



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 664

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 664 by replacing  
3 everything after the enacting clause with the following:

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

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

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

9 (a) The municipality shall file a certified copy of any  
10 ordinance authorizing tax increment allocation financing for  
11 an economic development project area with the county clerk, and  
12 the county clerk shall immediately thereafter determine (1) the  
13 most recently ascertained equalized assessed value of each lot,  
14 block, tract or parcel of real property within the economic  
15 development project area from which shall be deducted the  
16 homestead exemptions provided by Sections 15-170, 15-175, and

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

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

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

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

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

22 (35 ILCS 200/Art. 10 Div. 18 heading new)

23 ARTICLE 10 Div. 18. WIND ENERGY PROPERTY ASSESSMENT

1 (35 ILCS 200/10-600 new)

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

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

8 "2007 real property cost basis" excludes personal property  
9 but represents both the land and real property improvements of  
10 a wind energy device and means \$360,000 per megawatt of  
11 nameplate capacity.

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

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

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

1 (35 ILCS 200/10-605 new)

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

10 (35 ILCS 200/10-610 new)

11 Sec. 10-610. Applicability.

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

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

17 (35 ILCS 200/10-615 new)

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

22 (35 ILCS 200/10-620 new)

23 Sec. 10-620. Platting requirements; parcel identification

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

16 (35 ILCS 200/14-15)

17 Sec. 14-15. Certificate of error; counties of 3,000,000 or  
18 more.

19 (a) In counties with 3,000,000 or more inhabitants, if,  
20 after the assessment is certified pursuant to Section 16-150,  
21 but subject to the limitations of subsection (c) of this  
22 Section, the county assessor discovers an error or mistake in  
23 the assessment, the assessor shall execute a certificate  
24 setting forth the nature and cause of the error. The  
25 certificate when endorsed by the county assessor, or when

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

1 exists. When so introduced in evidence such certificate shall  
2 become a part of the court records, and shall not be removed  
3 from the files except upon the order of the court.

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

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

25 A certificate of error certified under this Section shall  
26 be given effect by the county treasurer, who shall mark the tax



1 books and, upon receipt of one of the following certificates  
 2 from the county assessor or the county assessor and the board  
 3 of review where the board of review is required to endorse the  
 4 certificate of error, shall issue refunds to the taxpayer  
 5 accordingly:

6 "CERTIFICATION

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

11 "CERTIFICATION

12 I, ....., county assessor, and we,  
 13 .....,  
 14 members of the board of review, hereby certify that the  
 15 Certificates of Error set out on the attached list have  
 16 been duly issued to correct an error or mistake in the  
 17 assessment and that any certificates of error required to  
 18 be endorsed by the board of review have been so endorsed."

19 The county treasurer has the power to mark the tax books to  
 20 reflect the issuance of certificates of error certified  
 21 according to the procedure authorized in this Section for  
 22 certificates of error issued under Section 14-25 or  
 23 certificates of error issued to and including 3 years after the

1 date on which the annual judgment and order of sale for that  
2 tax year was first entered. The county treasurer has the power  
3 to issue refunds to the taxpayer as set forth above until all  
4 refunds authorized by this Section have been completed.

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

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

22 (c) No certificate of error, other than a certificate to  
23 establish an exemption under Section 14-25, shall be executed  
24 for any tax year more than 3 years after the date on which the  
25 annual judgment and order of sale for that tax year was first  
26 entered, except that during calendar years 1999 and 2000 a

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

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

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

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

18 (35 ILCS 200/15-10)

19 Sec. 15-10. Exempt property; procedures for certification.  
20 All property granted an exemption by the Department pursuant to  
21 the requirements of Section 15-5 and described in the Sections  
22 following Section 15-30 and preceding Section 16-5, to the  
23 extent therein limited, is exempt from taxation. In order to  
24 maintain that exempt status, the titleholder or the owner of  
25 the beneficial interest of any property that is exempt must

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

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

24 (1) Section 15-45 (burial grounds) in counties of less  
25 than 3,000,000 inhabitants and owned by a not-for-profit  
26 organization.

1 (2) Section 15-40.

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

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

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

12 (Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02;  
13 93-715, eff. 7-12-04.)

14 (35 ILCS 200/15-165)

15 Sec. 15-165. Disabled veterans. Property up to an assessed  
16 value of \$70,000, owned and used exclusively by a disabled  
17 veteran, or the spouse or unmarried surviving spouse of the  
18 veteran, as a home, is exempt. As used in this Section, a  
19 disabled veteran means a person who has served in the Armed  
20 Forces of the United States and whose disability is of such a  
21 nature that the Federal Government has authorized payment for  
22 purchase or construction of Specially Adapted Housing as set  
23 forth in the United States Code, Title 38, Chapter 21, Section  
24 2101.

25 The exemption applies to housing where Federal funds have

1 been used to purchase or construct special adaptations to suit  
2 the veteran's disability.

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

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

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

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

22 A taxpayer who claims an exemption under Section 15-168 or  
23 15-169 may not claim an exemption under this Section.

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

25 (35 ILCS 200/15-167 new)

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

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

22       (b) In all counties, the reduction is \$5,000 and only for  
23 the taxable year in which the veteran returns from active duty  
24 in an armed conflict involving the armed forces of the United  
25 States. For land improved with an apartment building owned and  
26 operated as a cooperative, the maximum reduction from the value

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

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

23 (d) The exemption under this Section is in addition to any  
24 other homestead provided in Sections 15-170 through 15-177.  
25 Notwithstanding Sections 6 and 8 of the State Mandates Act, no  
26 reimbursement by the State is required for the implementation



1 of any mandate created by this Section.

2 (35 ILCS 200/15-168 new)

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

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

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

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

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

19 A person who is disabled during the taxable year is  
20 eligible to apply for this homestead exemption during that  
21 taxable year. Application must be made during the application  
22 period in effect for the county of residence. If a homestead  
23 exemption has been granted under this Section and the person  
24 awarded the exemption subsequently becomes a resident of a  
25 facility licensed under the Nursing Home Care Act, then the

1 exemption shall continue (i) so long as the residence continues  
2 to be occupied by the qualifying person's spouse or (ii) if the  
3 residence remains unoccupied but is still owned by the person  
4 qualified for the homestead exemption.

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

1 examination shall be borne by the claimant.

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

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

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

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

24 If a homestead exemption is granted under this subsection, the  
25 cooperative association or management firm shall credit the  
26 savings resulting from the exemption to the apportioned tax

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

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

12 In counties with fewer than 3,000,000 inhabitants, the  
13 chief county assessment officer shall provide to each person  
14 granted 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 person's qualifying property. The  
18 duplicate notice shall be in addition to the notice required to  
19 be provided to the person receiving the exemption and shall be  
20 given in the manner required by this Code. The person filing  
21 the request for the duplicate notice shall pay an  
22 administrative fee of \$5 to the chief county assessment  
23 officer. The assessment officer shall then file the executed  
24 designation with the county collector, who shall issue the  
25 duplicate notices as indicated by the designation. A  
26 designation may be rescinded by the disabled person in the

1 manner required by the chief county assessment officer.

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

4 (35 ILCS 200/15-169 new)

5 Sec. 15-169. Disabled veterans standard homestead  
6 exemption.

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

11 (b) The amount of the exemption under this Section is as  
12 follows:

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

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

21 (c) The tax exemption under this Section carries over to  
22 the benefit of the veteran's surviving spouse as long as the  
23 spouse holds the legal or beneficial title to the homestead,  
24 permanently resides thereon, and does not remarry. If the  
25 surviving spouse sells the property, an exemption not to exceed

1 the amount granted from the most recent ad valorem tax roll may  
2 be transferred to his or her new residence as long as it is  
3 used as his or her primary residence and he or she does not  
4 remarry.

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

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

17 (f) For the purposes of this Section:

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

24 "Veteran" means an Illinois resident who has served as a  
25 member of the United States Armed Forces on active duty or  
26 State active duty, a member of the Illinois National Guard, or

1 a member of the United States Reserve Forces and who has  
2 received an honorable discharge.

3 (35 ILCS 200/15-170)

4 Sec. 15-170. Senior Citizens Homestead Exemption. An  
5 annual homestead exemption limited, except as described here  
6 with relation to cooperatives or life care facilities, to a  
7 maximum reduction set forth below from the property's value, as  
8 equalized or assessed by the Department, is granted for  
9 property that is occupied as a residence by a person 65 years  
10 of age or older who is liable for paying real estate taxes on  
11 the property and is an owner of record of the property or has a  
12 legal or equitable interest therein as evidenced by a written  
13 instrument, except for a leasehold interest, other than a  
14 leasehold interest of land on which a single family residence  
15 is located, which is occupied as a residence by a person 65  
16 years or older who has an ownership interest therein, legal,  
17 equitable or as a lessee, and on which he or she is liable for  
18 the payment of property taxes. Before taxable year 2004, the  
19 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
20 more inhabitants and \$2,000 in all other counties. For taxable  
21 years 2004 through 2005, the maximum reduction shall be \$3,000  
22 in all counties. For taxable years 2006 and 2007 thereafter,  
23 the maximum reduction shall be \$3,500 and, for taxable years  
24 2008 and thereafter, the maximum reduction is \$4,000 in all  
25 counties.

1 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, shall be  
4 multiplied by the number of apartments or units occupied by a  
5 person 65 years of age or older who is liable, by contract with  
6 the owner or owners of record, for paying property taxes on the  
7 property and is an owner of record of a legal or equitable  
8 interest in the cooperative apartment building, other than a  
9 leasehold interest. For land improved with a life care  
10 facility, the maximum reduction from the value of the property,  
11 as equalized by the Department, shall be multiplied by the  
12 number of apartments or units occupied by persons 65 years of  
13 age or older, irrespective of any legal, equitable, or  
14 leasehold interest in the facility, who are liable, under a  
15 contract with the owner or owners of record of the facility,  
16 for paying property taxes on the property. In a cooperative or  
17 a life care facility where a homestead exemption has been  
18 granted, the cooperative association or the management firm of  
19 the cooperative or facility shall credit the savings resulting  
20 from that exemption only to the apportioned tax liability of  
21 the owner or resident who qualified for the exemption. Any  
22 person who willfully refuses to so credit the savings shall be  
23 guilty of a Class B misdemeanor. Under this Section and  
24 Sections 15-175 ~~and~~ 15-176, and 15-177 "life care facility"  
25 means a facility as defined in Section 2 of the Life Care  
26 Facilities Act, with which the applicant for the homestead



1 exemption has a life care contract as defined in that Act.

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

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

15 Beginning with assessment year 2003, for taxes payable in  
16 2004, property that is first occupied as a residence after  
17 January 1 of any assessment year by a person who is eligible  
18 for the senior citizens homestead exemption under this Section  
19 must be granted a pro-rata exemption for the assessment year.  
20 The amount of the pro-rata exemption is the exemption allowed  
21 in the county under this Section divided by 365 and multiplied  
22 by the number of days during the assessment year the property  
23 is occupied as a residence by a person eligible for the  
24 exemption under this Section. The chief county assessment  
25 officer must adopt reasonable procedures to establish  
26 eligibility for this pro-rata exemption.

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

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

1 designation at any time, in the manner and form required by the  
2 chief county assessment officer.

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

9 In counties with less than 3,000,000 inhabitants, the  
10 county board may by resolution provide that if a person has  
11 been granted a homestead exemption under this Section, the  
12 person qualifying need not reapply for the exemption.

13 In counties with less than 3,000,000 inhabitants, if the  
14 assessor or chief county assessment officer requires annual  
15 application for verification of eligibility for an exemption  
16 once granted under this Section, the application shall be  
17 mailed to the taxpayer.

18 The assessor or chief county assessment officer shall  
19 notify each person who qualifies for an exemption under this  
20 Section that the person may also qualify for deferral of real  
21 estate taxes under the Senior Citizens Real Estate Tax Deferral  
22 Act. The notice shall set forth the qualifications needed for  
23 deferral of real estate taxes, the address and telephone number  
24 of county collector, and a statement that applications for  
25 deferral of real estate taxes may be obtained from the county  
26 collector.

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. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04;  
5 94-794, eff. 5-22-06.)

6           (35 ILCS 200/15-172)

7           Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
8 Exemption.

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

11           (b) As used in this Section:

12           "Applicant" means an individual who has filed an  
13 application under this Section.

14           "Base amount" means the base year equalized assessed value  
15 of the residence plus the first year's equalized assessed value  
16 of any added improvements which increased the assessed value of  
17 the residence after the base year.

18           "Base year" means the taxable year prior to the taxable  
19 year for which the applicant first qualifies and applies for  
20 the exemption provided that in the prior taxable year the  
21 property was improved with a permanent structure that was  
22 occupied as a residence by the applicant who was liable for  
23 paying real property taxes on the property and who was either  
24 (i) an owner of record of the property or had legal or  
25 equitable interest in the property as evidenced by a written

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

24 "Chief County Assessment Officer" means the County  
25 Assessor or Supervisor of Assessments of the county in which  
26 the property is located.

1 "Equalized assessed value" means the assessed value as  
2 equalized by the Illinois Department of Revenue.

3 "Household" means the applicant, the spouse of the  
4 applicant, and all persons using the residence of the applicant  
5 as their principal place of residence.

6 "Household income" means the combined income of the members  
7 of a household for the calendar year preceding the taxable  
8 year.

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

14 "Internal Revenue Code of 1986" means the United States  
15 Internal Revenue Code of 1986 or any successor law or laws  
16 relating to federal income taxes in effect for the year  
17 preceding the taxable year.

18 "Life care facility that qualifies as a cooperative" means  
19 a facility as defined in Section 2 of the Life Care Facilities  
20 Act.

21 "Maximum income limitation" means:

22 (1) \$35,000 prior to taxable year 1999;

23 (2) \$40,000 in taxable years 1999 through 2003;

24 (3) \$45,000 in taxable years 2004 through 2005;

25 (4) \$50,000 in taxable years 2006 and 2007; and

26 (5) \$55,000 in taxable year 2008 and thereafter.

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

11 "Taxable year" means the calendar year during which ad  
12 valorem property taxes payable in the next succeeding year are  
13 levied.

14 (c) Beginning in taxable year 1994, a senior citizens  
15 assessment freeze homestead exemption is granted for real  
16 property that is improved with a permanent structure that is  
17 occupied as a residence by an applicant who (i) is 65 years of  
18 age or older during the taxable year, (ii) has a household  
19 income that does not exceed the maximum income limitation ~~of~~  
20 ~~\$35,000 or less prior to taxable year 1999, \$40,000 or less in~~  
21 ~~taxable years 1999 through 2003, \$45,000 or less in taxable~~  
22 ~~year 2004 and 2005, and \$50,000 or less in taxable year 2006~~  
23 ~~and thereafter~~, (iii) is liable for paying real property taxes  
24 on the property, and (iv) is an owner of record of the property  
25 or has a legal or equitable interest in the property as  
26 evidenced by a written instrument. This homestead exemption

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

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

24 (1) For an applicant who has a household income of  
25 \$45,000 or less, the amount of the exemption is the  
26 equalized assessed value of the residence in the taxable



1 year for which application is made minus the base amount.

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

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

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

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

22 When the applicant is a surviving spouse of an applicant  
23 for a prior year for the same residence for which an exemption  
24 under this Section has been granted, the base year and base  
25 amount for that residence are the same as for the applicant for  
26 the prior year.

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

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

1 person who willfully refuses to credit that savings to an owner  
2 who qualifies for the exemption is guilty of a Class B  
3 misdemeanor.

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

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

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

23 For taxable year 1994 only, in counties having less than  
24 3,000,000 inhabitants, to receive the exemption, a person shall  
25 submit an application by February 15, 1995 to the Chief County  
26 Assessment Officer of the county in which the property is

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

1 under the penalties of perjury. A taxpayer's signing a  
2 fraudulent application under this Act is perjury, as defined in  
3 Section 32-2 of the Criminal Code of 1961. The applications  
4 shall be clearly marked as applications for the Senior Citizens  
5 Assessment Freeze Homestead Exemption and must contain a notice  
6 that any taxpayer who receives the exemption is subject to an  
7 audit by the Chief County Assessment Officer.

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

26 Beginning January 1, 1998, notwithstanding any other

1 provision to the contrary, in counties having fewer than  
2 3,000,000 inhabitants, if an applicant fails to file the  
3 application required by this Section in a timely manner and  
4 this failure to file is due to a mental or physical condition  
5 sufficiently severe so as to render the applicant incapable of  
6 filing the application in a timely manner, the Chief County  
7 Assessment Officer may extend the filing deadline for a period  
8 of 3 months. In order to receive the extension provided in this  
9 paragraph, the applicant shall provide the Chief County  
10 Assessment Officer with a signed statement from the applicant's  
11 physician stating the nature and extent of the condition, and  
12 that, in the physician's opinion, the condition was so severe  
13 that it rendered the applicant incapable of filing the  
14 application in a timely manner.

15 In counties having less than 3,000,000 inhabitants, if an  
16 applicant was denied an exemption in taxable year 1994 and the  
17 denial occurred due to an error on the part of an assessment  
18 official, or his or her agent or employee, then beginning in  
19 taxable year 1997 the applicant's base year, for purposes of  
20 determining the amount of the exemption, shall be 1993 rather  
21 than 1994. In addition, in taxable year 1997, the applicant's  
22 exemption shall also include an amount equal to (i) the amount  
23 of any exemption denied to the applicant in taxable year 1995  
24 as a result of using 1994, rather than 1993, as the base year,  
25 (ii) the amount of any exemption denied to the applicant in  
26 taxable year 1996 as a result of using 1994, rather than 1993,

1 as the base year, and (iii) the amount of the exemption  
2 erroneously denied for taxable year 1994.

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

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

18 Except as provided in this Section, all information  
19 received by the chief county assessment officer or the  
20 Department from applications filed under this Section, or from  
21 any investigation conducted under the provisions of this  
22 Section, shall be confidential, except for official purposes or  
23 pursuant to official procedures for collection of any State or  
24 local tax or enforcement of any civil or criminal penalty or  
25 sanction imposed by this Act or by any statute or ordinance  
26 imposing a State or local tax. Any person who divulges any such

1 information in any manner, except in accordance with a proper  
2 judicial order, is guilty of a Class A misdemeanor.

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

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

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

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

22 (35 ILCS 200/15-175)

23 Sec. 15-175. General homestead exemption. Except as  
24 provided in Sections 15-176 and 15-177 ~~Section 15-176~~,  
25 homestead property is entitled to an annual homestead exemption



1 limited, except as described here with relation to  
2 cooperatives, to a reduction in the equalized assessed value of  
3 homestead property equal to the increase in equalized assessed  
4 value for the current assessment year above the equalized  
5 assessed value of the property for 1977, up to the maximum  
6 reduction set forth below. If however, the 1977 equalized  
7 assessed value upon which taxes were paid is subsequently  
8 determined by local assessing officials, the Property Tax  
9 Appeal Board, or a court to have been excessive, the equalized  
10 assessed value which should have been placed on the property  
11 for 1977 shall be used to determine the amount of the  
12 exemption.

13 Except as provided in Section 15-176, the maximum reduction  
14 before taxable year 2004 shall be \$4,500 in counties with  
15 3,000,000 or more inhabitants and \$3,500 in all other counties.  
16 Except as provided in Sections 15-176 and 15-177 ~~Section~~  
17 ~~15-176~~, for taxable years 2004 through 2007 ~~and thereafter~~, the  
18 maximum reduction shall be \$5,000, for taxable year 2008, the  
19 maximum reduction is \$5,500, and, for taxable years 2009 and  
20 thereafter, the maximum reduction is \$6,000 in all counties. If  
21 a county has elected to subject itself to the provisions of  
22 Section 15-176 as provided in subsection (k) of that Section,  
23 then, for the first taxable year only after the provisions of  
24 Section 15-176 no longer apply, for owners who, for the taxable  
25 year, have not been granted a senior citizens assessment freeze  
26 homestead exemption under Section 15-172 or a long-time

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

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

24 If in any assessment year beginning with the 2000  
25 assessment year, homestead property has a pro-rata valuation  
26 under Section 9-180 resulting in an increase in the assessed

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

11 "Homestead property" under this Section includes  
12 residential property that is occupied by its owner or owners as  
13 his or their principal dwelling place, or that is a leasehold  
14 interest on which a single family residence is situated, which  
15 is occupied as a residence by a person who has an ownership  
16 interest therein, legal or equitable or as a lessee, and on  
17 which the person is liable for the payment of property taxes.  
18 For land improved with an apartment building owned and operated  
19 as a cooperative or a building which is a life care facility as  
20 defined in Section 15-170 and considered to be a cooperative  
21 under Section 15-170, the maximum reduction from the equalized  
22 assessed value shall be limited to the increase in the value  
23 above the equalized assessed value of the property for 1977, up  
24 to the maximum reduction set forth above, multiplied by the  
25 number of apartments or units occupied by a person or persons  
26 who is liable, by contract with the owner or owners of record,

1 for paying property taxes on the property and is an owner of  
2 record of a legal or equitable interest in the cooperative  
3 apartment building, other than a leasehold interest. For  
4 purposes of this Section, the term "life care facility" has the  
5 meaning stated in Section 15-170.

6 "Household", as used in this Section, means the owner, the  
7 spouse of the owner, and all persons using the residence of the  
8 owner as their principal place of residence.

9 "Household income", as used in this Section, means the  
10 combined income of the members of a household for the calendar  
11 year preceding the taxable year.

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

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

22 Where married persons maintain and reside in separate  
23 residences qualifying as homestead property, each residence  
24 shall receive 50% of the total reduction in equalized assessed  
25 valuation provided by this Section.

26 In all counties, the assessor or chief county assessment

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

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

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

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

1 (35 ILCS 200/15-176)

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

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

10 (b) As used in this Section:

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

13 (2) "Adjusted homestead value" means the lesser of the  
14 following values:

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

24 (B) The property's equalized assessed value for  
25 the current tax year minus: (i) \$4,500 in Cook County

1 or \$3,500 in all other counties in tax year 2003; ~~or~~  
2 (ii) \$5,000 in all counties in tax years ~~year~~ 2004 and  
3 2005; and (iii) the lesser of the amount of the general  
4 homestead exemption under Section 15-175 or an amount  
5 equal to the increase in the equalized assessed value  
6 for the current tax year above the equalized assessed  
7 value for 1977 in tax year 2006 and thereafter.

8 (3) "Base homestead value".

9 (A) Except as provided in subdivision (b) (3) (A-5)  
10 or (b) (3) (B), "base homestead value" means the  
11 equalized assessed value of the property for the base  
12 year prior to exemptions, minus (i) \$4,500 in Cook  
13 County or \$3,500 in all other counties in tax year  
14 2003, ~~or~~ (ii) \$5,000 in all counties in tax years ~~year~~  
15 2004 and 2005, or (iii) the lesser of the amount of the  
16 general homestead exemption under Section 15-175 or an  
17 amount equal to the increase in the equalized assessed  
18 value for the current tax year above the equalized  
19 assessed value for 1977 in tax year 2006 and  
20 thereafter, provided that it was assessed for that year  
21 as residential property qualified for any of the  
22 homestead exemptions under Sections 15-170 through  
23 15-175 of this Code, then in force, and further  
24 provided that the property's assessment was not based  
25 on a reduced assessed value resulting from a temporary  
26 irregularity in the property for that year. Except as

1 provided in subdivision (b) (3) (B), if the property did  
2 not have a residential equalized assessed value for the  
3 base year, then "base homestead value" means the base  
4 homestead value established by the assessor under  
5 subsection (c).

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

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

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

22 (3) if the general assessment year for the  
23 property was 2005, the lesser of (i) \$5,000 or (ii)  
24 the amount equal to the increase in equalized  
25 assessed value for the 2004 tax year above the  
26 equalized assessed value for 1977.



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

21 (3.5) "Base year" means (i) tax year 2002 in Cook  
22 County or (ii) tax year 2005 or 2006 ~~2002 or 2003~~ in all  
23 other counties in accordance with the designation made by  
24 the county as provided in subsection (k).

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

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

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

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

20           (B) A homestead includes the dwelling place,  
21 appurtenant structures, and so much of the surrounding  
22 land constituting the parcel on which the dwelling  
23 place is situated as is used for residential purposes.  
24 If the assessor has established a specific legal  
25 description for a portion of property constituting the  
26 homestead, then the homestead shall be limited to the

1 property within that description.

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

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

22 For any tax year for which the assessor determines or  
23 adjusts an initial value and hence a base homestead value under  
24 this subsection (c), the initial value shall be subject to  
25 review by the same procedures applicable to assessed values  
26 established under this Code for that tax year.

1 (d) The base homestead value shall remain constant, except  
2 that the assessor may revise it under the following  
3 circumstances:

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

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

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

22 (4) the recalculation required in Cook County under  
23 subdivision (b) (3) (A-5).

24 (e) The amount of the exemption under this Section is the  
25 equalized assessed value of the homestead property for the  
26 current tax year, minus the adjusted homestead value, with the

1 following exceptions:

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

5 (i) 2005, if the general assessment year for the  
6 property is 2003;

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

9 (iii) 2007, if the general assessment year for the  
10 property is 2005.

11 (1.1) Thereafter, in Cook County, and in all other  
12 counties, the exemption is as follows:

13 (i) if the general assessment year for the property  
14 is 2006, then the exemption may not exceed: \$33,000 for  
15 taxable year 2006; \$26,000 for taxable year 2007; and  
16 \$19,000 for taxable year 2008;

17 (ii) if the general assessment year for the  
18 property is 2007, then the exemption may not exceed:  
19 \$33,000 for taxable year 2007; \$26,000 for taxable year  
20 2008; and \$19,000 for taxable year 2009; and

21 (iii) if the general assessment year for the  
22 property is 2008, then the exemption may not exceed:  
23 \$33,000 for taxable year 2008; \$26,000 for taxable year  
24 2009; and \$19,000 for taxable year 2010.

25 (1.5) In Cook County, for the 2006 taxable year only, the  
26 maximum amount of the exemption set forth under subsection

1 (e) (1.1) (i) of this Section may be increased: (i) by \$7,000 if  
2 the equalized assessed value of the property in that taxable  
3 year exceeds the equalized assessed value of that property in  
4 2002 by 100% or more; or (ii) by \$2,000 if the equalized  
5 assessed value of the property in that taxable year exceeds the  
6 equalized assessed value of that property in 2002 by more than  
7 80% but less than 100%.

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

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

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

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

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

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

1 base homestead value of each property to be used in the  
2 calculation of the exemption for the current tax year.

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

5 (1) If the general assessment year for the property is  
6 2003, this Section applies for assessment years 2003, 2004,  
7 ~~and 2005,~~ 2006, 2007, and 2008. Thereafter, the provisions  
8 of Section 15-175 apply.

9 (2) If the general assessment year for the property is  
10 2004, this Section applies for assessment years 2004, 2005,  
11 ~~and 2006,~~ 2007, 2008, and 2009. Thereafter, the provisions  
12 of Section 15-175 apply.

13 (3) If the general assessment year for the property is  
14 2005, this Section applies for assessment years 2005, 2006,  
15 ~~and 2007,~~ 2008, 2009, and 2010. Thereafter, the provisions  
16 of Section 15-175 apply.

17 In counties with less than 3,000,000 inhabitants, this  
18 Section applies for assessment years (i) 2006, 2007, and 2008,  
19 and 2009 if tax year 2005 ~~2003, 2004, and 2005 if 2002~~ is the  
20 designated base year or (ii) 2007, 2008, 2009, and 2010 if tax  
21 year 2006 ~~2004, 2005, and 2006 if 2003~~ is the designated base  
22 year. Thereafter, the provisions of Section 15-175 apply.

23 (k) To be subject to the provisions of this Section in lieu  
24 of Section 15-175, a county must adopt an ordinance to subject  
25 itself to the provisions of this Section within 6 months after  
26 the effective date of this amendatory Act of the 95th General



1 Assembly 93rd General Assembly. In a county other than Cook  
2 County, the ordinance must designate either tax year 2005 ~~2002~~  
3 or tax year 2006 ~~2003~~ as the base year.

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

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

8 (35 ILCS 200/15-177 new)

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

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

18 (b) As used in this Section:

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

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

22 (i) 10% for each taxable year after the base year through  
23 and including the current tax year for qualified taxpayers  
24 with a household income of more than \$75,000 but not  
25 exceeding \$100,000; or (ii) 7% for each taxable year after

1 the base year through and including the current tax year  
2 for qualified taxpayers with a household income of \$75,000  
3 or less. The increase each year is an increase over the  
4 prior year; or

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

7 "Base homestead value" means:

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

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

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

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

25 "Equalized assessed value" means the property's assessed  
26 value as equalized by the Department.

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

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

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

26       "Life care facility" means a facility defined in Section 2

1 of the Life Care Facilities Act.

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

4 "Qualified taxpayer" means any individual:

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

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

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

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

24 (2) For any year in which new buildings, structures, or  
25 other improvements are constructed on the homestead  
26 property that would increase its assessed value, the

1       assessor shall adjust the base homestead value with due  
2       regard to the value added by the new improvements.

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

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

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

1 Section 15-175 or 15-176 of this Code.

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

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

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

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

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

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

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

12 (35 ILCS 200/18-178 new)

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

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

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

1 certified copy of the ordinance to the county clerk.

2 (c) As used in this Section:

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

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

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

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

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

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

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

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



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

3           (35 ILCS 200/20-15)

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

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

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

22          (c) the total tax rate,

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

24          (e) the amount by which the total tax and the tax  
25          allocable to each taxing district differs from the

1 taxpayer's last prior tax bill.

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

5 In all counties the statement shall also provide:

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

8 (2) the assessment of the property,

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

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

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

24 In all counties, the statement must include information  
25 that certain taxpayers may be eligible for tax exemptions,  
26 abatements, and other assistance programs and that, for more

1 information, taxpayers should consult with the office of their  
2 township or county assessor and with the Illinois Department of  
3 Revenue.

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

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

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

18 (35 ILCS 200/20-178)

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

25 No interest shall be due under this Section for any time

1 prior to 60 days after the effective date of this amendatory  
2 Act of the 91st General Assembly. For certificates of error  
3 issued prior to the effective date of this amendatory Act of  
4 the 91st General Assembly, the county collector shall pay the  
5 taxpayer interest from 60 days after the effective date of this  
6 amendatory Act of the 91st General Assembly until the date the  
7 refund is paid. For certificates of error issued on or after  
8 the effective date of this amendatory Act of the 91st General  
9 Assembly, interest shall be paid from 60 days after the  
10 certificate of error is issued by the chief county assessment  
11 officer to the date the refund is made. To cover the cost of  
12 interest, the county collector shall proportionately reduce  
13 the distribution of taxes collected for each taxing district in  
14 which the property is situated.

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

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

19 (35 ILCS 200/21-27)

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

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

1 following criteria:

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

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

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

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

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

25 (1) the property has delinquent taxes and an  
26 outstanding interest penalty and the amount of that

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

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

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

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

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

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

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

21 (35 ILCS 200/24-35 new)

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

23 (a) There is created the Property Tax Reform and Relief  
24 Task Force consisting of 9 members appointed as follows: 3  
25 members appointed by the President of the Senate, one of whom

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

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

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

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

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

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

20 (55 ILCS 85/6) (from Ch. 34, par. 7006)

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

23 (a) The county shall file a certified copy of any ordinance  
24 authorizing property tax allocation financing for an economic

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

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



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

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

24 Section 17. The County Economic Development Project Area  
25 Tax Increment Allocation Act of 1991 is amended by changing

1 Section 45 as follows:

2 (55 ILCS 90/45) (from Ch. 34, par. 8045)

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

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

1 property within the economic development project area.

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

1 taxable property as provided in the Property Tax Code.

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

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

6 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

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

1 project costs incurred under this Division have been paid shall  
2 be divided as follows:

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

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

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

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

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

23 (3) The municipal clerk has certified to the county  
24 clerk that the municipality has issued its obligations to  
25 which there has been pledged the incremental property taxes  
26 of the redevelopment project area or taxes levied and

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

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

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

25 It is the intent of this Division that after the effective  
26 date of this amendatory Act of 1988 a municipality's own ad

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

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



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

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

24 (2) That portion, if any, of such taxes which is  
25 attributable to the increase in the current equalized  
26 assessed valuation of each taxable lot, block, tract, or

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

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

24 Whenever a municipality issues bonds for the purpose of  
25 financing redevelopment project costs, such municipality may  
26 provide by ordinance for the appointment of a trustee, which

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

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

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

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

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

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

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

15 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

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

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

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

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

1 property within such redevelopment project area and then shall  
2 deduct the total of said exemptions from the total initial  
3 equalized assessed value. The county clerk shall then promptly  
4 certify such amount as the "total initial equalized assessed  
5 value as adjusted" of the taxable real property within such  
6 redevelopment project area.

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

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

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

16 (65 ILCS 5/11-74.6-40)

17 Sec. 11-74.6-40. Equalized assessed value determination;  
18 property tax extension.

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

22 (1) shall determine the initial equalized assessed  
23 value of each parcel of real property in the redevelopment  
24 project area, which is the most recently established  
25 equalized assessed value of each lot, block, tract or



1 parcel of taxable real property within the redevelopment  
2 project area, minus the homestead exemptions under Article  
3 15 ~~provided by Sections 15-170, 15-175, and 15-176~~ of the  
4 Property Tax Code; and

5 (2) shall certify to the municipality the total initial  
6 equalized assessed value of all taxable real property  
7 within the redevelopment project area.

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

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

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

23 The county clerk shall certify to the municipality the  
24 total updated initial equalized assessed value of all taxable  
25 real property within the industrial buildings conservation  
26 area.

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

1 total updated initial equalized assessed value of all taxable  
2 real property in the redevelopment project area.

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

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

16 Section 25. The Economic Development Project Area Tax  
17 Increment Allocation Act of 1995 is amended by changing Section  
18 45 as follows:

19 (65 ILCS 110/45)

20 Sec. 45. Filing with county clerk; certification of initial  
21 equalized assessed value.

22 (a) A municipality that has by ordinance approved an  
23 economic development plan, established an economic development  
24 project area, and adopted tax increment allocation financing

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

20 (b) After the county clerk has certified the "total initial  
21 equalized assessed value" of the taxable real property in the  
22 economic development project area, then in respect to every  
23 taxing district containing an economic development project  
24 area, the county clerk or any other official required by law to  
25 ascertain the amount of the equalized assessed value of all  
26 taxable property within the taxing district for the purpose of

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

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

22 Section 30. The School Code is amended by changing Section  
23 18-8.05 as follows:

24 (105 ILCS 5/18-8.05)

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

4           (A) General Provisions.

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

21           (2) In addition to general State financial aid, school  
22 districts with specified levels or concentrations of pupils  
23 from low income households are eligible to receive supplemental  
24 general State financial aid grants as provided pursuant to  
25 subsection (H). The supplemental State aid grants provided for

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

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

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

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

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

6 (d) (Blank).

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

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

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

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

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

24 (c) "Corporate Personal Property Replacement Taxes":  
25 Funds paid to local school districts pursuant to "An Act in  
26 relation to the abolition of ad valorem personal property



1 tax and the replacement of revenues lost thereby, and  
2 amending and repealing certain Acts and parts of Acts in  
3 connection therewith", certified August 14, 1979, as  
4 amended (Public Act 81-1st S.S.-1).

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

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

11 (B) Foundation Level.

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

22 (2) For the 1998-1999 school year, the Foundation Level of  
23 support is \$4,225. For the 1999-2000 school year, the  
24 Foundation Level of support is \$4,325. For the 2000-2001 school  
25 year, the Foundation Level of support is \$4,425. For the

1 2001-2002 school year and 2002-2003 school year, the Foundation  
2 Level of support is \$4,560. For the 2003-2004 school year, the  
3 Foundation Level of support is \$4,810. For the 2004-2005 school  
4 year, the Foundation Level of support is \$4,964. For the  
5 2005-2006 school year, the Foundation Level of support is  
6 \$5,164.

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

11 (C) Average Daily Attendance.

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

23 (2) The Average Daily Attendance figures utilized in  
24 subsection (E) shall be the requisite attendance data for the  
25 school year immediately preceding the school year for which

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

7 (D) Available Local Resources.

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

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

24 (3) For school districts maintaining grades kindergarten  
25 through 12, local property tax revenues per pupil shall be

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

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

24 (4) The Corporate Personal Property Replacement Taxes paid  
25 to each school district during the calendar year 2 years before  
26 the calendar year in which a school year begins, divided by the

1 Average Daily Attendance figure for that district, shall be  
2 added to the local property tax revenues per pupil as derived  
3 by the application of the immediately preceding paragraph (3).  
4 The sum of these per pupil figures for each school district  
5 shall constitute Available Local Resources as that term is  
6 utilized in subsection (E) in the calculation of general State  
7 aid.

8 (E) Computation of General State Aid.

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

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

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

1 a school district with Available Local Resources equal to the  
2 product of 0.93 times the Foundation Level, to 0.05 times the  
3 Foundation Level for a school district with Available Local  
4 Resources equal to the product of 1.75 times the Foundation  
5 Level. The allocation of general State aid for school districts  
6 subject to this paragraph 3 shall be the calculated general  
7 State aid per pupil figure multiplied by the Average Daily  
8 Attendance of the school district.

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

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

24 (F) Compilation of Average Daily Attendance.

25 (1) Each school district shall, by July 1 of each year,

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

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

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

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

1 multiplied by the days in session for the non-year-round  
2 buildings for each month and added to the monthly  
3 attendance of the non-year-round buildings.

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

13 Days of attendance by tuition pupils shall be accredited  
14 only to the districts that pay the tuition to a recognized  
15 school.

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

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



1 minutes that school work is required to be held that day.

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

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

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

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

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

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

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

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

25          (i) On the days when the Prairie State Achievement  
26          Examination is administered under subsection (c) of

1 Section 2-3.64 of this Code, the day of attendance for a  
2 pupil whose school day must be shortened to accommodate  
3 required testing procedures may be less than 5 clock hours  
4 and shall be counted towards the 176 days of actual pupil  
5 attendance required under Section 10-19 of this Code,  
6 provided that a sufficient number of minutes of school work  
7 in excess of 5 clock hours are first completed on other  
8 school days to compensate for the loss of school work on  
9 the examination days.

10 (G) Equalized Assessed Valuation Data.

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

21 The Department of Revenue shall add to the equalized  
22 assessed value of all taxable property of each school district  
23 situated entirely or partially within a county that is or was  
24 subject to the ~~alternative general homestead exemption~~  
25 provisions of Section 15-176 or 15-177 ~~Section 15-176~~ of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           "Extension Limitation Ratio": A numerical ratio,  
25 certified by the County Clerk, in which the numerator is  
26 the Base Tax Year's Tax Extension and the denominator is



1 the Preceding Tax Year's Tax Extension.

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

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

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

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

25 (5) For school districts having a majority of their  
26 equalized assessed valuation in any county except Cook, DuPage,

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

11 (H) Supplemental General State Aid.

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

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

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

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

15 (1.10) This paragraph (1.10) applies to the 2003-2004  
16 school year and each school year thereafter. For purposes of  
17 this subsection (H), the term "Low-Income Concentration Level"  
18 shall, for each fiscal year, be the low-income eligible pupil  
19 count as of July 1 of the immediately preceding fiscal year (as  
20 determined by the Department of Human Services based on the  
21 number of pupils who are eligible for at least one of the  
22 following low income programs: Medicaid, KidCare, TANF, or Food  
23 Stamps, excluding pupils who are eligible for services provided  
24 by the Department of Children and Family Services, averaged  
25 over the 2 immediately preceding fiscal years for fiscal year  
26 2004 and over the 3 immediately preceding fiscal years for each

1 fiscal year thereafter) divided by the Average Daily Attendance  
2 of the school district.

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

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

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

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

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

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

26 (f) For the 2000-2001 school year, the per pupil

1 amounts specified in subparagraphs (b), (c), and (d)  
2 immediately above shall be \$1,273, \$1,640, and \$2,050,  
3 respectively.

4 (2.5) Supplemental general State aid pursuant to this  
5 subsection (H) shall be provided as follows for the 2002-2003  
6 school year:

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

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

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

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

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

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

5           (2.10) Except as otherwise provided, supplemental general  
6           State aid pursuant to this subsection (H) shall be provided as  
7           follows for the 2003-2004 school year and each school year  
8           thereafter:

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

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

18           For the 2003-2004 school year, 2004-2005 school year,  
19           2005-2006 school year, and 2006-2007 school year only, the  
20           grant shall be no less than the grant for the 2002-2003 school  
21           year. For the 2007-2008 school year only, the grant shall be no  
22           less than the grant for the 2002-2003 school year multiplied by  
23           0.66. For the 2008-2009 school year only, the grant shall be no  
24           less than the grant for the 2002-2003 school year multiplied by  
25           0.33. Notwithstanding the provisions of this paragraph to the  
26           contrary, if for any school year supplemental general State aid



1 grants are prorated as provided in paragraph (1) of this  
2 subsection (H), then the grants under this paragraph shall be  
3 prorated.

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

22 (3) School districts with an Average Daily Attendance of  
23 more than 1,000 and less than 50,000 that qualify for  
24 supplemental general State aid pursuant to this subsection  
25 shall submit a plan to the State Board of Education prior to  
26 October 30 of each year for the use of the funds resulting from

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

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

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

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

26 (c) Each attendance center shall be provided by the

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

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

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

26 (f) Each district subject to the provisions of this

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

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

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

1 underfunded during the previous year in amounts equal to  
2 such underfunding.

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

23 The State Board of Education shall promulgate rules and  
24 regulations to implement the provisions of this  
25 subsection. No funds shall be released under this  
26 subdivision (H) (4) to any district that has not submitted a

1 plan that has been approved by the State Board of  
2 Education.

3 (I) (Blank).

4 (J) Supplementary Grants in Aid.

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

24 (2) If, as provided in paragraph (1) of this subsection

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

11 (3) (Blank).

12 (K) Grants to Laboratory and Alternative Schools.

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

19 As used in this Section, "laboratory school" means a public  
20 school which is created and operated by a public university and  
21 approved by the State Board of Education. The governing board  
22 of a public university which receives funds from the State  
23 Board under this subsection (K) may not increase the number of  
24 students enrolled in its laboratory school from a single  
25 district, if that district is already sending 50 or more

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

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

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



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

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

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

18 (2) (Blank).

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

21 (M) Education Funding Advisory Board.

22 The Education Funding Advisory Board, hereinafter in this  
23 subsection (M) referred to as the "Board", is hereby created.  
24 The Board shall consist of 5 members who are appointed by the

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

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

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

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

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

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

7 (N) (Blank).

8 (O) References.

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

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

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

23 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,

1 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,  
2 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,  
3 eff. 7-10-06; 94-1105, eff. 6-1-07; revised 2-18-07.)

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

7 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

8 Sec. 4. Amount of Grant.

9 (a) In general. Any individual 65 years or older or any  
10 individual who will become 65 years old during the calendar  
11 year in which a claim is filed, and any surviving spouse of  
12 such a claimant, who at the time of death received or was  
13 entitled to receive a grant pursuant to this Section, which  
14 surviving spouse will become 65 years of age within the 24  
15 months immediately following the death of such claimant and  
16 which surviving spouse but for his or her age is otherwise  
17 qualified to receive a grant pursuant to this Section, and any  
18 disabled person whose annual household income is less than the  
19 income eligibility limitation, as defined in subsection (a-5)  
20 ~~\$14,000 for grant years before the 1998 grant year, less than~~  
21 ~~\$16,000 for the 1998 and 1999 grant years, and less than (i)~~  
22 ~~\$21,218 for a household containing one person, (ii) \$28,480 for~~  
23 ~~a household containing 2 persons, or (iii) \$35,740 for a~~  
24 ~~household containing 3 or more persons for the 2000 grant year~~

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

13 (a-5) Income eligibility limitation. For purposes of this  
14 Section, "income eligibility limitation" means an amount:

15 (i) for grant years before the 1998 grant year, less  
16 than \$14,000;

17 (ii) for the 1998 and 1999 grant year, less than  
18 \$16,000;

19 (iii) for grant years 2000 through 2007:

20 (A) less than \$21,218 for a household containing  
21 one person;

22 (B) less than \$28,480 for a household containing 2  
23 persons; or

24 (C) less than \$35,740 for a household containing 3  
25 or more persons; or

26 (iv) for grant years 2008 and thereafter:

1           (A) less than \$22,218 for a household containing  
2           one person;

3           (B) less than \$29,480 for a household containing 2  
4           persons; or

5           (C) less than \$36,740 for a household containing 3  
6           or more persons.

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

18           (c) Public aid recipients. If household income in one or  
19 more months during a year includes cash assistance in excess of  
20 \$55 per month from the Department of Healthcare and Family  
21 Services or the Department of Human Services (acting as  
22 successor to the Department of Public Aid under the Department  
23 of Human Services Act) which was determined under regulations  
24 of that Department on a measure of need that included an  
25 allowance for actual rent or property taxes paid by the  
26 recipient of that assistance, the amount of grant to which that

1 household is entitled, except as otherwise provided in  
2 subsection (a), shall be the product of (1) the maximum amount  
3 computed as specified in subsection (b) of this Section and (2)  
4 the ratio of the number of months in which household income did  
5 not include such cash assistance over \$55 to the number twelve.  
6 If household income did not include such cash assistance over  
7 \$55 for any months during the year, the amount of the grant to  
8 which the household is entitled shall be the maximum amount  
9 computed as specified in subsection (b) of this Section. For  
10 purposes of this paragraph (c), "cash assistance" does not  
11 include any amount received under the federal Supplemental  
12 Security Income (SSI) program.

13 (d) Joint ownership. If title to the residence is held  
14 jointly by the claimant with a person who is not a member of  
15 his or her household, the amount of property taxes accrued used  
16 in computing the amount of grant to which he or she is entitled  
17 shall be the same percentage of property taxes accrued as is  
18 the percentage of ownership held by the claimant in the  
19 residence.

20 (e) More than one residence. If a claimant has occupied  
21 more than one residence in the taxable year, he or she may  
22 claim only one residence for any part of a month. In the case  
23 of property taxes accrued, he or she shall prorate 1/12 of the  
24 total property taxes accrued on his or her residence to each  
25 month that he or she owned and occupied that residence; and, in  
26 the case of rent constituting property taxes accrued, shall



1 prorate each month's rent payments to the residence actually  
2 occupied during that month.

3 (f) There is hereby established a program of pharmaceutical  
4 assistance to the aged and disabled which shall be administered  
5 by the Department in accordance with this Act, to consist of  
6 payments to authorized pharmacies, on behalf of beneficiaries  
7 of the program, for the reasonable costs of covered  
8 prescription drugs. Each beneficiary who pays \$5 for an  
9 identification card shall pay no additional prescription  
10 costs. Each beneficiary who pays \$25 for an identification card  
11 shall pay \$3 per prescription. In addition, after a beneficiary  
12 receives \$2,000 in benefits during a State fiscal year, that  
13 beneficiary shall also be charged 20% of the cost of each  
14 prescription for which payments are made by the program during  
15 the remainder of the fiscal year. To become a beneficiary under  
16 this program a person must: (1) be (i) 65 years of age or  
17 older, or (ii) the surviving spouse of such a claimant, who at  
18 the time of death received or was entitled to receive benefits  
19 pursuant to this subsection, which surviving spouse will become  
20 65 years of age within the 24 months immediately following the  
21 death of such claimant and which surviving spouse but for his  
22 or her age is otherwise qualified to receive benefits pursuant  
23 to this subsection, or (iii) disabled, and (2) be domiciled in  
24 this State at the time he or she files his or her claim, and (3)  
25 have a maximum household income of less than the income  
26 eligibility limitation, as defined in subsection (a-5) \$14,000

1 ~~for grant years before the 1998 grant year, less than \$16,000~~  
2 ~~for the 1998 and 1999 grant years, and less than (i) \$21,218~~  
3 ~~for a household containing one person, (ii) \$28,480 for a~~  
4 ~~household containing 2 persons, or (iii) \$35,740 for a~~  
5 ~~household containing 3 more persons for the 2000 grant year and~~  
6 ~~thereafter.~~ In addition, each eligible person must (1) obtain  
7 an identification card from the Department, (2) at the time the  
8 card is obtained, sign a statement assigning to the State of  
9 Illinois benefits which may be otherwise claimed under any  
10 private insurance plans, and (3) present the identification  
11 card to the dispensing pharmacist.

12 The Department may adopt rules specifying participation  
13 requirements for the pharmaceutical assistance program,  
14 including copayment amounts, identification card fees,  
15 expenditure limits, and the benefit threshold after which a 20%  
16 charge is imposed on the cost of each prescription, to be in  
17 effect on and after July 1, 2004. Notwithstanding any other  
18 provision of this paragraph, however, the Department may not  
19 increase the identification card fee above the amount in effect  
20 on May 1, 2003 without the express consent of the General  
21 Assembly. To the extent practicable, those requirements shall  
22 be commensurate with the requirements provided in rules adopted  
23 by the Department of Healthcare and Family Services to  
24 implement the pharmacy assistance program under Section  
25 5-5.12a of the Illinois Public Aid Code.

26 Whenever a generic equivalent for a covered prescription

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

18 Any person otherwise eligible for pharmaceutical  
19 assistance under this Act whose covered drugs are covered by  
20 any public program for assistance in purchasing any covered  
21 prescription drugs shall be ineligible for assistance under  
22 this Act to the extent such costs are covered by such other  
23 plan.

24 The fee to be charged by the Department for the  
25 identification card shall be equal to \$5 per coverage year for  
26 persons below the official poverty line as defined by the

1 United States Department of Health and Human Services and \$25  
2 per coverage year for all other persons.

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

11 The provisions of this subsection (f), other than this  
12 paragraph, are inoperative after December 31, 2005.  
13 Beneficiaries who received benefits under the program  
14 established by this subsection (f) are not entitled, at the  
15 termination of the program, to any refund of the identification  
16 card fee paid under this subsection.

17 (g) Effective January 1, 2006, there is hereby established  
18 a program of pharmaceutical assistance to the aged and  
19 disabled, entitled the Illinois Seniors and Disabled Drug  
20 Coverage Program, which shall be administered by the Department  
21 of Healthcare and Family Services and the Department on Aging  
22 in accordance with this subsection, to consist of coverage of  
23 specified prescription drugs on behalf of beneficiaries of the  
24 program as set forth in this subsection. The program under this  
25 subsection replaces and supersedes the program established  
26 under subsection (f), which shall end at midnight on December

1 31, 2005.

2 To become a beneficiary under the program established under  
3 this subsection, a person must:

4 (1) be (i) 65 years of age or older or (ii) disabled;  
5 and

6 (2) be domiciled in this State; and

7 (3) enroll with a qualified Medicare Part D  
8 Prescription Drug Plan if eligible and apply for all  
9 available subsidies under Medicare Part D; and

10 (4) have a maximum household income of (i) less than  
11 \$21,218 for a household containing one person, (ii) less  
12 than \$28,480 for a household containing 2 persons, or (iii)  
13 less than \$35,740 for a household containing 3 or more  
14 persons. If any income eligibility limit set forth in items  
15 (i) through (iii) is less than 200% of the Federal Poverty  
16 Level for any year, the income eligibility limit for that  
17 year for households of that size shall be income equal to  
18 or less than 200% of the Federal Poverty Level.

19 All individuals enrolled as of December 31, 2005, in the  
20 pharmaceutical assistance program operated pursuant to  
21 subsection (f) of this Section and all individuals enrolled as  
22 of December 31, 2005, in the SeniorCare Medicaid waiver program  
23 operated pursuant to Section 5-5.12a of the Illinois Public Aid  
24 Code shall be automatically enrolled in the program established  
25 by this subsection for the first year of operation without the  
26 need for further application, except that they must apply for

1 Medicare Part D and the Low Income Subsidy under Medicare Part  
2 D. A person enrolled in the pharmaceutical assistance program  
3 operated pursuant to subsection (f) of this Section as of  
4 December 31, 2005, shall not lose eligibility in future years  
5 due only to the fact that they have not reached the age of 65.

6 To the extent permitted by federal law, the Department may  
7 act as an authorized representative of a beneficiary in order  
8 to enroll the beneficiary in a Medicare Part D Prescription  
9 Drug Plan if the beneficiary has failed to choose a plan and,  
10 where possible, to enroll beneficiaries in the low-income  
11 subsidy program under Medicare Part D or assist them in  
12 enrolling in that program.

13 Beneficiaries under the program established under this  
14 subsection shall be divided into the following 5 eligibility  
15 groups:

16 (A) Eligibility Group 1 shall consist of beneficiaries  
17 who are not eligible for Medicare Part D coverage and who  
18 are:

19 (i) disabled and under age 65; or

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

22 (iii) age 65 or older, with incomes at or below  
23 200% of the Federal Poverty Level and not eligible for  
24 federally funded means-tested benefits due to  
25 immigration status.

26 (B) Eligibility Group 2 shall consist of beneficiaries

1 otherwise described in Eligibility Group 1 but who are  
2 eligible for Medicare Part D coverage.

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

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

13 If the State applies and receives federal approval for  
14 a waiver under Title XIX of the Social Security Act,  
15 persons in Eligibility Group 4 shall continue to receive  
16 benefits through the approved waiver, and Eligibility  
17 Group 4 may be expanded to include disabled persons under  
18 age 65 with incomes under 200% of the Federal Poverty Level  
19 who are not eligible for Medicare and who are not barred  
20 from receiving federally funded means-tested benefits due  
21 to immigration status.

22 (E) On and after January 1, 2007, Eligibility Group 5  
23 shall consist of beneficiaries who are otherwise described  
24 in Eligibility Group 1 but are eligible for Medicare Part D  
25 and have a diagnosis of HIV or AIDS.

26 The program established under this subsection shall cover

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



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

10 Notwithstanding Section 3.15, for purposes of the program  
11 established under this subsection, the term "covered  
12 prescription drug" has the following meanings:

13 For Eligibility Group 1, "covered prescription drug"  
14 means: (1) any cardiovascular agent or drug; (2) any  
15 insulin or other prescription drug used in the treatment of  
16 diabetes, including syringe and needles used to administer  
17 the insulin; (3) any prescription drug used in the  
18 treatment of arthritis; (4) any prescription drug used in  
19 the treatment of cancer; (5) any prescription drug used in  
20 the treatment of Alzheimer's disease; (6) any prescription  
21 drug used in the treatment of Parkinson's disease; (7) any  
22 prescription drug used in the treatment of glaucoma; (8)  
23 any prescription drug used in the treatment of lung disease  
24 and smoking-related illnesses; (9) any prescription drug  
25 used in the treatment of osteoporosis; and (10) any  
26 prescription drug used in the treatment of multiple

1 sclerosis. The Department may add additional therapeutic  
2 classes by rule. The Department may adopt a preferred drug  
3 list within any of the classes of drugs described in items  
4 (1) through (10) of this paragraph. The specific drugs or  
5 therapeutic classes of covered prescription drugs shall be  
6 indicated by rule.

7 For Eligibility Group 2, "covered prescription drug"  
8 means those drugs covered for Eligibility Group 1 that are  
9 also covered by the Medicare Part D Prescription Drug Plan  
10 in which the beneficiary is enrolled.

11 For Eligibility Group 3, "covered prescription drug"  
12 means those drugs covered by the Medicare Part D  
13 Prescription Drug Plan in which the beneficiary is  
14 enrolled.

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

18 For Eligibility Group 5, "covered prescription drug"  
19 means: (1) those drugs covered for Eligibility Group 1 that  
20 are also covered by the Medicare Part D Prescription Drug  
21 Plan in which the beneficiary is enrolled; and (2) those  
22 drugs included in the formulary of the Illinois AIDS Drug  
23 Assistance Program operated by the Illinois Department of  
24 Public Health that are also covered by the Medicare Part D  
25 Prescription Drug Plan in which the beneficiary is  
26 enrolled.

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

4           Any person otherwise eligible for pharmaceutical  
5 assistance under this subsection whose covered drugs are  
6 covered by any public program is ineligible for assistance  
7 under this subsection to the extent that the cost of those  
8 drugs is covered by the other program.

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

14           For a pharmacy to be reimbursed under the program  
15 established under this subsection, it must comply with rules  
16 adopted by the Department of Healthcare and Family Services  
17 regarding coordination of benefits with Medicare Part D  
18 Prescription Drug Plans. A pharmacy may not charge a  
19 Medicare-enrolled beneficiary of the program established under  
20 this subsection more for a covered prescription drug than the  
21 appropriate Medicare cost-sharing less any payment from or on  
22 behalf of the Department of Healthcare and Family Services.

23           The Department of Healthcare and Family Services or the  
24 Department on Aging, as appropriate, may adopt rules regarding  
25 applications, counting of income, proof of Medicare status,  
26 mandatory generic policies, and pharmacy reimbursement rates

1 and any other rules necessary for the cost-efficient operation  
2 of the program established under this subsection.

3 (Source: P.A. 93-130, eff. 7-10-03; 94-86, eff. 1-1-06; 94-909,  
4 eff. 6-23-06.)

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

7 (720 ILCS 5/17A-1) (from Ch. 38, par. 17A-1)

8 Sec. 17A-1. Persons under deportation order; ineligible  
9 for benefits. An individual against whom a United States  
10 Immigration Judge has issued an order of deportation which has  
11 been affirmed by the Board of Immigration Review, as well as an  
12 individual who appeals such an order pending appeal, under  
13 paragraph 19 of Section 241(a) of the Immigration and  
14 Nationality Act relating to persecution of others on account of  
15 race, religion, national origin or political opinion under the  
16 direction of or in association with the Nazi government of  
17 Germany or its allies, shall be ineligible for the following  
18 benefits authorized by State law:

19 (a) The homestead exemptions and homestead improvement  
20 exemption under under Article 15 ~~Sections 15-170, 15-175,~~  
21 ~~15-176, and 15-180~~ of the Property Tax Code.

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

24 (c) The double income tax exemption conferred upon persons

1 65 years of age or older by Section 204 of the Illinois Income  
2 Tax Act.

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

4 (e) Reductions in vehicle registration fees under Section  
5 3-806.3 of the Illinois Vehicle Code.

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

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

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

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

12 Section 40. The Plat Act is amended by changing Section 1  
13 as follows:

14 (765 ILCS 205/1) (from Ch. 109, par. 1)

15 Sec. 1. (a) Except as otherwise provided in subparagraph  
16 (b) of this Section whenever the owner of land subdivides it  
17 into 2 or more parts, any of which is less than 5 acres, he must  
18 have it surveyed and a subdivision plat thereof made by an  
19 Illinois Registered Land Surveyor, which plat must  
20 particularly describe and set forth all public streets, alleys,  
21 ways for public service facilities, ways for utility services  
22 and community antenna television systems, parks, playgrounds,  
23 school grounds or other public grounds, and all the tracts,  
24 parcels, lots or blocks, and numbering all such lots, blocks or

1 parcels by progressive numbers, giving their precise  
2 dimensions. There shall be submitted simultaneously with the  
3 subdivision plat, a study or studies which shall show  
4 topographically and by profile the elevation of the land prior  
5 to the commencement of any change in elevations as a part of  
6 any phase of subdividing, and additionally, if it is  
7 contemplated that such elevations, or the flow of surface water  
8 from such land, will be changed as a result of any portion of  
9 such subdivision development, then such study or studies shall  
10 also show such proposed changes in the elevations and the flow  
11 of surface water from such land. The topographical and profile  
12 studies required hereunder may be prepared as a subsidiary  
13 study or studies separate from, but of the same scale and size  
14 as the subdivision plat, and shall be prepared in such a manner  
15 as will permit the topographical study or studies to be used as  
16 overlays to the subdivision plat. The plat must show all  
17 angular and linear data along the exterior boundaries of the  
18 tract of land divided or subdivided, the names of all public  
19 streets and the width, course and extent of all public streets,  
20 alleys and ways for public service facilities. References must  
21 also be made upon the plat to known and permanent monuments  
22 from which future survey may be made and the surveyor must, at  
23 the time of making his survey, set in such manner that they  
24 will not be moved by frost, good and sufficient monuments  
25 marking the external boundaries of the tract to be divided or  
26 subdivided and must designate upon the plat the points where

1 they may be found. These monuments must be placed at all  
2 corners, at each end of all curves, at the point where a curve  
3 changes its radius, at all angle points in any line and at all  
4 angle points along a meander line, the points to be not less  
5 than 20 feet back from the normal water elevation of a lake or  
6 from the bank of a stream, except that when such corners or  
7 points fall within a street, or proposed future street, the  
8 monuments must be placed in the right of way line of the  
9 street. All internal boundaries, corners and points must be  
10 monumented in the field by like monuments as defined above.  
11 These monuments 2 of which must be of stone or reinforced  
12 concrete and must be set at the opposite extremities of the  
13 property platted, placed at all block corners, at each end of  
14 all curves, at the points where a curve changes its radius, and  
15 at all angle points in any line. All lots must be monumented in  
16 the field with 2 or more monuments.

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

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

26 1. The division or subdivision of land into parcels or

1 tracts of 5 acres or more in size which does not involve any  
2 new streets or easements of access;

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

6 3. The sale or exchange of parcels of land between owners  
7 of adjoining and contiguous land;

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

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

15 6. The conveyance of land for highway or other public  
16 purposes or grants or conveyances relating to the dedication of  
17 land for public use or instruments relating to the vacation of  
18 land impressed with a public use;

19 7. Conveyances made to correct descriptions in prior  
20 conveyances.

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

25 9. The sale of a single lot of less than 5 acres from a  
26 larger tract when a survey is made by an Illinois Registered



1 Land Surveyor; provided, that this exemption shall not apply to  
2 the sale of any subsequent lots from the same larger tract of  
3 land, as determined by the dimensions and configuration of the  
4 larger tract on October 1, 1973, and provided also that this  
5 exemption does not invalidate any local requirements  
6 applicable to the subdivision of land.

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

9 Nothing contained within the provisions of this Act shall  
10 prevent or preclude individual counties from establishing  
11 standards, ordinances, or specifications which reduce the  
12 acreage minimum to less than 5 acres, but not less than 2  
13 acres, or supplementing the requirements contained herein when  
14 a survey is made by an Illinois Registered Land Surveyor and a  
15 plat thereof is recorded, under powers granted to them.

16 (c) However, if a plat is made by an Illinois Registered  
17 Surveyor of any parcel or tract of land otherwise exempt from  
18 the plat provisions of this Act pursuant to subsection (b) of  
19 this Section, such plat shall be recorded. It shall not be the  
20 responsibility of a recorder of deeds to determine whether the  
21 plat has been made or recorded under this subsection (c) prior  
22 to accepting a deed for recording.

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

24 Section 90. The State Mandates Act is amended by adding  
25 Section 8.31 as follows:

1 (30 ILCS 805/8.31 new)

2 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 95th General Assembly.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".