



Rep. Gary Hannig

Filed: 5/21/2008

09500HB3738ham001

LRB095 07739 RCE 51300 a

1 AMENDMENT TO HOUSE BILL 3738

2 AMENDMENT NO. _____. Amend House Bill 3738 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 FY2009 Budget Implementation Act.

6 Section 5. Purpose. The purpose of this Act is to make the
7 changes in State programs that are necessary to implement the
8 FY2009 budget.

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

11 (20 ILCS 3958/25)

12 Sec. 25. I-FLY Program.

13 (a) The Department shall establish the I-FLY Program, in
14 cooperation with the Commission. The Program shall consist of

1 the following components:

2 (1) air carrier recruitment and retention grants as
3 described in subsection (c); and

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

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

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

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

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

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

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

25 (2) An application for an air carrier recruitment and
26 retention program grant must contain commitments from the

1 airport or the unit of local government in which the
2 airport is located as to the amount of the total project
3 cost, the contribution from the unit of local government or
4 airport, the method in which the contribution from the
5 airport or unit of local government will be generated, and
6 the requested State contribution.

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

12 (A) A grant may be used to guarantee that an air
13 carrier shall receive an agreed amount of revenue per
14 flight.

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

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

19 (4) During the first year of a grant under this
20 subsection (c), the grant shall pay 80% of the total cost
21 of the guarantee and the airport or unit of local
22 government in which the airport is located shall pay 20% of
23 the total cost of the guarantee. During the second year of
24 a grant under this subsection (c), the grant shall pay 80%
25 ~~50%~~ of the total cost of the guarantee and the airport or
26 the unit of local government in which the airport is

1 located shall pay 20% ~~50%~~ of the total cost of the
2 guarantee.

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

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

17 (d) Planning grants. An airport may apply for and receive a
18 planning grant to conduct feasibility studies or business plans
19 designed to study the recruitment, retention, or expansion of
20 an air carrier at the airport. To be eligible for a grant under
21 this subsection (d), the airport must have the potential for
22 initial or expanded air service as the Department determines
23 through its evaluation process. The grant shall pay 70% of the
24 total cost of the feasibility studies or business plans and the
25 airport or the unit of local government in which the airport is
26 located shall pay 30% of the total cost of the feasibility

1 studies or business plans. An airport may receive only one
2 planning grant.

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

4 Section 40. The State Finance Act is amended by changing
5 Sections 6z-30, 6z-70, 8.3, 8g as follows:

6 (30 ILCS 105/6z-30)

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

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

11 (1) As soon as possible after the beginning of each
12 fiscal year (starting in fiscal year 1995), and in no event
13 later than July 30, the State Comptroller and the State
14 Treasurer shall automatically transfer \$44,700,000 from
15 the General Revenue Fund to the University of Illinois
16 Hospital Services Fund.

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

23 (3) All federal matching funds received by the
24 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid) as a result of
2 expenditures made by the Department that are attributable
3 to moneys that were deposited in the Fund.

4 (b) Moneys in the fund may be used by the Department of
5 Healthcare and Family Services (formerly Illinois Department
6 of Public Aid), subject to appropriation, to reimburse the
7 University of Illinois Hospital for hospital and pharmacy
8 services, and to reimburse practitioners as defined in Section
9 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are
10 employed by the University of Illinois Hospital. The fund may
11 also be used to make monthly transfers to the General Revenue
12 Fund as provided in subsection (c).

13 (c) The State Comptroller and State Treasurer shall
14 automatically transfer on the last day of each month except
15 June, beginning August 31, 1994, from the University of
16 Illinois Hospital Services Fund to the General Revenue Fund, an
17 amount determined and certified to the State Comptroller by the
18 Director of Healthcare and Family Services (formerly Director
19 of Public Aid), equal to the amount by which the balance in the
20 Fund exceeds the amount necessary to ensure timely payments to
21 the University of Illinois Hospital.

22 On June 30, 1995 and each June 30 thereafter, the State
23 Comptroller and State Treasurer shall automatically transfer
24 the entire balance in the University of Illinois Hospital
25 Services Fund to the General Revenue Fund.

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

1 (30 ILCS 105/6z-70)

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

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

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

13 (c) Notwithstanding any other provision of State law to the
14 contrary, on or after July 1, 2007, and until June 30, 2008, in
15 addition to any other transfers that may be provided for by
16 law, at the direction of and upon notification of the Secretary
17 of State, the State Comptroller shall direct and the State
18 Treasurer shall transfer amounts into the Secretary of State
19 Identification Security and Theft Prevention Fund from the
20 designated funds not exceeding the following totals:

- 21 Lobbyist Registration Administration Fund \$100,000
- 22 Registered Limited Liability Partnership Fund \$75,000
- 23 Securities Investors Education Fund \$500,000
- 24 Securities Audit and Enforcement Fund \$5,725,000
- 25 Department of Business Services

1 Special Operations Fund \$3,000,000
 2 Corporate Franchise Tax Refund Fund \$3,000,000.

3 (d) Notwithstanding any other provision of State law to the
 4 contrary, on or after July 1, 2008, and until June 30, 2009, in
 5 addition to any other transfers that may be provided for by
 6 law, at the direction of and upon notification of the Secretary
 7 of State, the State Comptroller shall direct and the State
 8 Treasurer shall transfer amounts into the Secretary of State
 9 Identification Security and Theft Prevention Fund from the
 10 designated funds not exceeding the following totals:

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

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

20 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

21 Sec. 8.3. Money in the Road Fund shall, if and when the
 22 State of Illinois incurs any bonded indebtedness for the
 23 construction of permanent highways, be set aside and used for
 24 the purpose of paying and discharging annually the principal
 25 and interest on that bonded indebtedness then due and payable,

1 and for no other purpose. The surplus, if any, in the Road Fund
2 after the payment of principal and interest on that bonded
3 indebtedness then annually due shall be used as follows:

4 first -- to pay the cost of administration of Chapters
5 2 through 10 of the Illinois Vehicle Code, except the cost
6 of administration of Articles I and II of Chapter 3 of that
7 Code; and

8 secondly -- for expenses of the Department of
9 Transportation for construction, reconstruction,
10 improvement, repair, maintenance, operation, and
11 administration of highways in accordance with the
12 provisions of laws relating thereto, or for any purpose
13 related or incident to and connected therewith, including
14 the separation of grades of those highways with railroads
15 and with highways and including the payment of awards made
16 by the Illinois Workers' Compensation Commission under the
17 terms of the Workers' Compensation Act or Workers'
18 Occupational Diseases Act for injury or death of an
19 employee of the Division of Highways in the Department of
20 Transportation; or for the acquisition of land and the
21 erection of buildings for highway purposes, including the
22 acquisition of highway right-of-way or for investigations
23 to determine the reasonably anticipated future highway
24 needs; or for making of surveys, plans, specifications and
25 estimates for and in the construction and maintenance of
26 flight strips and of highways necessary to provide access

1 to military and naval reservations, to defense industries
2 and defense-industry sites, and to the sources of raw
3 materials and for replacing existing highways and highway
4 connections shut off from general public use at military
5 and naval reservations and defense-industry sites, or for
6 the purchase of right-of-way, except that the State shall
7 be reimbursed in full for any expense incurred in building
8 the flight strips; or for the operating and maintaining of
9 highway garages; or for patrolling and policing the public
10 highways and conserving the peace; or for the operating
11 expenses of the Department relating to the administration
12 of public transportation programs; or for any of those
13 purposes or any other purpose that may be provided by law.

14 Appropriations for any of those purposes are payable from
15 the Road Fund. Appropriations may also be made from the Road
16 Fund for the administrative expenses of any State agency that
17 are related to motor vehicles or arise from the use of motor
18 vehicles.

19 Beginning with fiscal year 1980 and thereafter, no Road
20 Fund monies shall be appropriated to the following Departments
21 or agencies of State government for administration, grants, or
22 operations; but this limitation is not a restriction upon
23 appropriating for those purposes any Road Fund monies that are
24 eligible for federal reimbursement;

- 25 1. Department of Public Health;
- 26 2. Department of Transportation, only with respect to

1 subsidies for one-half fare Student Transportation and
2 Reduced Fare for Elderly;

3 3. Department of Central Management Services, except
4 for expenditures incurred for group insurance premiums of
5 appropriate personnel;

6 4. Judicial Systems and Agencies.

7 Beginning with fiscal year 1981 and thereafter, no Road
8 Fund monies shall be appropriated to the following Departments
9 or agencies of State government for administration, grants, or
10 operations; but this limitation is not a restriction upon
11 appropriating for those purposes any Road Fund monies that are
12 eligible for federal reimbursement:

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

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

17 Beginning with fiscal year 1982 and thereafter, no Road
18 Fund monies shall be appropriated to the following Departments
19 or agencies of State government for administration, grants, or
20 operations; but this limitation is not a restriction upon
21 appropriating for those purposes any Road Fund monies that are
22 eligible for federal reimbursement: Department of Central
23 Management Services, except for awards made by the Illinois
24 Workers' Compensation Commission under the terms of the
25 Workers' Compensation Act or Workers' Occupational Diseases
26 Act for injury or death of an employee of the Division of

1 Highways in the Department of Transportation.

2 Beginning with fiscal year 1984 and thereafter, no Road
3 Fund monies shall be appropriated to the following Departments
4 or agencies of State government for administration, grants, or
5 operations; but this limitation is not a restriction upon
6 appropriating for those purposes any Road Fund monies that are
7 eligible for federal reimbursement:

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

10 2. State Officers.

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

21 Money in the Road Fund shall, if and when the State of
22 Illinois incurs any bonded indebtedness for the construction of
23 permanent highways, be set aside and used for the purpose of
24 paying and discharging during each fiscal year the principal
25 and interest on that bonded indebtedness as it becomes due and
26 payable as provided in the Transportation Bond Act, and for no

1 other purpose. The surplus, if any, in the Road Fund after the
2 payment of principal and interest on that bonded indebtedness
3 then annually due shall be used as follows:

4 first -- to pay the cost of administration of Chapters
5 2 through 10 of the Illinois Vehicle Code; and

6 secondly -- no Road Fund monies derived from fees,
7 excises, or license taxes relating to registration,
8 operation and use of vehicles on public highways or to
9 fuels used for the propulsion of those vehicles, shall be
10 appropriated or expended other than for costs of
11 administering the laws imposing those fees, excises, and
12 license taxes, statutory refunds and adjustments allowed
13 thereunder, administrative costs of the Department of
14 Transportation, including, but not limited to, the
15 operating expenses of the Department relating to the
16 administration of public transportation programs, payment
17 of debts and liabilities incurred in construction and
18 reconstruction of public highways and bridges, acquisition
19 of rights-of-way for and the cost of construction,
20 reconstruction, maintenance, repair, and operation of
21 public highways and bridges under the direction and
22 supervision of the State, political subdivision, or
23 municipality collecting those monies, and the costs for
24 patrolling and policing the public highways (by State,
25 political subdivision, or municipality collecting that
26 money) for enforcement of traffic laws. The separation of

1 grades of such highways with railroads and costs associated
2 with protection of at-grade highway and railroad crossing
3 shall also be permissible.

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

7 Except as provided in this paragraph, beginning with fiscal
8 year 1991 and thereafter, no Road Fund monies shall be
9 appropriated to the Department of State Police for the purposes
10 of this Section in excess of its total fiscal year 1990 Road
11 Fund appropriations for those purposes unless otherwise
12 provided in Section 5g of this Act. For fiscal years 2003,
13 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
14 appropriated to the Department of State Police for the purposes
15 of this Section in excess of \$97,310,000. For fiscal years ~~year~~
16 2008 and 2009 only, no Road Fund monies shall be appropriated
17 to the Department of State Police for the purposes of this
18 Section in excess of \$106,100,000. It shall not be lawful to
19 circumvent this limitation on appropriations by governmental
20 reorganization or other methods unless otherwise provided in
21 Section 5g of this Act.

22 In fiscal year 1994, no Road Fund monies shall be
23 appropriated to the Secretary of State for the purposes of this
24 Section in excess of the total fiscal year 1991 Road Fund
25 appropriations to the Secretary of State for those purposes,
26 plus \$9,800,000. It shall not be lawful to circumvent this

1 limitation on appropriations by governmental reorganization or
2 other method.

3 Beginning with fiscal year 1995 and thereafter, no Road
4 Fund monies shall be appropriated to the Secretary of State for
5 the purposes of this Section in excess of the total fiscal year
6 1994 Road Fund appropriations to the Secretary of State for
7 those purposes. It shall not be lawful to circumvent this
8 limitation on appropriations by governmental reorganization or
9 other methods.

10 Beginning with fiscal year 2000, total Road Fund
11 appropriations to the Secretary of State for the purposes of
12 this Section shall not exceed the amounts specified for the
13 following fiscal years:

14	Fiscal Year 2000	\$80,500,000;
15	Fiscal Year 2001	\$80,500,000;
16	Fiscal Year 2002	\$80,500,000;
17	Fiscal Year 2003	\$130,500,000;
18	Fiscal Year 2004	\$130,500,000;
19	Fiscal Year 2005	\$130,500,000;
20	Fiscal Year 2006	\$130,500,000;
21	Fiscal Year 2007	\$130,500,000;
22	Fiscal Year 2008	\$130,500,000;
23	Fiscal Year 2009 and	<u>\$130,500,000;</u>
24	<u>Fiscal Year 2010 and</u> each year thereafter	\$30,500,000.

25 It shall not be lawful to circumvent this limitation on
26 appropriations by governmental reorganization or other

1 methods.

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

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

10 The additional amounts authorized for expenditure in this
11 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
12 shall be repaid to the Road Fund from the General Revenue Fund
13 in the next succeeding fiscal year that the General Revenue
14 Fund has a positive budgetary balance, as determined by
15 generally accepted accounting principles applicable to
16 government.

17 The additional amounts authorized for expenditure by the
18 Secretary of State and the Department of State Police in this
19 Section by this amendatory Act of the 94th General Assembly
20 shall be repaid to the Road Fund from the General Revenue Fund
21 in the next succeeding fiscal year that the General Revenue
22 Fund has a positive budgetary balance, as determined by
23 generally accepted accounting principles applicable to
24 government.

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

1 (30 ILCS 105/8g)

2 Sec. 8g. Fund transfers.

3 (a) In addition to any other transfers that may be provided
4 for by law, as soon as may be practical after the effective
5 date of this amendatory Act of the 91st General Assembly, the
6 State Comptroller shall direct and the State Treasurer shall
7 transfer the sum of \$10,000,000 from the General Revenue Fund
8 to the Motor Vehicle License Plate Fund created by Senate Bill
9 1028 of the 91st General Assembly.

10 (b) In addition to any other transfers that may be provided
11 for by law, as soon as may be practical after the effective
12 date of this amendatory Act of the 91st General Assembly, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the sum of \$25,000,000 from the General Revenue Fund
15 to the Fund for Illinois' Future created by Senate Bill 1066 of
16 the 91st General Assembly.

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

24 (d) The payments to programs required under subsection (d)
25 of Section 28.1 of the Horse Racing Act of 1975 shall be made,

1 pursuant to appropriation, from the special funds referred to
2 in the statutes cited in that subsection, rather than directly
3 from the General Revenue Fund.

4 Beginning January 1, 2000, on the first day of each month,
5 or as soon as may be practical thereafter, the State
6 Comptroller shall direct and the State Treasurer shall transfer
7 from the General Revenue Fund to each of the special funds from
8 which payments are to be made under Section 28.1(d) of the
9 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
10 amount required for those payments from that special fund,
11 which annual amount shall not exceed the annual amount for
12 those payments from that special fund for the calendar year
13 1998. The special funds to which transfers shall be made under
14 this subsection (d) include, but are not necessarily limited
15 to, the Agricultural Premium Fund; the Metropolitan Exposition
16 Auditorium and Office Building Fund; the Fair and Exposition
17 Fund; the Standardbred Breeders Fund; the Thoroughbred
18 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

19 (e) In addition to any other transfers that may be provided
20 for by law, as soon as may be practical after the effective
21 date of this amendatory Act of the 91st General Assembly, but
22 in no event later than June 30, 2000, the State Comptroller
23 shall direct and the State Treasurer shall transfer the sum of
24 \$15,000,000 from the General Revenue Fund to the Fund for
25 Illinois' Future.

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

1 for by law, as soon as may be practical after the effective
2 date of this amendatory Act of the 91st General Assembly, but
3 in no event later than June 30, 2000, the State Comptroller
4 shall direct and the State Treasurer shall transfer the sum of
5 \$70,000,000 from the General Revenue Fund to the Long-Term Care
6 Provider Fund.

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

13 (g) In addition to any other transfers that may be provided
14 for by law, on July 1, 2001, or as soon thereafter as may be
15 practical, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$1,200,000 from the General
17 Revenue Fund to the Violence Prevention Fund.

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

23 (i) On or after July 1, 2001 and until May 1, 2002, in
24 addition to any other transfers that may be provided for by
25 law, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of
 2 \$80,000,000 from the General Revenue Fund to the Tobacco
 3 Settlement Recovery Fund. Any amounts so transferred shall be
 4 re-transferred by the State Comptroller and the State Treasurer
 5 from the Tobacco Settlement Recovery Fund to the General
 6 Revenue Fund at the direction of and upon notification from the
 7 Governor, but in any event on or before June 30, 2002.

8 (i-1) On or after July 1, 2002 and until May 1, 2003, in
 9 addition to any other transfers that may be provided for by
 10 law, at the direction of and upon notification from the
 11 Governor, the State Comptroller shall direct and the State
 12 Treasurer shall transfer amounts not exceeding a total of
 13 \$80,000,000 from the General Revenue Fund to the Tobacco
 14 Settlement Recovery Fund. Any amounts so transferred shall be
 15 re-transferred by the State Comptroller and the State Treasurer
 16 from the Tobacco Settlement Recovery Fund to the General
 17 Revenue Fund at the direction of and upon notification from the
 18 Governor, but in any event on or before June 30, 2003.

19 (j) On or after July 1, 2001 and no later than June 30,
 20 2002, in addition to any other transfers that may be provided
 21 for by law, at the direction of and upon notification from the
 22 Governor, the State Comptroller shall direct and the State
 23 Treasurer shall transfer amounts not to exceed the following
 24 sums into the Statistical Services Revolving Fund:

25	From the General Revenue Fund	\$8,450,000
26	From the Public Utility Fund	1,700,000

1	From the Transportation Regulatory Fund	2,650,000
2	From the Title III Social Security and	
3	Employment Fund	3,700,000
4	From the Professions Indirect Cost Fund	4,050,000
5	From the Underground Storage Tank Fund	550,000
6	From the Agricultural Premium Fund	750,000
7	From the State Pensions Fund	200,000
8	From the Road Fund	2,000,000
9	From the Health Facilities	
10	Planning Fund	1,000,000
11	From the Savings and Residential Finance	
12	Regulatory Fund	130,800
13	From the Appraisal Administration Fund	28,600
14	From the Pawnbroker Regulation Fund	3,600
15	From the Auction Regulation	
16	Administration Fund	35,800
17	From the Bank and Trust Company Fund.....	634,800
18	From the Real Estate License	
19	Administration Fund	313,600

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

26 (k-1) In addition to any other transfers that may be

1 provided for by law, on July 1, 2002, or as soon as may be
 2 practical thereafter, the State Comptroller shall direct and
 3 the State Treasurer shall transfer the sum of \$2,000,000 from
 4 the General Revenue Fund to the Teachers Health Insurance
 5 Security Fund.

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

12 (k-3) On or after July 1, 2002 and no later than June 30,
 13 2003, in addition to any other transfers that may be provided
 14 for by law, at the direction of and upon notification from the
 15 Governor, the State Comptroller shall direct and the State
 16 Treasurer shall transfer amounts not to exceed the following
 17 sums into the Statistical Services Revolving Fund:

18	Appraisal Administration Fund	\$150,000
19	General Revenue Fund	10,440,000
20	Savings and Residential Finance	
21	Regulatory Fund	200,000
22	State Pensions Fund	100,000
23	Bank and Trust Company Fund	100,000
24	Professions Indirect Cost Fund	3,400,000
25	Public Utility Fund	2,081,200
26	Real Estate License Administration Fund	150,000

1	Title III Social Security and	
2	Employment Fund.....	1,000,000
3	Transportation Regulatory Fund	3,052,100
4	Underground Storage Tank Fund	50,000

5 (1) In addition to any other transfers that may be provided
6 for by law, on July 1, 2002, or as soon as may be practical
7 thereafter, the State Comptroller shall direct and the State
8 Treasurer shall transfer the sum of \$3,000,000 from the General
9 Revenue Fund to the Presidential Library and Museum Operating
10 Fund.

11 (m) In addition to any other transfers that may be provided
12 for by law, on July 1, 2002 and on the effective date of this
13 amendatory Act of the 93rd General Assembly, or as soon
14 thereafter as may be practical, the State Comptroller shall
15 direct and the State Treasurer shall transfer the sum of
16 \$1,200,000 from the General Revenue Fund to the Violence
17 Prevention Fund.

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

23 (o) On or after July 1, 2003, and no later than June 30,
24 2004, in addition to any other transfers that may be provided
25 for by law, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not to exceed the following
2 sums into the Vehicle Inspection Fund:

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

4 (p) On or after July 1, 2003 and until May 1, 2004, in
5 addition to any other transfers that may be provided for by
6 law, at the direction of and upon notification from the
7 Governor, the State Comptroller shall direct and the State
8 Treasurer shall transfer amounts not exceeding a total of
9 \$80,000,000 from the General Revenue Fund to the Tobacco
10 Settlement Recovery Fund. Any amounts so transferred shall be
11 re-transferred from the Tobacco Settlement Recovery Fund to the
12 General Revenue Fund at the direction of and upon notification
13 from the Governor, but in any event on or before June 30, 2004.

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

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

25 (s) In addition to any other transfers that may be provided
26 for by law, on or after July 1, 2003, the State Comptroller

1 shall direct and the State Treasurer shall transfer the sum of
2 \$4,800,000 from the Statewide Economic Development Fund to the
3 General Revenue Fund.

4 (t) In addition to any other transfers that may be provided
5 for by law, on or after July 1, 2003, the State Comptroller
6 shall direct and the State Treasurer shall transfer the sum of
7 \$50,000,000 from the General Revenue Fund to the Budget
8 Stabilization Fund.

9 (u) On or after July 1, 2004 and until May 1, 2005, in
10 addition to any other transfers that may be provided for by
11 law, at the direction of and upon notification from the
12 Governor, the State Comptroller shall direct and the State
13 Treasurer shall transfer amounts not exceeding a total of
14 \$80,000,000 from the General Revenue Fund to the Tobacco
15 Settlement Recovery Fund. Any amounts so transferred shall be
16 retransferred by the State Comptroller and the State Treasurer
17 from the Tobacco Settlement Recovery Fund to the General
18 Revenue Fund at the direction of and upon notification from the
19 Governor, but in any event on or before June 30, 2005.

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

25 (w) In addition to any other transfers that may be provided
26 for by law, on July 1, 2004, or as soon thereafter as may be

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$6,445,000 from the General
3 Revenue Fund to the Presidential Library and Museum Operating
4 Fund.

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

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

11 From the State Police Wireless Service Emergency Fund,
12 \$200,000;

13 From the State Offender DNA Identification System
14 Fund, \$800,000; and

15 From the State Police Whistleblower Reward and
16 Protection Fund, \$500,000.

17 (y) Notwithstanding any other provision of law to the
18 contrary, in addition to any other transfers that may be
19 provided for by law on June 30, 2005, or as soon as may be
20 practical thereafter, the State Comptroller shall direct and
21 the State Treasurer shall transfer the remaining balance from
22 the designated funds into the General Revenue Fund and any
23 future deposits that would otherwise be made into these funds
24 must instead be made into the General Revenue Fund:

25 (1) the Keep Illinois Beautiful Fund;

26 (2) the Metropolitan Fair and Exposition Authority

1 Reconstruction Fund;

2 (3) the New Technology Recovery Fund;

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

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

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

6 (7) the State Postsecondary Review Program Fund;

7 (8) the Tourism Attraction Development Matching Grant

8 Fund;

9 (9) the Patent and Copyright Fund;

10 (10) the Credit Enhancement Development Fund;

11 (11) the Community Mental Health and Developmental

12 Disabilities Services Provider Participation Fee Trust

13 Fund;

14 (12) the Nursing Home Grant Assistance Fund;

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

16 (14) the Illinois Student Assistance Commission Higher

17 EdNet Fund;

18 (15) the DORS State Project Fund;

19 (16) the School Technology Revolving Fund;

20 (17) the Energy Assistance Contribution Fund;

21 (18) the Illinois Building Commission Revolving Fund;

22 (19) the Illinois Aquaculture Development Fund;

23 (20) the Homelessness Prevention Fund;

24 (21) the DCFS Refugee Assistance Fund;

25 (22) the Illinois Century Network Special Purposes

26 Fund; and

1 (23) the Build Illinois Purposes Fund.

2 (z) In addition to any other transfers that may be provided
3 for by law, on July 1, 2005, or as soon as may be practical
4 thereafter, the State Comptroller shall direct and the State
5 Treasurer shall transfer the sum of \$1,200,000 from the General
6 Revenue Fund to the Violence Prevention Fund.

7 (aa) In addition to any other transfers that may be
8 provided for by law, on July 1, 2005, or as soon as may be
9 practical thereafter, the State Comptroller shall direct and
10 the State Treasurer shall transfer the sum of \$9,000,000 from
11 the General Revenue Fund to the Presidential Library and Museum
12 Operating Fund.

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

19 (cc) In addition to any other transfers that may be
20 provided for by law, on or after July 1, 2005 and until May 1,
21 2006, at the direction of and upon notification from the
22 Governor, the State Comptroller shall direct and the State
23 Treasurer shall transfer amounts not exceeding a total of
24 \$80,000,000 from the General Revenue Fund to the Tobacco
25 Settlement Recovery Fund. Any amounts so transferred shall be
26 re-transferred by the State Comptroller and the State Treasurer

1 from the Tobacco Settlement Recovery Fund to the General
2 Revenue Fund at the direction of and upon notification from the
3 Governor, but in any event on or before June 30, 2006.

4 (dd) In addition to any other transfers that may be
5 provided for by law, on April 1, 2005, or as soon thereafter as
6 may be practical, at the direction of the Director of Public
7 Aid (now Director of Healthcare and Family Services), the State
8 Comptroller shall direct and the State Treasurer shall transfer
9 from the Public Aid Recoveries Trust Fund amounts not to exceed
10 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

11 (ee) Notwithstanding any other provision of law, on July 1,
12 2006, or as soon thereafter as practical, the State Comptroller
13 shall direct and the State Treasurer shall transfer the
14 remaining balance from the Illinois Civic Center Bond Fund to
15 the Illinois Civic Center Bond Retirement and Interest Fund.

16 (ff) In addition to any other transfers that may be
17 provided for by law, on and after July 1, 2006 and until June
18 30, 2007, at the direction of and upon notification from the
19 Director of the Governor's Office of Management and Budget, the
20 State Comptroller shall direct and the State Treasurer shall
21 transfer amounts not exceeding a total of \$1,900,000 from the
22 General Revenue Fund to the Illinois Capital Revolving Loan
23 Fund.

24 (gg) In addition to any other transfers that may be
25 provided for by law, on and after July 1, 2006 and until May 1,
26 2007, at the direction of and upon notification from the

1 Governor, the State Comptroller shall direct and the State
 2 Treasurer shall transfer amounts not exceeding a total of
 3 \$80,000,000 from the General Revenue Fund to the Tobacco
 4 Settlement Recovery Fund. Any amounts so transferred shall be
 5 retransferred by the State Comptroller and the State Treasurer
 6 from the Tobacco Settlement Recovery Fund to the General
 7 Revenue Fund at the direction of and upon notification from the
 8 Governor, but in any event on or before June 30, 2007.

9 (hh) In addition to any other transfers that may be
 10 provided for by law, on and after July 1, 2006 and until June
 11 30, 2007, at the direction of and upon notification from the
 12 Governor, the State Comptroller shall direct and the State
 13 Treasurer shall transfer amounts from the Illinois Affordable
 14 Housing Trust Fund to the designated funds not exceeding the
 15 following amounts:

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

21 (ii) In addition to any other transfers that may be
 22 provided for by law, on or before August 31, 2006, the Governor
 23 and the State Comptroller may agree to transfer the surplus
 24 cash balance from the General Revenue Fund to the Budget
 25 Stabilization Fund and the Pension Stabilization Fund in equal
 26 proportions. The determination of the amount of the surplus

1 cash balance shall be made by the Governor, with the
2 concurrence of the State Comptroller, after taking into account
3 the June 30, 2006 balances in the general funds and the actual
4 or estimated spending from the general funds during the lapse
5 period. Notwithstanding the foregoing, the maximum amount that
6 may be transferred under this subsection (ii) is \$50,000,000.

7 (jj) In addition to any other transfers that may be
8 provided for by law, on July 1, 2006, or as soon thereafter as
9 practical, the State Comptroller shall direct and the State
10 Treasurer shall transfer the sum of \$8,250,000 from the General
11 Revenue Fund to the Presidential Library and Museum Operating
12 Fund.

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

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

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

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

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

9 (oo) In addition to any other transfers that may be
10 provided for by law, on and after July 1, 2006 and until June
11 30, 2007, at the direction of and upon notification from the
12 Governor, the State Comptroller shall direct and the State
13 Treasurer shall transfer amounts identified as net receipts
14 from the sale of all or part of the Illinois Student Assistance
15 Commission loan portfolio from the Student Loan Operating Fund
16 to the General Revenue Fund. The maximum amount that may be
17 transferred pursuant to this Section is \$38,800,000. In
18 addition, no transfer may be made pursuant to this Section that
19 would have the effect of reducing the available balance in the
20 Student Loan Operating Fund to an amount less than the amount
21 remaining unexpended and unreserved from the total
22 appropriations from the Fund estimated to be expended for the
23 fiscal year. The State Treasurer and Comptroller shall transfer
24 the amounts designated under this Section as soon as may be
25 practical after receiving the direction to transfer from the
26 Governor.

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

6 (qq) In addition to any other transfers that may be
 7 provided for by law, on and after July 1, 2007 and until May 1,
 8 2008, at the direction of and upon notification from the
 9 Governor, the State Comptroller shall direct and the State
 10 Treasurer shall transfer amounts not exceeding a total of
 11 \$80,000,000 from the General Revenue Fund to the Tobacco
 12 Settlement Recovery Fund. Any amounts so transferred shall be
 13 retransferred by the State Comptroller and the State Treasurer
 14 from the Tobacco Settlement Recovery Fund to the General
 15 Revenue Fund at the direction of and upon notification from the
 16 Governor, but in any event on or before June 30, 2008.

17 (rr) In addition to any other transfers that may be
 18 provided for by law, on and after July 1, 2007 and until June
 19 30, 2008, at the direction of and upon notification from the
 20 Governor, the State Comptroller shall direct and the State
 21 Treasurer shall transfer amounts from the Illinois Affordable
 22 Housing Trust Fund to the designated funds not exceeding the
 23 following amounts:

- 24 DCFS Children's Services Fund \$2,200,000
- 25 Department of Corrections Reimbursement
- 26 and Education Fund \$1,500,000

1 Supplemental Low-Income Energy

2 Assistance Fund..... \$75,000

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

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

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

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

24 (ww) In addition to any other transfers that may be
25 provided for by law, on July 1, 2007, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$3,500,000 from the General
2 Revenue Fund to the Predatory Lending Database Program Fund.

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

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

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

19 (aaa) In addition to any other transfers that may be
20 provided for by law, on and after July 1, 2008 and until May 1,
21 2009, at the direction of and upon notification from the
22 Governor, the State Comptroller shall direct and the State
23 Treasurer shall transfer amounts not exceeding a total of
24 \$80,000,000 from the General Revenue Fund to the Tobacco
25 Settlement Recovery Fund. Any amounts so transferred shall be
26 retransferred by the State Comptroller and the State Treasurer

1 from the Tobacco Settlement Recovery Fund to the General
2 Revenue Fund at the direction of and upon notification from the
3 Governor, but in any event on or before June 30, 2009.

4 (bbb) In addition to any other transfers that may be
5 provided for by law, on and after July 1, 2008 and until June
6 30, 2009, at the direction of and upon notification from the
7 Governor, the State Comptroller shall direct and the State
8 Treasurer shall transfer amounts from the Illinois Affordable
9 Housing Trust Fund to the designated funds not exceeding the
10 following amounts:

- 11 DCFS Children's Services Fund \$2,200,000
- 12 Department of Corrections Reimbursement
- 13 and Education Fund \$1,500,000
- 14 Supplemental Low-Income Energy
- 15 Assistance Fund \$75,000

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

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

1 (Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816,
2 eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;
3 95-707, eff. 1-11-08.)

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

6 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

7 Sec. 901. Collection Authority.

8 (a) In general.

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

1 Services.

2 (b) Local Governmental Distributive Fund.

3 Beginning August 1, 1969, and continuing through June 30,
4 1994, the Treasurer shall transfer each month from the General
5 Revenue Fund to a special fund in the State treasury, to be
6 known as the "Local Government Distributive Fund", an amount
7 equal to 1/12 of the net revenue realized from the tax imposed
8 by subsections (a) and (b) of Section 201 of this Act during
9 the preceding month. Beginning July 1, 1994, and continuing
10 through June 30, 1995, the Treasurer shall transfer each month
11 from the General Revenue Fund to the Local Government
12 Distributive Fund an amount equal to 1/11 of the net revenue
13 realized from the tax imposed by subsections (a) and (b) of
14 Section 201 of this Act during the preceding month. Beginning
15 July 1, 1995, the Treasurer shall transfer each month from the
16 General Revenue Fund to the Local Government Distributive Fund
17 an amount equal to the net of (i) 1/10 of the net revenue
18 realized from the tax imposed by subsections (a) and (b) of
19 Section 201 of the Illinois Income Tax Act during the preceding
20 month (ii) minus, beginning July 1, 2003 and ending June 30,
21 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue
22 realized for a month shall be defined as the revenue from the
23 tax imposed by subsections (a) and (b) of Section 201 of this
24 Act which is deposited in the General Revenue Fund, the
25 Educational Assistance Fund and the Income Tax Surcharge Local
26 Government Distributive Fund during the month minus the amount

1 paid out of the General Revenue Fund in State warrants during
2 that same month as refunds to taxpayers for overpayment of
3 liability under the tax imposed by subsections (a) and (b) of
4 Section 201 of this Act.

5 (c) Deposits Into Income Tax Refund Fund.

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

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

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

1 Income Tax Refund Fund during a fiscal year shall be the
2 Annual Percentage. For fiscal years 1999, 2000, and 2001,
3 the Annual Percentage shall be 19%. For fiscal year 2003,
4 the Annual Percentage shall be 27%. For fiscal year 2004,
5 the Annual Percentage shall be 32%. Upon the effective date
6 of this amendatory Act of the 93rd General Assembly, the
7 Annual Percentage shall be 24% for fiscal year 2005. For
8 fiscal year 2006, the Annual Percentage shall be 20%. For
9 fiscal year 2007, the Annual Percentage shall be 17.5%. For
10 fiscal year 2008, the Annual Percentage shall be 15.5%. For
11 fiscal year 2009, the Annual Percentage shall be 17.5%. For
12 all other fiscal years, the Annual Percentage shall be
13 calculated as a fraction, the numerator of which shall be
14 the amount of refunds approved for payment by the
15 Department during the preceding fiscal year as a result of
16 overpayment of tax liability under subsections (a) and
17 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
18 Act plus the amount of such refunds remaining approved but
19 unpaid at the end of the preceding fiscal year, and the
20 denominator of which shall be the amounts which will be
21 collected pursuant to subsections (a) and (b) (6), (7), and
22 (8), (c) and (d) of Section 201 of this Act during the
23 preceding fiscal year; except that in State fiscal year
24 2002, the Annual Percentage shall in no event exceed 23%.
25 The Director of Revenue shall certify the Annual Percentage
26 to the Comptroller on the last business day of the fiscal

1 year immediately preceding the fiscal year for which it is
2 to be effective.

3 (3) The Comptroller shall order transferred and the
4 Treasurer shall transfer from the Tobacco Settlement
5 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
6 in January, 2001, (ii) \$35,000,000 in January, 2002, and
7 (iii) \$35,000,000 in January, 2003.

8 (d) Expenditures from Income Tax Refund Fund.

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

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

24 (3) As soon as possible after the end of each fiscal
25 year, the Director shall order transferred and the State
26 Treasurer and State Comptroller shall transfer from the

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

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

22 (4.5) As soon as possible after the end of fiscal year
23 1999 and of each fiscal year thereafter, the Director shall
24 order transferred and the State Treasurer and State
25 Comptroller shall transfer from the Income Tax Refund Fund
26 to the General Revenue Fund any surplus remaining in the

1 Income Tax Refund Fund as of the end of such fiscal year;
2 excluding for fiscal years 2000, 2001, and 2002 amounts
3 attributable to transfers under item (3) of subsection (c)
4 less refunds resulting from the earned income tax credit.

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

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

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

1 1993, and continuing through June 30, 1994, of the amounts
2 collected under subsections (a) and (b) of Section 201 of this
3 Act, minus deposits into the Income Tax Refund Fund, the
4 Department shall deposit 1.475% into the Income Tax Surcharge
5 Local Government Distributive Fund in the State Treasury.

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

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

10 (35 ILCS 505/8) (from Ch. 120, par. 424)

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

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

23 (b) \$420,000 shall be transferred each month to the State
24 Boating Act Fund to be used by the Department of Natural

1 Resources for the purposes specified in Article X of the Boat
2 Registration and Safety Act;

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

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

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

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

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

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

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

1 Inspection Law of 2005 ~~1995~~, to be transferred by the State
2 Comptroller and Treasurer from the Motor Fuel Tax Fund into
3 the Vehicle Inspection Fund;

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

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

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

15 (1) Until January 1, 2000, 58.4%, and beginning January
16 1, 2000, 45.6% shall be deposited as follows:

17 (A) 37% into the State Construction Account Fund,
18 and

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

24 (2) Until January 1, 2000, 41.6%, and beginning January
25 1, 2000, 54.4% shall be transferred to the Department of
26 Transportation to be distributed as follows:

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

2 (B) 16.74% to the counties of the State having
3 1,000,000 or more inhabitants,

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

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

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

1 approval of the Department which may make such corrections as
2 it ascertains to be necessary.

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

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

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

1 district would be the equivalent of a tax levy requiring
2 extension at a rate of at least .08%, or, in DuPage County, an
3 amount equal to or greater than \$12,000 per mile of road under
4 the jurisdiction of the road district, whichever is less, such
5 transfer, together with any such tax levy, shall be deemed a
6 proper compliance with this Section and shall qualify the road
7 district for an allotment under this Section.

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

26 As used in this Section the term "road district" means any

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

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

20 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;
21 94-839, eff. 6-6-06; revised 1-30-08.)

22 Section 50. The School Code is amended by changing Sections
23 2-3.131 and 18-8.05 as follows:

24 (105 ILCS 5/2-3.131)

1 Sec. 2-3.131. Transitional assistance payments.

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

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

23 (c) If the amount that the State Board of Education will
24 pay to a school district from fiscal year 2006 appropriations,
25 as estimated by the State Board of Education on April 1, 2006,
26 is less than the amount that the State Board of Education paid

1 to the school district from fiscal year 2005 appropriations,
2 then the State Board of Education shall make a fiscal year 2006
3 transitional assistance payment to the school district in an
4 amount equal to the difference between the estimated amount to
5 be paid from fiscal year 2006 appropriations and the amount
6 paid from fiscal year 2005 appropriations.

7 (d) If the amount that the State Board of Education will
8 pay to a school district from fiscal year 2007 appropriations,
9 as estimated by the State Board of Education on April 1, 2007,
10 is less than the amount that the State Board of Education paid
11 to the school district from fiscal year 2006 appropriations,
12 then the State Board of Education, subject to appropriation,
13 shall make a fiscal year 2007 transitional assistance payment
14 to the school district in an amount equal to the difference
15 between the estimated amount to be paid from fiscal year 2007
16 appropriations and the amount paid from fiscal year 2006
17 appropriations.

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

1 a result of annexing territory detached from another district
2 pursuant to Article 7 of this Code.

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

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

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

1 (105 ILCS 5/18-8.05)

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

5 (A) General Provisions.

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

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

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

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

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

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

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

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

8 (d) (Blank).

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

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

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

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

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

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

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

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

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

13 (B) Foundation Level.

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

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

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

11 (3) For the 2008-2009 ~~2007-2008~~ school year and each school
12 year thereafter, the Foundation Level of support is \$5,862
13 ~~\$5,734~~ or such greater amount as may be established by law by
14 the General Assembly.

15 (C) Average Daily Attendance.

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

1 (F).

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

11 (D) Available Local Resources.

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

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

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

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

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

1 Attendance figure for grades 9 through 12.

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

12 (E) Computation of General State Aid.

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

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

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

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

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

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

1 affect any future general State aid allocations.

2 (F) Compilation of Average Daily Attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (G) Equalized Assessed Valuation Data.

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

25 The Department of Revenue shall add to the equalized

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

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

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

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

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

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

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

1 subparagraph (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (H) Supplemental General State Aid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the low income eligible pupil count.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (I) (Blank).

5 (J) Supplementary Grants in Aid.

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

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

12 (3) (Blank).

13 (K) Grants to Laboratory and Alternative Schools.

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

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

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

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

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

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

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

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

19 (2) (Blank).

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

22 (M) Education Funding Advisory Board.

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

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

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

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

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

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

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

8 (N) (Blank).

9 (O) References.

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

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

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

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

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

7 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

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

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

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

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

24 For facilities licensed by the Department of Public Health
25 under the Nursing Home Care Act as Intermediate Care for the
26 Developmentally Disabled facilities or Long Term Care for Under

1 Age 22 facilities, the rates taking effect on July 1, 1999
2 shall include an increase of 1.6% plus \$3.00 per resident-day,
3 as defined by the Department. For facilities licensed by the
4 Department of Public Health under the Nursing Home Care Act as
5 Skilled Nursing facilities or Intermediate Care facilities,
6 the rates taking effect on July 1, 1999 shall include an
7 increase of 1.6% and, for services provided on or after October
8 1, 1999, shall be increased by \$4.00 per resident-day, as
9 defined by the Department.

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

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

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

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

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

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

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

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

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

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

26 Notwithstanding any other provision of this Section, for

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

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

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

25 Notwithstanding any other provision of this Section, for
26 facilities licensed by the Department of Public Health under

1 the Nursing Home Care Act as skilled nursing facilities or
2 intermediate care facilities, the Illinois Department shall
3 determine by rule the rates taking effect on July 1, 2002,
4 which shall be 5.9% less than the rates in effect on June 30,
5 2002.

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

17 Notwithstanding any other provisions of this Section, for
18 facilities licensed by the Department of Public Health under
19 the Nursing Home Care Act as skilled nursing facilities or
20 intermediate care facilities, the rates taking effect on
21 January 1, 2005 shall be 3% more than the rates in effect on
22 December 31, 2004.

23 Notwithstanding any other provisions of this Section, for
24 facilities licensed by the Department of Public Health under
25 the Nursing Home Care Act as intermediate care facilities that
26 are federally defined as Institutions for Mental Disease, a

1 socio-development component rate equal to 6.6% of the
2 facility's nursing component rate as of January 1, 2006 shall
3 be established and paid effective July 1, 2006. The
4 socio-development component of the rate shall be increased by a
5 factor of 2.53 on the first day of the month that begins at
6 least 45 days after the effective date of this amendatory Act
7 of the 95th General Assembly. The Illinois Department may by
8 rule adjust these socio-development component rates, but in no
9 case may such rates be diminished.

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

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

24 Notwithstanding any other provision of this Section, for
25 facilities licensed by the Department of Public Health under
26 the Nursing Home Care Act as skilled nursing facilities or

1 intermediate care facilities, effective January 1, 2005,
2 facility rates shall be increased by the difference between (i)
3 a facility's per diem property, liability, and malpractice
4 insurance costs as reported in the cost report filed with the
5 Department of Public Aid and used to establish rates effective
6 July 1, 2001 and (ii) those same costs as reported in the
7 facility's 2002 cost report. These costs shall be passed
8 through to the facility without caps or limitations, except for
9 adjustments required under normal auditing procedures.

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

1 Department shall not make any alterations of regulations which
2 would reduce any component of the Medicaid rate to a level
3 below what that component would have been utilizing in the rate
4 effective on July 1, 1984.

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

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

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

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

1 (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,
2 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;
3 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff.
4 1-11-08.)

5 (305 ILCS 5/12-10.8)

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

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

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

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

21 Sec. 8. Uses of Trust Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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