each such taxing district through the Personal Property Tax
21 Replacement Fund and shall be first applied or set aside for
22 such purpose. In counties having fewer than 3,000,000
23 inhabitants, the amendments to this paragraph as made by this
24 amendatory Act of 1980 shall be first applicable to 1980 taxes
25 to be collected in 1981.

26 (Source: P.A. 97-72, eff. 7-1-11; 97-619, eff. 11-14-11;

1 97-732, eff. 6-30-12; 98-24, eff. 6-19-13; 98-674, eff.
2 6-30-14.)

3 Section 15. The Property Tax Code is amended by changing
4 Sections 3-20 and 3-40 as follows:

5 (35 ILCS 200/3-20)

6 Sec. 3-20. Reimbursement when serving more than 1 county.
7 When 2 or more counties have, with Department approval, elected
8 or appointed the same person as county supervisor of
9 assessments, ~~subject to appropriation,~~ the Department shall
10 pay out of the Personal Property Tax Replacement Fund to the
11 counties a total of \$5,000 per year to be applied toward the
12 person's salary. The Department shall apportion the \$5,000
13 among such counties in proportion to each county's share of the
14 salary.

15 The State portion of this salary is subject to Section
16 50-40 of the State Budget Law.

17 The amount payable under this Section is in addition to the
18 50% reimbursement provided for in Section 3-40, but in no event
19 shall the total paid under this Section and the reimbursement
20 under Section 3-40 exceed the compensation of the supervisor of
21 assessments.

22 (Source: P.A. 97-72, eff. 7-1-11.)

23 (35 ILCS 200/3-40)

1 Sec. 3-40. Compensation of supervisors of assessments.

2 (a) A supervisor of assessments shall receive annual
3 compensation in an amount fixed by the county board subject to
4 the following minimum amounts:

5 In counties with less than 14,000 inhabitants, not less
6 than \$7,500;

7 In counties with 14,000 or more but less than 30,000
8 inhabitants, not less than \$8,000;

9 In counties with 30,000 or more but less than 60,000
10 inhabitants, not less than \$9,000;

11 In counties with 60,000 or more but less than 100,000
12 inhabitants, not less than \$10,000;

13 In counties with 100,000 or more but less than 200,000
14 inhabitants, not less than \$11,500;

15 In counties with 200,000 or more but less than 300,000
16 inhabitants, not less than \$13,000;

17 In counties with 300,000 or more but less than
18 1,000,000 inhabitants, not less than \$15,000.

19 For purposes of this subsection, the number of inhabitants
20 shall be determined by the latest Federal decennial or special
21 census of the county.

22 (b) Elected supervisors of assessments who began a term of
23 office before December 1, 1990 shall be compensated at the rate
24 of their base salary. "Base salary" is the compensation paid
25 for their position before July 1, 1989.

26 (c) Elected supervisors of assessments beginning a term of

1 office on or after December 1, 1990 shall, beginning December
2 1, 1993, receive their base salary plus at least 12% of base
3 salary.

4 Any supervisor of assessments who has been presented a
5 Certified Assessing Evaluator Certificate by the International
6 Association of Assessing Officers shall receive an additional
7 compensation of \$500 per year to be paid out of funds
8 appropriated to the Department from the Personal Property Tax
9 Replacement Fund.

10 The salary set by the county board shall be paid in equal
11 monthly installments out of the treasury of the county in which
12 he or she is appointed or elected. If the Department has
13 determined that the total assessed value of property in a
14 county, as equalized by the supervisor of assessments under
15 Section 9-210, is between 31 1/3% and 35 1/3% of the total fair
16 cash value of property in the county, ~~subject to appropriation,~~
17 the Department shall reimburse the county monthly from the
18 Personal Property Tax Replacement Fund 50% of the amount of
19 salary the county paid to the officer for the preceding month.
20 The State portion of this salary is subject to Section 50-40 of
21 the State Budget Law.

22 The county board shall provide necessary office space for
23 the officer and pay all necessary expenses of the office out of
24 the county treasury.

25 Each supervisor of assessments may, with the advice and
26 consent of the county board, appoint necessary deputies and

1 clerks, their compensation to be fixed by the county board and
2 paid by the county.

3 (Source: P.A. 97-72, eff. 7-1-11.)

4 Section 20. The Counties Code is amended by changing
5 Sections 3-4007 and 4-2001 as follows:

6 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

7 Sec. 3-4007. Compensation.

8 (a) The public defender shall be paid out of the county
9 treasury, and, subject to appropriation, shall be paid by the
10 Department of Revenue out of the Personal Property Tax
11 Replacement Fund or the General Revenue Fund as provided in
12 subsection (b), as the sole compensation for his or her
13 services a salary in an amount fixed by the County Board. When
14 a Public Defender in a county of 30,000 or more population is
15 receiving not less than 90% of the compensation of the State's
16 Attorney of such county, that Public Defender shall not engage
17 in the private practice of law.

18 (b) The State must pay 66 2/3% of the public defender's
19 annual salary. If the public defender is employed full-time in
20 that capacity, his or her salary must be at least 90% of that
21 county's State's attorney's annual compensation. These ~~Subject~~
22 ~~to appropriation, these~~ amounts furnished by the State shall be
23 payable monthly by the Department of Revenue out of the
24 Personal Property Tax Replacement Fund or the General Revenue

1 Fund to the county in which each Public Defender is employed.
2 The State portion of this salary is subject to Section 50-40 of
3 the State Budget Law.

4 (c) In cases where 2 or more adjoining counties have joined
5 to form a common office of Public Defender, the salary of the
6 Public Defender shall be set and paid as provided by a joint
7 resolution of the various county boards involved.

8 (Source: P.A. 97-72, eff. 7-1-11.)

9 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

10 Sec. 4-2001. State's attorney salaries.

11 (a) There shall be allowed to the several state's attorneys
12 in this State, except the state's attorney of Cook County, the
13 following annual salary:

14 (1) Subject to paragraph (5), to each state's attorney
15 in counties containing less than 10,000 inhabitants,
16 \$40,500 until December 31, 1988, \$45,500 until June 30,
17 1994, and \$55,500 thereafter or as set by the Compensation
18 Review Board, whichever is greater.

19 (2) Subject to paragraph (5), to each state's attorney
20 in counties containing 10,000 or more inhabitants but less
21 than 20,000 inhabitants, \$46,500 until December 31, 1988,
22 \$61,500 until June 30, 1994, and \$71,500 thereafter or as
23 set by the Compensation Review Board, whichever is greater.

24 (3) Subject to paragraph (5), to each state's attorney
25 in counties containing 20,000 or more but less than 30,000

1 inhabitants, \$51,000 until December 31, 1988, \$65,000
2 until June 30, 1994, and \$75,000 thereafter or as set by
3 the Compensation Review Board, whichever is greater.

4 (4) To each state's attorney in counties of 30,000 or
5 more inhabitants, \$65,500 until December 31, 1988, \$80,000
6 until June 30, 1994, and \$96,837 thereafter or as set by
7 the Compensation Review Board, whichever is greater.

8 (5) Effective December 1, 2000, to each state's
9 attorney in counties containing fewer than 30,000
10 inhabitants, the same salary plus any cost of living
11 adjustments as authorized by the Compensation Review Board
12 to take effect after January 1, 1999, for state's attorneys
13 in counties containing 20,000 or more but fewer than 30,000
14 inhabitants, or as set by the Compensation Review Board
15 whichever is greater.

16 The State shall furnish 66 2/3% of the total annual
17 compensation to be paid to each state's attorney in Illinois
18 based on the salary in effect on December 31, 1988, and 100% of
19 the increases in salary taking effect after December 31, 1988.

20 ~~Said Subject to appropriation, said~~ amounts furnished by
21 the State shall be payable monthly by the Department of Revenue
22 out of the Personal Property Tax Replacement Fund or the
23 General Revenue Fund to the county in which each state's
24 attorney is elected. The State portion of this salary is
25 subject to Section 50-40 of the State Budget Law.

26 Each county shall be required to furnish 33 1/3% of the

1 total annual compensation to be paid to each state's attorney
2 in Illinois based on the salary in effect on December 31, 1988.

3 Within 90 days after the effective date of this amendatory
4 Act of the 96th General Assembly, the county board of any
5 county with a population between 15,000 and 50,000 by
6 resolution or ordinance may increase the amount of compensation
7 to be paid to each eligible state's attorney in their county in
8 the form of a longevity stipend which shall be added to and
9 become part of the salary of the state's attorney for that
10 year. To be eligible, the state's attorney must have served in
11 the elected position for at least 20 continuous years and elect
12 to participate in a program for an alternative annuity for
13 county officers and make the required additional optional
14 contributions as authorized by P.A. 90-32.

15 (b) Effective December 1, 2000, no state's attorney may
16 engage in the private practice of law. However, until November
17 30, 2000, (i) the state's attorneys in counties containing
18 fewer than 10,000 inhabitants may engage in the practice of
19 law, and (ii) in any county between 10,000 and 30,000
20 inhabitants or in any county containing 30,000 or more
21 inhabitants which reached that population between 1970 and
22 December 31, 1981, the state's attorney may declare his or her
23 intention to engage in the private practice of law, and may do
24 so through no later than November 30, 2000, by filing a written
25 declaration of intent to engage in the private practice of law
26 with the county clerk. The declaration of intention shall be

1 irrevocable during the remainder of the term of office. The
2 declaration shall be filed with the county clerk within 30 days
3 of certification of election or appointment, or within 60 days
4 of March 15, 1989, whichever is later. In that event the annual
5 salary of such state's attorney shall be as follows:

6 (1) In counties containing 10,000 or more inhabitants
7 but less than 20,000 inhabitants, \$46,500 until December
8 31, 1988, \$51,500 until June 30, 1994, and \$61,500
9 thereafter or as set by the Compensation Review Board,
10 whichever is greater. The State shall furnish 100% of the
11 increases taking effect after December 31, 1988.

12 (2) In counties containing 20,000 or more inhabitants
13 but less than 30,000 inhabitants, and in counties
14 containing 30,000 or more inhabitants which reached said
15 population between 1970 and December 31, 1981, \$51,500
16 until December 31, 1988, \$56,000 until June 30, 1994, and
17 \$65,000 thereafter or as set by the Compensation Review
18 Board, whichever is greater. The State shall furnish 100%
19 of the increases taking effect after December 31, 1988.

20 (c) In counties where a state mental health institution, as
21 hereinafter defined, is located, one assistant state's
22 attorney shall, ~~subject to appropriation,~~ receive for his
23 services, payable monthly by the Department of Revenue out of
24 the Personal Property Tax Replacement Fund or the General
25 Revenue Fund to the county in which he is appointed, the
26 following:

1 (1) To each assistant state's attorney in counties
2 containing less than 10,000 inhabitants, the sum of \$2,500
3 per annum;

4 (2) To each assistant state's attorney in counties
5 containing not less than 10,000 inhabitants and not more
6 than 20,000 inhabitants, the sum of \$3,500 per annum;

7 (3) To each assistant state's attorney in counties
8 containing not less than 20,000 inhabitants and not more
9 than 30,000 inhabitants, the sum of \$4,000 per annum;

10 (4) To each assistant state's attorney in counties
11 containing not less than 30,000 inhabitants and not more
12 than 40,000 inhabitants, the sum of \$4,500 per annum;

13 (5) To each assistant state's attorney in counties
14 containing not less than 40,000 inhabitants and not more
15 than 70,000 inhabitants, the sum of \$5,000 per annum;

16 (6) To each assistant state's attorney in counties
17 containing not less than 70,000 inhabitants and not more
18 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

19 (d) The population of all counties for the purpose of
20 fixing salaries as herein provided shall be based upon the last
21 Federal census immediately previous to the appointment of an
22 assistant state's attorney in each county.

23 (e) At the request of the county governing authority, in
24 counties where one or more state correctional institutions, as
25 hereinafter defined, are located, one or more assistant state's
26 attorneys shall, subject to appropriation, receive for their

1 services, provided that such services are performed in
2 connection with the state correctional institution, payable
3 monthly by the Department of Revenue out of the Personal
4 Property Tax Replacement Fund or the General Revenue Fund to
5 the county in which they are appointed, the following:

6 (1) \$22,000 for each assistant state's attorney in
7 counties with one or more State correctional institutions
8 with a total average daily inmate population in excess of
9 2,000, on the basis of 2 assistant state's attorneys when
10 the total average daily inmate population exceeds 2,000 but
11 is less than 4,000; and 3 assistant state's attorneys when
12 such population exceeds 4,000; with reimbursement to be
13 based on actual services rendered.

14 (2) \$15,000 per year for one assistant state's attorney
15 in counties having one or more correctional institutions
16 with a total average daily inmate population of between 750
17 and 2,000 inmates, with reimbursement to be based on actual
18 services rendered.

19 (3) A maximum of \$12,000 per year for one assistant
20 state's attorney in counties having less than 750 inmates,
21 with reimbursement to be based on actual services rendered.

22 Upon application of the county governing authority and
23 certification of the State's Attorney, the Director of
24 Corrections may, in his discretion and subject to
25 appropriation, increase the amount of salary reimbursement
26 to a county in the event special circumstances require the

1 county to incur extraordinary salary expenditures as a
2 result of services performed in connection with State
3 correctional institutions in that county.

4 In determining whether or not to increase the amount of
5 salary reimbursement, the Director shall consider, among other
6 matters:

7 (1) the nature of the services rendered;

8 (2) the results or dispositions obtained;

9 (3) whether or not the county was required to employ
10 additional attorney personnel as a direct result of the
11 services actually rendered in connection with a particular
12 service to a State correctional institution.

13 (f) In counties where a State senior institution of higher
14 education is located, the assistant state's attorneys
15 specified by this Section shall, subject to appropriation,
16 receive for their services, payable monthly by the Department
17 of Revenue out of the Personal Property Tax Replacement Fund or
18 the General Revenue Fund to the county in which appointed, the
19 following:

20 (1) \$14,000 per year each for employment on a full time
21 basis for 2 assistant state's attorneys in counties having
22 a State university or State universities with combined full
23 time enrollment of more than 15,000 students.

24 (2) \$7,200 per year for one assistant state's attorney
25 with no limitation on other practice in counties having a
26 State university or State universities with combined full

1 time enrollment of 10,000 to 15,000 students.

2 (3) \$4,000 per year for one assistant state's attorney
3 with no limitation on other practice in counties having a
4 State university or State universities with combined full
5 time enrollment of less than 10,000 students.

6 Such salaries shall be paid to the state's attorney and the
7 assistant state's attorney in equal monthly installments by
8 such county out of the county treasury provided that, ~~subject~~
9 ~~to appropriation,~~ the Department of Revenue shall reimburse
10 each county monthly, out of the Personal Property Tax
11 Replacement Fund or the General Revenue Fund, the amount of
12 such salary. The State portion of this salary is subject to
13 Section 50-40 of the State Budget Law. This Section shall not
14 prevent the payment of such additional compensation to the
15 state's attorney or assistant state's attorney of any county,
16 out of the treasury of that county as may be provided by law.

17 (g) For purposes of this Section, "State mental health
18 institution" means any institution under the jurisdiction of
19 the Department of Human Services that is listed in Section 4 of
20 the Mental Health and Developmental Disabilities
21 Administrative Act.

22 For purposes of this Section, "State correctional
23 institution" means any facility of the Department of
24 Corrections including adult facilities, juvenile facilities,
25 pre-release centers, community correction centers, and work
26 camps.

1 For purposes of this Section, "State university" means the
2 University of Illinois, Southern Illinois University, Chicago
3 State University, Eastern Illinois University, Governors State
4 University, Illinois State University, Northeastern Illinois
5 University, Northern Illinois University, Western Illinois
6 University, and any public community college which has
7 established a program of interinstitutional cooperation with
8 one of the foregoing institutions whereby a student, after
9 earning an associate degree from the community college, pursues
10 a course of study at the community college campus leading to a
11 baccalaureate degree from the foregoing institution (also
12 known as a "2 Plus 2" degree program).

13 (h) A number of assistant state's attorneys shall be
14 appointed in each county that chooses to participate, as
15 provided in this subsection, for the prosecution of
16 alcohol-related traffic offenses. Each county shall receive
17 monthly a subsidy for payment of the salaries and benefits of
18 these assistant state's attorneys from State funds
19 appropriated to the Department of Revenue out of the Personal
20 Property Tax Replacement Fund or the General Revenue Fund for
21 that purpose. The amounts of subsidies provided by this
22 subsection shall be adjusted for inflation each July 1 using
23 the Consumer Price Index of the Bureau of Labor Statistics of
24 the U.S. Department of Labor.

25 When a county chooses to participate in the subsidy program
26 described in this subsection (h), the number of assistant

1 state's attorneys who are prosecuting alcohol-related traffic
2 offenses must increase according to the subsidy provided in
3 this subsection. These appointed assistant state's attorneys
4 shall be in addition to any other assistant state's attorneys
5 assigned to those cases on the effective date of this
6 amendatory Act of the 91st General Assembly, and may not
7 replace those assistant state's attorneys. In counties where
8 the state's attorney is the sole prosecutor, this subsidy shall
9 be used to provide an assistant state's attorney to prosecute
10 alcohol-related traffic offenses along with the state's
11 attorney. In counties where the state's attorney is the sole
12 prosecutor, and in counties where a judge presides over cases
13 involving a variety of misdemeanors, including alcohol-related
14 traffic matters, assistant state's attorneys appointed and
15 subsidized by this subsection (h) may also prosecute the
16 different misdemeanor cases at the direction of the state's
17 attorney.

18 Assistant state's attorneys shall be appointed under this
19 subsection in the following number and counties shall receive
20 the following annual subsidies:

21 (1) In counties with fewer than 30,000 inhabitants, one
22 at \$35,000.

23 (2) In counties with 30,000 or more but fewer than
24 100,000 inhabitants, one at \$45,000.

25 (3) In counties with 100,000 or more but fewer than
26 300,000 inhabitants, 2 at \$45,000 each.

1 (4) In counties, other than Cook County, with 300,000
2 or more inhabitants, 4 at \$50,000 each.

3 The amounts appropriated under this Section must be
4 segregated by population classification and disbursed monthly.

5 If in any year the amount appropriated for the purposes of
6 this subsection (h) is insufficient to pay all of the subsidies
7 specified in this subsection, the amount appropriated shall
8 first be prorated by the population classifications of this
9 subsection (h) and then among the counties choosing to
10 participate within each of those classifications. If any of the
11 appropriated moneys for each population classification remain
12 at the end of a fiscal year, the remainder of the moneys may be
13 allocated to participating counties that were not fully funded
14 during the course of the year. Nothing in this subsection
15 prohibits 2 or more State's attorneys from combining their
16 subsidies to appoint a joint assistant State's attorney to
17 prosecute alcohol-related traffic offenses in multiple
18 counties. Nothing in this subsection prohibits a State's
19 attorney from appointing an assistant State's attorney by
20 contract or otherwise.

21 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)