



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 315

2 AMENDMENT NO. _____. Amend House Bill 315, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Economic Development Area Tax Increment
6 Allocation Act is amended by changing Section 6 as follows:

7 (20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)

8 Sec. 6. Filing with county clerk; certification of initial
9 equalized assessed value.

10 (a) The municipality shall file a certified copy of any
11 ordinance authorizing tax increment allocation financing for
12 an economic development project area with the county clerk, and
13 the county clerk shall immediately thereafter determine (1) the
14 most recently ascertained equalized assessed value of each lot,
15 block, tract or parcel of real property within the economic
16 development project area from which shall be deducted the

1 homestead exemptions provided under Article 15 ~~by Sections~~
2 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which
3 value shall be the "initial equalized assessed value" of each
4 such piece of property, and (2) the total equalized assessed
5 value of all taxable real property within the economic
6 development project area by adding together the most recently
7 ascertained equalized assessed value of each taxable lot,
8 block, tract, or parcel of real property within such economic
9 development project area, from which shall be deducted the
10 homestead exemptions provided under Article 15 ~~by Sections~~
11 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, and shall
12 certify such amount as the "total initial equalized assessed
13 value" of the taxable real property within the economic
14 development project area.

15 (b) After the county clerk has certified the "total initial
16 equalized assessed value" of the taxable real property in the
17 economic development project area, then in respect to every
18 taxing district containing an economic development project
19 area, the county clerk or any other official required by law to
20 ascertain the amount of the equalized assessed value of all
21 taxable property within that taxing district for the purpose of
22 computing the rate per cent of tax to be extended upon taxable
23 property within that taxing district, shall in every year that
24 tax increment allocation financing is in effect ascertain the
25 amount of value of taxable property in an economic development
26 project area by including in that amount the lower of the

1 current equalized assessed value or the certified "total
2 initial equalized assessed value" of all taxable real property
3 in such area. The rate per cent of tax determined shall be
4 extended to the current equalized assessed value of all
5 property in the economic development project area in the same
6 manner as the rate per cent of tax is extended to all other
7 taxable property in the taxing district. The method of
8 allocating taxes established under this Section shall
9 terminate when the municipality adopts an ordinance dissolving
10 the special tax allocation fund for the economic development
11 project area, terminating the economic development project
12 area, and terminating the use of tax increment allocation
13 financing for the economic development project area. This Act
14 shall not be construed as relieving property owners within an
15 economic development project area from paying a uniform rate of
16 taxes upon the current equalized assessed value of their
17 taxable property as provided in the Property Tax Code.

18 (Source: P.A. 93-715, eff. 7-12-04.)

19 Section 10. The Property Tax Code is amended by changing
20 Sections 14-15, 15-10, 15-165, 15-170, 15-172, 15-175, 15-176,
21 20-15, 20-178, and 21-27, by adding Division 18 to Article 10,
22 and by adding Sections 15-167, 15-168, 15-169, 15-177, 18-178,
23 and 24-35 as follows:

24 (35 ILCS 200/Art. 10 Div. 18 heading new)

1 ARTICLE 10 Div. 18. WIND ENERGY PROPERTY ASSESSMENT

2 (35 ILCS 200/10-600 new)

3 Sec. 10-600. Definitions. For the purposes of this Division
4 18:

5 "Wind energy device" means any device, with a nameplate
6 capacity of at least 0.5 megawatts, that is used in the process
7 of converting kinetic energy from the wind to generate electric
8 power for commercial sale.

9 "2007 real property cost basis" excludes personal property
10 but represents both the land and real property improvements of
11 a wind energy device and means \$360,000 per megawatt of
12 nameplate capacity.

13 "Trending factor" means a number equal to the consumer
14 price index (U.S. city average all items) published by the
15 Bureau of Labor Statistics for the December immediately
16 preceding the assessment date, divided by the consumer price
17 index (U.S. city average all items) published by the Bureau of
18 Labor Statistics for December 2006.

19 "Trended real property cost basis" means the 2007 real
20 property cost basis multiplied by the trending factor.

21 "Allowance for physical depreciation" means (i) the actual
22 age in years of the wind energy device on the assessment date
23 divided by 25 years multiplied by (ii) the trended real
24 property cost basis. The physical depreciation, however, may
25 not reduce the value of the wind energy device to less than 30%

1 of the trended real property cost basis.

2 (35 ILCS 200/10-605 new)

3 Sec. 10-605. Valuation of wind energy devices. Beginning in
4 assessment year 2007, the fair cash value of wind energy
5 devices shall be determined by subtracting the allowance for
6 physical depreciation from the trended real property cost
7 basis. Functional obsolescence and external obsolescence may
8 further reduce the fair cash value of the wind energy device,
9 to the extent they are proved by the taxpayer by clear and
10 convincing evidence.

11 (35 ILCS 200/10-610 new)

12 Sec. 10-610. Applicability.

13 (a) The provisions of this Division apply for assessment
14 years 2007 through 2011.

15 (b) The provisions of this Division do not apply to wind
16 energy devices that are owned by any person or entity that is
17 otherwise exempt from taxation under the Property Tax Code.

18 (35 ILCS 200/10-615 new)

19 Sec. 10-615. Wind energy assessable property is not subject
20 to equalization. Wind energy assessable property is not subject
21 to equalization factors applied by the Department or any board
22 of review, assessor, or chief county assessment officer.

1 (35 ILCS 200/10-620 new)

2 Sec. 10-620. Platting requirements; parcel identification
3 numbers. The owner of a wind energy device shall, at his or her
4 own expense, use an Illinois registered land surveyor to
5 prepare a plat showing the metes and bounds description,
6 including access routes, of the area immediately surrounding
7 the wind energy device over which that owner has exclusive
8 control; provided that such platting does not constitute a
9 subdivision of land subject to the provisions of the Plat Act
10 (765 ILCS 205/). Within 60 days after completion of
11 construction of the wind energy device, the owner of the wind
12 energy device shall record the plat and deliver a copy of it to
13 the chief county assessment officer and to the owner of the
14 land surrounding the newly platted area. Upon receiving a copy
15 of the plat, the chief county assessment officer shall issue a
16 separate parcel identification number or numbers for the
17 property containing the wind energy device or devices.

18 (35 ILCS 200/14-15)

19 Sec. 14-15. Certificate of error; counties of 3,000,000 or
20 more.

21 (a) In counties with 3,000,000 or more inhabitants, if,
22 after the assessment is certified pursuant to Section 16-150,
23 but subject to the limitations of subsection (c) of this
24 Section, the county assessor discovers an error or mistake in
25 the assessment, the assessor shall execute a certificate

1 setting forth the nature and cause of the error. The
2 certificate when endorsed by the county assessor, or when
3 endorsed by the county assessor and board of appeals (until the
4 first Monday in December 1998 and the board of review beginning
5 the first Monday in December 1998 and thereafter) where the
6 certificate is executed for any assessment which was the
7 subject of a complaint filed in the board of appeals (until the
8 first Monday in December 1998 and the board of review beginning
9 the first Monday in December 1998 and thereafter) for the tax
10 year for which the certificate is issued, may, either be
11 certified according to the procedure authorized by this Section
12 or be presented and received in evidence in any court of
13 competent jurisdiction. Certification is authorized, at the
14 discretion of the county assessor, for: (1) certificates of
15 error allowing homestead exemptions under Article 15 ~~pursuant~~
16 ~~to Sections 15-170, 15-172, 15-175, and 15-176;~~ (2)
17 certificates of error on residential property of 6 units or
18 less; (3) certificates of error allowing exemption of the
19 property pursuant to Section 14-25; and (4) other certificates
20 of error reducing assessed value by less than \$100,000. Any
21 certificate of error not certified shall be presented to the
22 court. The county assessor shall develop reasonable procedures
23 for the filing and processing of certificates of error. Prior
24 to the certification or presentation to the court, the county
25 assessor or his or her designee shall execute and include in
26 the certificate of error a statement attesting that all

1 procedural requirements pertaining to the issuance of the
2 certificate of error have been met and that in fact an error
3 exists. When so introduced in evidence such certificate shall
4 become a part of the court records, and shall not be removed
5 from the files except upon the order of the court.

6 Certificates of error that will be presented to the court
7 shall be filed as an objection in the application for judgment
8 and order of sale for the year in relation to which the
9 certificate is made or as an amendment to the objection under
10 subsection (b). Certificates of error that are to be certified
11 according to the procedure authorized by this Section need not
12 be presented to the court as an objection or an amendment under
13 subsection (b). The State's Attorney of the county in which the
14 property is situated shall mail a copy of any final judgment
15 entered by the court regarding any certificate of error to the
16 taxpayer of record for the year in question.

17 Any unpaid taxes after the entry of the final judgment by
18 the court or certification on certificates issued under this
19 Section may be included in a special tax sale, provided that an
20 advertisement is published and a notice is mailed to the person
21 in whose name the taxes were last assessed, in a form and
22 manner substantially similar to the advertisement and notice
23 required under Sections 21-110 and 21-135. The advertisement
24 and sale shall be subject to all provisions of law regulating
25 the annual advertisement and sale of delinquent property, to
26 the extent that those provisions may be made applicable.

1 A certificate of error certified under this Section shall
2 be given effect by the county treasurer, who shall mark the tax
3 books and, upon receipt of one of the following certificates
4 from the county assessor or the county assessor and the board
5 of review where the board of review is required to endorse the
6 certificate of error, shall issue refunds to the taxpayer
7 accordingly:

8 "CERTIFICATION

9 I,, county assessor, hereby certify
10 that the Certificates of Error set out on the attached list
11 have been duly issued to correct an error or mistake in the
12 assessment."

13 "CERTIFICATION

14 I,, county assessor, and we,
15,
16 members of the board of review, hereby certify that the
17 Certificates of Error set out on the attached list have
18 been duly issued to correct an error or mistake in the
19 assessment and that any certificates of error required to
20 be endorsed by the board of review have been so endorsed."

21 The county treasurer has the power to mark the tax books to
22 reflect the issuance of certificates of error certified
23 according to the procedure authorized in this Section for

1 certificates of error issued under Section 14-25 or
2 certificates of error issued to and including 3 years after the
3 date on which the annual judgment and order of sale for that
4 tax year was first entered. The county treasurer has the power
5 to issue refunds to the taxpayer as set forth above until all
6 refunds authorized by this Section have been completed.

7 To the extent that the certificate of error obviates the
8 liability for nonpayment of taxes, certification of a
9 certificate of error according to the procedure authorized in
10 this Section shall operate to vacate any judgment or forfeiture
11 as to that year's taxes, and the warrant books and judgment
12 books shall be marked to reflect that the judgment or
13 forfeiture has been vacated.

14 (b) Nothing in subsection (a) of this Section shall be
15 construed to prohibit the execution, endorsement, issuance,
16 and adjudication of a certificate of error if (i) the annual
17 judgment and order of sale for the tax year in question is
18 reopened for further proceedings upon consent of the county
19 collector and county assessor, represented by the State's
20 Attorney, and (ii) a new final judgment is subsequently entered
21 pursuant to the certificate. This subsection (b) shall be
22 construed as declarative of existing law and not as a new
23 enactment.

24 (c) No certificate of error, other than a certificate to
25 establish an exemption under Section 14-25, shall be executed
26 for any tax year more than 3 years after the date on which the

1 annual judgment and order of sale for that tax year was first
2 entered, except that during calendar years 1999 and 2000 a
3 certificate of error may be executed for any tax year, provided
4 that the error or mistake in the assessment was discovered no
5 more than 3 years after the date on which the annual judgment
6 and order of sale for that tax year was first entered.

7 (d) The time limitation of subsection (c) shall not apply
8 to a certificate of error correcting an assessment to \$1, under
9 Section 10-35, on a parcel that a subdivision or planned
10 development has acquired by adverse possession, if during the
11 tax year for which the certificate is executed the subdivision
12 or planned development used the parcel as common area, as
13 defined in Section 10-35, and if application for the
14 certificate of error is made prior to December 1, 1997.

15 (e) The changes made by this amendatory Act of the 91st
16 General Assembly apply to certificates of error issued before,
17 on, and after the effective date of this amendatory Act of the
18 91st General Assembly.

19 (Source: P.A. 93-715, eff. 7-12-04.)

20 (35 ILCS 200/15-10)

21 Sec. 15-10. Exempt property; procedures for certification.
22 All property granted an exemption by the Department pursuant to
23 the requirements of Section 15-5 and described in the Sections
24 following Section 15-30 and preceding Section 16-5, to the
25 extent therein limited, is exempt from taxation. In order to

1 maintain that exempt status, the titleholder or the owner of
2 the beneficial interest of any property that is exempt must
3 file with the chief county assessment officer, on or before
4 January 31 of each year (May 31 in the case of property
5 exempted by Section 15-170), an affidavit stating whether there
6 has been any change in the ownership or use of the property or
7 the status of the owner-resident, or that a disabled veteran
8 who qualifies under Section 15-165 owned and used the property
9 as of January 1 of that year. The nature of any change shall be
10 stated in the affidavit. Failure to file an affidavit shall, in
11 the discretion of the assessment officer, constitute cause to
12 terminate the exemption of that property, notwithstanding any
13 other provision of this Code. Owners of 5 or more such exempt
14 parcels within a county may file a single annual affidavit in
15 lieu of an affidavit for each parcel. The assessment officer,
16 upon request, shall furnish an affidavit form to the owners, in
17 which the owner may state whether there has been any change in
18 the ownership or use of the property or status of the owner or
19 resident as of January 1 of that year. The owner of 5 or more
20 exempt parcels shall list all the properties giving the same
21 information for each parcel as required of owners who file
22 individual affidavits.

23 However, titleholders or owners of the beneficial interest
24 in any property exempted under any of the following provisions
25 are not required to submit an annual filing under this Section:

26 (1) Section 15-45 (burial grounds) in counties of less

1 than 3,000,000 inhabitants and owned by a not-for-profit
2 organization.

3 (2) Section 15-40.

4 (3) Section 15-50 (United States property).

5 If there is a change in use or ownership, however, notice
6 must be filed pursuant to Section 15-20.

7 An application for homestead exemptions shall be filed as
8 provided in Section 15-170 (senior citizens homestead
9 exemption), Section 15-172 (senior citizens assessment freeze
10 homestead exemption), and Sections 15-175 (general homestead
11 exemption), ~~and~~ 15-176 (alternative general homestead
12 exemption), and 15-177 (long-time occupant homestead
13 exemption), respectively.

14 (Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02;
15 93-715, eff. 7-12-04.)

16 (35 ILCS 200/15-165)

17 Sec. 15-165. Disabled veterans. Property up to an assessed
18 value of \$70,000, owned and used exclusively by a disabled
19 veteran, or the spouse or unmarried surviving spouse of the
20 veteran, as a home, is exempt. As used in this Section, a
21 disabled veteran means a person who has served in the Armed
22 Forces of the United States and whose disability is of such a
23 nature that the Federal Government has authorized payment for
24 purchase or construction of Specially Adapted Housing as set
25 forth in the United States Code, Title 38, Chapter 21, Section

1 2101.

2 The exemption applies to housing where Federal funds have
3 been used to purchase or construct special adaptations to suit
4 the veteran's disability.

5 The exemption also applies to housing that is specially
6 adapted to suit the veteran's disability, and purchased
7 entirely or in part by the proceeds of a sale, casualty loss
8 reimbursement, or other transfer of a home for which the
9 Federal Government had previously authorized payment for
10 purchase or construction as Specially Adapted Housing.

11 However, the entire proceeds of the sale, casualty loss
12 reimbursement, or other transfer of that housing shall be
13 applied to the acquisition of subsequent specially adapted
14 housing to the extent that the proceeds equal the purchase
15 price of the subsequently acquired housing.

16 For purposes of this Section, "unmarried surviving spouse"
17 means the surviving spouse of the veteran at any time after the
18 death of the veteran during which such surviving spouse is not
19 married.

20 This exemption must be reestablished on an annual basis by
21 certification from the Illinois Department of Veterans'
22 Affairs to the Department, which shall forward a copy of the
23 certification to local assessing officials.

24 A taxpayer who claims an exemption under Section 15-168 or
25 15-169 may not claim an exemption under this Section.

26 (Source: P.A. 94-310, eff. 7-25-05.)

1 (35 ILCS 200/15-167 new)

2 Sec. 15-167. Returning Veterans' Homestead Exemption.

3 (a) Beginning with taxable year 2007, a homestead
4 exemption, limited to a reduction set forth under subsection
5 (b), from the property's value, as equalized or assessed by the
6 Department, is granted for property that is owned and occupied
7 as the principal residence of a veteran returning from an armed
8 conflict involving the armed forces of the United States who is
9 liable for paying real estate taxes on the property and is an
10 owner of record of the property or has a legal or equitable
11 interest therein as evidenced by a written instrument, except
12 for a leasehold interest, other than a leasehold interest of
13 land on which a single family residence is located, which is
14 occupied as the principal residence of a veteran returning from
15 an armed conflict involving the armed forces of the United
16 States who has an ownership interest therein, legal, equitable
17 or as a lessee, and on which he or she is liable for the payment
18 of property taxes. For purposes of the exemption under this
19 Section, "veteran" means an Illinois resident who has served as
20 a member of the United States Armed Forces, a member of the
21 Illinois National Guard, or a member of the United States
22 Reserve Forces.

23 (b) In all counties, the reduction is \$5,000 and only for
24 the taxable year in which the veteran returns from active duty
25 in an armed conflict involving the armed forces of the United

1 States. For land improved with an apartment building owned and
2 operated as a cooperative, the maximum reduction from the value
3 of the property, as equalized by the Department, must be
4 multiplied by the number of apartments or units occupied by a
5 veteran returning from an armed conflict involving the armed
6 forces of the United States who is liable, by contract with the
7 owner or owners of record, for paying property taxes on the
8 property and is an owner of record of a legal or equitable
9 interest in the cooperative apartment building, other than a
10 leasehold interest. In a cooperative where a homestead
11 exemption has been granted, the cooperative association or the
12 management firm of the cooperative or facility shall credit the
13 savings resulting from that exemption only to the apportioned
14 tax liability of the owner or resident who qualified for the
15 exemption. Any person who willfully refuses to so credit the
16 savings is guilty of a Class B misdemeanor.

17 (c) Application must be made during the application period
18 in effect for the county of his or her residence. The assessor
19 or chief county assessment officer may determine the
20 eligibility of residential property to receive the homestead
21 exemption provided by this Section by application, visual
22 inspection, questionnaire, or other reasonable methods. The
23 determination must be made in accordance with guidelines
24 established by the Department.

25 (d) The exemption under this Section is in addition to any
26 other homestead exemption provided in this Article 15.

1 Notwithstanding Sections 6 and 8 of the State Mandates Act, no
2 reimbursement by the State is required for the implementation
3 of any mandate created by this Section.

4 (35 ILCS 200/15-168 new)

5 Sec. 15-168. Disabled persons' homestead exemption.

6 (a) Beginning with taxable year 2007, an annual homestead
7 exemption is granted to disabled persons in the amount of
8 \$2,000, except as provided in subsection (c), to be deducted
9 from the property's value as equalized or assessed by the
10 Department of Revenue. The disabled person shall receive the
11 homestead exemption upon meeting the following requirements:

12 (1) The property must be occupied as the primary
13 residence by the disabled person.

14 (2) The disabled person must be liable for paying the
15 real estate taxes on the property.

16 (3) The disabled person must be an owner of record of
17 the property or have a legal or equitable interest in the
18 property as evidenced by a written instrument. In the case
19 of a leasehold interest in property, the lease must be for
20 a single family residence.

21 A person who is disabled during the taxable year is
22 eligible to apply for this homestead exemption during that
23 taxable year. Application must be made during the application
24 period in effect for the county of residence. If a homestead
25 exemption has been granted under this Section and the person

1 awarded the exemption subsequently becomes a resident of a
2 facility licensed under the Nursing Home Care Act, then the
3 exemption shall continue (i) so long as the residence continues
4 to be occupied by the qualifying person's spouse or (ii) if the
5 residence remains unoccupied but is still owned by the person
6 qualified for the homestead exemption.

7 (b) For the purposes of this Section, "disabled person"
8 means a person unable to engage in any substantial gainful
9 activity by reason of a medically determinable physical or
10 mental impairment which can be expected to result in death or
11 has lasted or can be expected to last for a continuous period
12 of not less than 12 months. Disabled persons filing claims
13 under this Act shall submit proof of disability in such form
14 and manner as the Department shall by rule and regulation
15 prescribe. Proof that a claimant is eligible to receive
16 disability benefits under the Federal Social Security Act shall
17 constitute proof of disability for purposes of this Act.
18 Issuance of an Illinois Disabled Person Identification Card
19 stating that the claimant is under a Class 2 disability, as
20 defined in Section 4A of The Illinois Identification Card Act,
21 shall constitute proof that the person named thereon is a
22 disabled person for purposes of this Act. A disabled person not
23 covered under the Federal Social Security Act and not
24 presenting a Disabled Person Identification Card stating that
25 the claimant is under a Class 2 disability shall be examined by
26 a physician designated by the Department, and his status as a

1 disabled person determined using the same standards as used by
2 the Social Security Administration. The costs of any required
3 examination shall be borne by the claimant.

4 (c) For land improved with (i) an apartment building owned
5 and operated as a cooperative or (ii) a life care facility as
6 defined under Section 2 of the Life Care Facilities Act that is
7 considered to be a cooperative, the maximum reduction from the
8 value of the property, as equalized or assessed by the
9 Department, shall be multiplied by the number of apartments or
10 units occupied by a disabled person. The disabled person shall
11 receive the homestead exemption upon meeting the following
12 requirements:

13 (1) The property must be occupied as the primary
14 residence by the disabled person.

15 (2) The disabled person must be liable by contract with
16 the owner or owners of record for paying the apportioned
17 property taxes on the property of the cooperative or life
18 care facility. In the case of a life care facility, the
19 disabled person must be liable for paying the apportioned
20 property taxes under a life care contract as defined in
21 Section 2 of the Life Care Facilities Act.

22 (3) The disabled person must be an owner of record of a
23 legal or equitable interest in the cooperative apartment
24 building. A leasehold interest does not meet this
25 requirement.

26 If a homestead exemption is granted under this subsection, the

1 cooperative association or management firm shall credit the
2 savings resulting from the exemption to the apportioned tax
3 liability of the qualifying disabled person. The chief county
4 assessment officer may request reasonable proof that the
5 association or firm has properly credited the exemption. A
6 person who willfully refuses to credit an exemption to the
7 qualified disabled person is guilty of a Class B misdemeanor.

8 (d) The chief county assessment officer shall determine the
9 eligibility of property to receive the homestead exemption
10 according to guidelines established by the Department. After a
11 person has received an exemption under this Section, an annual
12 verification of eligibility for the exemption shall be mailed
13 to the taxpayer.

14 In counties with fewer than 3,000,000 inhabitants, the
15 chief county assessment officer shall provide to each person
16 granted a homestead exemption under this Section a form to
17 designate any other person to receive a duplicate of any notice
18 of delinquency in the payment of taxes assessed and levied
19 under this Code on the person's qualifying property. The
20 duplicate notice shall be in addition to the notice required to
21 be provided to the person receiving the exemption and shall be
22 given in the manner required by this Code. The person filing
23 the request for the duplicate notice shall pay an
24 administrative fee of \$5 to the chief county assessment
25 officer. The assessment officer shall then file the executed
26 designation with the county collector, who shall issue the

1 duplicate notices as indicated by the designation. A
2 designation may be rescinded by the disabled person in the
3 manner required by the chief county assessment officer.

4 (e) A taxpayer who claims an exemption under Section 15-165
5 or 15-169 may not claim an exemption under this Section.

6 (35 ILCS 200/15-169 new)

7 Sec. 15-169. Disabled veterans standard homestead
8 exemption.

9 (a) Beginning with taxable year 2007, an annual homestead
10 exemption, limited to the amounts set forth in subsection (b),
11 is granted for property that is used as a qualified residence
12 by a disabled veteran.

13 (b) The amount of the exemption under this Section is as
14 follows:

15 (1) for veterans with a service-connected disability
16 of at least 75%, as certified by the United States
17 Department of Veterans Affairs, the annual exemption is
18 \$5,000; and

19 (2) for veterans with a service-connected disability
20 of at least 50%, but less than 75%, as certified by the
21 United States Department of Veterans Affairs, the annual
22 exemption is \$2,500.

23 (c) The tax exemption under this Section carries over to
24 the benefit of the veteran's surviving spouse as long as the
25 spouse holds the legal or beneficial title to the homestead,

1 permanently resides thereon, and does not remarry. If the
2 surviving spouse sells the property, an exemption not to exceed
3 the amount granted from the most recent ad valorem tax roll may
4 be transferred to his or her new residence as long as it is
5 used as his or her primary residence and he or she does not
6 remarry.

7 (d) The exemption under this Section applies for taxable
8 year 2007 and thereafter. A taxpayer who claims an exemption
9 under Section 15-165 or 15-168 may not claim an exemption under
10 this Section.

11 (e) Application must be made during the application period
12 in effect for the county of his or her residence. The assessor
13 or chief county assessment officer may determine the
14 eligibility of residential property to receive the homestead
15 exemption provided by this Section by application, visual
16 inspection, questionnaire, or other reasonable methods. The
17 determination must be made in accordance with guidelines
18 established by the Department.

19 (f) For the purposes of this Section:

20 "Qualified residence" means real property, but less any
21 portion of that property that is used for commercial purposes,
22 with an equalized assessed value of less than \$250,000 that is
23 the disabled veteran's primary residence. Property rented for
24 more than 6 months is presumed to be used for commercial
25 purposes.

26 "Veteran" means an Illinois resident who has served as a

1 member of the United States Armed Forces on active duty or
2 State active duty, a member of the Illinois National Guard, or
3 a member of the United States Reserve Forces and who has
4 received an honorable discharge.

5 (35 ILCS 200/15-170)

6 Sec. 15-170. Senior Citizens Homestead Exemption. An
7 annual homestead exemption limited, except as described here
8 with relation to cooperatives or life care facilities, to a
9 maximum reduction set forth below from the property's value, as
10 equalized or assessed by the Department, is granted for
11 property that is occupied as a residence by a person 65 years
12 of age or older who is liable for paying real estate taxes on
13 the property and is an owner of record of the property or has a
14 legal or equitable interest therein as evidenced by a written
15 instrument, except for a leasehold interest, other than a
16 leasehold interest of land on which a single family residence
17 is located, which is occupied as a residence by a person 65
18 years or older who has an ownership interest therein, legal,
19 equitable or as a lessee, and on which he or she is liable for
20 the payment of property taxes. Before taxable year 2004, the
21 maximum reduction shall be \$2,500 in counties with 3,000,000 or
22 more inhabitants and \$2,000 in all other counties. For taxable
23 years 2004 through 2005, the maximum reduction shall be \$3,000
24 in all counties. For taxable years 2006 and 2007 thereafter,
25 the maximum reduction shall be \$3,500 and, for taxable years

1 2008 and thereafter, the maximum reduction is \$4,000 in all
2 counties.

3 For land improved with an apartment building owned and
4 operated as a cooperative, the maximum reduction from the value
5 of the property, as equalized by the Department, shall be
6 multiplied by the number of apartments or units occupied by a
7 person 65 years of age or older who is liable, by contract with
8 the owner or owners of record, for paying property taxes on the
9 property and is an owner of record of a legal or equitable
10 interest in the cooperative apartment building, other than a
11 leasehold interest. For land improved with a life care
12 facility, the maximum reduction from the value of the property,
13 as equalized by the Department, shall be multiplied by the
14 number of apartments or units occupied by persons 65 years of
15 age or older, irrespective of any legal, equitable, or
16 leasehold interest in the facility, who are liable, under a
17 contract with the owner or owners of record of the facility,
18 for paying property taxes on the property. In a cooperative or
19 a life care facility where a homestead exemption has been
20 granted, the cooperative association or the management firm of
21 the cooperative or facility shall credit the savings resulting
22 from that exemption only to the apportioned tax liability of
23 the owner or resident who qualified for the exemption. Any
24 person who willfully refuses to so credit the savings shall be
25 guilty of a Class B misdemeanor. Under this Section and
26 Sections 15-175, ~~and~~ 15-176, and 15-177 "life care facility"

1 means a facility as defined in Section 2 of the Life Care
2 Facilities Act, with which the applicant for the homestead
3 exemption has a life care contract as defined in that Act.

4 When a homestead exemption has been granted under this
5 Section and the person qualifying subsequently becomes a
6 resident of a facility licensed under the Nursing Home Care
7 Act, the exemption shall continue so long as the residence
8 continues to be occupied by the qualifying person's spouse if
9 the spouse is 65 years of age or older, or if the residence
10 remains unoccupied but is still owned by the person qualified
11 for the homestead exemption.

12 A person who will be 65 years of age during the current
13 assessment year shall be eligible to apply for the homestead
14 exemption during that assessment year. Application shall be
15 made during the application period in effect for the county of
16 his residence.

17 Beginning with assessment year 2003, for taxes payable in
18 2004, property that is first occupied as a residence after
19 January 1 of any assessment year by a person who is eligible
20 for the senior citizens homestead exemption under this Section
21 must be granted a pro-rata exemption for the assessment year.
22 The amount of the pro-rata exemption is the exemption allowed
23 in the county under this Section divided by 365 and multiplied
24 by the number of days during the assessment year the property
25 is occupied as a residence by a person eligible for the
26 exemption under this Section. The chief county assessment

1 officer must adopt reasonable procedures to establish
2 eligibility for this pro-rata exemption.

3 The assessor or chief county assessment officer may
4 determine the eligibility of a life care facility to receive
5 the benefits provided by this Section, by affidavit,
6 application, visual inspection, questionnaire or other
7 reasonable methods in order to insure that the tax savings
8 resulting from the exemption are credited by the management
9 firm to the apportioned tax liability of each qualifying
10 resident. The assessor may request reasonable proof that the
11 management firm has so credited the exemption.

12 The chief county assessment officer of each county with
13 less than 3,000,000 inhabitants shall provide to each person
14 allowed a homestead exemption under this Section a form to
15 designate any other person to receive a duplicate of any notice
16 of delinquency in the payment of taxes assessed and levied
17 under this Code on the property of the person receiving the
18 exemption. The duplicate notice shall be in addition to the
19 notice required to be provided to the person receiving the
20 exemption, and shall be given in the manner required by this
21 Code. The person filing the request for the duplicate notice
22 shall pay a fee of \$5 to cover administrative costs to the
23 supervisor of assessments, who shall then file the executed
24 designation with the county collector. Notwithstanding any
25 other provision of this Code to the contrary, the filing of
26 such an executed designation requires the county collector to

1 provide duplicate notices as indicated by the designation. A
2 designation may be rescinded by the person who executed such
3 designation at any time, in the manner and form required by the
4 chief county assessment officer.

5 The assessor or chief county assessment officer may
6 determine the eligibility of residential property to receive
7 the homestead exemption provided by this Section by
8 application, visual inspection, questionnaire or other
9 reasonable methods. The determination shall be made in
10 accordance with guidelines established by the Department.

11 In counties with less than 3,000,000 inhabitants and
12 beginning with taxable year 2007 in all counties, the county
13 board may by resolution provide that if a person has been
14 granted a homestead exemption under this Section, the person
15 qualifying need not reapply for the exemption.

16 In counties with less than 3,000,000 inhabitants and
17 beginning with taxable year 2007 in all counties, if the
18 assessor or chief county assessment officer requires annual
19 application for verification of eligibility for an exemption
20 once granted under this Section, the application shall be
21 mailed to the taxpayer.

22 The assessor or chief county assessment officer shall
23 notify each person who qualifies for an exemption under this
24 Section that the person may also qualify for deferral of real
25 estate taxes under the Senior Citizens Real Estate Tax Deferral
26 Act. The notice shall set forth the qualifications needed for

1 deferral of real estate taxes, the address and telephone number
2 of county collector, and a statement that applications for
3 deferral of real estate taxes may be obtained from the county
4 collector.

5 Notwithstanding Sections 6 and 8 of the State Mandates Act,
6 no reimbursement by the State is required for the
7 implementation of any mandate created by this Section.

8 (Source: P.A. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04;
9 94-794, eff. 5-22-06.)

10 (35 ILCS 200/15-172)

11 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
12 Exemption.

13 (a) This Section may be cited as the Senior Citizens
14 Assessment Freeze Homestead Exemption.

15 (b) As used in this Section:

16 "Applicant" means an individual who has filed an
17 application under this Section.

18 "Base amount" means the base year equalized assessed value
19 of the residence plus the first year's equalized assessed value
20 of any added improvements which increased the assessed value of
21 the residence after the base year.

22 "Base year" means the taxable year prior to the taxable
23 year for which the applicant first qualifies and applies for
24 the exemption provided that in the prior taxable year the
25 property was improved with a permanent structure that was

1 occupied as a residence by the applicant who was liable for
2 paying real property taxes on the property and who was either
3 (i) an owner of record of the property or had legal or
4 equitable interest in the property as evidenced by a written
5 instrument or (ii) had a legal or equitable interest as a
6 lessee in the parcel of property that was single family
7 residence. If in any subsequent taxable year for which the
8 applicant applies and qualifies for the exemption the equalized
9 assessed value of the residence is less than the equalized
10 assessed value in the existing base year (provided that such
11 equalized assessed value is not based on an assessed value that
12 results from a temporary irregularity in the property that
13 reduces the assessed value for one or more taxable years), then
14 that subsequent taxable year shall become the base year until a
15 new base year is established under the terms of this paragraph.
16 For taxable year 1999 only, the Chief County Assessment Officer
17 shall review (i) all taxable years for which the applicant
18 applied and qualified for the exemption and (ii) the existing
19 base year. The assessment officer shall select as the new base
20 year the year with the lowest equalized assessed value. An
21 equalized assessed value that is based on an assessed value
22 that results from a temporary irregularity in the property that
23 reduces the assessed value for one or more taxable years shall
24 not be considered the lowest equalized assessed value. The
25 selected year shall be the base year for taxable year 1999 and
26 thereafter until a new base year is established under the terms

1 of this paragraph.

2 "Chief County Assessment Officer" means the County
3 Assessor or Supervisor of Assessments of the county in which
4 the property is located.

5 "Equalized assessed value" means the assessed value as
6 equalized by the Illinois Department of Revenue.

7 "Household" means the applicant, the spouse of the
8 applicant, and all persons using the residence of the applicant
9 as their principal place of residence.

10 "Household income" means the combined income of the members
11 of a household for the calendar year preceding the taxable
12 year.

13 "Income" has the same meaning as provided in Section 3.07
14 of the Senior Citizens and Disabled Persons Property Tax Relief
15 and Pharmaceutical Assistance Act, except that, beginning in
16 assessment year 2001, "income" does not include veteran's
17 benefits.

18 "Internal Revenue Code of 1986" means the United States
19 Internal Revenue Code of 1986 or any successor law or laws
20 relating to federal income taxes in effect for the year
21 preceding the taxable year.

22 "Life care facility that qualifies as a cooperative" means
23 a facility as defined in Section 2 of the Life Care Facilities
24 Act.

25 "Maximum income limitation" means:

26 (1) \$35,000 prior to taxable year 1999;

1 (2) \$40,000 in taxable years 1999 through 2003;

2 (3) \$45,000 in taxable years 2004 through 2005;

3 (4) \$50,000 in taxable years 2006 and 2007; and

4 (5) \$55,000 in taxable year 2008 and thereafter.

5 "Residence" means the principal dwelling place and
6 appurtenant structures used for residential purposes in this
7 State occupied on January 1 of the taxable year by a household
8 and so much of the surrounding land, constituting the parcel
9 upon which the dwelling place is situated, as is used for
10 residential purposes. If the Chief County Assessment Officer
11 has established a specific legal description for a portion of
12 property constituting the residence, then that portion of
13 property shall be deemed the residence for the purposes of this
14 Section.

15 "Taxable year" means the calendar year during which ad
16 valorem property taxes payable in the next succeeding year are
17 levied.

18 (c) Beginning in taxable year 1994, a senior citizens
19 assessment freeze homestead exemption is granted for real
20 property that is improved with a permanent structure that is
21 occupied as a residence by an applicant who (i) is 65 years of
22 age or older during the taxable year, (ii) has a household
23 income that does not exceed the maximum income limitation of
24 ~~\$35,000 or less prior to taxable year 1999, \$40,000 or less in~~
25 ~~taxable years 1999 through 2003, \$45,000 or less in taxable~~
26 ~~year 2004 and 2005, and \$50,000 or less in taxable year 2006~~

1 ~~and thereafter~~, (iii) is liable for paying real property taxes
2 on the property, and (iv) is an owner of record of the property
3 or has a legal or equitable interest in the property as
4 evidenced by a written instrument. This homestead exemption
5 shall also apply to a leasehold interest in a parcel of
6 property improved with a permanent structure that is a single
7 family residence that is occupied as a residence by a person
8 who (i) is 65 years of age or older during the taxable year,
9 (ii) has a household income that does not exceed the maximum
10 income limitation of \$35,000 or less prior to taxable year
11 1999, \$40,000 or less in taxable years 1999 through 2003,
12 \$45,000 or less in taxable year 2004 and 2005, and \$50,000 or
13 less in taxable year 2006 and thereafter, (iii) has a legal or
14 equitable ownership interest in the property as lessee, and
15 (iv) is liable for the payment of real property taxes on that
16 property.

17 In counties of 3,000,000 or more inhabitants, the amount of
18 the exemption for all taxable years is the equalized assessed
19 value of the residence in the taxable year for which
20 application is made minus the base amount. In all other
21 counties, the amount of the exemption is as follows: (i)
22 through ~~Through~~ taxable year 2005 and for taxable year 2007 and
23 thereafter, the amount of this exemption shall be the equalized
24 assessed value of the residence in the taxable year for which
25 application is made minus the base amount; and (ii) for. ~~For~~
26 taxable year 2006 ~~and thereafter~~, the amount of the exemption

1 is as follows:

2 (1) For an applicant who has a household income of
3 \$45,000 or less, the amount of the exemption is the
4 equalized assessed value of the residence in the taxable
5 year for which application is made minus the base amount.

6 (2) For an applicant who has a household income
7 exceeding \$45,000 but not exceeding \$46,250, the amount of
8 the exemption is (i) the equalized assessed value of the
9 residence in the taxable year for which application is made
10 minus the base amount (ii) multiplied by 0.8.

11 (3) For an applicant who has a household income
12 exceeding \$46,250 but not exceeding \$47,500, the amount of
13 the exemption is (i) the equalized assessed value of the
14 residence in the taxable year for which application is made
15 minus the base amount (ii) multiplied by 0.6.

16 (4) For an applicant who has a household income
17 exceeding \$47,500 but not exceeding \$48,750, the amount of
18 the exemption is (i) the equalized assessed value of the
19 residence in the taxable year for which application is made
20 minus the base amount (ii) multiplied by 0.4.

21 (5) For an applicant who has a household income
22 exceeding \$48,750 but not exceeding \$50,000, the amount of
23 the exemption is (i) the equalized assessed value of the
24 residence in the taxable year for which application is made
25 minus the base amount (ii) multiplied by 0.2.

26 When the applicant is a surviving spouse of an applicant

1 for a prior year for the same residence for which an exemption
2 under this Section has been granted, the base year and base
3 amount for that residence are the same as for the applicant for
4 the prior year.

5 Each year at the time the assessment books are certified to
6 the County Clerk, the Board of Review or Board of Appeals shall
7 give to the County Clerk a list of the assessed values of
8 improvements on each parcel qualifying for this exemption that
9 were added after the base year for this parcel and that
10 increased the assessed value of the property.

11 In the case of land improved with an apartment building
12 owned and operated as a cooperative or a building that is a
13 life care facility that qualifies as a cooperative, the maximum
14 reduction from the equalized assessed value of the property is
15 limited to the sum of the reductions calculated for each unit
16 occupied as a residence by a person or persons (i) 65 years of
17 age or older, (ii) with a household income that does not exceed
18 the maximum income limitation ~~of \$35,000 or less prior to~~
19 ~~taxable year 1999, \$40,000 or less in taxable years 1999~~
20 ~~through 2003, \$45,000 or less in taxable year 2004 and 2005,~~
21 ~~and \$50,000 or less in taxable year 2006 and thereafter,~~ (iii)
22 who is liable, by contract with the owner or owners of record,
23 for paying real property taxes on the property, and (iv) who is
24 an owner of record of a legal or equitable interest in the
25 cooperative apartment building, other than a leasehold
26 interest. In the instance of a cooperative where a homestead

1 exemption has been granted under this Section, the cooperative
2 association or its management firm shall credit the savings
3 resulting from that exemption only to the apportioned tax
4 liability of the owner who qualified for the exemption. Any
5 person who willfully refuses to credit that savings to an owner
6 who qualifies for the exemption is guilty of a Class B
7 misdemeanor.

8 When a homestead exemption has been granted under this
9 Section and an applicant then becomes a resident of a facility
10 licensed under the Nursing Home Care Act, the exemption shall
11 be granted in subsequent years so long as the residence (i)
12 continues to be occupied by the qualified applicant's spouse or
13 (ii) if remaining unoccupied, is still owned by the qualified
14 applicant for the homestead exemption.

15 Beginning January 1, 1997, when an individual dies who
16 would have qualified for an exemption under this Section, and
17 the surviving spouse does not independently qualify for this
18 exemption because of age, the exemption under this Section
19 shall be granted to the surviving spouse for the taxable year
20 preceding and the taxable year of the death, provided that,
21 except for age, the surviving spouse meets all other
22 qualifications for the granting of this exemption for those
23 years.

24 When married persons maintain separate residences, the
25 exemption provided for in this Section may be claimed by only
26 one of such persons and for only one residence.

1 For taxable year 1994 only, in counties having less than
2 3,000,000 inhabitants, to receive the exemption, a person shall
3 submit an application by February 15, 1995 to the Chief County
4 Assessment Officer of the county in which the property is
5 located. In counties having 3,000,000 or more inhabitants, for
6 taxable year 1994 and all subsequent taxable years, to receive
7 the exemption, a person may submit an application to the Chief
8 County Assessment Officer of the county in which the property
9 is located during such period as may be specified by the Chief
10 County Assessment Officer. The Chief County Assessment Officer
11 in counties of 3,000,000 or more inhabitants shall annually
12 give notice of the application period by mail or by
13 publication. In counties having less than 3,000,000
14 inhabitants, beginning with taxable year 1995 and thereafter,
15 to receive the exemption, a person shall submit an application
16 by July 1 of each taxable year to the Chief County Assessment
17 Officer of the county in which the property is located. A
18 county may, by ordinance, establish a date for submission of
19 applications that is different than July 1. The applicant shall
20 submit with the application an affidavit of the applicant's
21 total household income, age, marital status (and if married the
22 name and address of the applicant's spouse, if known), and
23 principal dwelling place of members of the household on January
24 1 of the taxable year. The Department shall establish, by rule,
25 a method for verifying the accuracy of affidavits filed by
26 applicants under this Section, and the Chief County Assessment

1 Officer may conduct audits of any taxpayer claiming an
2 exemption under this Section to verify that the taxpayer is
3 eligible to receive the exemption. Each application shall
4 contain or be verified by a written declaration that it is made
5 under the penalties of perjury. A taxpayer's signing a
6 fraudulent application under this Act is perjury, as defined in
7 Section 32-2 of the Criminal Code of 1961. The applications
8 shall be clearly marked as applications for the Senior Citizens
9 Assessment Freeze Homestead Exemption and must contain a notice
10 that any taxpayer who receives the exemption is subject to an
11 audit by the Chief County Assessment Officer.

12 Notwithstanding any other provision to the contrary, in
13 counties having fewer than 3,000,000 inhabitants, if an
14 applicant fails to file the application required by this
15 Section in a timely manner and this failure to file is due to a
16 mental or physical condition sufficiently severe so as to
17 render the applicant incapable of filing the application in a
18 timely manner, the Chief County Assessment Officer may extend
19 the filing deadline for a period of 30 days after the applicant
20 regains the capability to file the application, but in no case
21 may the filing deadline be extended beyond 3 months of the
22 original filing deadline. In order to receive the extension
23 provided in this paragraph, the applicant shall provide the
24 Chief County Assessment Officer with a signed statement from
25 the applicant's physician stating the nature and extent of the
26 condition, that, in the physician's opinion, the condition was

1 so severe that it rendered the applicant incapable of filing
2 the application in a timely manner, and the date on which the
3 applicant regained the capability to file the application.

4 Beginning January 1, 1998, notwithstanding any other
5 provision to the contrary, in counties having fewer than
6 3,000,000 inhabitants, if an applicant fails to file the
7 application required by this Section in a timely manner and
8 this failure to file is due to a mental or physical condition
9 sufficiently severe so as to render the applicant incapable of
10 filing the application in a timely manner, the Chief County
11 Assessment Officer may extend the filing deadline for a period
12 of 3 months. In order to receive the extension provided in this
13 paragraph, the applicant shall provide the Chief County
14 Assessment Officer with a signed statement from the applicant's
15 physician stating the nature and extent of the condition, and
16 that, in the physician's opinion, the condition was so severe
17 that it rendered the applicant incapable of filing the
18 application in a timely manner.

19 In counties having less than 3,000,000 inhabitants, if an
20 applicant was denied an exemption in taxable year 1994 and the
21 denial occurred due to an error on the part of an assessment
22 official, or his or her agent or employee, then beginning in
23 taxable year 1997 the applicant's base year, for purposes of
24 determining the amount of the exemption, shall be 1993 rather
25 than 1994. In addition, in taxable year 1997, the applicant's
26 exemption shall also include an amount equal to (i) the amount

1 of any exemption denied to the applicant in taxable year 1995
2 as a result of using 1994, rather than 1993, as the base year,
3 (ii) the amount of any exemption denied to the applicant in
4 taxable year 1996 as a result of using 1994, rather than 1993,
5 as the base year, and (iii) the amount of the exemption
6 erroneously denied for taxable year 1994.

7 For purposes of this Section, a person who will be 65 years
8 of age during the current taxable year shall be eligible to
9 apply for the homestead exemption during that taxable year.
10 Application shall be made during the application period in
11 effect for the county of his or her residence.

12 The Chief County Assessment Officer may determine the
13 eligibility of a life care facility that qualifies as a
14 cooperative to receive the benefits provided by this Section by
15 use of an affidavit, application, visual inspection,
16 questionnaire, or other reasonable method in order to insure
17 that the tax savings resulting from the exemption are credited
18 by the management firm to the apportioned tax liability of each
19 qualifying resident. The Chief County Assessment Officer may
20 request reasonable proof that the management firm has so
21 credited that exemption.

22 Except as provided in this Section, all information
23 received by the chief county assessment officer or the
24 Department from applications filed under this Section, or from
25 any investigation conducted under the provisions of this
26 Section, shall be confidential, except for official purposes or

1 pursuant to official procedures for collection of any State or
2 local tax or enforcement of any civil or criminal penalty or
3 sanction imposed by this Act or by any statute or ordinance
4 imposing a State or local tax. Any person who divulges any such
5 information in any manner, except in accordance with a proper
6 judicial order, is guilty of a Class A misdemeanor.

7 Nothing contained in this Section shall prevent the
8 Director or chief county assessment officer from publishing or
9 making available reasonable statistics concerning the
10 operation of the exemption contained in this Section in which
11 the contents of claims are grouped into aggregates in such a
12 way that information contained in any individual claim shall
13 not be disclosed.

14 (d) Each Chief County Assessment Officer shall annually
15 publish a notice of availability of the exemption provided
16 under this Section. The notice shall be published at least 60
17 days but no more than 75 days prior to the date on which the
18 application must be submitted to the Chief County Assessment
19 Officer of the county in which the property is located. The
20 notice shall appear in a newspaper of general circulation in
21 the county.

22 Notwithstanding Sections 6 and 8 of the State Mandates Act,
23 no reimbursement by the State is required for the
24 implementation of any mandate created by this Section.

25 (Source: P.A. 93-715, eff. 7-12-04; 94-794, eff. 5-22-06.)

1 (35 ILCS 200/15-175)

2 Sec. 15-175. General homestead exemption. Except as
3 provided in Sections 15-176 and 15-177 ~~Section 15-176~~,
4 homestead property is entitled to an annual homestead exemption
5 limited, except as described here with relation to
6 cooperatives, to a reduction in the equalized assessed value of
7 homestead property equal to the increase in equalized assessed
8 value for the current assessment year above the equalized
9 assessed value of the property for 1977, up to the maximum
10 reduction set forth below. If however, the 1977 equalized
11 assessed value upon which taxes were paid is subsequently
12 determined by local assessing officials, the Property Tax
13 Appeal Board, or a court to have been excessive, the equalized
14 assessed value which should have been placed on the property
15 for 1977 shall be used to determine the amount of the
16 exemption.

17 Except as provided in Section 15-176, the maximum reduction
18 before taxable year 2004 shall be \$4,500 in counties with
19 3,000,000 or more inhabitants and \$3,500 in all other counties.
20 Except as provided in Sections 15-176 and 15-177 ~~Section~~
21 ~~15-176~~, for taxable years 2004 through 2007 ~~and thereafter~~, the
22 maximum reduction shall be \$5,000, for taxable year 2008, the
23 maximum reduction is \$5,500, and, for taxable years 2009 and
24 thereafter, the maximum reduction is \$6,000 in all counties. If
25 a county has elected to subject itself to the provisions of
26 Section 15-176 as provided in subsection (k) of that Section,

1 then, for the first taxable year only after the provisions of
2 Section 15-176 no longer apply, for owners who, for the taxable
3 year, have not been granted a senior citizens assessment freeze
4 homestead exemption under Section 15-172 or a long-time
5 occupant homestead exemption under Section 15-177, there shall
6 be an additional exemption of \$5,000 for owners with a
7 household income of \$30,000 or less.~~If a county has elected to~~
8 ~~subject itself to the provisions of Section 15-176 as provided~~
9 ~~in subsection (k) of that Section, then, for the first taxable~~
10 ~~year only after the provisions of Section 15-176 no longer~~
11 ~~apply, for owners (i) who have not been granted a senior~~
12 ~~citizens assessment freeze homestead exemption under Section~~
13 ~~15-172 for the taxable year and (ii) whose qualified property~~
14 ~~has an assessed valuation that has increased by more than 20%~~
15 ~~over the previous assessed valuation of the property, there~~
16 ~~shall be an additional exemption of \$5,000 for owners with a~~
17 ~~household income of \$30,000 or less. For purposes of this~~
18 ~~paragraph, "household income" has the meaning set forth in this~~
19 ~~Section 15-175.~~

20 In counties with fewer than 3,000,000 inhabitants, if,
21 based on the most recent assessment, the equalized assessed
22 value of the homestead property for the current assessment year
23 is greater than the equalized assessed value of the property
24 for 1977, the owner of the property shall automatically receive
25 the exemption granted under this Section in an amount equal to
26 the increase over the 1977 assessment up to the maximum

1 reduction set forth in this Section.

2 If in any assessment year beginning with the 2000
3 assessment year, homestead property has a pro-rata valuation
4 under Section 9-180 resulting in an increase in the assessed
5 valuation, a reduction in equalized assessed valuation equal to
6 the increase in equalized assessed value of the property for
7 the year of the pro-rata valuation above the equalized assessed
8 value of the property for 1977 shall be applied to the property
9 on a proportionate basis for the period the property qualified
10 as homestead property during the assessment year. The maximum
11 proportionate homestead exemption shall not exceed the maximum
12 homestead exemption allowed in the county under this Section
13 divided by 365 and multiplied by the number of days the
14 property qualified as homestead property.

15 "Homestead property" under this Section includes
16 residential property that is occupied by its owner or owners as
17 his or their principal dwelling place, or that is a leasehold
18 interest on which a single family residence is situated, which
19 is occupied as a residence by a person who has an ownership
20 interest therein, legal or equitable or as a lessee, and on
21 which the person is liable for the payment of property taxes.
22 For land improved with an apartment building owned and operated
23 as a cooperative or a building which is a life care facility as
24 defined in Section 15-170 and considered to be a cooperative
25 under Section 15-170, the maximum reduction from the equalized
26 assessed value shall be limited to the increase in the value

1 above the equalized assessed value of the property for 1977, up
2 to the maximum reduction set forth above, multiplied by the
3 number of apartments or units occupied by a person or persons
4 who is liable, by contract with the owner or owners of record,
5 for paying property taxes on the property and is an owner of
6 record of a legal or equitable interest in the cooperative
7 apartment building, other than a leasehold interest. For
8 purposes of this Section, the term "life care facility" has the
9 meaning stated in Section 15-170.

10 "Household", as used in this Section, means the owner, the
11 spouse of the owner, and all persons using the residence of the
12 owner as their principal place of residence.

13 "Household income", as used in this Section, means the
14 combined income of the members of a household for the calendar
15 year preceding the taxable year.

16 "Income", as used in this Section, has the same meaning as
17 provided in Section 3.07 of the Senior Citizens and Disabled
18 Persons Property Tax Relief and Pharmaceutical Assistance Act,
19 except that "income" does not include veteran's benefits.

20 In a cooperative where a homestead exemption has been
21 granted, the cooperative association or its management firm
22 shall credit the savings resulting from that exemption only to
23 the apportioned tax liability of the owner who qualified for
24 the exemption. Any person who willfully refuses to so credit
25 the savings shall be guilty of a Class B misdemeanor.

26 Where married persons maintain and reside in separate

1 residences qualifying as homestead property, each residence
2 shall receive 50% of the total reduction in equalized assessed
3 valuation provided by this Section.

4 In all counties, the assessor or chief county assessment
5 officer may determine the eligibility of residential property
6 to receive the homestead exemption and the amount of the
7 exemption by application, visual inspection, questionnaire or
8 other reasonable methods. The determination shall be made in
9 accordance with guidelines established by the Department,
10 provided that the taxpayer applying for an additional general
11 exemption under this Section shall submit to the chief county
12 assessment officer an application with an affidavit of the
13 applicant's total household income, age, marital status (and,
14 if married, the name and address of the applicant's spouse, if
15 known), and principal dwelling place of members of the
16 household on January 1 of the taxable year. The Department
17 shall issue guidelines establishing a method for verifying the
18 accuracy of the affidavits filed by applicants under this
19 paragraph. The applications shall be clearly marked as
20 applications for the Additional General Homestead Exemption.

21 In counties with fewer than 3,000,000 inhabitants, in the
22 event of a sale of homestead property the homestead exemption
23 shall remain in effect for the remainder of the assessment year
24 of the sale. The assessor or chief county assessment officer
25 may require the new owner of the property to apply for the
26 homestead exemption for the following assessment year.

1 Notwithstanding Sections 6 and 8 of the State Mandates Act,
2 no reimbursement by the State is required for the
3 implementation of any mandate created by this Section.

4 (Source: P.A. 93-715, eff. 7-12-04.)

5 (35 ILCS 200/15-176)

6 Sec. 15-176. Alternative general homestead exemption.

7 (a) For the assessment years as determined under subsection
8 (j), in any county that has elected, by an ordinance in
9 accordance with subsection (k), to be subject to the provisions
10 of this Section in lieu of the provisions of Section 15-175,
11 homestead property is entitled to an annual homestead exemption
12 equal to a reduction in the property's equalized assessed value
13 calculated as provided in this Section.

14 (b) As used in this Section:

15 (1) "Assessor" means the supervisor of assessments or
16 the chief county assessment officer of each county.

17 (2) "Adjusted homestead value" means the lesser of the
18 following values:

19 (A) The property's base homestead value increased
20 by 7% for each tax year after the base year through and
21 including the current tax year, or, if the property is
22 sold or ownership is otherwise transferred, the
23 property's base homestead value increased by 7% for
24 each tax year after the year of the sale or transfer
25 through and including the current tax year. The

1 increase by 7% each year is an increase by 7% over the
2 prior year.

3 (B) The property's equalized assessed value for
4 the current tax year minus: (i) \$4,500 in Cook County
5 or \$3,500 in all other counties in tax year 2003; ~~or~~
6 (ii) \$5,000 in all counties in tax years ~~year~~ 2004 and
7 2005; and (iii) the lesser of the amount of the general
8 homestead exemption under Section 15-175 or an amount
9 equal to the increase in the equalized assessed value
10 for the current tax year above the equalized assessed
11 value for 1977 in tax year 2006 and thereafter.

12 (3) "Base homestead value".

13 (A) Except as provided in subdivision (b) (3) (A-5)
14 or (b) (3) (B), "base homestead value" means the
15 equalized assessed value of the property for the base
16 year prior to exemptions, minus (i) \$4,500 in Cook
17 County or \$3,500 in all other counties in tax year
18 2003, ~~or~~ (ii) \$5,000 in all counties in tax years ~~year~~
19 2004 and 2005, or (iii) the lesser of the amount of the
20 general homestead exemption under Section 15-175 or an
21 amount equal to the increase in the equalized assessed
22 value for the current tax year above the equalized
23 assessed value for 1977 in tax year 2006 and
24 thereafter, provided that it was assessed for that year
25 as residential property qualified for any of the
26 homestead exemptions under Sections 15-170 through

1 15-175 of this Code, then in force, and further
2 provided that the property's assessment was not based
3 on a reduced assessed value resulting from a temporary
4 irregularity in the property for that year. Except as
5 provided in subdivision (b) (3) (B), if the property did
6 not have a residential equalized assessed value for the
7 base year, then "base homestead value" means the base
8 homestead value established by the assessor under
9 subsection (c).

10 (A-5) On or before September 1, 2007, in Cook
11 County, the base homestead value, as set forth under
12 subdivision (b) (3) (A) and except as provided under
13 subdivision (b) (3) (B), must be recalculated as the
14 equalized assessed value of the property for the base
15 year, prior to exemptions, minus:

16 (1) if the general assessment year for the
17 property was 2003, the lesser of (i) \$4,500 or (ii)
18 the amount equal to the increase in equalized
19 assessed value for the 2002 tax year above the
20 equalized assessed value for 1977;

21 (2) if the general assessment year for the
22 property was 2004, the lesser of (i) \$4,500 or (ii)
23 the amount equal to the increase in equalized
24 assessed value for the 2003 tax year above the
25 equalized assessed value for 1977;

26 (3) if the general assessment year for the

1 property was 2005, the lesser of (i) \$5,000 or (ii)
2 the amount equal to the increase in equalized
3 assessed value for the 2004 tax year above the
4 equalized assessed value for 1977.

5 (B) If the property is sold or ownership is
6 otherwise transferred, other than sales or transfers
7 between spouses or between a parent and a child, "base
8 homestead value" means the equalized assessed value of
9 the property at the time of the sale or transfer prior
10 to exemptions, minus: (i) \$4,500 in Cook County or
11 \$3,500 in all other counties in tax year 2003; ~~or~~ (ii)
12 \$5,000 in all counties in tax years ~~year~~ 2004 and 2005;
13 and (iii) the lesser of the amount of the general
14 homestead exemption under Section 15-175 or an amount
15 equal to the increase in the equalized assessed value
16 for the current tax year above the equalized assessed
17 value for 1977 in tax year 2006 and thereafter,
18 provided that it was assessed as residential property
19 qualified for any of the homestead exemptions under
20 Sections 15-170 through 15-175 of this Code, then in
21 force, and further provided that the property's
22 assessment was not based on a reduced assessed value
23 resulting from a temporary irregularity in the
24 property.

25 (3.5) "Base year" means (i) tax year 2002 in Cook
26 County or (ii) tax year 2005 or 2006 ~~2002 or 2003~~ in all

1 other counties in accordance with the designation made by
2 the county as provided in subsection (k).

3 (4) "Current tax year" means the tax year for which the
4 exemption under this Section is being applied.

5 (5) "Equalized assessed value" means the property's
6 assessed value as equalized by the Department.

7 (6) "Homestead" or "homestead property" means:

8 (A) Residential property that as of January 1 of
9 the tax year is occupied by its owner or owners as his,
10 her, or their principal dwelling place, or that is a
11 leasehold interest on which a single family residence
12 is situated, that is occupied as a residence by a
13 person who has a legal or equitable interest therein
14 evidenced by a written instrument, as an owner or as a
15 lessee, and on which the person is liable for the
16 payment of property taxes. Residential units in an
17 apartment building owned and operated as a
18 cooperative, or as a life care facility, which are
19 occupied by persons who hold a legal or equitable
20 interest in the cooperative apartment building or life
21 care facility as owners or lessees, and who are liable
22 by contract for the payment of property taxes, shall be
23 included within this definition of homestead property.

24 (B) A homestead includes the dwelling place,
25 appurtenant structures, and so much of the surrounding
26 land constituting the parcel on which the dwelling

1 place is situated as is used for residential purposes.
2 If the assessor has established a specific legal
3 description for a portion of property constituting the
4 homestead, then the homestead shall be limited to the
5 property within that description.

6 (7) "Life care facility" means a facility as defined in
7 Section 2 of the Life Care Facilities Act.

8 (c) If the property did not have a residential equalized
9 assessed value for the base year as provided in subdivision
10 (b) (3) (A) of this Section, then the assessor shall first
11 determine an initial value for the property by comparison with
12 assessed values for the base year of other properties having
13 physical and economic characteristics similar to those of the
14 subject property, so that the initial value is uniform in
15 relation to assessed values of those other properties for the
16 base year. The product of the initial value multiplied by the
17 equalized factor for the base year for homestead properties in
18 that county, less: (i) \$4,500 in Cook County or \$3,500 in all
19 other counties in tax years year 2003; ~~or~~ (ii) \$5,000 in all
20 counties in tax year 2004 and 2005; and (iii) the lesser of the
21 amount of the general homestead exemption under Section 15-175
22 or an amount equal to the increase in the equalized assessed
23 value for the current tax year above the equalized assessed
24 value for 1977 in tax year 2006 and thereafter, is the base
25 homestead value.

26 For any tax year for which the assessor determines or

1 adjusts an initial value and hence a base homestead value under
2 this subsection (c), the initial value shall be subject to
3 review by the same procedures applicable to assessed values
4 established under this Code for that tax year.

5 (d) The base homestead value shall remain constant, except
6 that the assessor may revise it under the following
7 circumstances:

8 (1) If the equalized assessed value of a homestead
9 property for the current tax year is less than the previous
10 base homestead value for that property, then the current
11 equalized assessed value (provided it is not based on a
12 reduced assessed value resulting from a temporary
13 irregularity in the property) shall become the base
14 homestead value in subsequent tax years.

15 (2) For any year in which new buildings, structures, or
16 other improvements are constructed on the homestead
17 property that would increase its assessed value, the
18 assessor shall adjust the base homestead value as provided
19 in subsection (c) of this Section with due regard to the
20 value added by the new improvements.

21 (3) If the property is sold or ownership is otherwise
22 transferred, the base homestead value of the property shall
23 be adjusted as provided in subdivision (b) (3) (B). This item
24 (3) does not apply to sales or transfers between spouses or
25 between a parent and a child.

26 (4) the recalculation required in Cook County under

1 subdivision (b) (3) (A-5).

2 (e) The amount of the exemption under this Section is the
3 equalized assessed value of the homestead property for the
4 current tax year, minus the adjusted homestead value, with the
5 following exceptions:

6 (1) In Cook County, the ~~The~~ exemption under this
7 Section shall not exceed \$20,000 for any taxable year
8 through tax year:

9 (i) 2005, if the general assessment year for the
10 property is 2003;

11 (ii) 2006, if the general assessment year for the
12 property is 2004; or

13 (iii) 2007, if the general assessment year for the
14 property is 2005.

15 (1.1) Thereafter, in Cook County, and in all other
16 counties, the exemption is as follows:

17 (i) if the general assessment year for the property
18 is 2006, then the exemption may not exceed \$33,000 for
19 taxable year 2006 and \$40,000 for taxable years 2007
20 and thereafter; and

21 (ii) if the general assessment year for the
22 property is 2007 or 2008, then the exemption may not
23 exceed \$40,000 for any taxable year.

24 (1.5) In Cook County, for the 2006 taxable year only, the
25 maximum amount of the exemption set forth under subsection
26 (e) (1.1) (i) of this Section may be increased: (i) by \$7,000 if

1 the equalized assessed value of the property in that taxable
2 year exceeds the equalized assessed value of that property in
3 2002 by 100% or more; or (ii) by \$2,000 if the equalized
4 assessed value of the property in that taxable year exceeds the
5 equalized assessed value of that property in 2002 by more than
6 80% but less than 100%.

7 (2) In the case of homestead property that also
8 qualifies for the exemption under Section 15-172, the
9 property is entitled to the exemption under this Section,
10 limited to the amount of (i) \$4,500 in Cook County or
11 \$3,500 in all other counties in tax year 2003, ~~or~~ (ii)
12 \$5,000 in all counties in tax years ~~year~~ 2004 and 2005, or
13 (iii) the lesser of the amount of the general homestead
14 exemption under Section 15-175 or an amount equal to the
15 increase in the equalized assessed value for the current
16 tax year above the equalized assessed value for 1977 in tax
17 year 2006 and thereafter.

18 (f) In the case of an apartment building owned and operated
19 as a cooperative, or as a life care facility, that contains
20 residential units that qualify as homestead property under this
21 Section, the maximum cumulative exemption amount attributed to
22 the entire building or facility shall not exceed the sum of the
23 exemptions calculated for each qualified residential unit. The
24 cooperative association, management firm, or other person or
25 entity that manages or controls the cooperative apartment
26 building or life care facility shall credit the exemption

1 attributable to each residential unit only to the apportioned
2 tax liability of the owner or other person responsible for
3 payment of taxes as to that unit. Any person who willfully
4 refuses to so credit the exemption is guilty of a Class B
5 misdemeanor.

6 (g) When married persons maintain separate residences, the
7 exemption provided under this Section shall be claimed by only
8 one such person and for only one residence.

9 (h) In the event of a sale or other transfer in ownership
10 of the homestead property, the exemption under this Section
11 shall remain in effect for the remainder of the tax year and be
12 calculated using the same base homestead value in which the
13 sale or transfer occurs, but (other than for sales or transfers
14 between spouses or between a parent and a child) shall be
15 calculated for any subsequent tax year using the new base
16 homestead value as provided in subdivision (b)(3)(B). The
17 assessor may require the new owner of the property to apply for
18 the exemption in the following year.

19 (i) The assessor may determine whether property qualifies
20 as a homestead under this Section by application, visual
21 inspection, questionnaire, or other reasonable methods. Each
22 year, at the time the assessment books are certified to the
23 county clerk by the board of review, the assessor shall furnish
24 to the county clerk a list of the properties qualified for the
25 homestead exemption under this Section. The list shall note the
26 base homestead value of each property to be used in the

1 calculation of the exemption for the current tax year.

2 (j) In counties with 3,000,000 or more inhabitants, the
3 provisions of this Section apply as follows:

4 (1) If the general assessment year for the property is
5 2003, this Section applies for assessment years 2003 and
6 thereafter , ~~2004, and 2005. Thereafter, the provisions of~~
7 ~~Section 15-175 apply.~~

8 (2) If the general assessment year for the property is
9 2004, this Section applies for assessment years 2004 and
10 thereafter , ~~2005, and 2006. Thereafter, the provisions of~~
11 ~~Section 15-175 apply.~~

12 (3) If the general assessment year for the property is
13 2005, this Section applies for assessment years 2005 and
14 thereafter , ~~2006, and 2007. Thereafter, the provisions of~~
15 ~~Section 15-175 apply.~~

16 In counties with less than 3,000,000 inhabitants, this
17 Section applies for taxable years (i) 2006 and thereafter, if
18 taxable year 2005 is the designated base year, or (ii) 2007 and
19 thereafter, if taxable year 2006 is the designated base year.
20 ~~assessment years (i) 2003, 2004, and 2005 if 2002 is the~~
21 ~~designated base year or (ii) 2004, 2005, and 2006 if 2003 is~~
22 ~~the designated base year. Thereafter, the provisions of Section~~
23 ~~15-175 apply.~~

24 (k) To be subject to the provisions of this Section in lieu
25 of Section 15-175, a county must adopt an ordinance to subject
26 itself to the provisions of this Section within 6 months after

1 the effective date of this amendatory Act of the 95th General
2 Assembly ~~93rd General Assembly~~. In a county other than Cook
3 County, the ordinance must designate either tax year 2005 ~~2002~~
4 or tax year 2006 ~~2003~~ as the base year.

5 (1) Notwithstanding Sections 6 and 8 of the State Mandates
6 Act, no reimbursement by the State is required for the
7 implementation of any mandate created by this Section.

8 (Source: P.A. 93-715, eff. 7-12-04.)

9 (35 ILCS 200/15-177 new)

10 Sec. 15-177. The long-time occupant homestead exemption.

11 (a) If the county has elected, under Section 15-176, to be
12 subject to the provisions of the alternative general homestead
13 exemption, then, for taxable years 2007 and thereafter,
14 regardless of whether the exemption under Section 15-176
15 applies, qualified homestead property is entitled to an annual
16 homestead exemption equal to a reduction in the property's
17 equalized assessed value calculated as provided in this
18 Section.

19 (b) As used in this Section:

20 "Adjusted homestead value" means the lesser of the
21 following values:

22 (1) The property's base homestead value increased by:

23 (i) 10% for each taxable year after the base year through
24 and including the current tax year for qualified taxpayers
25 with a household income of more than \$75,000 but not

1 exceeding \$100,000; or (ii) 7% for each taxable year after
2 the base year through and including the current tax year
3 for qualified taxpayers with a household income of \$75,000
4 or less. The increase each year is an increase over the
5 prior year; or

6 (2) The property's equalized assessed value for the
7 current tax year minus the general homestead deduction.

8 "Base homestead value" means:

9 (1) if the property did not have an adjusted homestead
10 value under Section 15-176 for the base year, then an
11 amount equal to the equalized assessed value of the
12 property for the base year prior to exemptions, minus the
13 general homestead deduction, provided that the property's
14 assessment was not based on a reduced assessed value
15 resulting from a temporary irregularity in the property for
16 that year; or

17 (2) if the property had an adjusted homestead value
18 under Section 15-176 for the base year, then an amount
19 equal to the adjusted homestead value of the property under
20 Section 15-176 for the base year.

21 "Base year" means the taxable year prior to the taxable
22 year in which the taxpayer first qualifies for the exemption
23 under this Section.

24 "Current taxable year" means the taxable year for which the
25 exemption under this Section is being applied.

26 "Equalized assessed value" means the property's assessed

1 value as equalized by the Department.

2 "Homestead" or "homestead property" means residential
3 property that as of January 1 of the tax year is occupied by a
4 qualified taxpayer as his or her principal dwelling place, or
5 that is a leasehold interest on which a single family residence
6 is situated, that is occupied as a residence by a qualified
7 taxpayer who has a legal or equitable interest therein
8 evidenced by a written instrument, as an owner or as a lessee,
9 and on which the person is liable for the payment of property
10 taxes. Residential units in an apartment building owned and
11 operated as a cooperative, or as a life care facility, which
12 are occupied by persons who hold a legal or equitable interest
13 in the cooperative apartment building or life care facility as
14 owners or lessees, and who are liable by contract for the
15 payment of property taxes, are included within this definition
16 of homestead property. A homestead includes the dwelling place,
17 appurtenant structures, and so much of the surrounding land
18 constituting the parcel on which the dwelling place is situated
19 as is used for residential purposes. If the assessor has
20 established a specific legal description for a portion of
21 property constituting the homestead, then the homestead is
22 limited to the property within that description.

23 "Household income" has the meaning set forth under Section
24 15-172 of this Code.

25 "General homestead deduction" means the amount of the
26 general homestead exemption under Section 15-175.

1 "Life care facility" means a facility defined in Section 2
2 of the Life Care Facilities Act.

3 "Qualified homestead property" means homestead property
4 owned by a qualified taxpayer.

5 "Qualified taxpayer" means any individual:

6 (1) who, for at least 10 continuous years as of January
7 1 of the taxable year, has occupied the same homestead
8 property as a principal residence and domicile or who, for
9 at least 5 continuous years as of January 1 of the taxable
10 year, has occupied the same homestead property as a
11 principal residence and domicile if that person received
12 assistance in the acquisition of the property as part of a
13 government or nonprofit housing program; and

14 (2) who has a household income of \$100,000 or less.

15 (c) The base homestead value must remain constant, except
16 that the assessor may revise it under any of the following
17 circumstances:

18 (1) If the equalized assessed value of a homestead
19 property for the current tax year is less than the previous
20 base homestead value for that property, then the current
21 equalized assessed value (provided it is not based on a
22 reduced assessed value resulting from a temporary
23 irregularity in the property) becomes the base homestead
24 value in subsequent tax years.

25 (2) For any year in which new buildings, structures, or
26 other improvements are constructed on the homestead

1 property that would increase its assessed value, the
2 assessor shall adjust the base homestead value with due
3 regard to the value added by the new improvements.

4 (d) The amount of the exemption under this Section is the
5 greater of: (i) the equalized assessed value of the homestead
6 property for the current tax year minus the adjusted homestead
7 value; or (ii) the general homestead deduction.

8 (e) In the case of an apartment building owned and operated
9 as a cooperative, or as a life care facility, that contains
10 residential units that qualify as homestead property of a
11 qualified taxpayer under this Section, the maximum cumulative
12 exemption amount attributed to the entire building or facility
13 shall not exceed the sum of the exemptions calculated for each
14 unit that is a qualified homestead property. The cooperative
15 association, management firm, or other person or entity that
16 manages or controls the cooperative apartment building or life
17 care facility shall credit the exemption attributable to each
18 residential unit only to the apportioned tax liability of the
19 qualified taxpayer as to that unit. Any person who willfully
20 refuses to so credit the exemption is guilty of a Class B
21 misdemeanor.

22 (f) When married persons maintain separate residences, the
23 exemption provided under this Section may be claimed by only
24 one such person and for only one residence. No person who
25 receives an exemption under Section 15-172 of this Code may
26 receive an exemption under this Section. No person who receives

1 an exemption under this Section may receive an exemption under
2 Section 15-175 or 15-176 of this Code.

3 (g) In the event of a sale or other transfer in ownership
4 of the homestead property between spouses or between a parent
5 and a child, the exemption under this Section remains in effect
6 if the new owner has a household income of \$100,000 or less.

7 (h) In the event of a sale or other transfer in ownership
8 of the homestead property other than subsection (g) of this
9 Section, the exemption under this Section shall remain in
10 effect for the remainder of the tax year and be calculated
11 using the same base homestead value in which the sale or
12 transfer occurs.

13 (i) To receive the exemption, a person must submit an
14 application to the county assessor during the period specified
15 by the county assessor.

16 The county assessor shall annually give notice of the
17 application period by mail or by publication.

18 The taxpayer must submit, with the application, an
19 affidavit of the taxpayer's total household income, marital
20 status (and if married the name and address of the applicant's
21 spouse, if known), and principal dwelling place of members of
22 the household on January 1 of the taxable year. The Department
23 shall establish, by rule, a method for verifying the accuracy
24 of affidavits filed by applicants under this Section, and the
25 Chief County Assessment Officer may conduct audits of any
26 taxpayer claiming an exemption under this Section to verify

1 that the taxpayer is eligible to receive the exemption. Each
2 application shall contain or be verified by a written
3 declaration that it is made under the penalties of perjury. A
4 taxpayer's signing a fraudulent application under this Act is
5 perjury, as defined in Section 32-2 of the Criminal Code of
6 1961. The applications shall be clearly marked as applications
7 for the Long-time Occupant Homestead Exemption and must contain
8 a notice that any taxpayer who receives the exemption is
9 subject to an audit by the Chief County Assessment Officer.

10 (j) Notwithstanding Sections 6 and 8 of the State Mandates
11 Act, no reimbursement by the State is required for the
12 implementation of any mandate created by this Section.

13 (35 ILCS 200/18-178 new)

14 Sec. 18-178. Abatement for the residence of a surviving
15 spouse of a fallen police officer or rescue worker.

16 (a) The governing body of any county or municipality may,
17 by ordinance, order the county clerk to abate any percentage of
18 the taxes levied by the county or municipality on each parcel
19 of qualified property within the boundaries of the county or
20 municipality that is owned by the surviving spouse of a fallen
21 police officer or rescue worker.

22 (b) The governing body may provide, by ordinance, for the
23 percentage amount and duration of an abatement under this
24 Section and for any other provision necessary to carry out the
25 provisions of this Section. Upon passing an ordinance under

1 this Section, the county or municipality must deliver a
2 certified copy of the ordinance to the county clerk.

3 (c) As used in this Section:

4 "Fallen police officer or rescue worker" means an
5 individual who dies:

6 (1) as a result of or in the course of employment as a
7 police officer; or

8 (2) while in the active service of a fire, rescue, or
9 emergency medical service.

10 "Fallen police officer or rescue worker", however, does not
11 include any individual whose death was the result of that
12 individual's own willful misconduct or abuse of alcohol or
13 drugs.

14 "Qualified property" means a parcel of real property that
15 is occupied by not more than 2 families, that is used as the
16 principal residence by a surviving spouse, and that:

17 (1) was owned by the fallen police officer or rescue
18 worker or surviving spouse at the time of the police
19 officer's or rescue worker's death;

20 (2) was acquired by the surviving spouse within 2 years
21 after the police officer's or rescue worker's death if the
22 surviving spouse was domiciled in the State at the time of
23 that death; or

24 (3) was acquired more than 2 years after the police
25 officer's or rescue worker's death if surviving spouse
26 qualified for an abatement for a former qualified property

1 located in that municipality.

2 "Surviving spouse" means a spouse, who has not remarried,
3 of a fallen police officer or rescue worker.

4 (35 ILCS 200/20-15)

5 Sec. 20-15. Information on bill or separate statement.
6 There shall be printed on each bill, or on a separate slip
7 which shall be mailed with the bill:

8 (a) a statement itemizing the rate at which taxes have
9 been extended for each of the taxing districts in the
10 county in whose district the property is located, and in
11 those counties utilizing electronic data processing
12 equipment the dollar amount of tax due from the person
13 assessed allocable to each of those taxing districts,
14 including a separate statement of the dollar amount of tax
15 due which is allocable to a tax levied under the Illinois
16 Local Library Act or to any other tax levied by a
17 municipality or township for public library purposes,

18 (b) a separate statement for each of the taxing
19 districts of the dollar amount of tax due which is
20 allocable to a tax levied under the Illinois Pension Code
21 or to any other tax levied by a municipality or township
22 for public pension or retirement purposes,

23 (c) the total tax rate,

24 (d) the total amount of tax due, and

25 (e) the amount by which the total tax and the tax

1 allocable to each taxing district differs from the
2 taxpayer's last prior tax bill.

3 The county treasurer shall ensure that only those taxing
4 districts in which a parcel of property is located shall be
5 listed on the bill for that property.

6 In all counties the statement shall also provide:

7 (1) the property index number or other suitable
8 description,

9 (2) the assessment of the property,

10 (3) the equalization factors imposed by the county and
11 by the Department, and

12 (4) the equalized assessment resulting from the
13 application of the equalization factors to the basic
14 assessment.

15 In all counties which do not classify property for purposes
16 of taxation, for property on which a single family residence is
17 situated the statement shall also include a statement to
18 reflect the fair cash value determined for the property. In all
19 counties which classify property for purposes of taxation in
20 accordance with Section 4 of Article IX of the Illinois
21 Constitution, for parcels of residential property in the lowest
22 assessment classification the statement shall also include a
23 statement to reflect the fair cash value determined for the
24 property.

25 In all counties, the statement must include information
26 that certain taxpayers may be eligible for tax exemptions,

1 abatements, and other assistance programs and that, for more
2 information, taxpayers should consult with the office of their
3 township or county assessor and with the Illinois Department of
4 Revenue.

5 In all counties, the statement shall include information
6 that certain taxpayers may be eligible for the Senior Citizens
7 and Disabled Persons Property Tax Relief and Pharmaceutical
8 Assistance Act and that applications are available from the
9 Illinois Department on Aging ~~of Revenue~~.

10 In counties which use the estimated or accelerated billing
11 methods, these statements shall only be provided with the final
12 installment of taxes due. The provisions of this Section create
13 a mandatory statutory duty. They are not merely directory or
14 discretionary. The failure or neglect of the collector to mail
15 the bill, or the failure of the taxpayer to receive the bill,
16 shall not affect the validity of any tax, or the liability for
17 the payment of any tax.

18 (Source: P.A. 91-699, eff. 1-1-01.)

19 (35 ILCS 200/20-178)

20 Sec. 20-178. Certificate of error; refund; interest. When
21 the county collector makes any refunds due on certificates of
22 error issued under Sections 14-15 through 14-25 that have been
23 either certified or adjudicated, the county collector shall pay
24 the taxpayer interest on the amount of the refund at the rate
25 of 0.5% per month.

1 No interest shall be due under this Section for any time
2 prior to 60 days after the effective date of this amendatory
3 Act of the 91st General Assembly. For certificates of error
4 issued prior to the effective date of this amendatory Act of
5 the 91st General Assembly, the county collector shall pay the
6 taxpayer interest from 60 days after the effective date of this
7 amendatory Act of the 91st General Assembly until the date the
8 refund is paid. For certificates of error issued on or after
9 the effective date of this amendatory Act of the 91st General
10 Assembly, interest shall be paid from 60 days after the
11 certificate of error is issued by the chief county assessment
12 officer to the date the refund is made. To cover the cost of
13 interest, the county collector shall proportionately reduce
14 the distribution of taxes collected for each taxing district in
15 which the property is situated.

16 This Section shall not apply to any certificate of error
17 granting a homestead exemption under Section 15-170, 15-172,
18 15-175, ~~or~~ 15-176, or 15-177.

19 (Source: P.A. 93-715, eff. 7-12-04.)

20 (35 ILCS 200/21-27)

21 Sec. 21-27. Waiver of interest penalty.

22 (a) On the recommendation of the county treasurer, the
23 county board may adopt a resolution under which an interest
24 penalty for the delinquent payment of taxes for any year that
25 otherwise would be imposed under Section 21-15, 21-20, or 21-25

1 shall be waived in the case of any person who meets all of the
2 following criteria:

3 (1) The person is determined eligible for a grant under
4 the Senior Citizens and Disabled Persons Property Tax
5 Relief and Pharmaceutical Assistance Act with respect to
6 the taxes for that year.

7 (2) The person requests, in writing, on a form approved
8 by the county treasurer, a waiver of the interest penalty,
9 and the request is filed with the county treasurer on or
10 before the first day of the month that an installment of
11 taxes is due.

12 (3) The person pays the installment of taxes due, in
13 full, on or before the third day of the month that the
14 installment is due.

15 (4) The county treasurer approves the request for a
16 waiver.

17 (b) With respect to property that qualifies as a brownfield
18 site under Section 58.2 of the Environmental Protection Act,
19 the county board, upon the recommendation of the county
20 treasurer, may, within 60 days after the effective date of this
21 amendatory Act of the 95th General Assembly, adopt a resolution
22 to waive an interest penalty for the delinquent payment of
23 taxes for any year prior to the 2008 taxable year that
24 otherwise would be imposed under Section 21-15, 21-20, or 21-25
25 if all of the following criteria are met:

26 (1) the property has delinquent taxes and an

1 outstanding interest penalty and the amount of that
2 interest penalty is so large as to, possibly, result in all
3 of the taxes becoming uncollectible;

4 (2) the property is part of a redevelopment plan of a
5 unit of local government and that unit of local government
6 does not oppose the waiver of the interest penalty;

7 (3) the redevelopment of the property will benefit the
8 public interest by remediating the brownfield
9 contamination;

10 (4) the taxpayer delivers to the county treasurer (i) a
11 written request for a waiver of the interest penalty, on a
12 form approved by the county treasurer, and (ii) a copy of
13 the redevelopment plan for the property;

14 (5) the taxpayer pays, in full, the amount of up to the
15 amount of the first 2 installments of taxes due, to be held
16 in escrow pending the approval of the waiver, and enters
17 into an agreement with the county treasurer setting forth a
18 schedule for the payment of any remaining taxes due; and

19 (6) the county treasurer approves the request for a
20 waiver.

21 (Source: Incorporates P.A. 88-221; 88-670, eff. 12-2-94)

22 (35 ILCS 200/24-35 new)

23 Sec. 24-35. Property Tax Reform and Relief Task Force.

24 (a) There is created the Property Tax Reform and Relief
25 Task Force consisting of 9 members appointed as follows: 3

1 members appointed by the President of the Senate, one of whom
2 shall be designated as the chair of the Task Force upon
3 appointment; 2 members appointed by the Minority Leader of the
4 Senate; 2 members appointed by the Speaker of the House of
5 Representatives; and 2 members appointed by the Minority Leader
6 of the House of Representatives.

7 (b) The Task Force shall conduct a study of the property
8 tax system in Illinois and investigate methods of reducing the
9 reliance on property taxes and alternative methods of funding.

10 (c) The members of the Task Force shall serve without
11 compensation but shall be reimbursed for their reasonable and
12 necessary expenses from funds appropriated for that purpose.

13 (d) The Task Force shall submit its findings to the General
14 Assembly no later than January 1, 2010, at which time the Task
15 Force is dissolved.

16 (e) The Department of Revenue shall provide administrative
17 support to the Task Force.

18 Section 15. The County Economic Development Project Area
19 Property Tax Allocation Act is amended by changing Section 6 as
20 follows:

21 (55 ILCS 85/6) (from Ch. 34, par. 7006)

22 Sec. 6. Filing with county clerk; certification of initial
23 equalized assessed value.

24 (a) The county shall file a certified copy of any ordinance

1 authorizing property tax allocation financing for an economic
2 development project area with the county clerk, and the county
3 clerk shall immediately thereafter determine (1) the most
4 recently ascertained equalized assessed value of each lot,
5 block, tract or parcel of real property within the economic
6 development project area from which shall be deducted the
7 homestead exemptions under Article 15 ~~provided by Sections~~
8 ~~15 170, 15 175, and 15 176~~ of the Property Tax Code, which
9 value shall be the "initial equalized assessed value" of each
10 such piece of property, and (2) the total equalized assessed
11 value of all taxable real property within the economic
12 development project area by adding together the most recently
13 ascertained equalized assessed value of each taxable lot,
14 block, tract, or parcel of real property within such economic
15 development project area, from which shall be deducted the
16 homestead exemptions provided under Article 15 ~~by Sections~~
17 ~~15 170, 15 175, and 15 176~~ of the Property Tax Code. Upon
18 receiving written notice from the Department of its approval
19 and certification of such economic development project area,
20 the county clerk shall immediately certify such amount as the
21 "total initial equalized assessed value" of the taxable
22 property within the economic development project area.

23 (b) After the county clerk has certified the "total initial
24 equalized assessed value" of the taxable real property in the
25 economic development project area, then in respect to every
26 taxing district containing an economic development project

1 area, the county clerk or any other official required by law to
2 ascertain the amount of the equalized assessed value of all
3 taxable property within that taxing district for the purpose of
4 computing the rate percent of tax to be extended upon taxable
5 property within the taxing district, shall in every year that
6 property tax allocation financing is in effect ascertain the
7 amount of value of taxable property in an economic development
8 project area by including in that amount the lower of the
9 current equalized assessed value or the certified "total
10 initial equalized assessed value" of all taxable real property
11 in such area. The rate percent of tax determined shall be
12 extended to the current equalized assessed value of all
13 property in the economic development project area in the same
14 manner as the rate percent of tax is extended to all other
15 taxable property in the taxing district. The method of
16 allocating taxes established under this Section shall
17 terminate when the county adopts an ordinance dissolving the
18 special tax allocation fund for the economic development
19 project area. This Act shall not be construed as relieving
20 property owners within an economic development project area
21 from paying a uniform rate of taxes upon the current equalized
22 assessed value of their taxable property as provided in the
23 Property Tax Code.

24 (Source: P.A. 93-715, eff. 7-12-04.)

25 Section 17. The County Economic Development Project Area

1 Tax Increment Allocation Act of 1991 is amended by changing
2 Section 45 as follows:

3 (55 ILCS 90/45) (from Ch. 34, par. 8045)

4 Sec. 45. Filing with county clerk; certification of initial
5 equalized assessed value.

6 (a) A county that has by ordinance approved an economic
7 development plan, established an economic development project
8 area, and adopted tax increment allocation financing for that
9 area shall file certified copies of the ordinance or ordinances
10 with the county clerk. Upon receiving the ordinance or
11 ordinances, the county clerk shall immediately determine (i)
12 the most recently ascertained equalized assessed value of each
13 lot, block, tract, or parcel of real property within the
14 economic development project area from which shall be deducted
15 the homestead exemptions under Article 15 ~~provided by Sections~~
16 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code (that value
17 being the "initial equalized assessed value" of each such piece
18 of property) and (ii) the total equalized assessed value of all
19 taxable real property within the economic development project
20 area by adding together the most recently ascertained equalized
21 assessed value of each taxable lot, block, tract, or parcel of
22 real property within the economic development project area,
23 from which shall be deducted the homestead exemptions under
24 Article 15 ~~provided by Sections 15-170, 15-175, and 15-176~~ of
25 the Property Tax Code, and shall certify that amount as the

1 "total initial equalized assessed value" of the taxable real
2 property within the economic development project area.

3 (b) After the county clerk has certified the "total initial
4 equalized assessed value" of the taxable real property in the
5 economic development project area, then in respect to every
6 taxing district containing an economic development project
7 area, the county clerk or any other official required by law to
8 ascertain the amount of the equalized assessed value of all
9 taxable property within the taxing district for the purpose of
10 computing the rate per cent of tax to be extended upon taxable
11 property within the taxing district shall, in every year that
12 tax increment allocation financing is in effect, ascertain the
13 amount of value of taxable property in an economic development
14 project area by including in that amount the lower of the
15 current equalized assessed value or the certified "total
16 initial equalized assessed value" of all taxable real property
17 in the area. The rate per cent of tax determined shall be
18 extended to the current equalized assessed value of all
19 property in the economic development project area in the same
20 manner as the rate per cent of tax is extended to all other
21 taxable property in the taxing district. The method of
22 extending taxes established under this Section shall terminate
23 when the county adopts an ordinance dissolving the special tax
24 allocation fund for the economic development project area. This
25 Act shall not be construed as relieving property owners within
26 an economic development project area from paying a uniform rate

1 of taxes upon the current equalized assessed value of their
2 taxable property as provided in the Property Tax Code.

3 (Source: P.A. 93-715, eff. 7-12-04.)

4 Section 20. The Illinois Municipal Code is amended by
5 changing Sections 11-74.4-8, 11-74.4-9, and 11-74.6-40 as
6 follows:

7 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

8 Sec. 11-74.4-8. Tax increment allocation financing. A
9 municipality may not adopt tax increment financing in a
10 redevelopment project area after the effective date of this
11 amendatory Act of 1997 that will encompass an area that is
12 currently included in an enterprise zone created under the
13 Illinois Enterprise Zone Act unless that municipality,
14 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
15 amends the enterprise zone designating ordinance to limit the
16 eligibility for tax abatements as provided in Section 5.4.1 of
17 the Illinois Enterprise Zone Act. A municipality, at the time a
18 redevelopment project area is designated, may adopt tax
19 increment allocation financing by passing an ordinance
20 providing that the ad valorem taxes, if any, arising from the
21 levies upon taxable real property in such redevelopment project
22 area by taxing districts and tax rates determined in the manner
23 provided in paragraph (c) of Section 11-74.4-9 each year after
24 the effective date of the ordinance until redevelopment project

1 costs and all municipal obligations financing redevelopment
2 project costs incurred under this Division have been paid shall
3 be divided as follows:

4 (a) That portion of taxes levied upon each taxable lot,
5 block, tract or parcel of real property which is attributable
6 to the lower of the current equalized assessed value or the
7 initial equalized assessed value of each such taxable lot,
8 block, tract or parcel of real property in the redevelopment
9 project area shall be allocated to and when collected shall be
10 paid by the county collector to the respective affected taxing
11 districts in the manner required by law in the absence of the
12 adoption of tax increment allocation financing.

13 (b) Except from a tax levied by a township to retire bonds
14 issued to satisfy court-ordered damages, that portion, if any,
15 of such taxes which is attributable to the increase in the
16 current equalized assessed valuation of each taxable lot,
17 block, tract or parcel of real property in the redevelopment
18 project area over and above the initial equalized assessed
19 value of each property in the project area shall be allocated
20 to and when collected shall be paid to the municipal treasurer
21 who shall deposit said taxes into a special fund called the
22 special tax allocation fund of the municipality for the purpose
23 of paying redevelopment project costs and obligations incurred
24 in the payment thereof. In any county with a population of
25 3,000,000 or more that has adopted a procedure for collecting
26 taxes that provides for one or more of the installments of the

1 taxes to be billed and collected on an estimated basis, the
2 municipal treasurer shall be paid for deposit in the special
3 tax allocation fund of the municipality, from the taxes
4 collected from estimated bills issued for property in the
5 redevelopment project area, the difference between the amount
6 actually collected from each taxable lot, block, tract, or
7 parcel of real property within the redevelopment project area
8 and an amount determined by multiplying the rate at which taxes
9 were last extended against the taxable lot, block, track, or
10 parcel of real property in the manner provided in subsection
11 (c) of Section 11-74.4-9 by the initial equalized assessed
12 value of the property divided by the number of installments in
13 which real estate taxes are billed and collected within the
14 county; provided that the payments on or before December 31,
15 1999 to a municipal treasurer shall be made only if each of the
16 following conditions are met:

17 (1) The total equalized assessed value of the
18 redevelopment project area as last determined was not less
19 than 175% of the total initial equalized assessed value.

20 (2) Not more than 50% of the total equalized assessed
21 value of the redevelopment project area as last determined
22 is attributable to a piece of property assigned a single
23 real estate index number.

24 (3) The municipal clerk has certified to the county
25 clerk that the municipality has issued its obligations to
26 which there has been pledged the incremental property taxes

1 of the redevelopment project area or taxes levied and
2 collected on any or all property in the municipality or the
3 full faith and credit of the municipality to pay or secure
4 payment for all or a portion of the redevelopment project
5 costs. The certification shall be filed annually no later
6 than September 1 for the estimated taxes to be distributed
7 in the following year; however, for the year 1992 the
8 certification shall be made at any time on or before March
9 31, 1992.

10 (4) The municipality has not requested that the total
11 initial equalized assessed value of real property be
12 adjusted as provided in subsection (b) of Section
13 11-74.4-9.

14 The conditions of paragraphs (1) through (4) do not apply
15 after December 31, 1999 to payments to a municipal treasurer
16 made by a county with 3,000,000 or more inhabitants that has
17 adopted an estimated billing procedure for collecting taxes. If
18 a county that has adopted the estimated billing procedure makes
19 an erroneous overpayment of tax revenue to the municipal
20 treasurer, then the county may seek a refund of that
21 overpayment. The county shall send the municipal treasurer a
22 notice of liability for the overpayment on or before the
23 mailing date of the next real estate tax bill within the
24 county. The refund shall be limited to the amount of the
25 overpayment.

26 It is the intent of this Division that after the effective

1 date of this amendatory Act of 1988 a municipality's own ad
2 valorem tax arising from levies on taxable real property be
3 included in the determination of incremental revenue in the
4 manner provided in paragraph (c) of Section 11-74.4-9. If the
5 municipality does not extend such a tax, it shall annually
6 deposit in the municipality's Special Tax Increment Fund an
7 amount equal to 10% of the total contributions to the fund from
8 all other taxing districts in that year. The annual 10% deposit
9 required by this paragraph shall be limited to the actual
10 amount of municipally produced incremental tax revenues
11 available to the municipality from taxpayers located in the
12 redevelopment project area in that year if: (a) the plan for
13 the area restricts the use of the property primarily to
14 industrial purposes, (b) the municipality establishing the
15 redevelopment project area is a home-rule community with a 1990
16 population of between 25,000 and 50,000, (c) the municipality
17 is wholly located within a county with a 1990 population of
18 over 750,000 and (d) the redevelopment project area was
19 established by the municipality prior to June 1, 1990. This
20 payment shall be in lieu of a contribution of ad valorem taxes
21 on real property. If no such payment is made, any redevelopment
22 project area of the municipality shall be dissolved.

23 If a municipality has adopted tax increment allocation
24 financing by ordinance and the County Clerk thereafter
25 certifies the "total initial equalized assessed value as
26 adjusted" of the taxable real property within such

1 redevelopment project area in the manner provided in paragraph
2 (b) of Section 11-74.4-9, each year after the date of the
3 certification of the total initial equalized assessed value as
4 adjusted until redevelopment project costs and all municipal
5 obligations financing redevelopment project costs have been
6 paid the ad valorem taxes, if any, arising from the levies upon
7 the taxable real property in such redevelopment project area by
8 taxing districts and tax rates determined in the manner
9 provided in paragraph (c) of Section 11-74.4-9 shall be divided
10 as follows:

11 (1) That portion of the taxes levied upon each taxable
12 lot, block, tract or parcel of real property which is
13 attributable to the lower of the current equalized assessed
14 value or "current equalized assessed value as adjusted" or
15 the initial equalized assessed value of each such taxable
16 lot, block, tract, or parcel of real property existing at
17 the time tax increment financing was adopted, minus the
18 total current homestead exemptions under Article 15
19 ~~provided by Sections 15-170, 15-175, and 15-176~~ of the
20 Property Tax Code in the redevelopment project area shall
21 be allocated to and when collected shall be paid by the
22 county collector to the respective affected taxing
23 districts in the manner required by law in the absence of
24 the adoption of tax increment allocation financing.

25 (2) That portion, if any, of such taxes which is
26 attributable to the increase in the current equalized

1 assessed valuation of each taxable lot, block, tract, or
2 parcel of real property in the redevelopment project area,
3 over and above the initial equalized assessed value of each
4 property existing at the time tax increment financing was
5 adopted, minus the total current homestead exemptions
6 pertaining to each piece of property provided by Article 15
7 ~~Sections 15-170, 15-175, and 15-176~~ of the Property Tax
8 Code in the redevelopment project area, shall be allocated
9 to and when collected shall be paid to the municipal
10 Treasurer, who shall deposit said taxes into a special fund
11 called the special tax allocation fund of the municipality
12 for the purpose of paying redevelopment project costs and
13 obligations incurred in the payment thereof.

14 The municipality may pledge in the ordinance the funds in
15 and to be deposited in the special tax allocation fund for the
16 payment of such costs and obligations. No part of the current
17 equalized assessed valuation of each property in the
18 redevelopment project area attributable to any increase above
19 the total initial equalized assessed value, or the total
20 initial equalized assessed value as adjusted, of such
21 properties shall be used in calculating the general State
22 school aid formula, provided for in Section 18-8 of the School
23 Code, until such time as all redevelopment project costs have
24 been paid as provided for in this Section.

25 Whenever a municipality issues bonds for the purpose of
26 financing redevelopment project costs, such municipality may

1 provide by ordinance for the appointment of a trustee, which
2 may be any trust company within the State, and for the
3 establishment of such funds or accounts to be maintained by
4 such trustee as the municipality shall deem necessary to
5 provide for the security and payment of the bonds. If such
6 municipality provides for the appointment of a trustee, such
7 trustee shall be considered the assignee of any payments
8 assigned by the municipality pursuant to such ordinance and
9 this Section. Any amounts paid to such trustee as assignee
10 shall be deposited in the funds or accounts established
11 pursuant to such trust agreement, and shall be held by such
12 trustee in trust for the benefit of the holders of the bonds,
13 and such holders shall have a lien on and a security interest
14 in such funds or accounts so long as the bonds remain
15 outstanding and unpaid. Upon retirement of the bonds, the
16 trustee shall pay over any excess amounts held to the
17 municipality for deposit in the special tax allocation fund.

18 When such redevelopment projects costs, including without
19 limitation all municipal obligations financing redevelopment
20 project costs incurred under this Division, have been paid, all
21 surplus funds then remaining in the special tax allocation fund
22 shall be distributed by being paid by the municipal treasurer
23 to the Department of Revenue, the municipality and the county
24 collector; first to the Department of Revenue and the
25 municipality in direct proportion to the tax incremental
26 revenue received from the State and the municipality, but not

1 to exceed the total incremental revenue received from the State
2 or the municipality less any annual surplus distribution of
3 incremental revenue previously made; with any remaining funds
4 to be paid to the County Collector who shall immediately
5 thereafter pay said funds to the taxing districts in the
6 redevelopment project area in the same manner and proportion as
7 the most recent distribution by the county collector to the
8 affected districts of real property taxes from real property in
9 the redevelopment project area.

10 Upon the payment of all redevelopment project costs, the
11 retirement of obligations, the distribution of any excess
12 monies pursuant to this Section, and final closing of the books
13 and records of the redevelopment project area, the municipality
14 shall adopt an ordinance dissolving the special tax allocation
15 fund for the redevelopment project area and terminating the
16 designation of the redevelopment project area as a
17 redevelopment project area. Title to real or personal property
18 and public improvements acquired by or for the municipality as
19 a result of the redevelopment project and plan shall vest in
20 the municipality when acquired and shall continue to be held by
21 the municipality after the redevelopment project area has been
22 terminated. Municipalities shall notify affected taxing
23 districts prior to November 1 if the redevelopment project area
24 is to be terminated by December 31 of that same year. If a
25 municipality extends estimated dates of completion of a
26 redevelopment project and retirement of obligations to finance

1 a redevelopment project, as allowed by this amendatory Act of
2 1993, that extension shall not extend the property tax
3 increment allocation financing authorized by this Section.
4 Thereafter the rates of the taxing districts shall be extended
5 and taxes levied, collected and distributed in the manner
6 applicable in the absence of the adoption of tax increment
7 allocation financing.

8 Nothing in this Section shall be construed as relieving
9 property in such redevelopment project areas from being
10 assessed as provided in the Property Tax Code or as relieving
11 owners of such property from paying a uniform rate of taxes, as
12 required by Section 4 of Article 9 of the Illinois
13 Constitution.

14 (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03;
15 93-715, eff. 7-12-04.)

16 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

17 Sec. 11-74.4-9. Equalized assessed value of property.

18 (a) If a municipality by ordinance provides for tax
19 increment allocation financing pursuant to Section 11-74.4-8,
20 the county clerk immediately thereafter shall determine (1) the
21 most recently ascertained equalized assessed value of each lot,
22 block, tract or parcel of real property within such
23 redevelopment project area from which shall be deducted the
24 homestead exemptions under Article 15 ~~provided by Sections~~
25 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which

1 value shall be the "initial equalized assessed value" of each
2 such piece of property, and (2) the total equalized assessed
3 value of all taxable real property within such redevelopment
4 project area by adding together the most recently ascertained
5 equalized assessed value of each taxable lot, block, tract, or
6 parcel of real property within such project area, from which
7 shall be deducted the homestead exemptions provided under
8 Article 15 ~~by Sections 15-170, 15-175, and 15-176~~ of the
9 Property Tax Code, and shall certify such amount as the "total
10 initial equalized assessed value" of the taxable real property
11 within such project area.

12 (b) In reference to any municipality which has adopted tax
13 increment financing after January 1, 1978, and in respect to
14 which the county clerk has certified the "total initial
15 equalized assessed value" of the property in the redevelopment
16 area, the municipality may thereafter request the clerk in
17 writing to adjust the initial equalized value of all taxable
18 real property within the redevelopment project area by
19 deducting therefrom the exemptions under Article 15 ~~provided~~
20 ~~for by Sections 15-170, 15-175, and 15-176~~ of the Property Tax
21 Code applicable to each lot, block, tract or parcel of real
22 property within such redevelopment project area. The county
23 clerk shall immediately after the written request to adjust the
24 total initial equalized value is received determine the total
25 homestead exemptions in the redevelopment project area
26 provided under Article 15 ~~by Sections 15-170, 15-175, and~~

1 ~~15-176~~ of the Property Tax Code by adding together the
2 homestead exemptions provided by said Sections on each lot,
3 block, tract or parcel of real property within such
4 redevelopment project area and then shall deduct the total of
5 said exemptions from the total initial equalized assessed
6 value. The county clerk shall then promptly certify such amount
7 as the "total initial equalized assessed value as adjusted" of
8 the taxable real property within such redevelopment project
9 area.

10 (c) After the county clerk has certified the "total initial
11 equalized assessed value" of the taxable real property in such
12 area, then in respect to every taxing district containing a
13 redevelopment project area, the county clerk or any other
14 official required by law to ascertain the amount of the
15 equalized assessed value of all taxable property within such
16 district for the purpose of computing the rate per cent of tax
17 to be extended upon taxable property within such district,
18 shall in every year that tax increment allocation financing is
19 in effect ascertain the amount of value of taxable property in
20 a redevelopment project area by including in such amount the
21 lower of the current equalized assessed value or the certified
22 "total initial equalized assessed value" of all taxable real
23 property in such area, except that after he has certified the
24 "total initial equalized assessed value as adjusted" he shall
25 in the year of said certification if tax rates have not been
26 extended and in every year thereafter that tax increment

1 allocation financing is in effect ascertain the amount of value
2 of taxable property in a redevelopment project area by
3 including in such amount the lower of the current equalized
4 assessed value or the certified "total initial equalized
5 assessed value as adjusted" of all taxable real property in
6 such area. The rate per cent of tax determined shall be
7 extended to the current equalized assessed value of all
8 property in the redevelopment project area in the same manner
9 as the rate per cent of tax is extended to all other taxable
10 property in the taxing district. The method of extending taxes
11 established under this Section shall terminate when the
12 municipality adopts an ordinance dissolving the special tax
13 allocation fund for the redevelopment project area. This
14 Division shall not be construed as relieving property owners
15 within a redevelopment project area from paying a uniform rate
16 of taxes upon the current equalized assessed value of their
17 taxable property as provided in the Property Tax Code.

18 (Source: P.A. 93-715, eff. 7-12-04.)

19 (65 ILCS 5/11-74.6-40)

20 Sec. 11-74.6-40. Equalized assessed value determination;
21 property tax extension.

22 (a) If a municipality by ordinance provides for tax
23 increment allocation financing under Section 11-74.6-35, the
24 county clerk immediately thereafter:

25 (1) shall determine the initial equalized assessed

1 value of each parcel of real property in the redevelopment
2 project area, which is the most recently established
3 equalized assessed value of each lot, block, tract or
4 parcel of taxable real property within the redevelopment
5 project area, minus the homestead exemptions under Article
6 15 ~~provided by Sections 15-170, 15-175, and 15-176~~ of the
7 Property Tax Code; and

8 (2) shall certify to the municipality the total initial
9 equalized assessed value of all taxable real property
10 within the redevelopment project area.

11 (b) Any municipality that has established a vacant
12 industrial buildings conservation area may, by ordinance
13 passed after the adoption of tax increment allocation
14 financing, provide that the county clerk immediately
15 thereafter shall again determine:

16 (1) the updated initial equalized assessed value of
17 each lot, block, tract or parcel of real property, which is
18 the most recently ascertained equalized assessed value of
19 each lot, block, tract or parcel of real property within
20 the vacant industrial buildings conservation area; and

21 (2) the total updated initial equalized assessed value
22 of all taxable real property within the redevelopment
23 project area, which is the total of the updated initial
24 equalized assessed value of all taxable real property
25 within the vacant industrial buildings conservation area.

26 The county clerk shall certify to the municipality the

1 total updated initial equalized assessed value of all taxable
2 real property within the industrial buildings conservation
3 area.

4 (c) After the county clerk has certified the total initial
5 equalized assessed value or the total updated initial equalized
6 assessed value of the taxable real property in the area, for
7 each taxing district in which a redevelopment project area is
8 situated, the county clerk or any other official required by
9 law to determine the amount of the equalized assessed value of
10 all taxable property within the district for the purpose of
11 computing the percentage rate of tax to be extended upon
12 taxable property within the district, shall in every year that
13 tax increment allocation financing is in effect determine the
14 total equalized assessed value of taxable property in a
15 redevelopment project area by including in that amount the
16 lower of the current equalized assessed value or the certified
17 total initial equalized assessed value or, if the total of
18 updated equalized assessed value has been certified, the total
19 updated initial equalized assessed value of all taxable real
20 property in the redevelopment project area. After he has
21 certified the total initial equalized assessed value he shall
22 in the year of that certification, if tax rates have not been
23 extended, and in every subsequent year that tax increment
24 allocation financing is in effect, determine the amount of
25 equalized assessed value of taxable property in a redevelopment
26 project area by including in that amount the lower of the

1 current total equalized assessed value or the certified total
2 initial equalized assessed value or, if the total of updated
3 initial equalized assessed values have been certified, the
4 total updated initial equalized assessed value of all taxable
5 real property in the redevelopment project area.

6 (d) The percentage rate of tax determined shall be extended
7 on the current equalized assessed value of all property in the
8 redevelopment project area in the same manner as the rate per
9 cent of tax is extended to all other taxable property in the
10 taxing district. The method of extending taxes established
11 under this Section shall terminate when the municipality adopts
12 an ordinance dissolving the special tax allocation fund for the
13 redevelopment project area. This Law shall not be construed as
14 relieving property owners within a redevelopment project area
15 from paying a uniform rate of taxes upon the current equalized
16 assessed value of their taxable property as provided in the
17 Property Tax Code.

18 (Source: P.A. 93-715, eff. 7-12-04.)

19 Section 25. The Economic Development Project Area Tax
20 Increment Allocation Act of 1995 is amended by changing Section
21 45 as follows:

22 (65 ILCS 110/45)

23 Sec. 45. Filing with county clerk; certification of initial
24 equalized assessed value.

1 (a) A municipality that has by ordinance approved an
2 economic development plan, established an economic development
3 project area, and adopted tax increment allocation financing
4 for that area shall file certified copies of the ordinance or
5 ordinances with the county clerk. Upon receiving the ordinance
6 or ordinances, the county clerk shall immediately determine (i)
7 the most recently ascertained equalized assessed value of each
8 lot, block, tract, or parcel of real property within the
9 economic development project area from which shall be deducted
10 the homestead exemptions under Article 15 ~~provided by Sections~~
11 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code (that value
12 being the "initial equalized assessed value" of each such piece
13 of property) and (ii) the total equalized assessed value of all
14 taxable real property within the economic development project
15 area by adding together the most recently ascertained equalized
16 assessed value of each taxable lot, block, tract, or parcel of
17 real property within the economic development project area,
18 from which shall be deducted the homestead exemptions provided
19 under Article 15 ~~by Sections 15-170, 15-175, and 15-176~~ of the
20 Property Tax Code, and shall certify that amount as the "total
21 initial equalized assessed value" of the taxable real property
22 within the economic development project area.

23 (b) After the county clerk has certified the "total initial
24 equalized assessed value" of the taxable real property in the
25 economic development project area, then in respect to every
26 taxing district containing an economic development project

1 area, the county clerk or any other official required by law to
2 ascertain the amount of the equalized assessed value of all
3 taxable property within the taxing district for the purpose of
4 computing the rate per cent of tax to be extended upon taxable
5 property within the taxing district shall, in every year that
6 tax increment allocation financing is in effect, ascertain the
7 amount of value of taxable property in an economic development
8 project area by including in that amount the lower of the
9 current equalized assessed value or the certified "total
10 initial equalized assessed value" of all taxable real property
11 in the area. The rate per cent of tax determined shall be
12 extended to the current equalized assessed value of all
13 property in the economic development project area in the same
14 manner as the rate per cent of tax is extended to all other
15 taxable property in the taxing district. The method of
16 extending taxes established under this Section shall terminate
17 when the municipality adopts an ordinance dissolving the
18 special tax allocation fund for the economic development
19 project area. This Act shall not be construed as relieving
20 owners or lessees of property within an economic development
21 project area from paying a uniform rate of taxes upon the
22 current equalized assessed value of their taxable property as
23 provided in the Property Tax Code.

24 (Source: P.A. 93-715, eff. 7-12-04.)

25 Section 30. The School Code is amended by changing Section

1 18-8.05 as follows:

2 (105 ILCS 5/18-8.05)

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

6 (A) General Provisions.

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

23 (2) In addition to general State financial aid, school
24 districts with specified levels or concentrations of pupils

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

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

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

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

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

9 (d) (Blank).

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

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

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

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

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

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

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

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

14 (B) Foundation Level.

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

25 (2) For the 1998-1999 school year, the Foundation Level of

1 support is \$4,225. For the 1999-2000 school year, the
2 Foundation Level of support is \$4,325. For the 2000-2001 school
3 year, the Foundation Level of support is \$4,425. For the
4 2001-2002 school year and 2002-2003 school year, the Foundation
5 Level of support is \$4,560. For the 2003-2004 school year, the
6 Foundation Level of support is \$4,810. For the 2004-2005 school
7 year, the Foundation Level of support is \$4,964. For the
8 2005-2006 school year, the Foundation Level of support is
9 \$5,164.

10 (3) For the 2006-2007 school year and each school year
11 thereafter, the Foundation Level of support is \$5,334 or such
12 greater amount as may be established by law by the General
13 Assembly.

14 (C) Average Daily Attendance.

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

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

10 (D) Available Local Resources.

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

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

1 determined as provided in subsection (G).

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

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

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

11 (E) Computation of General State Aid.

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

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

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

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

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

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

1 (F) Compilation of Average Daily Attendance.

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

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

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

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

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

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

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

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

22 (a) Pupils regularly enrolled in a public school for
23 only a part of the school day may be counted on the basis
24 of 1/6 day for every class hour of instruction of 40
25 minutes or more attended pursuant to such enrollment,
26 unless a pupil is enrolled in a block-schedule format of 80

1 minutes or more of instruction, in which case the pupil may
2 be counted on the basis of the proportion of minutes of
3 school work completed each day to the minimum number of
4 minutes that school work is required to be held that day.

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

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

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

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

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

25 (f) A session of at least 4 clock hours may be counted
26 as a day of attendance for first grade pupils, and pupils

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

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

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

1 regulations of the State Board of Education.

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

13 (G) Equalized Assessed Valuation Data.

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

24 The Department of Revenue shall add to the equalized
25 assessed value of all taxable property of each school district

1 situated entirely or partially within a county that is or was
2 subject to the ~~alternative general homestead exemption~~
3 provisions of Section 15-176 or 15-177 ~~Section 15-176~~ 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 ~~Section 15-176~~ of the Property Tax Code for real
7 property situated in that school district exceeds the total
8 amount that would have been allowed in that school district if
9 the maximum reduction under Section 15-176 was (i) \$4,500 in
10 Cook County or \$3,500 in all other counties in tax year 2003 or
11 (ii) \$5,000 in all counties in tax year 2004 and thereafter and
12 (b) an amount equal to the aggregate amount for the taxable
13 year of all additional exemptions under Section 15-175 of the
14 Property Tax Code for owners with a household income of \$30,000
15 or less. The county clerk of any county that is or was subject
16 to the ~~alternative general homestead exemption~~ provisions of
17 Section 15-176 or 15-177 ~~Section 15-176~~ of the Property Tax
18 Code shall annually calculate and certify to the Department of
19 Revenue for each school district all homestead exemption
20 amounts under Section 15-176 or 15-177 ~~Section 15-176~~ of the
21 Property Tax Code and all amounts of additional exemptions
22 under Section 15-175 of the Property Tax Code for owners with a
23 household income of \$30,000 or less. It is the intent of this
24 paragraph that if the general homestead exemption for a parcel
25 of property is determined under Section 15-176 or 15-177
26 ~~Section 15-176~~ of the Property Tax Code rather than Section

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

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

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

19 (a) For the purposes of calculating State aid under
20 this Section, with respect to any part of a school district
21 within a redevelopment project area in respect to which a
22 municipality has adopted tax increment allocation
23 financing pursuant to the Tax Increment Allocation
24 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
25 of the Illinois Municipal Code or the Industrial Jobs
26 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the

1 Illinois Municipal Code, no part of the current equalized
2 assessed valuation of real property located in any such
3 project area which is attributable to an increase above the
4 total initial equalized assessed valuation of such
5 property shall be used as part of the equalized assessed
6 valuation of the district, until such time as all
7 redevelopment project costs have been paid, as provided in
8 Section 11-74.4-8 of the Tax Increment Allocation
9 Redevelopment Act or in Section 11-74.6-35 of the
10 Industrial Jobs Recovery Law. For the purpose of the
11 equalized assessed valuation of the district, the total
12 initial equalized assessed valuation or the current
13 equalized assessed valuation, whichever is lower, shall be
14 used until such time as all redevelopment project costs
15 have been paid.

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

1 of Section 18-165 of the Property Tax Code by the same
2 percentage rates for district type as specified in this
3 subparagraph (b).

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

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

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

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

16 "Preceding Tax Year": The property tax levy year
17 immediately preceding the Base Tax Year.

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

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

1 "Extension Limitation Ratio": A numerical ratio,
2 certified by the County Clerk, in which the numerator is
3 the Base Tax Year's Tax Extension and the denominator is
4 the Preceding Tax Year's Tax Extension.

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

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

1 to subsection (E), that Extension Limitation Equalized
2 Assessed Valuation shall be utilized to calculate the
3 district's Available Local Resources under subsection (D).

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

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

1 Resources.

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

14 (H) Supplemental General State Aid.

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

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

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

1 eligible pupil count of a majority of the elementary school
2 districts in excess of 50% from the 2 most recent federal
3 censuses, then the high school district's low-income eligible
4 pupil count from the earlier federal census shall be the number
5 used as the low-income eligible pupil count for the high school
6 district, for purposes of this subsection (H). The changes made
7 to this paragraph (1) by Public Act 92-28 shall apply to
8 supplemental general State aid grants for school years
9 preceding the 2003-2004 school year that are paid in fiscal
10 year 1999 or thereafter and to any State aid payments made in
11 fiscal year 1994 through fiscal year 1998 pursuant to
12 subsection 1(n) of Section 18-8 of this Code (which was
13 repealed on July 1, 1998), and any high school district that is
14 affected by Public Act 92-28 is entitled to a recomputation of
15 its supplemental general State aid grant or State aid paid in
16 any of those fiscal years. This recomputation shall not be
17 affected by any other funding.

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

1 by the Department of Children and Family Services, averaged
2 over the 2 immediately preceding fiscal years for fiscal year
3 2004 and over the 3 immediately preceding fiscal years for each
4 fiscal year thereafter) divided by the Average Daily Attendance
5 of the school district.

6 (2) Supplemental general State aid pursuant to this
7 subsection (H) shall be provided as follows for the 1998-1999,
8 1999-2000, and 2000-2001 school years only:

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

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

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

21 (d) For any school district with a Low Income
22 Concentration Level of 60% or more, the grant for the
23 1998-99 school year shall be \$1,900 multiplied by the low
24 income eligible pupil count.

25 (e) For the 1999-2000 school year, the per pupil amount
26 specified in subparagraphs (b), (c), and (d) immediately

1 above shall be increased to \$1,243, \$1,600, and \$2,000,
2 respectively.

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

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

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

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

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

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

1 Concentration Level of at least 50% and less than 60%, the
2 grant for each school year shall be \$1,680 multiplied by
3 the low income eligible pupil count.

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

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

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

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

21 For the 2003-2004 school year, 2004-2005 school year,
22 2005-2006 school year, and 2006-2007 school year only, the
23 grant shall be no less than the grant for the 2002-2003 school
24 year. For the 2007-2008 school year only, the grant shall be no
25 less than the grant for the 2002-2003 school year multiplied by
26 0.66. For the 2008-2009 school year only, the grant shall be no

1 less than the grant for the 2002-2003 school year multiplied by
2 0.33. Notwithstanding the provisions of this paragraph to the
3 contrary, if for any school year supplemental general State aid
4 grants are prorated as provided in paragraph (1) of this
5 subsection (H), then the grants under this paragraph shall be
6 prorated.

7 For the 2003-2004 school year only, the grant shall be no
8 greater than the grant received during the 2002-2003 school
9 year added to the product of 0.25 multiplied by the difference
10 between the grant amount calculated under subsection (a) or (b)
11 of this paragraph (2.10), whichever is applicable, and the
12 grant received during the 2002-2003 school year. For the
13 2004-2005 school year only, the grant shall be no greater than
14 the grant received during the 2002-2003 school year added to
15 the product of 0.50 multiplied by the difference between the
16 grant amount calculated under subsection (a) or (b) of this
17 paragraph (2.10), whichever is applicable, and the grant
18 received during the 2002-2003 school year. For the 2005-2006
19 school year only, the grant shall be no greater than the grant
20 received during the 2002-2003 school year added to the product
21 of 0.75 multiplied by the difference between the grant amount
22 calculated under subsection (a) or (b) of this paragraph
23 (2.10), whichever is applicable, and the grant received during
24 the 2002-2003 school year.

25 (3) School districts with an Average Daily Attendance of
26 more than 1,000 and less than 50,000 that qualify for

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

9 (4) School districts with an Average Daily Attendance of
10 50,000 or more that qualify for supplemental general State aid
11 pursuant to this subsection shall be required to distribute
12 from funds available pursuant to this Section, no less than
13 \$261,000,000 in accordance with the following requirements:

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

21 (b) The distribution of these portions of supplemental
22 and general State aid among attendance centers according to
23 these requirements shall not be compensated for or
24 contravened by adjustments of the total of other funds
25 appropriated to any attendance centers, and the Board of
26 Education shall utilize funding from one or several sources

1 in order to fully implement this provision annually prior
2 to the opening of school.

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

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

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

1 expended for any political or lobbying purposes as defined
2 by board rule.

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

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

25 If the district fails to distribute State aid to
26 attendance centers in accordance with an approved plan, the

1 plan for the following year shall allocate funds, in
2 addition to the funds otherwise required by this
3 subsection, to those attendance centers which were
4 underfunded during the previous year in amounts equal to
5 such underfunding.

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

26 The State Board of Education shall promulgate rules and

1 regulations to implement the provisions of this
2 subsection. No funds shall be released under this
3 subdivision (H) (4) to any district that has not submitted a
4 plan that has been approved by the State Board of
5 Education.

6 (I) (Blank).

7 (J) Supplementary Grants in Aid.

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

1 Section) for the 1997-1998 school year, pursuant to the
2 provisions of that Section as it was then in effect.

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

14 (3) (Blank).

15 (K) Grants to Laboratory and Alternative Schools.

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

22 As used in this Section, "laboratory school" means a public
23 school which is created and operated by a public university and
24 approved by the State Board of Education. The governing board
25 of a public university which receives funds from the State

1 Board under this subsection (K) may not increase the number of
2 students enrolled in its laboratory school from a single
3 district, if that district is already sending 50 or more
4 students, except under a mutual agreement between the school
5 board of a student's district of residence and the university
6 which operates the laboratory school. A laboratory school may
7 not have more than 1,000 students, excluding students with
8 disabilities in a special education program.

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

25 Each laboratory and alternative school shall file, on forms
26 provided by the State Superintendent of Education, an annual

1 State aid claim which states the Average Daily Attendance of
2 the school's students by month. The best 3 months' Average
3 Daily Attendance shall be computed for each school. The general
4 State aid entitlement shall be computed by multiplying the
5 applicable Average Daily Attendance by the Foundation Level as
6 determined under this Section.

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

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

21 (2) (Blank).

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

24 (M) Education Funding Advisory Board.

1 The Education Funding Advisory Board, hereinafter in this
2 subsection (M) referred to as the "Board", is hereby created.
3 The Board shall consist of 5 members who are appointed by the
4 Governor, by and with the advice and consent of the Senate. The
5 members appointed shall include representatives of education,
6 business, and the general public. One of the members so
7 appointed shall be designated by the Governor at the time the
8 appointment is made as the chairperson of the Board. The
9 initial members of the Board may be appointed any time after
10 the effective date of this amendatory Act of 1997. The regular
11 term of each member of the Board shall be for 4 years from the
12 third Monday of January of the year in which the term of the
13 member's appointment is to commence, except that of the 5
14 initial members appointed to serve on the Board, the member who
15 is appointed as the chairperson shall serve for a term that
16 commences on the date of his or her appointment and expires on
17 the third Monday of January, 2002, and the remaining 4 members,
18 by lots drawn at the first meeting of the Board that is held
19 after all 5 members are appointed, shall determine 2 of their
20 number to serve for terms that commence on the date of their
21 respective appointments and expire on the third Monday of
22 January, 2001, and 2 of their number to serve for terms that
23 commence on the date of their respective appointments and
24 expire on the third Monday of January, 2000. All members
25 appointed to serve on the Board shall serve until their
26 respective successors are appointed and confirmed. Vacancies

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

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

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

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

1 for the supplemental general State aid grant level under
2 subsection (H) of this Section for districts with high
3 concentrations of children from poverty. The recommended
4 foundation level shall be determined based on a methodology
5 which incorporates the basic education expenditures of
6 low-spending schools exhibiting high academic performance. The
7 Education Funding Advisory Board shall make such
8 recommendations to the General Assembly on January 1 of odd
9 numbered years, beginning January 1, 2001.

10 (N) (Blank).

11 (O) References.

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

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

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

1 acted upon, is controlling. The text of Public Act 93-838 is
2 the law regardless of the text of Public Act 93-808.

3 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,
4 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
5 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,
6 eff. 7-10-06; 94-1105, eff. 6-1-07; revised 2-18-07.)

7 Section 33. The Senior Citizens and Disabled Persons
8 Property Tax Relief and Pharmaceutical Assistance Act is
9 amended by changing Section 4 as follows:

10 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

11 Sec. 4. Amount of Grant.

12 (a) In general. Any individual 65 years or older or any
13 individual who will become 65 years old during the calendar
14 year in which a claim is filed, and any surviving spouse of
15 such a claimant, who at the time of death received or was
16 entitled to receive a grant pursuant to this Section, which
17 surviving spouse will become 65 years of age within the 24
18 months immediately following the death of such claimant and
19 which surviving spouse but for his or her age is otherwise
20 qualified to receive a grant pursuant to this Section, and any
21 disabled person whose annual household income is less than
22 \$14,000 for grant years before the 1998 grant year, less than
23 \$16,000 for the 1998 and 1999 grant years, and less than (i)
24 \$21,218 for a household containing one person, (ii) \$28,480 for

1 a household containing 2 persons, or (iii) \$35,740 for a
2 household containing 3 or more persons for the 2000 grant year
3 and thereafter and whose household is liable for payment of
4 property taxes accrued or has paid rent constituting property
5 taxes accrued and is domiciled in this State at the time he or
6 she files his or her claim is entitled to claim a grant under
7 this Act. With respect to claims filed by individuals who will
8 become 65 years old during the calendar year in which a claim
9 is filed, the amount of any grant to which that household is
10 entitled shall be an amount equal to 1/12 of the amount to
11 which the claimant would otherwise be entitled as provided in
12 this Section, multiplied by the number of months in which the
13 claimant was 65 in the calendar year in which the claim is
14 filed.

15 (b) Limitation. Except as otherwise provided in
16 subsections (a) and (f) of this Section, the maximum amount of
17 grant which a claimant is entitled to claim is the amount by
18 which the property taxes accrued which were paid or payable
19 during the last preceding tax year or rent constituting
20 property taxes accrued upon the claimant's residence for the
21 last preceding taxable year exceeds 3 1/2% of the claimant's
22 household income for that year but in no event is the grant to
23 exceed (i) \$700 less 4.5% of household income for that year for
24 those with a household income of \$14,000 or less or (ii) \$70 if
25 household income for that year is more than \$14,000.

26 (c) Public aid recipients. If household income in one or

1 more months during a year includes cash assistance in excess of
2 \$55 per month from the Department of Healthcare and Family
3 Services or the Department of Human Services (acting as
4 successor to the Department of Public Aid under the Department
5 of Human Services Act) which was determined under regulations
6 of that Department on a measure of need that included an
7 allowance for actual rent or property taxes paid by the
8 recipient of that assistance, the amount of grant to which that
9 household is entitled, except as otherwise provided in
10 subsection (a), shall be the product of (1) the maximum amount
11 computed as specified in subsection (b) of this Section and (2)
12 the ratio of the number of months in which household income did
13 not include such cash assistance over \$55 to the number twelve.
14 If household income did not include such cash assistance over
15 \$55 for any months during the year, the amount of the grant to
16 which the household is entitled shall be the maximum amount
17 computed as specified in subsection (b) of this Section. For
18 purposes of this paragraph (c), "cash assistance" does not
19 include any amount received under the federal Supplemental
20 Security Income (SSI) program.

21 (d) Joint ownership. If title to the residence is held
22 jointly by the claimant with a person who is not a member of
23 his or her household, the amount of property taxes accrued used
24 in computing the amount of grant to which he or she is entitled
25 shall be the same percentage of property taxes accrued as is
26 the percentage of ownership held by the claimant in the

1 residence.

2 (e) More than one residence. If a claimant has occupied
3 more than one residence in the taxable year, he or she may
4 claim only one residence for any part of a month. In the case
5 of property taxes accrued, he or she shall prorate 1/12 of the
6 total property taxes accrued on his or her residence to each
7 month that he or she owned and occupied that residence; and, in
8 the case of rent constituting property taxes accrued, shall
9 prorate each month's rent payments to the residence actually
10 occupied during that month.

11 (f) There is hereby established a program of pharmaceutical
12 assistance to the aged and disabled which shall be administered
13 by the Department in accordance with this Act, to consist of
14 payments to authorized pharmacies, on behalf of beneficiaries
15 of the program, for the reasonable costs of covered
16 prescription drugs. Each beneficiary who pays \$5 for an
17 identification card shall pay no additional prescription
18 costs. Each beneficiary who pays \$25 for an identification card
19 shall pay \$3 per prescription. In addition, after a beneficiary
20 receives \$2,000 in benefits during a State fiscal year, that
21 beneficiary shall also be charged 20% of the cost of each
22 prescription for which payments are made by the program during
23 the remainder of the fiscal year. To become a beneficiary under
24 this program a person must: (1) be (i) 65 years of age or
25 older, or (ii) the surviving spouse of such a claimant, who at
26 the time of death received or was entitled to receive benefits

1 pursuant to this subsection, which surviving spouse will become
2 65 years of age within the 24 months immediately following the
3 death of such claimant and which surviving spouse but for his
4 or her age is otherwise qualified to receive benefits pursuant
5 to this subsection, or (iii) disabled, and (2) be domiciled in
6 this State at the time he or she files his or her claim, and (3)
7 have a maximum household income of less than \$14,000 for grant
8 years before the 1998 grant year, less than \$16,000 for the
9 1998 and 1999 grant years, and less than (i) \$21,218 for a
10 household containing one person, (ii) \$28,480 for a household
11 containing 2 persons, or (iii) \$35,740 for a household
12 containing 3 more persons for the 2000 grant year and
13 thereafter. In addition, each eligible person must (1) obtain
14 an identification card from the Department, (2) at the time the
15 card is obtained, sign a statement assigning to the State of
16 Illinois benefits which may be otherwise claimed under any
17 private insurance plans, and (3) present the identification
18 card to the dispensing pharmacist.

19 The Department may adopt rules specifying participation
20 requirements for the pharmaceutical assistance program,
21 including copayment amounts, identification card fees,
22 expenditure limits, and the benefit threshold after which a 20%
23 charge is imposed on the cost of each prescription, to be in
24 effect on and after July 1, 2004. Notwithstanding any other
25 provision of this paragraph, however, the Department may not
26 increase the identification card fee above the amount in effect

1 on May 1, 2003 without the express consent of the General
2 Assembly. To the extent practicable, those requirements shall
3 be commensurate with the requirements provided in rules adopted
4 by the Department of Healthcare and Family Services to
5 implement the pharmacy assistance program under Section
6 5-5.12a of the Illinois Public Aid Code.

7 Whenever a generic equivalent for a covered prescription
8 drug is available, the Department shall reimburse only for the
9 reasonable costs of the generic equivalent, less the co-pay
10 established in this Section, unless (i) the covered
11 prescription drug contains one or more ingredients defined as a
12 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
13 prescriber indicates on the face of the prescription "brand
14 medically necessary", and (iii) the prescriber specifies that a
15 substitution is not permitted. When issuing an oral
16 prescription for covered prescription medication described in
17 item (i) of this paragraph, the prescriber shall stipulate
18 "brand medically necessary" and that a substitution is not
19 permitted. If the covered prescription drug and its authorizing
20 prescription do not meet the criteria listed above, the
21 beneficiary may purchase the non-generic equivalent of the
22 covered prescription drug by paying the difference between the
23 generic cost and the non-generic cost plus the beneficiary
24 co-pay.

25 Any person otherwise eligible for pharmaceutical
26 assistance under this Act whose covered drugs are covered by

1 any public program for assistance in purchasing any covered
2 prescription drugs shall be ineligible for assistance under
3 this Act to the extent such costs are covered by such other
4 plan.

5 The fee to be charged by the Department for the
6 identification card shall be equal to \$5 per coverage year for
7 persons below the official poverty line as defined by the
8 United States Department of Health and Human Services and \$25
9 per coverage year for all other persons.

10 In the event that 2 or more persons are eligible for any
11 benefit under this Act, and are members of the same household,
12 (1) each such person shall be entitled to participate in the
13 pharmaceutical assistance program, provided that he or she
14 meets all other requirements imposed by this subsection and (2)
15 each participating household member contributes the fee
16 required for that person by the preceding paragraph for the
17 purpose of obtaining an identification card.

18 The provisions of this subsection (f), other than this
19 paragraph, are inoperative after December 31, 2005.
20 Beneficiaries who received benefits under the program
21 established by this subsection (f) are not entitled, at the
22 termination of the program, to any refund of the identification
23 card fee paid under this subsection.

24 (g) Effective January 1, 2006, there is hereby established
25 a program of pharmaceutical assistance to the aged and
26 disabled, entitled the Illinois Seniors and Disabled Drug

1 Coverage Program, which shall be administered by the Department
2 of Healthcare and Family Services and the Department on Aging
3 in accordance with this subsection, to consist of coverage of
4 specified prescription drugs on behalf of beneficiaries of the
5 program as set forth in this subsection. The program under this
6 subsection replaces and supersedes the program established
7 under subsection (f), which shall end at midnight on December
8 31, 2005.

9 To become a beneficiary under the program established under
10 this subsection, a person must:

11 (1) be (i) 65 years of age or older or (ii) disabled;

12 and

13 (2) be domiciled in this State; and

14 (3) enroll with a qualified Medicare Part D
15 Prescription Drug Plan if eligible and apply for all
16 available subsidies under Medicare Part D; and

17 (4) have a maximum household income of (i) less than
18 \$21,218 for a household containing one person, (ii) less
19 than \$28,480 for a household containing 2 persons, or (iii)
20 less than \$35,740 for a household containing 3 or more
21 persons. If any income eligibility limit set forth in items
22 (i) through (iii) is less than 200% of the Federal Poverty
23 Level for any year, the income eligibility limit for that
24 year for households of that size shall be income equal to
25 or less than 200% of the Federal Poverty Level.

26 All individuals enrolled as of December 31, 2005, in the

1 pharmaceutical assistance program operated pursuant to
2 subsection (f) of this Section and all individuals enrolled as
3 of December 31, 2005, in the SeniorCare Medicaid waiver program
4 operated pursuant to Section 5-5.12a of the Illinois Public Aid
5 Code shall be automatically enrolled in the program established
6 by this subsection for the first year of operation without the
7 need for further application, except that they must apply for
8 Medicare Part D and the Low Income Subsidy under Medicare Part
9 D. A person enrolled in the pharmaceutical assistance program
10 operated pursuant to subsection (f) of this Section as of
11 December 31, 2005, shall not lose eligibility in future years
12 due only to the fact that they have not reached the age of 65.

13 To the extent permitted by federal law, the Department may
14 act as an authorized representative of a beneficiary in order
15 to enroll the beneficiary in a Medicare Part D Prescription
16 Drug Plan if the beneficiary has failed to choose a plan and,
17 where possible, to enroll beneficiaries in the low-income
18 subsidy program under Medicare Part D or assist them in
19 enrolling in that program.

20 Beneficiaries under the program established under this
21 subsection shall be divided into the following 5 eligibility
22 groups:

23 (A) Eligibility Group 1 shall consist of beneficiaries
24 who are not eligible for Medicare Part D coverage and who
25 are:

26 (i) disabled and under age 65; or

1 (ii) age 65 or older, with incomes over 200% of the
2 Federal Poverty Level; or

3 (iii) age 65 or older, with incomes at or below
4 200% of the Federal Poverty Level and not eligible for
5 federally funded means-tested benefits due to
6 immigration status.

7 (B) Eligibility Group 2 shall consist of beneficiaries
8 otherwise described in Eligibility Group 1 but who are
9 eligible for Medicare Part D coverage.

10 (C) Eligibility Group 3 shall consist of beneficiaries
11 age 65 or older, with incomes at or below 200% of the
12 Federal Poverty Level, who are not barred from receiving
13 federally funded means-tested benefits due to immigration
14 status and are eligible for Medicare Part D coverage.

15 (D) Eligibility Group 4 shall consist of beneficiaries
16 age 65 or older, with incomes at or below 200% of the
17 Federal Poverty Level, who are not barred from receiving
18 federally funded means-tested benefits due to immigration
19 status and are not eligible for Medicare Part D coverage.

20 If the State applies and receives federal approval for
21 a waiver under Title XIX of the Social Security Act,
22 persons in Eligibility Group 4 shall continue to receive
23 benefits through the approved waiver, and Eligibility
24 Group 4 may be expanded to include disabled persons under
25 age 65 with incomes under 200% of the Federal Poverty Level
26 who are not eligible for Medicare and who are not barred

1 from receiving federally funded means-tested benefits due
2 to immigration status.

3 (E) On and after January 1, 2007, Eligibility Group 5
4 shall consist of beneficiaries who are otherwise described
5 in Eligibility Groups 2 and 3 who have a diagnosis of HIV
6 or AIDS.

7 The program established under this subsection shall cover
8 the cost of covered prescription drugs in excess of the
9 beneficiary cost-sharing amounts set forth in this paragraph
10 that are not covered by Medicare. In 2006, beneficiaries shall
11 pay a co-payment of \$2 for each prescription of a generic drug
12 and \$5 for each prescription of a brand-name drug. In future
13 years, beneficiaries shall pay co-payments equal to the
14 co-payments required under Medicare Part D for "other
15 low-income subsidy eligible individuals" pursuant to 42 CFR
16 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and
17 4, once the program established under this subsection and
18 Medicare combined have paid \$1,750 in a year for covered
19 prescription drugs, the beneficiary shall pay 20% of the cost
20 of each prescription in addition to the co-payments set forth
21 in this paragraph. For individuals in Eligibility Group 5, once
22 the program established under this subsection and Medicare
23 combined have paid \$1,750 in a year for covered prescription
24 drugs, the beneficiary shall pay 20% of the cost of each
25 prescription in addition to the co-payments set forth in this
26 paragraph unless the drug is included in the formulary of the

1 Illinois AIDS Drug Assistance Program operated by the Illinois
2 Department of Public Health. If the drug is included in the
3 formulary of the Illinois AIDS Drug Assistance Program,
4 individuals in Eligibility Group 5 shall continue to pay the
5 co-payments set forth in this paragraph after the program
6 established under this subsection and Medicare combined have
7 paid \$1,750 in a year for covered prescription drugs.

8 For beneficiaries eligible for Medicare Part D coverage,
9 the program established under this subsection shall pay 100% of
10 the premiums charged by a qualified Medicare Part D
11 Prescription Drug Plan for Medicare Part D basic prescription
12 drug coverage, not including any late enrollment penalties.
13 Qualified Medicare Part D Prescription Drug Plans may be
14 limited by the Department of Healthcare and Family Services to
15 those plans that sign a coordination agreement with the
16 Department.

17 Notwithstanding Section 3.15, for purposes of the program
18 established under this subsection, the term "covered
19 prescription drug" has the following meanings:

20 For Eligibility Group 1, "covered prescription drug"
21 means: (1) any cardiovascular agent or drug; (2) any
22 insulin or other prescription drug used in the treatment of
23 diabetes, including syringe and needles used to administer
24 the insulin; (3) any prescription drug used in the
25 treatment of arthritis; (4) any prescription drug used in
26 the treatment of cancer; (5) any prescription drug used in

1 the treatment of Alzheimer's disease; (6) any prescription
2 drug used in the treatment of Parkinson's disease; (7) any
3 prescription drug used in the treatment of glaucoma; (8)
4 any prescription drug used in the treatment of lung disease
5 and smoking-related illnesses; (9) any prescription drug
6 used in the treatment of osteoporosis; and (10) any
7 prescription drug used in the treatment of multiple
8 sclerosis. The Department may add additional therapeutic
9 classes by rule. The Department may adopt a preferred drug
10 list within any of the classes of drugs described in items
11 (1) through (10) of this paragraph. The specific drugs or
12 therapeutic classes of covered prescription drugs shall be
13 indicated by rule.

14 For Eligibility Group 2, "covered prescription drug"
15 means those drugs covered for Eligibility Group 1 that are
16 also covered by the Medicare Part D Prescription Drug Plan
17 in which the beneficiary is enrolled.

18 For Eligibility Group 3, "covered prescription drug"
19 means those drugs covered by the Medicare Part D
20 Prescription Drug Plan in which the beneficiary is
21 enrolled.

22 For Eligibility Group 4, "covered prescription drug"
23 means those drugs covered by the Medical Assistance Program
24 under Article V of the Illinois Public Aid Code.

25 For Eligibility Group 5, for individuals otherwise
26 described in Eligibility Group 2, "covered prescription

1 drug" means: (1) those drugs covered for Eligibility Group
2 2 that are also covered by the Medicare Part D Prescription
3 Drug Plan in which the beneficiary is enrolled; and (2)
4 those drugs included in the formulary of the Illinois AIDS
5 Drug Assistance Program operated by the Illinois
6 Department of Public Health that are also covered by the
7 Medicare Part D Prescription Drug Plan in which the
8 beneficiary is enrolled. For Eligibility Group 5, for
9 individuals otherwise described in Eligibility Group 3,
10 "covered prescription drug" means those drugs covered by
11 the Medicare Part D Prescription Drug Plan in which the
12 beneficiary is enrolled.

13 An individual in Eligibility Group 1, 2, 3, 4, or 5 may opt
14 to receive a \$25 monthly payment in lieu of the direct coverage
15 described in this subsection.

16 Any person otherwise eligible for pharmaceutical
17 assistance under this subsection whose covered drugs are
18 covered by any public program is ineligible for assistance
19 under this subsection to the extent that the cost of those
20 drugs is covered by the other program.

21 The Department of Healthcare and Family Services shall
22 establish by rule the methods by which it will provide for the
23 coverage called for in this subsection. Those methods may
24 include direct reimbursement to pharmacies or the payment of a
25 capitated amount to Medicare Part D Prescription Drug Plans.

26 For a pharmacy to be reimbursed under the program

1 established under this subsection, it must comply with rules
2 adopted by the Department of Healthcare and Family Services
3 regarding coordination of benefits with Medicare Part D
4 Prescription Drug Plans. A pharmacy may not charge a
5 Medicare-enrolled beneficiary of the program established under
6 this subsection more for a covered prescription drug than the
7 appropriate Medicare cost-sharing less any payment from or on
8 behalf of the Department of Healthcare and Family Services.

9 The Department of Healthcare and Family Services or the
10 Department on Aging, as appropriate, may adopt rules regarding
11 applications, counting of income, proof of Medicare status,
12 mandatory generic policies, and pharmacy reimbursement rates
13 and any other rules necessary for the cost-efficient operation
14 of the program established under this subsection.

15 (Source: P.A. 94-86, eff. 1-1-06; 94-909, eff. 6-23-06; 95-208,
16 eff. 8-16-07.)

17 Section 35. The Criminal Code of 1961 is amended by
18 changing Section 17A-1 as follows:

19 (720 ILCS 5/17A-1) (from Ch. 38, par. 17A-1)

20 Sec. 17A-1. Persons under deportation order; ineligible
21 for benefits. An individual against whom a United States
22 Immigration Judge has issued an order of deportation which has
23 been affirmed by the Board of Immigration Review, as well as an
24 individual who appeals such an order pending appeal, under

1 paragraph 19 of Section 241(a) of the Immigration and
2 Nationality Act relating to persecution of others on account of
3 race, religion, national origin or political opinion under the
4 direction of or in association with the Nazi government of
5 Germany or its allies, shall be ineligible for the following
6 benefits authorized by State law:

7 (a) The homestead exemptions and homestead improvement
8 exemption under Article 15 ~~Sections 15-170, 15-175, 15-176, and~~
9 ~~15-180~~ of the Property Tax Code.

10 (b) Grants under the Senior Citizens and Disabled Persons
11 Property Tax Relief and Pharmaceutical Assistance Act.

12 (c) The double income tax exemption conferred upon persons
13 65 years of age or older by Section 204 of the Illinois Income
14 Tax Act.

15 (d) Grants provided by the Department on Aging.

16 (e) Reductions in vehicle registration fees under Section
17 3-806.3 of the Illinois Vehicle Code.

18 (f) Free fishing and reduced fishing license fees under
19 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

20 (g) Tuition free courses for senior citizens under the
21 Senior Citizen Courses Act.

22 (h) Any benefits under the Illinois Public Aid Code.

23 (Source: P.A. 93-715, eff. 7-12-04.)

24 Section 40. The Plat Act is amended by changing Section 1
25 as follows:

1 (765 ILCS 205/1) (from Ch. 109, par. 1)

2 Sec. 1. (a) Except as otherwise provided in subparagraph
3 (b) of this Section whenever the owner of land subdivides it
4 into 2 or more parts, any of which is less than 5 acres, he must
5 have it surveyed and a subdivision plat thereof made by an
6 Illinois Registered Land Surveyor, which plat must
7 particularly describe and set forth all public streets, alleys,
8 ways for public service facilities, ways for utility services
9 and community antenna television systems, parks, playgrounds,
10 school grounds or other public grounds, and all the tracts,
11 parcels, lots or blocks, and numbering all such lots, blocks or
12 parcels by progressive numbers, giving their precise
13 dimensions. There shall be submitted simultaneously with the
14 subdivision plat, a study or studies which shall show
15 topographically and by profile the elevation of the land prior
16 to the commencement of any change in elevations as a part of
17 any phase of subdividing, and additionally, if it is
18 contemplated that such elevations, or the flow of surface water
19 from such land, will be changed as a result of any portion of
20 such subdivision development, then such study or studies shall
21 also show such proposed changes in the elevations and the flow
22 of surface water from such land. The topographical and profile
23 studies required hereunder may be prepared as a subsidiary
24 study or studies separate from, but of the same scale and size
25 as the subdivision plat, and shall be prepared in such a manner

1 as will permit the topographical study or studies to be used as
2 overlays to the subdivision plat. The plat must show all
3 angular and linear data along the exterior boundaries of the
4 tract of land divided or subdivided, the names of all public
5 streets and the width, course and extent of all public streets,
6 alleys and ways for public service facilities. References must
7 also be made upon the plat to known and permanent monuments
8 from which future survey may be made and the surveyor must, at
9 the time of making his survey, set in such manner that they
10 will not be moved by frost, good and sufficient monuments
11 marking the external boundaries of the tract to be divided or
12 subdivided and must designate upon the plat the points where
13 they may be found. These monuments must be placed at all
14 corners, at each end of all curves, at the point where a curve
15 changes its radius, at all angle points in any line and at all
16 angle points along a meander line, the points to be not less
17 than 20 feet back from the normal water elevation of a lake or
18 from the bank of a stream, except that when such corners or
19 points fall within a street, or proposed future street, the
20 monuments must be placed in the right of way line of the
21 street. All internal boundaries, corners and points must be
22 monumented in the field by like monuments as defined above.
23 These monuments 2 of which must be of stone or reinforced
24 concrete and must be set at the opposite extremities of the
25 property platted, placed at all block corners, at each end of
26 all curves, at the points where a curve changes its radius, and

1 at all angle points in any line. All lots must be monumented in
2 the field with 2 or more monuments.

3 The monuments must be furnished by the person for whom the
4 survey is made and must be such that they will not be moved by
5 frost. If any city, village or town has adopted an official
6 plan, or part thereof, in the manner prescribed by law, the
7 plat of land situated within the area affected thereby must
8 conform to the official plan, or part thereof.

9 (b) Except as provided in subsection (c) of this Section,
10 the provisions of this Act do not apply and no subdivision plat
11 is required in any of the following instances:

12 1. The division or subdivision of land into parcels or
13 tracts of 5 acres or more in size which does not involve any
14 new streets or easements of access;

15 2. The division of lots or blocks of less than 1 acre in
16 any recorded subdivision which does not involve any new streets
17 or easements of access;

18 3. The sale or exchange of parcels of land between owners
19 of adjoining and contiguous land;

20 4. The conveyance of parcels of land or interests therein
21 for use as a right of way for railroads or other public utility
22 facilities and other pipe lines which does not involve any new
23 streets or easements of access;

24 5. The conveyance of land owned by a railroad or other
25 public utility which does not involve any new streets or
26 easements of access;

1 6. The conveyance of land for highway or other public
2 purposes or grants or conveyances relating to the dedication of
3 land for public use or instruments relating to the vacation of
4 land impressed with a public use;

5 7. Conveyances made to correct descriptions in prior
6 conveyances.

7 8. The sale or exchange of parcels or tracts of land
8 following the division into no more than 2 parts of a
9 particular parcel or tract of land existing on July 17, 1959
10 and not involving any new streets or easements of access.

11 9. The sale of a single lot of less than 5 acres from a
12 larger tract when a survey is made by an Illinois Registered
13 Land Surveyor; provided, that this exemption shall not apply to
14 the sale of any subsequent lots from the same larger tract of
15 land, as determined by the dimensions and configuration of the
16 larger tract on October 1, 1973, and provided also that this
17 exemption does not invalidate any local requirements
18 applicable to the subdivision of land.

19 10. The preparation of a plat for wind energy devices under
20 Section 10-620 of the Property Tax Code.

21 Nothing contained within the provisions of this Act shall
22 prevent or preclude individual counties from establishing
23 standards, ordinances, or specifications which reduce the
24 acreage minimum to less than 5 acres, but not less than 2
25 acres, or supplementing the requirements contained herein when
26 a survey is made by an Illinois Registered Land Surveyor and a

1 plat thereof is recorded, under powers granted to them.

2 (c) However, if a plat is made by an Illinois Registered
3 Surveyor of any parcel or tract of land otherwise exempt from
4 the plat provisions of this Act pursuant to subsection (b) of
5 this Section, such plat shall be recorded. It shall not be the
6 responsibility of a recorder of deeds to determine whether the
7 plat has been made or recorded under this subsection (c) prior
8 to accepting a deed for recording.

9 (Source: P.A. 84-373.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.31 as follows:

12 (30 ILCS 805/8.31 new)

13 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 95th General Assembly.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."