



Rep. Gary Hannig

**Filed: 11/1/2007**

09500SB0783ham002

LRB095 05523 BDD 40176 a

1 AMENDMENT TO SENATE BILL 783

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 783, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "ARTICLE 1. SHORT TITLE; PURPOSE

6 Section 1-1. Short title. This Act may be cited as the  
7 FY2008 Budget Implementation Act.

8 Section 1-5. Purpose. It is the purpose of this Act to make  
9 changes in State programs that are necessary to implement the  
10 FY2008 budget.

11 ARTICLE 3. STATE SERVICES ASSURANCE ACT FOR 2008

12 Section 3-1. Short title. This Article may be cited as the  
13 State Services Assurance Act for FY2008, and references in this

1 Article to "this Act" mean this Article.

2 Section 3-5. Definitions. For the purposes of this Act:

3 "Frontline staff" means State employees in the RC 6, RC 9,  
4 RC 10, RC 14, RC 28, RC 42, RC 62, RC 63, and CU 500 bargaining  
5 units in titles represented by AFSCME as of June 1, 2007.

6 "On-board frontline staff" means frontline staff in paid  
7 status.

8 Section 3-10. Legislative intent and policy. The General  
9 Assembly finds that State government delivers a myriad of  
10 services that are necessary for the health, welfare, safety,  
11 and quality of life of all Illinois residents. Because State  
12 services are used by many Illinois citizens who cannot speak  
13 the English language fluently, there is a need for bilingual  
14 State employees. The number of workers in State government who  
15 speak a language other than English is inadequate, leaving  
16 those workers who do speak another language overworked and  
17 incapable of meeting the rising demand for their services.

18 In response to this crisis, it is the intent of the General  
19 Assembly in FY 2008 to ensure the hiring and retention of  
20 additional bilingual frontline staff in State agencies where  
21 public services are most used. These additions take into  
22 account our State's current revenue crisis, and are a first  
23 step. Raising bilingual staffing to meet higher national  
24 standards to fully ensure the effective delivery of essential

1 services is the long-term goal of the General Assembly.

2 Section 3-15. Staffing standards. On or before July 1,  
3 2008, and in each subsequent month of Fiscal Year 2009, each  
4 named agency shall meet the following frontline staffing  
5 standards:

6 (1) The Department of Corrections shall have at least  
7 40 bilingual on-board frontline staff.

8 (2) Mental health and developmental centers operated  
9 by the Department of Human Services shall have at least 100  
10 bilingual on-board frontline staff.

11 (3) Family and Community Resource Centers operated by  
12 the Department of Human Services shall have at least 20  
13 bilingual on-board frontline staff.

14 (4) The Department of Children and Family Services  
15 shall have at least 40 bilingual on-board frontline staff.

16 (5) The Department of Veterans Affairs shall have at  
17 least 5 bilingual on-board frontline staff.

18 (6) The Environmental Protection Agency shall have at  
19 least 5 bilingual on-board frontline staff.

20 (7) The Department of Employment Security shall have at  
21 least 10 bilingual on-board frontline staff.

22 (8) The Department of Natural Resources shall have at  
23 least 5 bilingual on-board frontline staff.

24 (9) The Department of Public Health shall have at least  
25 5 bilingual on-board frontline staff.

1           (10) The Department of State Police shall have at least  
2           5 bilingual on-board frontline staff.

3           (11) The Department of Juvenile Justice shall have at  
4           least 25 bilingual on-board frontline staff.

5           Section 3-20. Accountability. On or before April 1, 2008  
6           and each year thereafter, each executive branch agency, board,  
7           and commission shall prepare and submit a report to the General  
8           Assembly on the staffing level of bilingual employees. The  
9           report shall provide data from the previous month, including  
10          but not limited to each employees name, job title, job  
11          description, and languages spoken.

12                                   ARTICLE 5. AMENDATORY PROVISIONS

13          Section 5-1. The State Employees Group Insurance Act of  
14          1971 is amended by changing Section 10 as follows:

15           (5 ILCS 375/10) (from Ch. 127, par. 530)

16          Sec. 10. Payments by State; premiums.

17          (a) The State shall pay the cost of basic non-contributory  
18          group life insurance and, subject to member paid contributions  
19          set by the Department or required by this Section, the basic  
20          program of group health benefits on each eligible member,  
21          except a member, not otherwise covered by this Act, who has  
22          retired as a participating member under Article 2 of the

1 Illinois Pension Code but is ineligible for the retirement  
2 annuity under Section 2-119 of the Illinois Pension Code, and  
3 part of each eligible member's and retired member's premiums  
4 for health insurance coverage for enrolled dependents as  
5 provided by Section 9. The State shall pay the cost of the  
6 basic program of group health benefits only after benefits are  
7 reduced by the amount of benefits covered by Medicare for all  
8 members and dependents who are eligible for benefits under  
9 Social Security or the Railroad Retirement system or who had  
10 sufficient Medicare-covered government employment, except that  
11 such reduction in benefits shall apply only to those members  
12 and dependents who (1) first become eligible for such Medicare  
13 coverage on or after July 1, 1992; or (2) are Medicare-eligible  
14 members or dependents of a local government unit which began  
15 participation in the program on or after July 1, 1992; or (3)  
16 remain eligible for, but no longer receive Medicare coverage  
17 which they had been receiving on or after July 1, 1992. The  
18 Department may determine the aggregate level of the State's  
19 contribution on the basis of actual cost of medical services  
20 adjusted for age, sex or geographic or other demographic  
21 characteristics which affect the costs of such programs.

22 The cost of participation in the basic program of group  
23 health benefits for the dependent or survivor of a living or  
24 deceased retired employee who was formerly employed by the  
25 University of Illinois in the Cooperative Extension Service and  
26 would be an annuitant but for the fact that he or she was made

1 ineligible to participate in the State Universities Retirement  
2 System by clause (4) of subsection (a) of Section 15-107 of the  
3 Illinois Pension Code shall not be greater than the cost of  
4 participation that would otherwise apply to that dependent or  
5 survivor if he or she were the dependent or survivor of an  
6 annuitant under the State Universities Retirement System.

7 (a-1) Beginning January 1, 1998, for each person who  
8 becomes a new SERS annuitant and participates in the basic  
9 program of group health benefits, the State shall contribute  
10 toward the cost of the annuitant's coverage under the basic  
11 program of group health benefits an amount equal to 5% of that  
12 cost for each full year of creditable service upon which the  
13 annuitant's retirement annuity is based, up to a maximum of  
14 100% for an annuitant with 20 or more years of creditable  
15 service. The remainder of the cost of a new SERS annuitant's  
16 coverage under the basic program of group health benefits shall  
17 be the responsibility of the annuitant. In the case of a new  
18 SERS annuitant who has elected to receive an alternative  
19 retirement cancellation payment under Section 14-108.5 of the  
20 Illinois Pension Code in lieu of an annuity, for the purposes  
21 of this subsection the annuitant shall be deemed to be  
22 receiving a retirement annuity based on the number of years of  
23 creditable service that the annuitant had established at the  
24 time of his or her termination of service under SERS.

25 (a-2) Beginning January 1, 1998, for each person who  
26 becomes a new SERS survivor and participates in the basic

1 program of group health benefits, the State shall contribute  
2 toward the cost of the survivor's coverage under the basic  
3 program of group health benefits an amount equal to 5% of that  
4 cost for each full year of the deceased employee's or deceased  
5 annuitant's creditable service in the State Employees'  
6 Retirement System of Illinois on the date of death, up to a  
7 maximum of 100% for a survivor of an employee or annuitant with  
8 20 or more years of creditable service. The remainder of the  
9 cost of the new SERS survivor's coverage under the basic  
10 program of group health benefits shall be the responsibility of  
11 the survivor. In the case of a new SERS survivor who was the  
12 dependent of an annuitant who elected to receive an alternative  
13 retirement cancellation payment under Section 14-108.5 of the  
14 Illinois Pension Code in lieu of an annuity, for the purposes  
15 of this subsection the deceased annuitant's creditable service  
16 shall be determined as of the date of termination of service  
17 rather than the date of death.

18 (a-3) Beginning January 1, 1998, for each person who  
19 becomes a new SERS annuitant and participates in the basic  
20 program of group health benefits, the State shall contribute  
21 toward the cost of the annuitant's coverage under the basic  
22 program of group health benefits an amount equal to 5% of that  
23 cost for each full year of creditable service upon which the  
24 annuitant's retirement annuity is based, up to a maximum of  
25 100% for an annuitant with 20 or more years of creditable  
26 service. The remainder of the cost of a new SERS annuitant's

1 coverage under the basic program of group health benefits shall  
2 be the responsibility of the annuitant.

3 (a-4) (Blank).

4 (a-5) Beginning January 1, 1998, for each person who  
5 becomes a new SURS survivor and participates in the basic  
6 program of group health benefits, the State shall contribute  
7 toward the cost of the survivor's coverage under the basic  
8 program of group health benefits an amount equal to 5% of that  
9 cost for each full year of the deceased employee's or deceased  
10 annuitant's creditable service in the State Universities  
11 Retirement System on the date of death, up to a maximum of 100%  
12 for a survivor of an employee or annuitant with 20 or more  
13 years of creditable service. The remainder of the cost of the  
14 new SURS survivor's coverage under the basic program of group  
15 health benefits shall be the responsibility of the survivor.

16 (a-6) Beginning July 1, 1998, for each person who becomes a  
17 new TRS State annuitant and participates in the basic program  
18 of group health benefits, the State shall contribute toward the  
19 cost of the annuitant's coverage under the basic program of  
20 group health benefits an amount equal to 5% of that cost for  
21 each full year of creditable service as a teacher as defined in  
22 paragraph (2), (3), or (5) of Section 16-106 of the Illinois  
23 Pension Code upon which the annuitant's retirement annuity is  
24 based, up to a maximum of 100%; except that the State  
25 contribution shall be 12.5% per year (rather than 5%) for each  
26 full year of creditable service as a regional superintendent or



1 assistant regional superintendent of schools. The remainder of  
2 the cost of a new TRS State annuitant's coverage under the  
3 basic program of group health benefits shall be the  
4 responsibility of the annuitant.

5 (a-7) Beginning July 1, 1998, for each person who becomes a  
6 new TRS State survivor and participates in the basic program of  
7 group health benefits, the State shall contribute toward the  
8 cost of the survivor's coverage under the basic program of  
9 group health benefits an amount equal to 5% of that cost for  
10 each full year of the deceased employee's or deceased  
11 annuitant's creditable service as a teacher as defined in  
12 paragraph (2), (3), or (5) of Section 16-106 of the Illinois  
13 Pension Code on the date of death, up to a maximum of 100%;  
14 except that the State contribution shall be 12.5% per year  
15 (rather than 5%) for each full year of the deceased employee's  
16 or deceased annuitant's creditable service as a regional  
17 superintendent or assistant regional superintendent of  
18 schools. The remainder of the cost of the new TRS State  
19 survivor's coverage under the basic program of group health  
20 benefits shall be the responsibility of the survivor.

21 (a-8) A new SERS annuitant, new SERS survivor, new SERS  
22 annuitant, new SERS survivor, new TRS State annuitant, or new  
23 TRS State survivor may waive or terminate coverage in the  
24 program of group health benefits. Any such annuitant or  
25 survivor who has waived or terminated coverage may enroll or  
26 re-enroll in the program of group health benefits only during

1 the annual benefit choice period, as determined by the  
2 Director; except that in the event of termination of coverage  
3 due to nonpayment of premiums, the annuitant or survivor may  
4 not re-enroll in the program.

5 (a-9) No later than May 1 of each calendar year, the  
6 Director of Central Management Services shall certify in  
7 writing to the Executive Secretary of the State Employees'  
8 Retirement System of Illinois the amounts of the Medicare  
9 supplement health care premiums and the amounts of the health  
10 care premiums for all other retirees who are not Medicare  
11 eligible.

12 A separate calculation of the premiums based upon the  
13 actual cost of each health care plan shall be so certified.

14 The Director of Central Management Services shall provide  
15 to the Executive Secretary of the State Employees' Retirement  
16 System of Illinois such information, statistics, and other data  
17 as he or she may require to review the premium amounts  
18 certified by the Director of Central Management Services.

19 The Department of Healthcare and Family Services, or any  
20 successor agency designated to procure healthcare contracts  
21 pursuant to this Act, is authorized to establish funds,  
22 separate accounts provided by any bank or banks as defined by  
23 the Illinois Banking Act, or separate accounts provided by any  
24 savings and loan association or associations as defined by the  
25 Illinois Savings and Loan Act of 1985 to be held by the  
26 Director, outside the State treasury, for the purpose of

1 receiving the transfer of moneys from the Local Government  
2 Health Insurance Reserve Fund. The Department may promulgate  
3 rules further defining the methodology for the transfers. Any  
4 interest earned by moneys in the funds or accounts shall inure  
5 to the Local Government Health Insurance Reserve Fund. The  
6 transferred moneys, and interest accrued thereon, shall be used  
7 exclusively for transfers to administrative service  
8 organizations or their financial institutions for payments of  
9 claims to claimants and providers under the self-insurance  
10 health plan. The transferred moneys, and interest accrued  
11 thereon, shall not be used for any other purpose including, but  
12 not limited to, reimbursement of administration fees due the  
13 administrative service organization pursuant to its contract  
14 or contracts with the Department.

15 (b) State employees who become eligible for this program on  
16 or after January 1, 1980 in positions normally requiring actual  
17 performance of duty not less than 1/2 of a normal work period  
18 but not equal to that of a normal work period, shall be given  
19 the option of participating in the available program. If the  
20 employee elects coverage, the State shall contribute on behalf  
21 of such employee to the cost of the employee's benefit and any  
22 applicable dependent supplement, that sum which bears the same  
23 percentage as that percentage of time the employee regularly  
24 works when compared to normal work period.

25 (c) The basic non-contributory coverage from the basic  
26 program of group health benefits shall be continued for each

1 employee not in pay status or on active service by reason of  
2 (1) leave of absence due to illness or injury, (2) authorized  
3 educational leave of absence or sabbatical leave, or (3)  
4 military leave with pay and benefits. This coverage shall  
5 continue until expiration of authorized leave and return to  
6 active service, but not to exceed 24 months for leaves under  
7 item (1) or (2). This 24-month limitation and the requirement  
8 of returning to active service shall not apply to persons  
9 receiving ordinary or accidental disability benefits or  
10 retirement benefits through the appropriate State retirement  
11 system or benefits under the Workers' Compensation or  
12 Occupational Disease Act.

13 (d) The basic group life insurance coverage shall continue,  
14 with full State contribution, where such person is (1) absent  
15 from active service by reason of disability arising from any  
16 cause other than self-inflicted, (2) on authorized educational  
17 leave of absence or sabbatical leave, or (3) on military leave  
18 with pay and benefits.

19 (e) Where the person is in non-pay status for a period in  
20 excess of 30 days or on leave of absence, other than by reason  
21 of disability, educational or sabbatical leave, or military  
22 leave with pay and benefits, such person may continue coverage  
23 only by making personal payment equal to the amount normally  
24 contributed by the State on such person's behalf. Such payments  
25 and coverage may be continued: (1) until such time as the  
26 person returns to a status eligible for coverage at State

1 expense, but not to exceed 24 months, (2) until such person's  
2 employment or annuitant status with the State is terminated, or  
3 (3) for a maximum period of 4 years for members on military  
4 leave with pay and benefits and military leave without pay and  
5 benefits (exclusive of any additional service imposed pursuant  
6 to law).

7 (f) The Department shall establish by rule the extent to  
8 which other employee benefits will continue for persons in  
9 non-pay status or who are not in active service.

10 (g) The State shall not pay the cost of the basic  
11 non-contributory group life insurance, program of health  
12 benefits and other employee benefits for members who are  
13 survivors as defined by paragraphs (1) and (2) of subsection  
14 (q) of Section 3 of this Act. The costs of benefits for these  
15 survivors shall be paid by the survivors or by the University  
16 of Illinois Cooperative Extension Service, or any combination  
17 thereof. However, the State shall pay the amount of the  
18 reduction in the cost of participation, if any, resulting from  
19 the amendment to subsection (a) made by this amendatory Act of  
20 the 91st General Assembly.

21 (h) Those persons occupying positions with any department  
22 as a result of emergency appointments pursuant to Section 8b.8  
23 of the Personnel Code who are not considered employees under  
24 this Act shall be given the option of participating in the  
25 programs of group life insurance, health benefits and other  
26 employee benefits. Such persons electing coverage may

1 participate only by making payment equal to the amount normally  
2 contributed by the State for similarly situated employees. Such  
3 amounts shall be determined by the Director. Such payments and  
4 coverage may be continued until such time as the person becomes  
5 an employee pursuant to this Act or such person's appointment  
6 is terminated.

7 (i) Any unit of local government within the State of  
8 Illinois may apply to the Director to have its employees,  
9 annuitants, and their dependents provided group health  
10 coverage under this Act on a non-insured basis. To participate,  
11 a unit of local government must agree to enroll all of its  
12 employees, who may select coverage under either the State group  
13 health benefits plan or a health maintenance organization that  
14 has contracted with the State to be available as a health care  
15 provider for employees as defined in this Act. A unit of local  
16 government must remit the entire cost of providing coverage  
17 under the State group health benefits plan or, for coverage  
18 under a health maintenance organization, an amount determined  
19 by the Director based on an analysis of the sex, age,  
20 geographic location, or other relevant demographic variables  
21 for its employees, except that the unit of local government  
22 shall not be required to enroll those of its employees who are  
23 covered spouses or dependents under this plan or another group  
24 policy or plan providing health benefits as long as (1) an  
25 appropriate official from the unit of local government attests  
26 that each employee not enrolled is a covered spouse or

1 dependent under this plan or another group policy or plan, and  
2 (2) at least 85% of the employees are enrolled and the unit of  
3 local government remits the entire cost of providing coverage  
4 to those employees, except that a participating school district  
5 must have enrolled at least 85% of its full-time employees who  
6 have not waived coverage under the district's group health plan  
7 by participating in a component of the district's cafeteria  
8 plan. A participating school district is not required to enroll  
9 a full-time employee who has waived coverage under the  
10 district's health plan, provided that an appropriate official  
11 from the participating school district attests that the  
12 full-time employee has waived coverage by participating in a  
13 component of the district's cafeteria plan. For the purposes of  
14 this subsection, "participating school district" includes a  
15 unit of local government whose primary purpose is education as  
16 defined by the Department's rules.

17 Employees of a participating unit of local government who  
18 are not enrolled due to coverage under another group health  
19 policy or plan may enroll in the event of a qualifying change  
20 in status, special enrollment, special circumstance as defined  
21 by the Director, or during the annual Benefit Choice Period. A  
22 participating unit of local government may also elect to cover  
23 its annuitants. Dependent coverage shall be offered on an  
24 optional basis, with the costs paid by the unit of local  
25 government, its employees, or some combination of the two as  
26 determined by the unit of local government. The unit of local

1 government shall be responsible for timely collection and  
2 transmission of dependent premiums.

3 The Director shall annually determine monthly rates of  
4 payment, subject to the following constraints:

5 (1) In the first year of coverage, the rates shall be  
6 equal to the amount normally charged to State employees for  
7 elected optional coverages or for enrolled dependents  
8 coverages or other contributory coverages, or contributed  
9 by the State for basic insurance coverages on behalf of its  
10 employees, adjusted for differences between State  
11 employees and employees of the local government in age,  
12 sex, geographic location or other relevant demographic  
13 variables, plus an amount sufficient to pay for the  
14 additional administrative costs of providing coverage to  
15 employees of the unit of local government and their  
16 dependents.

17 (2) In subsequent years, a further adjustment shall be  
18 made to reflect the actual prior years' claims experience  
19 of the employees of the unit of local government.

20 In the case of coverage of local government employees under  
21 a health maintenance organization, the Director shall annually  
22 determine for each participating unit of local government the  
23 maximum monthly amount the unit may contribute toward that  
24 coverage, based on an analysis of (i) the age, sex, geographic  
25 location, and other relevant demographic variables of the  
26 unit's employees and (ii) the cost to cover those employees



1 under the State group health benefits plan. The Director may  
2 similarly determine the maximum monthly amount each unit of  
3 local government may contribute toward coverage of its  
4 employees' dependents under a health maintenance organization.

5 Monthly payments by the unit of local government or its  
6 employees for group health benefits plan or health maintenance  
7 organization coverage shall be deposited in the Local  
8 Government Health Insurance Reserve Fund.

9 The Local Government Health Insurance Reserve Fund is  
10 hereby created as a nonappropriated trust fund to be held  
11 outside the State Treasury, with the State Treasurer as  
12 custodian. The Local Government Health Insurance Reserve Fund  
13 shall be a continuing fund not subject to fiscal year  
14 limitations. All revenues arising from the administration of  
15 the health benefits program established under this Section  
16 shall be deposited into the Local Government Health Insurance  
17 Reserve Fund. Any interest earned on moneys in the Local  
18 Government Health Insurance Reserve Fund shall be deposited  
19 into the Fund. All expenditures from this Fund shall be used  
20 for payments for health care benefits for local government and  
21 rehabilitation facility employees, annuitants, and dependents,  
22 and to reimburse the Department or its administrative service  
23 organization for all expenses incurred in the administration of  
24 benefits. No other State funds may be used for these purposes.

25 A local government employer's participation or desire to  
26 participate in a program created under this subsection shall

1 not limit that employer's duty to bargain with the  
2 representative of any collective bargaining unit of its  
3 employees.

4 (j) Any rehabilitation facility within the State of  
5 Illinois may apply to the Director to have its employees,  
6 annuitants, and their eligible dependents provided group  
7 health coverage under this Act on a non-insured basis. To  
8 participate, a rehabilitation facility must agree to enroll all  
9 of its employees and remit the entire cost of providing such  
10 coverage for its employees, except that the rehabilitation  
11 facility shall not be required to enroll those of its employees  
12 who are covered spouses or dependents under this plan or  
13 another group policy or plan providing health benefits as long  
14 as (1) an appropriate official from the rehabilitation facility  
15 attests that each employee not enrolled is a covered spouse or  
16 dependent under this plan or another group policy or plan, and  
17 (2) at least 85% of the employees are enrolled and the  
18 rehabilitation facility remits the entire cost of providing  
19 coverage to those employees. Employees of a participating  
20 rehabilitation facility who are not enrolled due to coverage  
21 under another group health policy or plan may enroll in the  
22 event of a qualifying change in status, special enrollment,  
23 special circumstance as defined by the Director, or during the  
24 annual Benefit Choice Period. A participating rehabilitation  
25 facility may also elect to cover its annuitants. Dependent  
26 coverage shall be offered on an optional basis, with the costs

1 paid by the rehabilitation facility, its employees, or some  
2 combination of the 2 as determined by the rehabilitation  
3 facility. The rehabilitation facility shall be responsible for  
4 timely collection and transmission of dependent premiums.

5 The Director shall annually determine quarterly rates of  
6 payment, subject to the following constraints:

7 (1) In the first year of coverage, the rates shall be  
8 equal to the amount normally charged to State employees for  
9 elected optional coverages or for enrolled dependents  
10 coverages or other contributory coverages on behalf of its  
11 employees, adjusted for differences between State  
12 employees and employees of the rehabilitation facility in  
13 age, sex, geographic location or other relevant  
14 demographic variables, plus an amount sufficient to pay for  
15 the additional administrative costs of providing coverage  
16 to employees of the rehabilitation facility and their  
17 dependents.

18 (2) In subsequent years, a further adjustment shall be  
19 made to reflect the actual prior years' claims experience  
20 of the employees of the rehabilitation facility.

21 Monthly payments by the rehabilitation facility or its  
22 employees for group health benefits shall be deposited in the  
23 Local Government Health Insurance Reserve Fund.

24 (k) Any domestic violence shelter or service within the  
25 State of Illinois may apply to the Director to have its  
26 employees, annuitants, and their dependents provided group

1 health coverage under this Act on a non-insured basis. To  
2 participate, a domestic violence shelter or service must agree  
3 to enroll all of its employees and pay the entire cost of  
4 providing such coverage for its employees. A participating  
5 domestic violence shelter may also elect to cover its  
6 annuitants. Dependent coverage shall be offered on an optional  
7 basis, with employees, or some combination of the 2 as  
8 determined by the domestic violence shelter or service. The  
9 domestic violence shelter or service shall be responsible for  
10 timely collection and transmission of dependent premiums.

11 The Director shall annually determine rates of payment,  
12 subject to the following constraints:

13 (1) In the first year of coverage, the rates shall be  
14 equal to the amount normally charged to State employees for  
15 elected optional coverages or for enrolled dependents  
16 coverages or other contributory coverages on behalf of its  
17 employees, adjusted for differences between State  
18 employees and employees of the domestic violence shelter or  
19 service in age, sex, geographic location or other relevant  
20 demographic variables, plus an amount sufficient to pay for  
21 the additional administrative costs of providing coverage  
22 to employees of the domestic violence shelter or service  
23 and their dependents.

24 (2) In subsequent years, a further adjustment shall be  
25 made to reflect the actual prior years' claims experience  
26 of the employees of the domestic violence shelter or

1 service.

2 Monthly payments by the domestic violence shelter or  
3 service or its employees for group health insurance shall be  
4 deposited in the Local Government Health Insurance Reserve  
5 Fund.

6 (l) A public community college or entity organized pursuant  
7 to the Public Community College Act may apply to the Director  
8 initially to have only annuitants not covered prior to July 1,  
9 1992 by the district's health plan provided health coverage  
10 under this Act on a non-insured basis. The community college  
11 must execute a 2-year contract to participate in the Local  
12 Government Health Plan. Any annuitant may enroll in the event  
13 of a qualifying change in status, special enrollment, special  
14 circumstance as defined by the Director, or during the annual  
15 Benefit Choice Period.

16 The Director shall annually determine monthly rates of  
17 payment subject to the following constraints: for those  
18 community colleges with annuitants only enrolled, first year  
19 rates shall be equal to the average cost to cover claims for a  
20 State member adjusted for demographics, Medicare  
21 participation, and other factors; and in the second year, a  
22 further adjustment of rates shall be made to reflect the actual  
23 first year's claims experience of the covered annuitants.

24 (l-5) The provisions of subsection (l) become inoperative  
25 on July 1, 1999.

26 (m) The Director shall adopt any rules deemed necessary for

1 implementation of this amendatory Act of 1989 (Public Act  
2 86-978).

3 (n) Any child advocacy center within the State of Illinois  
4 may apply to the Director to have its employees, annuitants,  
5 and their dependents provided group health coverage under this  
6 Act on a non-insured basis. To participate, a child advocacy  
7 center must agree to enroll all of its employees and pay the  
8 entire cost of providing coverage for its employees. A  
9 participating child advocacy center may also elect to cover its  
10 annuitants. Dependent coverage shall be offered on an optional  
11 basis, with the costs paid by the child advocacy center, its  
12 employees, or some combination of the 2 as determined by the  
13 child advocacy center. The child advocacy center shall be  
14 responsible for timely collection and transmission of  
15 dependent premiums.

16 The Director shall annually determine rates of payment,  
17 subject to the following constraints:

18 (1) In the first year of coverage, the rates shall be  
19 equal to the amount normally charged to State employees for  
20 elected optional coverages or for enrolled dependents  
21 coverages or other contributory coverages on behalf of its  
22 employees, adjusted for differences between State  
23 employees and employees of the child advocacy center in  
24 age, sex, geographic location, or other relevant  
25 demographic variables, plus an amount sufficient to pay for  
26 the additional administrative costs of providing coverage

1 to employees of the child advocacy center and their  
2 dependents.

3 (2) In subsequent years, a further adjustment shall be  
4 made to reflect the actual prior years' claims experience  
5 of the employees of the child advocacy center.

6 Monthly payments by the child advocacy center or its  
7 employees for group health insurance shall be deposited into  
8 the Local Government Health Insurance Reserve Fund.

9 (Source: P.A. 94-839, eff. 6-6-06; 94-860, eff. 6-16-06;  
10 95-331, eff. 8-21-07; 95-632, eff. 9-25-07.)

11 Section 5-3. The Secretary of State Act is amended by  
12 changing Section 5 as follows:

13 (15 ILCS 305/5) (from Ch. 124, par. 5)

14 Sec. 5. It shall be the duty of the Secretary of State:

15 1. To countersign and affix the seal of state to all  
16 commissions required by law to be issued by the Governor.

17 2. To make a register of all appointments by the Governor,  
18 specifying the person appointed, the office conferred, the date  
19 of the appointment, the date when bond or oath is taken and the  
20 date filed. If Senate confirmation is required, the date of the  
21 confirmation shall be included in the register.

22 3. To make proper indexes to public acts, resolutions,  
23 papers and documents in his office.

24 3-a. To review all rules of all State agencies adopted in

1 compliance with the codification system prescribed by the  
2 Secretary. The review shall be for the purposes and include all  
3 the powers and duties provided in the Illinois Administrative  
4 Procedure Act. The Secretary of State shall cooperate with the  
5 Legislative Information System to insure the accuracy of the  
6 text of the rules maintained under the Legislative Information  
7 System Act.

8 4. To give any person requiring the same paying the lawful  
9 fees therefor, a copy of any law, act, resolution, record or  
10 paper in his office, and attach thereto his certificate, under  
11 the seal of the state.

12 5. To take charge of and preserve from waste, and keep in  
13 repair, the houses, lots, grounds and appurtenances, situated  
14 in the City of Springfield, and belonging to or occupied by the  
15 State, the care of which is not otherwise provided for by law,  
16 and to take charge of and preserve from waste, and keep in  
17 repair, the houses, lots, grounds and appurtenances, situated  
18 in the State outside the City of Springfield where such houses,  
19 lots, grounds and appurtenances are occupied by the Secretary  
20 of State and no other State officer or agency.

21 6. To supervise the distribution of the laws.

22 7. To perform such other duties as may be required by law.  
23 The Secretary of State may, within appropriations authorized by  
24 the General Assembly, maintain offices in the State Capital and  
25 in such other places in the State as he may deem necessary to  
26 properly carry out the powers and duties vested in him by law.



1       8. In addition to all other authority granted to the  
2 Secretary by law, the Secretary is authorized, subject to  
3 appropriation, to make grants to, among others without  
4 limitation, units of local government, school districts,  
5 educational institutions, private agencies, not-for-profit  
6 organizations, and for-profit entities for the health, safety,  
7 and welfare of Illinois residents for purposes related to  
8 education, transportation, construction, capital improvements,  
9 social services, and any other lawful public purpose. Upon  
10 request of the Secretary, all State agencies are mandated to  
11 provide the Secretary with assistance in administering the  
12 grants.

13       (Source: P.A. 91-357, eff. 7-29-99.)

14       Section 5-5. The Mental Health and Developmental  
15 Disabilities Administrative Act is amended by changing  
16 Sections 18.4, 18.5, and 57.5 as follows:

17       (20 ILCS 1705/18.4)

18       Sec. 18.4. Community Mental Health Medicaid Trust Fund;  
19 reimbursement.

20       (a) The Community Mental Health Medicaid Trust Fund is  
21 hereby created in the State Treasury.

22       (b) ~~Amounts Except as otherwise provided in this Section,~~  
23 ~~following repayment of interfund transfers under subsection~~  
24 ~~(b-1),~~ amounts paid to the State during each State fiscal year

1 by the federal government under Title XIX or Title XXI of the  
2 Social Security Act for services delivered by community mental  
3 health providers, and any interest earned thereon, shall be  
4 deposited as follows:

5 (1) The first \$75,000,000 shall be deposited directly  
6 into the Community Mental Health Medicaid Trust Fund to be  
7 used for the purchase of community mental health services;

8 (2) The next \$4,500,000 shall be deposited directly  
9 into the Community Mental Health Medicaid Trust Fund to be  
10 used by the Department of Human Services' Division of  
11 Mental Health for the oversight and administration of  
12 community mental health services and up to \$1,000,000 of  
13 this amount may be used for support of community mental  
14 health service initiatives; ~~and~~

15 (3) The next \$3,500,000 shall be deposited directly  
16 into the General Revenue Fund;

17 (4) Any additional amounts shall be deposited ~~50%~~ into  
18 the Community Mental Health Medicaid Trust Fund to be used  
19 for the purchase of community mental health services ~~and~~  
20 ~~50% into the General Revenue Fund.~~

21 ~~(b-1) For State fiscal year 2005, the first \$73,000,000 in~~  
22 ~~any funds paid to the State by the federal government under~~  
23 ~~Title XIX or Title XXI of the Social Security Act for services~~  
24 ~~delivered by community mental health services providers, and~~  
25 ~~any interest earned thereon, shall be deposited directly into~~  
26 ~~the Community Mental Health Medicaid Trust Fund before any~~

1 ~~deposits are made into the General Revenue Fund. The next~~  
2 ~~\$25,000,000, less any deposits made prior to the effective date~~  
3 ~~of this amendatory Act of the 94th General Assembly, shall be~~  
4 ~~deposited into the General Revenue Fund. Amounts received in~~  
5 ~~excess of \$98,000,000 shall be deposited 50% into the General~~  
6 ~~Revenue Fund and 50% into the Community Mental Health Medicaid~~  
7 ~~Trust Fund. At the direction of the Director of Healthcare and~~  
8 ~~Family Services, on April 1, 2005, or as soon thereafter as~~  
9 ~~practical, the Comptroller shall direct and the State Treasurer~~  
10 ~~shall transfer amounts not to exceed \$14,000,000 into the~~  
11 ~~Community Mental Health Medicaid Trust Fund from the Public Aid~~  
12 ~~Recoveries Trust Fund.~~

13 ~~(b-2) For State fiscal year 2006, and in subsequent fiscal~~  
14 ~~years until any transfers under subsection (b-1) are repaid,~~  
15 ~~the first \$73,000,000 in any funds paid to the State by the~~  
16 ~~federal government under Title XIX or Title XXI of the Social~~  
17 ~~Security Act for services delivered by community mental health~~  
18 ~~providers, and any interest earned thereon, shall be deposited~~  
19 ~~directly into the Community Mental Health Medicaid Trust Fund.~~  
20 ~~Then the next \$14,000,000, or such amount as was transferred~~  
21 ~~under subsection (b-1) at the direction of the Director of~~  
22 ~~Healthcare and Family Services, shall be deposited into the~~  
23 ~~Public Aid Recoveries Trust Fund. Any additional amounts~~  
24 ~~received shall be deposited in accordance with subsection (b).~~

25 (c) The Department shall reimburse community mental health  
26 providers for services provided to eligible individuals.

1 Moneys in the Community Mental Health Medicaid Trust Fund may  
2 be used for that purpose.

3 (d) As used in this Section:

4 "Community mental health provider" means a community  
5 agency that is funded by the Department to provide a service.

6 "Service" means a mental health service provided pursuant  
7 to the provisions of administrative rules adopted by the  
8 Department and funded by the Department of Human Services'  
9 Division of Mental Health.

10 (Source: P.A. 93-841, eff. 7-30-04; 94-58, eff. 6-17-05;  
11 94-839, eff. 6-6-06.)

12 (20 ILCS 1705/18.5)

13 Sec. 18.5. Community Developmental Disability Services  
14 Medicaid Trust Fund; reimbursement.

15 (a) The Community Developmental Disability Services  
16 Medicaid Trust Fund is hereby created in the State treasury.

17 (b) Except as provided in subsection (b-5), any ~~Any~~ funds  
18 in excess of \$16,700,000 in any fiscal year paid to the State  
19 by the federal government under Title XIX or Title XXI of the  
20 Social Security Act for services delivered by community  
21 developmental disability services providers for services  
22 relating to Developmental Training and Community Integrated  
23 Living Arrangements as a result of the conversion of such  
24 providers from a grant payment methodology to a fee-for-service  
25 payment methodology, or any other funds paid to the State for

1 any subsequent revenue maximization initiatives performed by  
2 such providers, and any interest earned thereon, shall be  
3 deposited directly into the Community Developmental Disability  
4 Services Medicaid Trust Fund. One-third of this amount shall be  
5 used only to pay for Medicaid-reimbursed community  
6 developmental disability services provided to eligible  
7 individuals, and the remainder shall be transferred to the  
8 General Revenue Fund.

9 (b-5) Beginning in State fiscal year 2008, any funds paid  
10 to the State by the federal government under Title XIX or Title  
11 XXI of the Social Security Act for services delivered through  
12 the Children's Residential Waiver and the Children's In-Home  
13 Support Waiver shall be deposited directly into the Community  
14 Developmental Disability Services Medicaid Trust Fund and  
15 shall not be subject to the transfer provisions of subsection  
16 (b).

17 (c) For purposes of this Section:

18 "Medicaid-reimbursed developmental disability services"  
19 means services provided by a community developmental  
20 disability provider under an agreement with the Department that  
21 is eligible for reimbursement under the federal Title XIX  
22 program or Title XXI program.

23 "Provider" means a qualified entity as defined in the  
24 State's Home and Community-Based Services Waiver for Persons  
25 with Developmental Disabilities that is funded by the  
26 Department to provide a Medicaid-reimbursed service.

1 "Revenue maximization alternatives" do not include  
2 increases in funds paid to the State as a result of growth in  
3 spending through service expansion or rate increases.

4 (Source: P.A. 93-841, eff. 7-30-04.)

5 (20 ILCS 1705/57.5)

6 Sec. 57.5. Autism diagnosis education program.

7 (a) Subject to appropriations, the Department shall  
8 contract to establish an autism diagnosis education program for  
9 young children. The Department shall establish the program at 3  
10 different sites in the State. The program shall have the  
11 following goals:

12 (1) Providing, to medical professionals and others  
13 statewide, a systems development initiative that promotes  
14 best practice standards for the diagnosis and treatment  
15 planning for young children who have autism spectrum  
16 disorders, for the purpose of helping existing systems of  
17 care to build solid circles of expertise within their  
18 ranks.

19 (2) Educating medical practitioners, school personnel,  
20 day care providers, parents, and community service  
21 providers (including, but not limited to, early  
22 intervention and developmental disabilities providers)  
23 throughout the State on appropriate diagnosis and  
24 treatment of autism.

25 (3) Supporting systems of care for young children with

1 autism spectrum disorders.

2 (4) Working together with universities and  
3 developmental disabilities providers to identify unmet  
4 needs and resources.

5 (5) Encouraging and supporting research on optional  
6 services for young children with autism spectrum  
7 disorders.

8 In addition to the aforementioned items, on January 1,  
9 2008, The Autism Program shall expand training and direct  
10 services by deploying additional regional centers, outreach  
11 centers, and community planning and network development  
12 initiatives. The expanded Autism Program Service Network shall  
13 consist of a comprehensive program of outreach and center  
14 development utilizing model programs developed by The Autism  
15 Program. This expansion shall span Illinois and support  
16 consensus building, outreach, and service provision for  
17 children with autism spectrums disorders and their families.

18 (b) Before January 1, 2006, the Department shall report to  
19 the Governor and the General Assembly concerning the progress  
20 of the autism diagnosis education program established under  
21 this Section.

22 (Source: P.A. 93-395, eff. 7-29-03.)

23 Section 5-10. The State Finance Act is amended by changing  
24 Sections 6z-34, 6z-35, 6z-65.5, 6z-66, 6z-67, 8.3, 8.27, 8g,  
25 13.2, and 14.1 and by adding Sections 5.675, 5.676, 5.677,

1 6z-69, 6z-70, and 25.5 as follows:

2 (30 ILCS 105/5.675 new)

3 Sec. 5.675. The Human Services Priority Capital Program  
4 Fund.

5 (30 ILCS 105/5.676 new)

6 Sec. 5.676. The Predatory Lending Database Program Fund.

7 (30 ILCS 105/5.677 new)

8 Sec. 5.677. The Secretary of State Identification Security  
9 and Theft Prevention Fund.

10 (30 ILCS 105/6z-34)

11 Sec. 6z-34. Secretary of State Special Services Fund. There  
12 is created in the State Treasury a special fund to be known as  
13 the Secretary of State Special Services Fund. Moneys deposited  
14 into the Fund may, subject to appropriation, be used by the  
15 Secretary of State for any or all of the following purposes:

16 (1) For general automation efforts within operations  
17 of the Office of Secretary of State.

18 (2) For technology applications in any form that will  
19 enhance the operational capabilities of the Office of  
20 Secretary of State.

21 (3) To provide funds for any type of library grants  
22 authorized and administered by the Secretary of State as



1 State Librarian.

2 (4) To provide assistance to units of local government  
3 for local public infrastructure improvements and  
4 equipment. As used in this subdivision (4), "local public  
5 infrastructure improvements" has the meaning ascribed to  
6 that term in Section 605-405 of the Department of Commerce  
7 and Economic Opportunity Law in the Civil Administrative  
8 Code of Illinois.

9 (5) To provide assistance to units of local government  
10 and to private or public not-for-profit organizations for  
11 human and social services.

12 These funds are in addition to any other funds otherwise  
13 authorized to the Office of Secretary of State for like or  
14 similar purposes.

15 On August 15, 1997, all fiscal year 1997 receipts that  
16 exceed the amount of \$15,000,000 shall be transferred from this  
17 Fund to the Statistical Services Revolving Fund; on August 15,  
18 1998 and each year thereafter through 2000, all receipts from  
19 the fiscal year ending on the previous June 30th that exceed  
20 the amount of \$17,000,000 shall be transferred from this Fund  
21 to the Statistical Services Revolving Fund; on August 15, 2001  
22 and each year thereafter through 2002, all receipts from the  
23 fiscal year ending on the previous June 30th that exceed the  
24 amount of \$19,000,000 shall be transferred from this Fund to  
25 the Statistical Services Revolving Fund; and on August 15, 2003  
26 and each year thereafter through August 15, 2007, all receipts

1 from the fiscal year ending on the previous June 30th that  
2 exceed the amount of \$33,000,000 shall be transferred from this  
3 Fund to the Statistical Services Revolving Fund.

4 (Source: P.A. 92-32, eff. 7-1-01; 93-32, eff. 7-1-03.)

5 (30 ILCS 105/6z-35)

6 Sec. 6z-35. There is hereby created in the State Treasury a  
7 special fund to be known as the Live and Learn Fund. The  
8 Comptroller and the Treasurer shall transfer \$1,742,000 and  
9 such other amounts as required by law from the General Revenue  
10 Fund into the Live and Learn Fund each month. The first  
11 transfer shall be made 60 days after the effective date of this  
12 amendatory Act of 1993, with subsequent transfers occurring on  
13 the first of each month. Moneys deposited into the Fund may,  
14 subject to appropriation, be used by the Secretary of State for  
15 any or all of the following purposes:

16 (a) An organ donation awareness or education program.

17 (b) To provide additional funds for all types of  
18 library grants as authorized and administered by the  
19 Secretary of State as State Librarian.

20 (c) To provide assistance to, among others without  
21 limitation, units of local government, school districts,  
22 educational institutions, and private or public  
23 not-for-profit organizations for educational programs,  
24 including, but not limited to, after school, weekend,  
25 special education, early childhood, youth, adult learning,

1       job readiness, employment, vocational, bilingual, teen  
2       reach, and student leadership programs.

3       (Source: P.A. 88-78.)

4       (30 ILCS 105/6z-65.5)

5       Sec. 6z-65.5. SBE Federal Department of Education Fund. The  
6       SBE Federal Department of Education Fund is created as a  
7       federal trust fund in the State treasury. This fund is  
8       established to receive funds from the federal Department of  
9       Education, including non-indirect cost administrative funds  
10      recovered from federal programs, for the specific purposes  
11      established by the terms and conditions of federal awards.  
12      Moneys in the SBE Federal Department of Education Fund shall be  
13      used, subject to appropriation by the General Assembly, for  
14      grants and contracts to local education agencies, colleges and  
15      universities, and other State agencies and for administrative  
16      expenses of the State Board of Education. However,  
17      non-appropriated spending is allowed for the refund of  
18      unexpended grant moneys to the federal government. The SBE  
19      Federal Department of Education Fund shall serve as the  
20      successor fund to the National Center for Education Statistics  
21      Fund, and any balance remaining in the National Center for  
22      Education Statistics Fund on the effective date of this  
23      amendatory Act of the 94th General Assembly must be transferred  
24      to the SBE Federal Department of Education Fund by the State  
25      Treasurer. Any future deposits that would otherwise be made

1 into the National Center for Education Statistics Fund must  
2 instead be made into the SBE Federal Department of Education  
3 Fund.

4 On or after July 1, 2007, the State Board of Education  
5 shall notify the State Comptroller of the amount of indirect  
6 federal funds in the SBE Federal Department of Education Fund  
7 to be transferred to the State Board of Education Special  
8 Purpose Trust Fund. The State Comptroller shall direct and the  
9 State Treasurer shall transfer this amount to the State Board  
10 of Education Special Purpose Trust Fund as soon as practical  
11 thereafter.

12 (Source: P.A. 93-838, eff. 7-30-04; 94-69, eff. 7-1-05.)

13 (30 ILCS 105/6z-66)

14 Sec. 6z-66. SBE Federal Agency Services Fund. The SBE  
15 Federal Agency Services Fund is created as a federal trust fund  
16 in the State treasury. This fund is established to receive  
17 funds from all federal departments and agencies except the  
18 Departments of Education and Agriculture (including among  
19 others the Departments of Health and Human Services, Defense,  
20 and Labor and the Corporation for National and Community  
21 Service), including non-indirect cost administrative funds  
22 recovered from federal programs, for the specific purposes  
23 established by the terms and conditions of federal awards.  
24 Moneys in the SBE Federal Agency Services Fund shall be used,  
25 subject to appropriation by the General Assembly, for grants

1 and contracts to local education agencies, colleges and  
2 universities, and other State agencies and for administrative  
3 expenses of the State Board of Education. However,  
4 non-appropriated spending is allowed for the refund of  
5 unexpended grant moneys to the federal government. The SBE  
6 Federal Agency Services Fund shall serve as the successor fund  
7 to the SBE Department of Health and Human Services Fund, the  
8 SBE Federal Department of Labor Federal Trust Fund, and the SBE  
9 Federal National Community Service Fund; and any balance  
10 remaining in the SBE Department of Health and Human Services  
11 Fund, the SBE Federal Department of Labor Federal Trust Fund,  
12 or the SBE Federal National Community Service Fund on the  
13 effective date of this amendatory Act of the 94th General  
14 Assembly must be transferred to the SBE Federal Agency Services  
15 Fund by the State Treasurer. Any future deposits that would  
16 otherwise be made into the SBE Department of Health and Human  
17 Services Fund, the SBE Federal Department of Labor Federal  
18 Trust Fund, or the SBE Federal National Community Service Fund  
19 must instead be made into the SBE Federal Agency Services Fund.

20 On or after July 1, 2007, the State Board of Education  
21 shall notify the State Comptroller of the amount of indirect  
22 federal funds in the SBE Federal Agency Services Fund to be  
23 transferred to the State Board of Education Special Purpose  
24 Trust Fund. The State Comptroller shall direct and the State  
25 Treasurer shall transfer this amount to the State Board of  
26 Education Special Purpose Trust Fund as soon as practical

1 thereafter.

2 (Source: P.A. 93-838, eff. 7-30-04; 94-69, eff. 7-1-05.)

3 (30 ILCS 105/6z-67)

4 Sec. 6z-67. SBE Federal Department of Agriculture Fund. The  
5 SBE Federal Department of Agriculture Fund is created as a  
6 federal trust fund in the State treasury. This fund is  
7 established to receive funds from the federal Department of  
8 Agriculture, including non-indirect cost administrative funds  
9 recovered from federal programs, for the specific purposes  
10 established by the terms and conditions of federal awards.  
11 Moneys in the SBE Federal Department of Agriculture Fund shall  
12 be used, subject to appropriation by the General Assembly, for  
13 grants and contracts to local education agencies, colleges and  
14 universities, and other State agencies and for administrative  
15 expenses of the State Board of Education. However,  
16 non-appropriated spending is allowed for the refund of  
17 unexpended grant moneys to the federal government.

18 On or after July 1, 2007, the State Board of Education  
19 shall notify the State Comptroller of the amount of indirect  
20 federal funds in the SBE Federal Department of Agriculture Fund  
21 to be transferred to the State Board of Education Special  
22 Purpose Trust Fund. The State Comptroller shall direct and the  
23 State Treasurer shall transfer this amount to the State Board  
24 of Education Special Purpose Trust Fund as soon as practical  
25 thereafter.

1 (Source: P.A. 93-838, eff. 7-30-04; 94-69, eff. 7-1-05; 94-835,  
2 eff. 6-6-06.)

3 (30 ILCS 105/6z-69 new)

4 Sec. 6z-69. Human Services Priority Capital Program Fund.  
5 The Human Services Priority Capital Program Fund is created as  
6 a special fund in the State treasury. Subject to appropriation,  
7 the Department of Human Services shall use moneys in the Human  
8 Services Priority Capital Program Fund to make grants to the  
9 Illinois Facilities Fund, a not-for-profit corporation, to  
10 make long term below market rate loans to nonprofit human  
11 service providers working under contract to the State of  
12 Illinois to assist those providers in meeting their capital  
13 needs. The loans shall be for the purpose of such capital  
14 needs, including but not limited to special use facilities,  
15 requirements for serving the disabled, mentally ill, or  
16 substance abusers, and medical and technology equipment. Loan  
17 repayments shall be deposited into the Human Services Priority  
18 Capital Program Fund. Interest income may be used to cover  
19 expenses of the program. The Illinois Facilities Fund shall  
20 report to the Department of Human Services and the General  
21 Assembly by April 1, 2008 as to the use and earnings of the  
22 program.

23 (30 ILCS 105/6z-70 new)

24 Sec. 6z-70. The Secretary of State Identification Security

1 and Theft Prevention Fund.

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

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

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

19	<u>Lobbyist Registration Administration Fund</u>	<u>.....</u>	<u>\$100,000</u>
20	<u>Registered Limited Liability Partnership Fund</u>	<u>....</u>	<u>\$75,000</u>
21	<u>Securities Investors Education Fund</u>	<u>.....</u>	<u>\$500,000</u>
22	<u>Securities Audit and Enforcement Fund</u>	<u>.....</u>	<u>\$5,725,000</u>
23	<u>Department of Business Services</u>		
24	<u>Special Operations Fund</u>	<u>.....</u>	<u>\$3,000,000</u>
25	<u>Corporate Franchise Tax Refund Fund</u>	<u>.....</u>	<u>\$3,000,000.</u>



1 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

2 Sec. 8.3. Money in the Road Fund shall, if and when the  
3 State of Illinois incurs any bonded indebtedness for the  
4 construction of permanent highways, be set aside and used for  
5 the purpose of paying and discharging annually the principal  
6 and interest on that bonded indebtedness then due and payable,  
7 and for no other purpose. The surplus, if any, in the Road Fund  
8 after the payment of principal and interest on that bonded  
9 indebtedness then annually due shall be used as follows:

10 first -- to pay the cost of administration of Chapters  
11 2 through 10 of the Illinois Vehicle Code, except the cost  
12 of administration of Articles I and II of Chapter 3 of that  
13 Code; and

14 secondly -- for expenses of the Department of  
15 Transportation for construction, reconstruction,  
16 improvement, repair, maintenance, operation, and  
17 administration of highways in accordance with the  
18 provisions of laws relating thereto, or for any purpose  
19 related or incident to and connected therewith, including  
20 the separation of grades of those highways with railroads  
21 and with highways and including the payment of awards made  
22 by the Illinois Workers' Compensation Commission under the  
23 terms of the Workers' Compensation Act or Workers'  
24 Occupational Diseases Act for injury or death of an  
25 employee of the Division of Highways in the Department of  
26 Transportation; or for the acquisition of land and the

1 erection of buildings for highway purposes, including the  
2 acquisition of highway right-of-way or for investigations  
3 to determine the reasonably anticipated future highway  
4 needs; or for making of surveys, plans, specifications and  
5 estimates for and in the construction and maintenance of  
6 flight strips and of highways necessary to provide access  
7 to military and naval reservations, to defense industries  
8 and defense-industry sites, and to the sources of raw  
9 materials and for replacing existing highways and highway  
10 connections shut off from general public use at military  
11 and naval reservations and defense-industry sites, or for  
12 the purchase of right-of-way, except that the State shall  
13 be reimbursed in full for any expense incurred in building  
14 the flight strips; or for the operating and maintaining of  
15 highway garages; or for patrolling and policing the public  
16 highways and conserving the peace; or for the operating  
17 expenses of the Department relating to the administration  
18 of public transportation programs; or for any of those  
19 purposes or any other purpose that may be provided by law.

20 Appropriations for any of those purposes are payable from  
21 the Road Fund. Appropriations may also be made from the Road  
22 Fund for the administrative expenses of any State agency that  
23 are related to motor vehicles or arise from the use of motor  
24 vehicles.

25 Beginning with fiscal year 1980 and thereafter, no Road  
26 Fund monies shall be appropriated to the following Departments

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

5 1. Department of Public Health;

6 2. Department of Transportation, only with respect to  
7 subsidies for one-half fare Student Transportation and  
8 Reduced Fare for Elderly;

9 3. Department of Central Management Services, except  
10 for expenditures incurred for group insurance premiums of  
11 appropriate personnel;

12 4. Judicial Systems and Agencies.

13 Beginning with fiscal year 1981 and thereafter, no Road  
14 Fund monies shall be appropriated to the following Departments  
15 or agencies of State government for administration, grants, or  
16 operations; but this limitation is not a restriction upon  
17 appropriating for those purposes any Road Fund monies that are  
18 eligible for federal reimbursement:

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

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

23 Beginning with fiscal year 1982 and thereafter, no Road  
24 Fund monies shall be appropriated to the following Departments  
25 or agencies of State government for administration, grants, or  
26 operations; but this limitation is not a restriction upon

1 appropriating for those purposes any Road Fund monies that are  
2 eligible for federal reimbursement: Department of Central  
3 Management Services, except for awards made by the Illinois  
4 Workers' Compensation Commission under the terms of the  
5 Workers' Compensation Act or Workers' Occupational Diseases  
6 Act for injury or death of an employee of the Division of  
7 Highways in the Department of Transportation.

8 Beginning with fiscal year 1984 and thereafter, no Road  
9 Fund monies shall be appropriated to the following Departments  
10 or agencies of State government for administration, grants, or  
11 operations; but this limitation is not a restriction upon  
12 appropriating for those purposes any Road Fund monies that are  
13 eligible for federal reimbursement:

- 14 1. Department of State Police, except not more than 40%
- 15 of the funds appropriated for the Division of Operations;
- 16 2. State Officers.

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

1 Money in the Road Fund shall, if and when the State of  
2 Illinois incurs any bonded indebtedness for the construction of  
3 permanent highways, be set aside and used for the purpose of  
4 paying and discharging during each fiscal year the principal  
5 and interest on that bonded indebtedness as it becomes due and  
6 payable as provided in the Transportation Bond Act, and for no  
7 other purpose. The surplus, if any, in the Road Fund after the  
8 payment of principal and interest on that bonded indebtedness  
9 then annually due shall be used as follows:

10 first -- to pay the cost of administration of Chapters  
11 2 through 10 of the Illinois Vehicle Code; and

12 secondly -- no Road Fund monies derived from fees,  
13 excises, or license taxes relating to registration,  
14 operation and use of vehicles on public highways or to  
15 fuels used for the propulsion of those vehicles, shall be  
16 appropriated or expended other than for costs of  
17 administering the laws imposing those fees, excises, and  
18 license taxes, statutory refunds and adjustments allowed  
19 thereunder, administrative costs of the Department of  
20 Transportation, including, but not limited to, the  
21 operating expenses of the Department relating to the  
22 administration of public transportation programs, payment  
23 of debts and liabilities incurred in construction and  
24 reconstruction of public highways and bridges, acquisition  
25 of rights-of-way for and the cost of construction,  
26 reconstruction, maintenance, repair, and operation of

1 public highways and bridges under the direction and  
2 supervision of the State, political subdivision, or  
3 municipality collecting those monies, and the costs for  
4 patrolling and policing the public highways (by State,  
5 political subdivision, or municipality collecting that  
6 money) for enforcement of traffic laws. The separation of  
7 grades of such highways with railroads and costs associated  
8 with protection of at-grade highway and railroad crossing  
9 shall also be permissible.

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

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

25 In fiscal year 1994, no Road Fund monies shall be  
26 appropriated to the Secretary of State for the purposes of this

1 Section in excess of the total fiscal year 1991 Road Fund  
2 appropriations to the Secretary of State for those purposes,  
3 plus \$9,800,000. It shall not be lawful to circumvent this  
4 limitation on appropriations by governmental reorganization or  
5 other method.

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

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

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

1           It shall not be lawful to circumvent this limitation on  
2 appropriations by governmental reorganization or other  
3 methods.

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

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

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

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



1 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-839,  
2 eff. 7-30-04; 94-91, eff. 7-1-05; 94-839, eff. 6-6-06.)

3 (30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

4 Sec. 8.27. All receipts from federal financial  
5 participation in the Foster Care and Adoption Services program  
6 under Title IV-E of the federal Social Security Act, including  
7 receipts for related indirect costs, shall be deposited in the  
8 DCFS Children's Services Fund.

9 Eighty percent of the federal funds received by the  
10 Illinois Department of Human Services under the Title IV-A  
11 Emergency Assistance program as reimbursement for expenditures  
12 made from the Illinois Department of Children and Family  
13 Services appropriations for the costs of services in behalf of  
14 Department of Children and Family Services clients shall be  
15 deposited into the DCFS Children's Services Fund.

16 All receipts from federal financial participation in the  
17 Child Welfare Services program under Title IV-B of the federal  
18 Social Security Act, including receipts for related indirect  
19 costs, shall be deposited into the DCFS Children's Services  
20 Fund for those moneys received as reimbursement for services  
21 provided on or after July 1, 1994.

22 In addition, as soon as may be practicable after the first  
23 day of November, 1994, the Department of Children and Family  
24 Services shall request the Comptroller to order transferred and  
25 the Treasurer shall transfer the unexpended balance of the

1 Child Welfare Services Fund to the DCFS Children's Services  
2 Fund. Upon completion of the transfer, the Child Welfare  
3 Services Fund will be considered dissolved and any outstanding  
4 obligations or liabilities of that fund will pass to the DCFS  
5 Children's Services Fund.

6 For services provided on or after July 1, 2007, all federal  
7 funds received pursuant to the John H. Chafee Foster Care  
8 Independence Program shall be deposited into the DCFS  
9 Children's Services Fund.

10 Monies in the Fund may be used by the Department, pursuant  
11 to appropriation by the General Assembly, for the ordinary and  
12 contingent expenses of the Department.

13 In fiscal year 1988 and in each fiscal year thereafter  
14 through fiscal year 2000, the Comptroller shall order  
15 transferred and the Treasurer shall transfer an amount of  
16 \$16,100,000 from the DCFS Children's Services Fund to the  
17 General Revenue Fund in the following manner: As soon as may be  
18 practicable after the 15th day of September, December, March  
19 and June, the Comptroller shall order transferred and the  
20 Treasurer shall transfer, to the extent that funds are  
21 available, 1/4 of \$16,100,000, plus any cumulative  
22 deficiencies in such transfers for prior transfer dates during  
23 such fiscal year. In no event shall any such transfer reduce  
24 the available balance in the DCFS Children's Services Fund  
25 below \$350,000.

26 In accordance with subsection (q) of Section 5 of the

1 Children and Family Services Act, disbursements from  
2 individual children's accounts shall be deposited into the DCFS  
3 Children's Services Fund.

4 Receipts from public and unsolicited private grants, fees  
5 for training, and royalties earned from the publication of  
6 materials owned by or licensed to the Department of Children  
7 and Family Services shall be deposited into the DCFS Children's  
8 Services Fund.

9 As soon as may be practical after September 1, 2005, upon  
10 the request of the Department of Children and Family Services,  
11 the Comptroller shall order transferred and the Treasurer shall  
12 transfer the unexpended balance of the Department of Children  
13 and Family Services Training Fund into the DCFS Children's  
14 Services Fund. Upon completion of the transfer, the Department  
15 of Children and Family Services Training Fund is dissolved and  
16 any outstanding obligations or liabilities of that Fund pass to  
17 the DCFS Children's Services Fund.

18 (Source: P.A. 94-91, eff. 7-1-05.)

19 (30 ILCS 105/8g)

20 Sec. 8g. Fund transfers.

21 (a) In addition to any other transfers that may be provided  
22 for by law, as soon as may be practical after the effective  
23 date of this amendatory Act of the 91st General Assembly, the  
24 State Comptroller shall direct and the State Treasurer shall  
25 transfer the sum of \$10,000,000 from the General Revenue Fund

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

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

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

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

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

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

11 (e) In addition to any other transfers that may be provided  
12 for by law, as soon as may be practical after the effective  
13 date of this amendatory Act of the 91st General Assembly, but  
14 in no event later than June 30, 2000, the State Comptroller  
15 shall direct and the State Treasurer shall transfer the sum of  
16 \$15,000,000 from the General Revenue Fund to the Fund for  
17 Illinois' Future.

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

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

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

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

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

15 (i) On or after July 1, 2001 and until May 1, 2002, in  
16 addition to any other transfers that may be provided for by  
17 law, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not exceeding a total of  
20 \$80,000,000 from the General Revenue Fund to the Tobacco  
21 Settlement Recovery Fund. Any amounts so transferred shall be  
22 re-transferred by the State Comptroller and the State Treasurer  
23 from the Tobacco Settlement Recovery Fund to the General  
24 Revenue Fund at the direction of and upon notification from the  
25 Governor, but in any event on or before June 30, 2002.

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

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

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

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

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

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

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

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



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

4 (k-3) On or after July 1, 2002 and no later than June 30,  
5 2003, in addition to any other transfers that may be provided  
6 for by law, at the direction of and upon notification from the  
7 Governor, the State Comptroller shall direct and the State  
8 Treasurer shall transfer amounts not to exceed the following  
9 sums into the Statistical Services Revolving Fund:

10	Appraisal Administration Fund .....	\$150,000
11	General Revenue Fund .....	10,440,000
12	Savings and Residential Finance	
13	Regulatory Fund .....	200,000
14	State Pensions Fund .....	100,000
15	Bank and Trust Company Fund .....	100,000
16	Professions Indirect Cost Fund .....	3,400,000
17	Public Utility Fund .....	2,081,200
18	Real Estate License Administration Fund .....	150,000
19	Title III Social Security and	
20	Employment Fund .....	1,000,000
21	Transportation Regulatory Fund .....	3,052,100
22	Underground Storage Tank Fund .....	50,000

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

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

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

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

15 (o) On or after July 1, 2003, and no later than June 30,  
16 2004, in addition to any other transfers that may be provided  
17 for by law, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not to exceed the following  
20 sums into the Vehicle Inspection Fund:

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

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

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

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

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

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

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

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

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

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

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

1 following sums:

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

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

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

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

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

17 (1) the Keep Illinois Beautiful Fund;

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

20 (3) the New Technology Recovery Fund;

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

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

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

24 (7) the State Postsecondary Review Program Fund;

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

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

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

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

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

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

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

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

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

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



1           (hh) In addition to any other transfers that may be  
 2 provided for by law, on and after July 1, 2006 and until June  
 3 30, 2007, at the direction of and upon notification from the  
 4 Governor, the State Comptroller shall direct and the State  
 5 Treasurer shall transfer amounts from the Illinois Affordable  
 6 Housing Trust Fund to the designated funds not exceeding the  
 7 following amounts:

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

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

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

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

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

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

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

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

1           (oo) In addition to any other transfers that may be  
2 provided for by law, on and after July 1, 2006 and until June  
3 30, 2007, at the direction of and upon notification from the  
4 Governor, the State Comptroller shall direct and the State  
5 Treasurer shall transfer amounts identified as net receipts  
6 from the sale of all or part of the Illinois Student Assistance  
7 Commission loan portfolio from the Student Loan Operating Fund  
8 to the General Revenue Fund. The maximum amount that may be  
9 transferred pursuant to this Section is \$38,800,000. In  
10 addition, no transfer may be made pursuant to this Section that  
11 would have the effect of reducing the available balance in the  
12 Student Loan Operating Fund to an amount less than the amount  
13 remaining unexpended and unreserved from the total  
14 appropriations from the Fund estimated to be expended for the  
15 fiscal year. The State Treasurer and Comptroller shall transfer  
16 the amounts designated under this Section as soon as may be  
17 practical after receiving the direction to transfer from the  
18 Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839,  
7 eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05;  
8 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06;  
9 revised 8-3-06.)

10 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

11 Sec. 13.2. Transfers among line item appropriations.

12 (a) Transfers among line item appropriations from the same  
13 treasury fund for the objects specified in this Section may be  
14 made in the manner provided in this Section when the balance  
15 remaining in one or more such line item appropriations is  
16 insufficient for the purpose for which the appropriation was  
17 made.

18 (a-1) No transfers may be made from one agency to another  
19 agency, nor may transfers be made from one institution of  
20 higher education to another institution of higher education.

21 (a-2) Except as otherwise provided in this Section,  
22 transfers may be made only among the objects of expenditure  
23 enumerated in this Section, except that no funds may be  
24 transferred from any appropriation for personal services, from  
25 any appropriation for State contributions to the State

1 Employees' Retirement System, from any separate appropriation  
2 for employee retirement contributions paid by the employer, nor  
3 from any appropriation for State contribution for employee  
4 group insurance. During State fiscal year 2005, an agency may  
5 transfer amounts among its appropriations within the same  
6 treasury fund for personal services, employee retirement  
7 contributions paid by employer, and State Contributions to  
8 retirement systems; notwithstanding and in addition to the  
9 transfers authorized in subsection (c) of this Section, the  
10 fiscal year 2005 transfers authorized in this sentence may be  
11 made in an amount not to exceed 2% of the aggregate amount  
12 appropriated to an agency within the same treasury fund. During  
13 State fiscal year 2007, the Departments of Children and Family  
14 Services, Corrections, Human Services, and Juvenile Justice  
15 may transfer amounts among their respective appropriations  
16 within the same treasury fund for personal services, employee  
17 retirement contributions paid by employer, and State  
18 contributions to retirement systems. Notwithstanding, and in  
19 addition to, the transfers authorized in subsection (c) of this  
20 Section, these transfers may be made in an amount not to exceed  
21 2% of the aggregate amount appropriated to an agency within the  
22 same treasury fund.

23 (a-3) Further, if an agency receives a separate  
24 appropriation for employee retirement contributions paid by  
25 the employer, any transfer by that agency into an appropriation  
26 for personal services must be accompanied by a corresponding

1 transfer into the appropriation for employee retirement  
2 contributions paid by the employer, in an amount sufficient to  
3 meet the employer share of the employee contributions required  
4 to be remitted to the retirement system.

5 (b) In addition to the general transfer authority provided  
6 under subsection (c), the following agencies have the specific  
7 transfer authority granted in this subsection:

8 The Department of Healthcare and Family Services is  
9 authorized to make transfers representing savings attributable  
10 to not increasing grants due to the births of additional  
11 children from line items for payments of cash grants to line  
12 items for payments for employment and social services for the  
13 purposes outlined in subsection (f) of Section 4-2 of the  
14 Illinois Public Aid Code.

15 The Department of Children and Family Services is  
16 authorized to make transfers not exceeding 2% of the aggregate  
17 amount appropriated to it within the same treasury fund for the  
18 following line items among these same line items: Foster Home  
19 and Specialized Foster Care and Prevention, Institutions and  
20 Group Homes and Prevention, and Purchase of Adoption and  
21 Guardianship Services.

22 The Department on Aging is authorized to make transfers not  
23 exceeding 2% of the aggregate amount appropriated to it within  
24 the same treasury fund for the following Community Care Program  
25 line items among these same line items: Homemaker and Senior  
26 Companion Services, Alternative Senior Services, Case



1 Coordination Units, and Adult Day Care Services.

2 The State Treasurer is authorized to make transfers among  
3 line item appropriations from the Capital Litigation Trust  
4 Fund, with respect to costs incurred in fiscal years 2002 and  
5 2003 only, when the balance remaining in one or more such line  
6 item appropriations is insufficient for the purpose for which  
7 the appropriation was made, provided that no such transfer may  
8 be made unless the amount transferred is no longer required for  
9 the purpose for which that appropriation was made.

10 The State Board of Education is authorized to make  
11 transfers from line item appropriations within the same  
12 treasury fund for General State Aid and General State Aid -  
13 Hold Harmless, provided that no such transfer may be made  
14 unless the amount transferred is no longer required for the  
15 purpose for which that appropriation was made, to the line item  
16 appropriation for Transitional Assistance when the balance  
17 remaining in such line item appropriation is insufficient for  
18 the purpose for which the appropriation was made.

19 The State Board of Education is authorized to make  
20 transfers between the following line item appropriations  
21 within the same treasury fund: Disabled Student  
22 Services/Materials (Section 14-13.01 of the School Code),  
23 Disabled Student Transportation Reimbursement (Section  
24 14-13.01 of the School Code), Disabled Student Tuition -  
25 Private Tuition (Section 14-7.02 of the School Code),  
26 Extraordinary Special Education (Section 14-7.02b of the

1 School Code), Reimbursement for Free Lunch/Breakfast Program,  
2 Summer School Payments (Section 18-4.3 of the School Code), and  
3 Transportation - Regular/Vocational Reimbursement (Section  
4 29-5 of the School Code). Such transfers shall be made only  
5 when the balance remaining in one or more such line item  
6 appropriations is insufficient for the purpose for which the  
7 appropriation was made and provided that no such transfer may  
8 be made unless the amount transferred is no longer required for  
9 the purpose for which that appropriation was made.

10 (c) The sum of such transfers for an agency in a fiscal  
11 year shall not exceed 2% of the aggregate amount appropriated  
12 to it within the same treasury fund for the following objects:  
13 Personal Services; Extra Help; Student and Inmate  
14 Compensation; State Contributions to Retirement Systems; State  
15 Contributions to Social Security; State Contribution for  
16 Employee Group Insurance; Contractual Services; Travel;  
17 Commodities; Printing; Equipment; Electronic Data Processing;  
18 Operation of Automotive Equipment; Telecommunications  
19 Services; Travel and Allowance for Committed, Paroled and  
20 Discharged Prisoners; Library Books; Federal Matching Grants  
21 for Student Loans; Refunds; Workers' Compensation,  
22 Occupational Disease, and Tort Claims; and, in appropriations  
23 to institutions of higher education, Awards and Grants.  
24 Notwithstanding the above, any amounts appropriated for  
25 payment of workers' compensation claims to an agency to which  
26 the authority to evaluate, administer and pay such claims has

1     been delegated by the Department of Central Management Services  
2     may be transferred to any other expenditure object where such  
3     amounts exceed the amount necessary for the payment of such  
4     claims.

5           (c-1) Special provisions for State fiscal year 2003.  
6     Notwithstanding any other provision of this Section to the  
7     contrary, for State fiscal year 2003 only, transfers among line  
8     item appropriations to an agency from the same treasury fund  
9     may be made provided that the sum of such transfers for an  
10    agency in State fiscal year 2003 shall not exceed 3% of the  
11    aggregate amount appropriated to that State agency for State  
12    fiscal year 2003 for the following objects: personal services,  
13    except that no transfer may be approved which reduces the  
14    aggregate appropriations for personal services within an  
15    agency; extra help; student and inmate compensation; State  
16    contributions to retirement systems; State contributions to  
17    social security; State contributions for employee group  
18    insurance; contractual services; travel; commodities;  
19    printing; equipment; electronic data processing; operation of  
20    automotive equipment; telecommunications services; travel and  
21    allowance for committed, paroled, and discharged prisoners;  
22    library books; federal matching grants for student loans;  
23    refunds; workers' compensation, occupational disease, and tort  
24    claims; and, in appropriations to institutions of higher  
25    education, awards and grants.

26           (c-2) Special provisions for State fiscal year 2005.

1 Notwithstanding subsections (a), (a-2), and (c), for State  
2 fiscal year 2005 only, transfers may be made among any line  
3 item appropriations from the same or any other treasury fund  
4 for any objects or purposes, without limitation, when the  
5 balance remaining in one or more such line item appropriations  
6 is insufficient for the purpose for which the appropriation was  
7 made, provided that the sum of those transfers by a State  
8 agency shall not exceed 4% of the aggregate amount appropriated  
9 to that State agency for fiscal year 2005.

10 (d) Transfers among appropriations made to agencies of the  
11 Legislative and Judicial departments and to the  
12 constitutionally elected officers in the Executive branch  
13 require the approval of the officer authorized in Section 10 of  
14 this Act to approve and certify vouchers. Transfers among  
15 appropriations made to the University of Illinois, Southern  
16 Illinois University, Chicago State University, Eastern  
17 Illinois University, Governors State University, Illinois  
18 State University, Northeastern Illinois University, Northern  
19 Illinois University, Western Illinois University, the Illinois  
20 Mathematics and Science Academy and the Board of Higher  
21 Education require the approval of the Board of Higher Education  
22 and the Governor. Transfers among appropriations to all other  
23 agencies require the approval of the Governor.

24 The officer responsible for approval shall certify that the  
25 transfer is necessary to carry out the programs and purposes  
26 for which the appropriations were made by the General Assembly

1 and shall transmit to the State Comptroller a certified copy of  
2 the approval which shall set forth the specific amounts  
3 transferred so that the Comptroller may change his records  
4 accordingly. The Comptroller shall furnish the Governor with  
5 information copies of all transfers approved for agencies of  
6 the Legislative and Judicial departments and transfers  
7 approved by the constitutionally elected officials of the  
8 Executive branch other than the Governor, showing the amounts  
9 transferred and indicating the dates such changes were entered  
10 on the Comptroller's records.

11 (e) The State Board of Education, in consultation with the  
12 State Comptroller, may transfer line item appropriations for  
13 General State Aid from the Common School Fund to the Education  
14 Assistance Fund.

15 (Source: P.A. 93-680, eff. 7-1-04; 93-839, eff. 7-30-04;  
16 94-839, eff. 6-6-06.)

17 (30 ILCS 105/14.1) (from Ch. 127, par. 150.1)

18 Sec. 14.1. Appropriations for State contributions to the  
19 State Employees' Retirement System; payroll requirements.

20 (a) Appropriations for State contributions to the State  
21 Employees' Retirement System of Illinois shall be expended in  
22 the manner provided in this Section. Except as otherwise  
23 provided in subsection (a-1), at the time of each payment of  
24 salary to an employee under the personal services line item,  
25 payment shall be made to the State Employees' Retirement

1 System, from the amount appropriated for State contributions to  
2 the State Employees' Retirement System, of an amount calculated  
3 at the rate certified for the applicable fiscal year by the  
4 Board of Trustees of the State Employees' Retirement System  
5 under Section 14-135.08 of the Illinois Pension Code. If a line  
6 item appropriation to an employer for this purpose is exhausted  
7 or is unavailable due to any limitation on appropriations that  
8 may apply, (including, but not limited to, limitations on  
9 appropriations from the Road Fund under Section 8.3 of the  
10 State Finance Act), the amounts shall be paid under the  
11 continuing appropriation for this purpose contained in the  
12 State Pension Funds Continuing Appropriation Act.

13 (a-1) Beginning on the effective date of this amendatory  
14 Act of the 93rd General Assembly through the payment of the  
15 final payroll from fiscal year 2004 appropriations,  
16 appropriations for State contributions to the State Employees'  
17 Retirement System of Illinois shall be expended in the manner  
18 provided in this subsection (a-1). At the time of each payment  
19 of salary to an employee under the personal services line item  
20 from a fund other than the General Revenue Fund, payment shall  
21 be made for deposit into the General Revenue Fund from the  
22 amount appropriated for State contributions to the State  
23 Employees' Retirement System of an amount calculated at the  
24 rate certified for fiscal year 2004 by the Board of Trustees of  
25 the State Employees' Retirement System under Section 14-135.08  
26 of the Illinois Pension Code. This payment shall be made to the

1 extent that a line item appropriation to an employer for this  
2 purpose is available or unexhausted. No payment from  
3 appropriations for State contributions shall be made in  
4 conjunction with payment of salary to an employee under the  
5 personal services line item from the General Revenue Fund.

6 (b) Except during the period beginning on the effective  
7 date of this amendatory Act of the 93rd General Assembly and  
8 ending at the time of the payment of the final payroll from  
9 fiscal year 2004 appropriations, the State Comptroller shall  
10 not approve for payment any payroll voucher that (1) includes  
11 payments of salary to eligible employees in the State  
12 Employees' Retirement System of Illinois and (2) does not  
13 include the corresponding payment of State contributions to  
14 that retirement system at the full rate certified under Section  
15 14-135.08 for that fiscal year for eligible employees, unless  
16 the balance in the fund on which the payroll voucher is drawn  
17 is insufficient to pay the total payroll voucher, or  
18 unavailable due to any limitation on appropriations that may  
19 apply, including, but not limited to, limitations on  
20 appropriations from the Road Fund under Section 8.3 of the  
21 State Finance Act. If the State Comptroller approves a payroll  
22 voucher under this Section for which the fund balance is  
23 insufficient to pay the full amount of the required State  
24 contribution to the State Employees' Retirement System, the  
25 Comptroller shall promptly so notify the Retirement System.

26 (c) Notwithstanding any other provisions of law, beginning

1 July 1, 2007, required State and employee contributions to the  
2 State Employees' Retirement System of Illinois relating to  
3 affected legislative staff employees shall be paid out of  
4 moneys appropriated for that purpose to the Commission on  
5 Government Forecasting and Accountability, rather than out of  
6 the lump-sum appropriations otherwise made for the payroll and  
7 other costs of those employees.

8 These payments must be made pursuant to payroll vouchers  
9 submitted by the employing entity as part of the regular  
10 payroll voucher process.

11 For the purpose of this subsection, "affected legislative  
12 staff employees" means legislative staff employees paid out of  
13 lump-sum appropriations made to the General Assembly, an  
14 Officer of the General Assembly, or the Senate Operations  
15 Commission, but does not include district-office staff or  
16 employees of legislative support services agencies.

17 (Source: P.A. 93-665, eff. 3-5-04; 93-1067, eff. 1-15-05.)

18 (30 ILCS 105/25.5 new)

19 Sec. 25.5. FY2008 payment validation. All expenses  
20 lawfully incurred during July of 2007 under an appropriation or  
21 reappropriation included in Public Act 95-11 shall be paid by  
22 the State Comptroller and State Treasurer at the time and in  
23 the manner normally provided by law, notwithstanding that the  
24 appropriation under that Public Act may have expired prior to  
25 the actual date of payment due to the repeal of that Public



1 Act. Any otherwise lawful action of the State Comptroller, the  
2 State Treasurer, or any public employee in the course of making  
3 payment in accordance with this Section is hereby validated.

4 Section 5-15. 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 all other fiscal years, the Annual Percentage shall be  
26 calculated as a fraction, the numerator of which shall be

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

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

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

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

6           (d) Expenditures from Income Tax Refund Fund.

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

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

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

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

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

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

1           attributable to transfers under item (3) of subsection (c)  
2           less refunds resulting from the earned income tax credit.

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

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

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



1 Act, minus deposits into the Income Tax Refund Fund, the  
2 Department shall deposit 1.475% into the Income Tax Surcharge  
3 Local Government Distributive Fund in the State Treasury.

4 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91,  
5 eff. 7-1-05; 94-839, eff. 6-6-06.)

6 Section 5-20. The School Code is amended by adding Sections  
7 2-3.143, 2-3.144, 2-3.145, 2-3.146, and 10-20.40 and by  
8 changing Sections 2-3.51.5, 2-3.127a, 2-3.131 (as added by  
9 Public Act 93-21), 7-14A, 11E-135, 14-13.01, and 18-8.05 as  
10 follows:

11 (105 ILCS 5/2-3.51.5)

12 Sec. 2-3.51.5. School Safety and Educational Improvement  
13 Block Grant Program. To improve the level of education and  
14 safety of students from kindergarten through grade 12 in school  
15 districts and State-recognized, non-public schools. The State  
16 Board of Education is authorized to fund a School Safety and  
17 Educational Improvement Block Grant Program.

18 (1) For school districts, the ~~The~~ program shall provide  
19 funding for school safety, textbooks and software, teacher  
20 training and curriculum development, school improvements,  
21 remediation programs under subsection (a) of Section 2-3.64,  
22 school report cards under Section 10-17a, and criminal history  
23 records checks under Sections 10-21.9 and 34-18.5. For  
24 State-recognized, non-public schools, the program shall

1 provide funding for secular textbooks and software, criminal  
2 history records checks, and health and safety mandates to the  
3 extent that the funds are expended for purely secular purposes.

4 A school district or laboratory school as defined in Section  
5 18-8 or 18-8.05 is not required to file an application in order  
6 to receive the categorical funding to which it is entitled  
7 under this Section. Funds for the School Safety and Educational  
8 Improvement Block Grant Program shall be distributed to school  
9 districts and laboratory schools based on the prior year's best  
10 3 months average daily attendance. Funds for the School Safety  
11 and Educational Improvement Block Grant Program shall be  
12 distributed to State-recognized, non-public schools based on  
13 the average daily attendance figure for the previous school  
14 year provided to the State Board of Education. The State Board  
15 of Education shall develop an application that requires  
16 State-recognized, non-public schools to submit average daily  
17 attendance figures. A State-recognized, non-public school must  
18 submit the application and average daily attendance figure  
19 prior to receiving funds under this Section. The State Board of  
20 Education shall promulgate rules and regulations necessary for  
21 the implementation of this program.

22 (2) Distribution of moneys to school districts and  
23 State-recognized, non-public schools shall be made in 2  
24 semi-annual installments, one payment on or before October 30,  
25 and one payment prior to April 30, of each fiscal year.

26 (3) Grants under the School Safety and Educational

1 Improvement Block Grant Program shall be awarded provided there  
2 is an appropriation for the program, and funding levels for  
3 each district shall be prorated according to the amount of the  
4 appropriation.

5 (4) The provisions of this Section are in the public  
6 interest, are for the public benefit, and serve secular public  
7 purposes.

8 (Source: P.A. 93-909, eff. 8-12-04.)

9 (105 ILCS 5/2-3.127a)

10 Sec. 2-3.127a. The State Board of Education Special Purpose  
11 Trust Fund. The State Board of Education Special Purpose Trust  
12 Fund is created as a special fund in the State treasury. The  
13 State Board of Education shall deposit all indirect costs  
14 recovered from federal programs into the State Board of  
15 Education Special Purpose Trust Fund. These funds may be used  
16 by the State Board of Education for its ordinary and contingent  
17 expenses. Additionally and unless ~~Unless~~ specifically directed  
18 to be deposited into other funds, all moneys received by the  
19 State Board of Education from gifts, grants, or donations from  
20 any source, public or private, shall be deposited into the  
21 State Board of Education Special Purpose Trust Fund ~~this Fund~~.  
22 These funds ~~Moneys in this Fund~~ shall be used, subject to  
23 appropriation by the General Assembly, by the State Board of  
24 Education for the purposes established by the gifts, grants, or  
25 donations.

1 (Source: P.A. 94-69, eff. 7-1-05.)

2 (105 ILCS 5/2-3.131)

3 Sec. 2-3.131. Transitional assistance payments.

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

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

25 (c) If the amount that the State Board of Education will

1 pay to a school district from fiscal year 2006 appropriations,  
2 as estimated by the State Board of Education on April 1, 2006,  
3 is less than the amount that the State Board of Education paid  
4 to the school district from fiscal year 2005 appropriations,  
5 then the State Board of Education shall make a fiscal year 2006  
6 transitional assistance payment to the school district in an  
7 amount equal to the difference between the estimated amount to  
8 be paid from fiscal year 2006 appropriations and the amount  
9 paid from fiscal year 2005 appropriations.

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

21 (e) Subject to appropriation, beginning on July 1, 2007,  
22 the State Board of Education shall adjust prior year  
23 information for the transitional assistance calculations under  
24 this Section in the event of the creation or reorganization of  
25 any school district pursuant to Article 11E of this Code, the  
26 dissolution of an entire district and the annexation of all of

1 its territory to one or more other districts pursuant to  
2 Article 7 of this Code, or a boundary change whereby the  
3 enrollment of the annexing district increases by 90% or more as  
4 a result of annexing territory detached from another district  
5 pursuant to Article 7 of this Code.

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

17 (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04; 94-69,  
18 eff. 7-1-05; 94-835, eff. 6-6-06.)

19 (105 ILCS 5/2-3.143 new)

20 Sec. 2-3.143. Lincoln's Challenge Academy study. The State  
21 Board of Education shall conduct a study to consider the need  
22 for an expansion of enrollment at or the replication of  
23 services in other portions of this State for the Lincoln's  
24 Challenge Academy as an alternative program for students who  
25 have dropped out of traditional school.

1 (105 ILCS 5/2-3.144 new)

2 Sec. 2-3.144. Enhanced teacher compensation.

3 (a) Subject to appropriation, an enhanced teacher  
4 compensation system is established, beginning with the  
5 2008-2009 school year, to provide new incentives to improve  
6 student learning and to recruit and retain highly qualified  
7 teachers, encourage highly qualified teachers to undertake  
8 challenging assignments, and support teachers' roles in  
9 improving students' educational achievement.

10 (b) To be eligible to participate in an enhanced teacher  
11 compensation system, a school district or school building, at  
12 least in the school year before it expects to fully implement  
13 the system (i) must submit to the State Board of Education a  
14 letter of intent executed by the school district and the  
15 exclusive representative of the district's teachers to  
16 complete a plan preparing for full implementation, consistent  
17 with subsection (d) of this Section, that may include, among  
18 other activities, training to evaluate teacher performance, a  
19 restructured school day to develop integrated ongoing  
20 building-based professional development activities, release  
21 time to develop an enhanced teacher compensation system  
22 agreement, and teacher and staff training on using multiple  
23 data sources; and (ii) may agree to use the State funds it  
24 receives under Section 10-20.41 of this Code for staff  
25 development purposes to develop the enhanced teacher

1 compensation system agreement under this Section.

2 (c) The State Superintendent of Education may waive the  
3 planning year if he or she determines, based on the criteria  
4 set forth under subsection (d) of this Section, that the school  
5 district or school building is ready to fully implement an  
6 alternative pay system.

7 (d) To participate in the program established under this  
8 Section, a school district or school building must have an  
9 educational improvement plan under Section 10-20.43 of this  
10 Code and an enhanced teacher compensation system agreement  
11 under this Section.

12 The enhanced teacher compensation system agreement must be  
13 negotiated with, agreed to, and ratified by the exclusive  
14 representative of the district's teachers. In addition, the  
15 agreement must do the following:

16 (1) describe how teachers can achieve career  
17 advancement and additional compensation;

18 (2) describe how the school district or school building  
19 will provide teachers with career advancement options that  
20 allow teachers to retain primary roles in student  
21 instruction and facilitate site-focused professional  
22 development that helps other teachers improve their  
23 skills;

24 (3) prevent any teacher's compensation paid before  
25 implementing the compensation system from being reduced as  
26 a result of participating in this system;



1           (4) for school districts having a population not  
2           exceeding 500,000, base at least 60% of any compensation  
3           increase on teacher performance using the following:

4                   (A) school-wide student achievement gains;

5                   (B) measures of achievement by a teacher's  
6           students; and

7                   (C) an objective evaluation program that includes  
8           the following:

9                           (i) individual teacher evaluations aligned  
10                           with the educational improvement plan under  
11                           Section 10-20.43 of this Code and the staff  
12                           development plan under Section 10-20.40 of this  
13                           Code; and

14                           (ii) objective evaluations using multiple  
15                           criteria conducted by a locally developed and  
16                           periodically trained evaluation team that  
17                           understands teaching and learning.

18           Standardized test scores shall not be used as a basis for  
19           determining compensation under the system;

20           (5) provide integrated ongoing building-based  
21           professional development activities to improve  
22           instructional skills and learning that are aligned with  
23           student needs under Section 10-20.43 of this Code,  
24           consistent with the staff development plan under Section  
25           10-20.40 of this Code and led during the school day by  
26           trained teacher leaders such as master or mentor teachers;

1           (6) allow any teacher in a participating school  
2           district or school building that implements an enhanced  
3           teacher compensation system to participate in that system  
4           without any quota or other limit; and

5           (7) encourage collaboration rather than competition  
6           among teachers.

7           (e) Consistent with the requirements of this Section and  
8           Sections 2-3.145 and 10-20.43 of this Code, the State Board of  
9           Education must prepare and transmit to interested school  
10           districts and school buildings a standard form for applying to  
11           participate in the enhanced teacher compensation system. An  
12           interested school district or school building must submit to  
13           the State Superintendent a completed application executed by  
14           the district superintendent and the exclusive bargaining  
15           representative of the teachers. The application must include  
16           the proposed enhanced teacher compensation system agreement  
17           under this Section. The State Board of Education must convene a  
18           review committee that at least includes teachers and  
19           administrators within 30 days after receiving a completed  
20           application to recommend to the State Superintendent of  
21           Education whether to approve or disapprove the application. The  
22           State Superintendent must approve applications on a  
23           first-come, first-served basis. The applicant's enhanced  
24           teacher compensation system agreement must be legally binding  
25           on the applicant and the exclusive bargaining representative  
26           before the applicant receives enhanced compensation revenue.

1 The State Superintendent must approve or disapprove an  
2 application based on the requirements under subsection (d) of  
3 this Section.

4 If the State Superintendent of Education disapproves an  
5 application, the State Superintendent must give the applicant  
6 timely notice of the specific reasons in detail for  
7 disapproving the application. The applicant may revise and  
8 resubmit its application and related documents to the State  
9 Superintendent within 30 days after receiving notice of the  
10 State Superintendent's disapproval and the State  
11 Superintendent must approve or disapprove the revised  
12 application, consistent with this subsection (e). Applications  
13 that are revised and then approved are considered submitted on  
14 the date the applicant initially submitted the application.

15 (f) Participating school districts and school buildings  
16 must report on the implementation and effectiveness of the  
17 enhanced teacher professional pay system, particularly  
18 addressing each requirement under subsection (d) of this  
19 Section, and make annual recommendations by June 15 to their  
20 school boards. The school board shall transmit a copy of the  
21 report with a summary of the findings and recommendations of  
22 the school district or school building to the State  
23 Superintendent of Education.

24 If the State Superintendent of Education determines that a  
25 school district or school building that receives enhanced  
26 teacher compensation revenue is not complying with the

1 requirements of this Section, the State Superintendent may  
2 withhold funding from that participant. Before making the  
3 determination, the State Superintendent must notify the  
4 participant of any deficiencies and provide the participant an  
5 opportunity to comply.

6 (g) A school district that qualifies to participate in the  
7 enhanced teacher compensation system transitional planning  
8 year under this Section may use the State funds it receives  
9 under Section 10-20.41 of this Code for complying with the  
10 planning and staff development activities under this Section.

11 (105 ILCS 5/2-3.145 new)

12 Sec. 2-3.145. Enhanced compensation revenue.

13 (a) Subject to appropriation, a school district or school  
14 building that meets the conditions of Section 2-3.144 of this  
15 Code and submits an application approved by the State  
16 Superintendent of Education is eligible for enhanced teacher  
17 compensation revenue.

18 (b) The State Superintendent of Education must consider  
19 only those applications to participate that are submitted  
20 jointly by a school district and the exclusive bargaining  
21 representative of the teachers, if any. The application must  
22 contain an enhanced teacher compensation system agreement as  
23 set forth in Section 2-3.144 of this Code.

24 (c) Enhanced teacher compensation revenue for a qualifying  
25 school district or school building shall equal \$260 times the

1 number of pupils enrolled in the district or school building on  
2 October 1 of the previous fiscal year.

3 For a newly combined or consolidated school district, the  
4 revenue shall be computed using the sum of pupils enrolled on  
5 October 1 of the previous year in the districts entering into  
6 the combination or consolidation. The State Superintendent of  
7 Education may adjust the revenue computed for a school building  
8 using prior year data to reflect changes attributable to school  
9 closings, school openings, or grade level reconfigurations  
10 between the prior year and the current year.

11 The revenue shall be available only to school districts and  
12 school buildings that fully implement an enhanced teacher  
13 compensation system by October 1 of the current school year.

14 (d) School districts and school buildings with approved  
15 applications must receive enhanced teacher compensation  
16 revenue for each school year that the district or school  
17 building implements an enhanced teacher compensation system  
18 under this subsection (d) and Section 2-3.144 of this Code. For  
19 the 2009-2010 school year and later, a qualifying district or  
20 school building that received enhanced teacher compensation  
21 aid for the previous school year must receive at least an  
22 amount of enhanced teacher compensation revenue equal to the  
23 lesser of the amount it received for the previous school year  
24 or the amount it qualifies for under subsection (c) of this  
25 Section for the current school year, if the district or school  
26 building submits a timely application and the State

1 Superintendent determines that the district or school building  
2 continues to implement an enhanced teacher compensation  
3 system, consistent with its application under this Section.

4 The State Superintendent of Education shall approve  
5 applications that comply with this Section, select applicants  
6 that qualify for the program, notify school districts and  
7 school buildings about the program, develop and disseminate  
8 application materials, and carry out other activities needed to  
9 implement this Section.

10 (105 ILCS 5/2-3.146 new)

11 Sec. 2-3.146. Severely overcrowded schools grant program.  
12 There is created a grant program, subject to appropriation, for  
13 severely overcrowded schools. The State Board of Education  
14 shall administer the program. Grant funds may be used for  
15 purposes of relieving overcrowding. In order for a school  
16 district to be eligible for a grant under this Section, (i) the  
17 main administrative office of the district must be located in a  
18 city of 85,000 or more in population, according to the 2000  
19 U.S. Census, (ii) the school district must have a district-wide  
20 percentage of low-income students of 70% or more, as identified  
21 by the 2005-2006 School Report Cards published by the State  
22 Board of Education, and (iii) the school district must not be  
23 eligible for a fast growth grant under Section 18-8.10 of this  
24 Code. The State Board of Education shall distribute the funds  
25 on a proportional basis with no single district receiving more

1 than 75% of the funds in any given year. The State Board of  
2 Education may adopt rules as needed for the implementation and  
3 distribution of grants under this Section.

4 (105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)

5 Sec. 7-14A. Annexation Compensation. There shall be no  
6 accounting made after a mere change in boundaries when no new  
7 district is created, except that those districts whose  
8 enrollment increases by 90% or more as a result of annexing  
9 territory detached from another district pursuant to this  
10 Article are eligible for supplementary State aid payments in  
11 accordance with Section 11E-135 of this Code. Eligible annexing  
12 districts shall apply to the State Board of Education for  
13 supplementary State aid payments by submitting enrollment  
14 figures for the year immediately preceding and the year  
15 immediately following the effective date of the boundary change  
16 for both the district gaining territory and the district losing  
17 territory. Copies of any intergovernmental agreements between  
18 the district gaining territory and the district losing  
19 territory detailing any transfer of fund balances and staff  
20 must also be submitted. In all instances of changes in  
21 boundaries, ~~However,~~ the district losing territory shall not  
22 count the average daily attendance of pupils living in the  
23 territory during the year preceding the effective date of the  
24 boundary change in its claim for reimbursement under Section  
25 18-8 for the school year following the effective date of the

1 change in boundaries and the district receiving the territory  
2 shall count the average daily attendance of pupils living in  
3 the territory during the year preceding the effective date of  
4 the boundary change in its claim for reimbursement under  
5 Section 18-8 for the school year following the effective date  
6 of the change in boundaries. The changes to this Section made  
7 by this amendatory Act of the 95th General Assembly are  
8 intended to be retroactive and applicable to any annexation  
9 taking effect on or after July 1, 2004.

10 (Source: P.A. 84-1250.)

11 (105 ILCS 5/10-20.40 new)

12 Sec. 10-20.40. Report on contracts.

13 (a) This Section applies to all school districts, including  
14 a school district organized under Article 34 of this Code.

15 (b) A school board must list on the district's Internet  
16 website, if any, all contracts over \$25,000 and any contract  
17 that the school board enters into with an exclusive bargaining  
18 representative.

19 (c) Each year, no more than 30 days after the start of the  
20 fiscal year, each school district shall submit to the State  
21 Board of Education an annual report on all contracts awarded by  
22 the school district during the previous fiscal year. The report  
23 shall include at least the following:

24 (1) the total number of all contracts awarded by the  
25 school district; and



1           (2) the total value of all contracts awarded.

2           The report shall be made available to the public, including  
3 publication on the school district's Internet website, if any.

4           (105 ILCS 5/11E-135)

5           Sec. 11E-135. Incentives. For districts reorganizing under  
6 this Article and for a district or districts that annex all of  
7 the territory of one or more entire other school districts in  
8 accordance with Article 7 of this Code, the following payments  
9 shall be made from appropriations made for these purposes:

10           (a)(1) For a combined school district, as defined in  
11 Section 11E-20 of this Code, or for a unit district, as defined  
12 in Section 11E-25 of this Code, for its first year of  
13 existence, the general State aid and supplemental general State  
14 aid calculated under Section 18-8.05 of this Code shall be  
15 computed for the new district and for the previously existing  
16 districts for which property is totally included within the new  
17 district. If the computation on the basis of the previously  
18 existing districts is greater, a supplementary payment equal to  
19 the difference shall be made for the first 4 years of existence  
20 of the new district.

21           (2) For a school district that annexes all of the territory  
22 of one or more entire other school districts as defined in  
23 Article 7 of this Code, for the first year during which the  
24 change of boundaries attributable to the annexation becomes  
25 effective for all purposes, as determined under Section 7-9 of

1 this Code, the general State aid and supplemental general State  
2 aid calculated under Section 18-8.05 of this Code shall be  
3 computed for the annexing district as constituted after the  
4 annexation and for the annexing and each annexed district as  
5 constituted prior to the annexation; and if the computation on  
6 the basis of the annexing and annexed districts as constituted  
7 prior to the annexation is greater, then a supplementary  
8 payment equal to the difference shall be made for the first 4  
9 years of existence of the annexing school district as  
10 constituted upon the annexation.

11 (3) For 2 or more school districts that annex all of the  
12 territory of one or more entire other school districts, as  
13 defined in Article 7 of this Code, for the first year during  
14 which the change of boundaries attributable to the annexation  
15 becomes effective for all purposes, as determined under Section  
16 7-9 of this Code, the general State aid and supplemental  
17 general State aid calculated under Section 18-8.05 of this Code  
18 shall be computed for each annexing district as constituted  
19 after the annexation and for each annexing and annexed district  
20 as constituted prior to the annexation; and if the aggregate of  
21 the general State aid and supplemental general State aid as so  
22 computed for the annexing districts as constituted after the  
23 annexation is less than the aggregate of the general State aid  
24 and supplemental general State aid as so computed for the  
25 annexing and annexed districts, as constituted prior to the  
26 annexation, then a supplementary payment equal to the

1 difference shall be made and allocated between or among the  
2 annexing districts, as constituted upon the annexation, for the  
3 first 4 years of their existence. The total difference payment  
4 shall be allocated between or among the annexing districts in  
5 the same ratio as the pupil enrollment from that portion of the  
6 annexed district or districts that is annexed to each annexing  
7 district bears to the total pupil enrollment from the entire  
8 annexed district or districts, as such pupil enrollment is  
9 determined for the school year last ending prior to the date  
10 when the change of boundaries attributable to the annexation  
11 becomes effective for all purposes. The amount of the total  
12 difference payment and the amount thereof to be allocated to  
13 the annexing districts shall be computed by the State Board of  
14 Education on the basis of pupil enrollment and other data that  
15 shall be certified to the State Board of Education, on forms  
16 that it shall provide for that purpose, by the regional  
17 superintendent of schools for each educational service region  
18 in which the annexing and annexed districts are located.

19 (4) For a school district conversion, as defined in Section  
20 11E-15 of this Code, or a multi-unit conversion, as defined in  
21 subsection (b) of Section 11E-30 of this Code, if in their  
22 first year of existence the newly created elementary districts  
23 and the newly created high school district, from a school  
24 district conversion, or the newly created elementary district  
25 or districts and newly created combined high school - unit  
26 district, from a multi-unit conversion, qualify for less

1 general State aid under Section 18-8.05 of this Code than would  
2 have been payable under Section 18-8.05 for that same year to  
3 the previously existing districts, then a supplementary  
4 payment equal to that difference shall be made for the first 4  
5 years of existence of the newly created districts. The  
6 aggregate amount of each supplementary payment shall be  
7 allocated among the newly created districts in the proportion  
8 that the deemed pupil enrollment in each district during its  
9 first year of existence bears to the actual aggregate pupil  
10 enrollment in all of the districts during their first year of  
11 existence. For purposes of each allocation:

12 (A) the deemed pupil enrollment of the newly created  
13 high school district from a school district conversion  
14 shall be an amount equal to its actual pupil enrollment for  
15 its first year of existence multiplied by 1.25;

16 (B) the deemed pupil enrollment of each newly created  
17 elementary district from a school district conversion  
18 shall be an amount equal to its actual pupil enrollment for  
19 its first year of existence reduced by an amount equal to  
20 the product obtained when the amount by which the newly  
21 created high school district's deemed pupil enrollment  
22 exceeds its actual pupil enrollment for its first year of  
23 existence is multiplied by a fraction, the numerator of  
24 which is the actual pupil enrollment of the newly created  
25 elementary district for its first year of existence and the  
26 denominator of which is the actual aggregate pupil

1 enrollment of all of the newly created elementary districts  
2 for their first year of existence;

3 (C) the deemed high school pupil enrollment of the  
4 newly created combined high school - unit district from a  
5 multi-unit conversion shall be an amount equal to its  
6 actual grades 9 through 12 pupil enrollment for its first  
7 year of existence multiplied by 1.25; and

8 (D) the deemed elementary pupil enrollment of each  
9 newly created district from a multi-unit conversion shall  
10 be an amount equal to each district's actual grade K  
11 through 8 pupil enrollment for its first year of existence,  
12 reduced by an amount equal to the product obtained when the  
13 amount by which the newly created combined high school -  
14 unit district's deemed high school pupil enrollment  
15 exceeds its actual grade 9 through 12 pupil enrollment for  
16 its first year of existence is multiplied by a fraction,  
17 the numerator of which is the actual grade K through 8  
18 pupil enrollment of each newly created district for its  
19 first year of existence and the denominator of which is the  
20 actual aggregate grade K through 8 pupil enrollment of all  
21 such newly created districts for their first year of  
22 existence.

23 The aggregate amount of each supplementary payment under  
24 this subdivision (4) and the amount thereof to be allocated to  
25 the newly created districts shall be computed by the State  
26 Board of Education on the basis of pupil enrollment and other

1 data, which shall be certified to the State Board of Education,  
2 on forms that it shall provide for that purpose, by the  
3 regional superintendent of schools for each educational  
4 service region in which the newly created districts are  
5 located.

6 (5) For a partial elementary unit district, as defined in  
7 subsection (a) or (c) of Section 11E-30 of this Code, if, in  
8 the first year of existence, the newly created partial  
9 elementary unit district qualifies for less general State aid  
10 and supplemental general State aid under Section 18-8.05 of  
11 this Code than would have been payable under that Section for  
12 that same year to the previously existing districts that formed  
13 the partial elementary unit district, then a supplementary  
14 payment equal to that difference shall be made to the partial  
15 elementary unit district for the first 4 years of existence of  
16 that newly created district.

17 (6) For an elementary opt-in, as described in subsection  
18 (d) of Section 11E-30 of this Code, the general State aid  
19 difference shall be computed in accordance with paragraph (5)  
20 of this subsection (a) as if the elementary opt-in was included  
21 in an optional elementary unit district at the optional  
22 elementary unit district's original effective date. If the  
23 calculation in this paragraph (6) is less than that calculated  
24 in paragraph (5) of this subsection (a) at the optional  
25 elementary unit district's original effective date, then no  
26 adjustments may be made. If the calculation in this paragraph

1 (6) is more than that calculated in paragraph (5) of this  
2 subsection (a) at the optional elementary unit district's  
3 original effective date, then the excess must be paid as  
4 follows:

5 (A) If the effective date for the elementary opt-in is  
6 one year after the effective date for the optional  
7 elementary unit district, 100% of the calculated excess  
8 shall be paid to the optional elementary unit district in  
9 each of the first 4 years after the effective date of the  
10 elementary opt-in.

11 (B) If the effective date for the elementary opt-in is  
12 2 years after the effective date for the optional  
13 elementary unit district, 75% of the calculated excess  
14 shall be paid to the optional elementary unit district in  
15 each of the first 4 years after the effective date of the  
16 elementary opt-in.

17 (C) If the effective date for the elementary opt-in is  
18 3 years after the effective date for the optional  
19 elementary unit district, 50% of the calculated excess  
20 shall be paid to the optional elementary unit district in  
21 each of the first 4 years after the effective date of the  
22 elementary opt-in.

23 (D) If the effective date for the elementary opt-in is  
24 4 years after the effective date for the optional  
25 elementary unit district, 25% of the calculated excess  
26 shall be paid to the optional elementary unit district in

1 each of the first 4 years after the effective date of the  
2 elementary opt-in.

3 (E) If the effective date for the elementary opt-in is  
4 5 years after the effective date for the optional  
5 elementary unit district, the optional elementary unit  
6 district is not eligible for any additional incentives due  
7 to the elementary opt-in.

8 (6.5) For a school district that annexes territory detached  
9 from another school district whereby the enrollment of the  
10 annexing district increases by 90% or more as a result of the  
11 annexation, for the first year during which the change of  
12 boundaries attributable to the annexation becomes effective  
13 for all purposes as determined under Section 7-9 of this Code,  
14 the general State aid and supplemental general State aid  
15 calculated under this Section shall be computed for the  
16 district gaining territory and the district losing territory as  
17 constituted after the annexation and for the same districts as  
18 constituted prior to the annexation; and if the aggregate of  
19 the general State aid and supplemental general State aid as so  
20 computed for the district gaining territory and the district  
21 losing territory as constituted after the annexation is less  
22 than the aggregate of the general State aid and supplemental  
23 general State aid as so computed for the district gaining  
24 territory and the district losing territory as constituted  
25 prior to the annexation, then a supplementary payment shall be  
26 made to the annexing district for the first 4 years of



1 existence after the annexation, equal to the difference  
2 multiplied by the ratio of student enrollment in the territory  
3 detached to the total student enrollment in the district losing  
4 territory for the year prior to the effective date of the  
5 annexation. The amount of the total difference and the  
6 proportion paid to the annexing district shall be computed by  
7 the State Board of Education on the basis of pupil enrollment  
8 and other data that must be submitted to the State Board of  
9 Education in accordance with Section 7-14A of this Code. The  
10 changes to this Section made by this amendatory Act of the 95th  
11 General Assembly are intended to be retroactive and applicable  
12 to any annexation taking effect on or after July 1, 2004. For  
13 annexations that are eligible for payments under this paragraph  
14 (6.5) and that are effective on or after July 1, 2004, but  
15 before the effective date of this amendatory Act of the 95th  
16 General Assembly, the first required yearly payment under this  
17 paragraph (6.5) shall be paid in the fiscal year of the  
18 effective date of this amendatory Act of the 95th General  
19 Assembly. Subsequent required yearly payments shall be paid in  
20 subsequent fiscal years until the payment obligation under this  
21 paragraph (6.5) is complete.

22 (7) Claims for financial assistance under this subsection  
23 (a) may not be recomputed except as expressly provided under  
24 Section 18-8.05 of this Code.

25 (8) Any supplementary payment made under this subsection  
26 (a) must be treated as separate from all other payments made

1 pursuant to Section 18-8.05 of this Code.

2 (b) (1) After the formation of a combined school district,  
3 as defined in Section 11E-20 of this Code, or a unit district,  
4 as defined in Section 11E-25 of this Code, a computation shall  
5 be made to determine the difference between the salaries  
6 effective in each of the previously existing districts on June  
7 30, prior to the creation of the new district. For the first 4  
8 years after the formation of the new district, a supplementary  
9 State aid reimbursement shall be paid to the new district equal  
10 to the difference between the sum of the salaries earned by  
11 each of the certificated members of the new district, while  
12 employed in one of the previously existing districts during the  
13 year immediately preceding the formation of the new district,  
14 and the sum of the salaries those certificated members would  
15 have been paid during the year immediately prior to the  
16 formation of the new district if placed on the salary schedule  
17 of the previously existing district with the highest salary  
18 schedule.

19 (2) After the territory of one or more school districts is  
20 annexed by one or more other school districts as defined in  
21 Article 7 of this Code, a computation shall be made to  
22 determine the difference between the salaries effective in each  
23 annexed district and in the annexing district or districts as  
24 they were each constituted on June 30 preceding the date when  
25 the change of boundaries attributable to the annexation became  
26 effective for all purposes, as determined under Section 7-9 of

1 this Code. For the first 4 years after the annexation, a  
2 supplementary State aid reimbursement shall be paid to each  
3 annexing district as constituted after the annexation equal to  
4 the difference between the sum of the salaries earned by each  
5 of the certificated members of the annexing district as  
6 constituted after the annexation, while employed in an annexed  
7 or annexing district during the year immediately preceding the  
8 annexation, and the sum of the salaries those certificated  
9 members would have been paid during the immediately preceding  
10 year if placed on the salary schedule of whichever of the  
11 annexing or annexed districts had the highest salary schedule  
12 during the immediately preceding year.

13 (3) For each new high school district formed under a school  
14 district conversion, as defined in Section 11E-15 of this Code,  
15 the State shall make a supplementary payment for 4 years equal  
16 to the difference between the sum of the salaries earned by  
17 each certified member of the new high school district, while  
18 employed in one of the previously existing districts, and the  
19 sum of the salaries those certified members would have been  
20 paid if placed on the salary schedule of the previously  
21 existing district with the highest salary schedule.

22 (4) For each newly created partial elementary unit  
23 district, the State shall make a supplementary payment for 4  
24 years equal to the difference between the sum of the salaries  
25 earned by each certified member of the newly created partial  
26 elementary unit district, while employed in one of the

1 previously existing districts that formed the partial  
2 elementary unit district, and the sum of the salaries those  
3 certified members would have been paid if placed on the salary  
4 schedule of the previously existing district with the highest  
5 salary schedule. The salary schedules used in the calculation  
6 shall be those in effect in the previously existing districts  
7 for the school year prior to the creation of the new partial  
8 elementary unit district.

9 (5) For an elementary district opt-in, as described in  
10 subsection (d) of Section 11E-30 of this Code, the salary  
11 difference incentive shall be computed in accordance with  
12 paragraph (4) of this subsection (b) as if the opted-in  
13 elementary district was included in the optional elementary  
14 unit district at the optional elementary unit district's  
15 original effective date. If the calculation in this paragraph  
16 (5) is less than that calculated in paragraph (4) of this  
17 subsection (b) at the optional elementary unit district's  
18 original effective date, then no adjustments may be made. If  
19 the calculation in this paragraph (5) is more than that  
20 calculated in paragraph (4) of this subsection (b) at the  
21 optional elementary unit district's original effective date,  
22 then the excess must be paid as follows:

23 (A) If the effective date for the elementary opt-in is  
24 one year after the effective date for the optional  
25 elementary unit district, 100% of the calculated excess  
26 shall be paid to the optional elementary unit district in

1 each of the first 4 years after the effective date of the  
2 elementary opt-in.

3 (B) If the effective date for the elementary opt-in is  
4 2 years after the effective date for the optional  
5 elementary unit district, 75% of the calculated excess  
6 shall be paid to the optional elementary unit district in  
7 each of the first 4 years after the effective date of the  
8 elementary opt-in.

9 (C) If the effective date for the elementary opt-in is  
10 3 years after the effective date for the optional  
11 elementary unit district, 50% of the calculated excess  
12 shall be paid to the optional elementary unit district in  
13 each of the first 4 years after the effective date of the  
14 elementary opt-in.

15 (D) If the effective date for the elementary opt-in is  
16 4 years after the effective date for the partial elementary  
17 unit district, 25% of the calculated excess shall be paid  
18 to the optional elementary unit district in each of the  
19 first 4 years after the effective date of the elementary  
20 opt-in.

21 (E) If the effective date for the elementary opt-in is  
22 5 years after the effective date for the optional  
23 elementary unit district, the optional elementary unit  
24 district is not eligible for any additional incentives due  
25 to the elementary opt-in.

26 (5.5) ~~(b-5)~~ After the formation of a cooperative high

1 school by 2 or more school districts under Section 10-22.22c of  
2 this Code, a computation shall be made to determine the  
3 difference between the salaries effective in each of the  
4 previously existing high schools on June 30 prior to the  
5 formation of the cooperative high school. For the first 4 years  
6 after the formation of the cooperative high school, a  
7 supplementary State aid reimbursement shall be paid to the  
8 cooperative high school equal to the difference between the sum  
9 of the salaries earned by each of the certificated members of  
10 the cooperative high school while employed in one of the  
11 previously existing high schools during the year immediately  
12 preceding the formation of the cooperative high school and the  
13 sum of the salaries those certificated members would have been  
14 paid during the year immediately prior to the formation of the  
15 cooperative high school if placed on the salary schedule of the  
16 previously existing high school with the highest salary  
17 schedule.

18 (5.10) After the annexation of territory detached from  
19 another school district whereby the enrollment of the annexing  
20 district increases by 90% or more as a result of the  
21 annexation, a computation shall be made to determine the  
22 difference between the salaries effective in the district  
23 gaining territory and the district losing territory as they  
24 each were constituted on June 30 preceding the date when the  
25 change of boundaries attributable to the annexation became  
26 effective for all purposes as determined under Section 7-9 of

1 this Code. For the first 4 years after the annexation, a  
2 supplementary State aid reimbursement shall be paid to the  
3 annexing district equal to the difference between the sum of  
4 the salaries earned by each of the certificated members of the  
5 annexing district as constituted after the annexation while  
6 employed in the district gaining territory or the district  
7 losing territory during the year immediately preceding the  
8 annexation and the sum of the salaries those certificated  
9 members would have been paid during such immediately preceding  
10 year if placed on the salary schedule of whichever of the  
11 district gaining territory or district losing territory had the  
12 highest salary schedule during the immediately preceding year.  
13 To be eligible for supplementary State aid reimbursement under  
14 this Section, the intergovernmental agreement to be submitted  
15 pursuant to Section 7-14A of this Code must show that staff  
16 members were transferred from the control of the district  
17 losing territory to the control of the district gaining  
18 territory in the annexation. The changes to this Section made  
19 by this amendatory Act of the 95th General Assembly are  
20 intended to be retroactive and applicable to any annexation  
21 taking effect on or after July 1, 2004. For annexations that  
22 are eligible for payments under this paragraph (5.10) and that  
23 are effective on or after July 1, 2004, but before the  
24 effective date of this amendatory Act of the 95th General  
25 Assembly, the first required yearly payment under this  
26 paragraph (5.10) shall be paid in the fiscal year of the

1 effective date of this amendatory Act of the 95th General  
2 Assembly. Subsequent required yearly payments shall be paid in  
3 subsequent fiscal years until the payment obligation under this  
4 paragraph (5.10) is complete.

5 (6) The supplementary State aid reimbursement under this  
6 subsection (b) shall be treated as separate from all other  
7 payments made pursuant to Section 18-8.05 of this Code. In the  
8 case of the formation of a new district or cooperative high  
9 school, reimbursement shall begin during the first year of  
10 operation of the new district or cooperative high school, and  
11 in the case of an annexation of the territory of one or more  
12 school districts by one or more other school districts or the  
13 annexation of territory detached from a school district whereby  
14 the enrollment of the annexing district increases by 90% or  
15 more as a result of the annexation, reimbursement shall begin  
16 during the first year when the change in boundaries  
17 attributable to the annexation ~~or division~~ becomes effective  
18 for all purposes as determined pursuant to Section 7-9 of this  
19 Code, except that for an annexation of territory detached from  
20 a school district that is effective on or after July 1, 2004,  
21 but before the effective date of this amendatory Act of the  
22 95th General Assembly, whereby the enrollment of the annexing  
23 district increases by 90% or more as a result of the  
24 annexation, reimbursement shall begin during the fiscal year of  
25 the effective date of this amendatory Act of the 95th General  
26 Assembly. Each year that the new, annexing, or resulting



1 district or cooperative high school, as the case may be, is  
2 entitled to receive reimbursement, the number of eligible  
3 certified members who are employed on October 1 in the district  
4 or cooperative high school shall be certified to the State  
5 Board of Education on prescribed forms by October 15 and  
6 payment shall be made on or before November 15 of that year.

7 (c) (1) For the first year after the formation of a combined  
8 school district, as defined in Section 11E-20 of this Code or a  
9 unit district, as defined in Section 11E-25 of this Code, a  
10 computation shall be made totaling each previously existing  
11 district's audited fund balances in the educational fund,  
12 working cash fund, operations and maintenance fund, and  
13 transportation fund for the year ending June 30 prior to the  
14 referendum for the creation of the new district. The new  
15 district shall be paid supplementary State aid equal to the sum  
16 of the differences between the deficit of the previously  
17 existing district with the smallest deficit and the deficits of  
18 each of the other previously existing districts.

19 (2) For the first year after the annexation of all of the  
20 territory of one or more entire school districts by another  
21 school district, as defined in Article 7 of this Code,  
22 computations shall be made, for the year ending June 30 prior  
23 to the date that the change of boundaries attributable to the  
24 annexation is allowed by the affirmative decision issued by the  
25 regional board of school trustees under Section 7-6 of this  
26 Code, notwithstanding any effort to seek administrative review

1 of the decision, totaling the annexing district's and totaling  
2 each annexed district's audited fund balances in their  
3 respective educational, working cash, operations and  
4 maintenance, and transportation funds. The annexing district  
5 as constituted after the annexation shall be paid supplementary  
6 State aid equal to the sum of the differences between the  
7 deficit of whichever of the annexing or annexed districts as  
8 constituted prior to the annexation had the smallest deficit  
9 and the deficits of each of the other districts as constituted  
10 prior to the annexation.

11 (3) For the first year after the annexation of all of the  
12 territory of one or more entire school districts by 2 or more  
13 other school districts, as defined by Article 7 of this Code,  
14 computations shall be made, for the year ending June 30 prior  
15 to the date that the change of boundaries attributable to the  
16 annexation is allowed by the affirmative decision of the  
17 regional board of school trustees under Section 7-6 of this  
18 Code, notwithstanding any action for administrative review of  
19 the decision, totaling each annexing and annexed district's  
20 audited fund balances in their respective educational, working  
21 cash, operations and maintenance, and transportation funds.  
22 The annexing districts as constituted after the annexation  
23 shall be paid supplementary State aid, allocated as provided in  
24 this paragraph (3), in an aggregate amount equal to the sum of  
25 the differences between the deficit of whichever of the  
26 annexing or annexed districts as constituted prior to the

1 annexation had the smallest deficit and the deficits of each of  
2 the other districts as constituted prior to the annexation. The  
3 aggregate amount of the supplementary State aid payable under  
4 this paragraph (3) shall be allocated between or among the  
5 annexing districts as follows:

6 (A) the regional superintendent of schools for each  
7 educational service region in which an annexed district is  
8 located prior to the annexation shall certify to the State  
9 Board of Education, on forms that it shall provide for that  
10 purpose, the value of all taxable property in each annexed  
11 district, as last equalized or assessed by the Department  
12 of Revenue prior to the annexation, and the equalized  
13 assessed value of each part of the annexed district that  
14 was annexed to or included as a part of an annexing  
15 district;

16 (B) using equalized assessed values as certified by the  
17 regional superintendent of schools under clause (A) of this  
18 paragraph (3), the combined audited fund balance deficit of  
19 each annexed district as determined under this Section  
20 shall be apportioned between or among the annexing  
21 districts in the same ratio as the equalized assessed value  
22 of that part of the annexed district that was annexed to or  
23 included as a part of an annexing district bears to the  
24 total equalized assessed value of the annexed district; and

25 (C) the aggregate supplementary State aid payment  
26 under this paragraph (3) shall be allocated between or

1 among, and shall be paid to, the annexing districts in the  
2 same ratio as the sum of the combined audited fund balance  
3 deficit of each annexing district as constituted prior to  
4 the annexation, plus all combined audited fund balance  
5 deficit amounts apportioned to that annexing district  
6 under clause (B) of this subsection, bears to the aggregate  
7 of the combined audited fund balance deficits of all of the  
8 annexing and annexed districts as constituted prior to the  
9 annexation.

10 (4) For the new elementary districts and new high school  
11 district formed through a school district conversion, as  
12 defined in subsection (b) of Section 11E-15 of this Code or the  
13 new elementary district or districts and new combined high  
14 school - unit district formed through a multi-unit conversion,  
15 as defined in subsection (b) of Section 11E-30 of this Code, a  
16 computation shall be made totaling each previously existing  
17 district's audited fund balances in the educational fund,  
18 working cash fund, operations and maintenance fund, and  
19 transportation fund for the year ending June 30 prior to the  
20 referendum establishing the new districts. In the first year of  
21 the new districts, the State shall make a one-time  
22 supplementary payment equal to the sum of the differences  
23 between the deficit of the previously existing district with  
24 the smallest deficit and the deficits of each of the other  
25 previously existing districts. A district with a combined  
26 balance among the 4 funds that is positive shall be considered

1 to have a deficit of zero. The supplementary payment shall be  
2 allocated among the newly formed high school and elementary  
3 districts in the manner provided by the petition for the  
4 formation of the districts, in the form in which the petition  
5 is approved by the regional superintendent of schools or State  
6 Superintendent of Education under Section 11E-50 of this Code.

7 (5) For each newly created partial elementary unit  
8 district, as defined in subsection (a) or (c) of Section 11E-30  
9 of this Code, a computation shall be made totaling the audited  
10 fund balances of each previously existing district that formed  
11 the new partial elementary unit district in the educational  
12 fund, working cash fund, operations and maintenance fund, and  
13 transportation fund for the year ending June 30 prior to the  
14 referendum for the formation of the partial elementary unit  
15 district. In the first year of the new partial elementary unit  
16 district, the State shall make a one-time supplementary payment  
17 to the new district equal to the sum of the differences between  
18 the deficit of the previously existing district with the  
19 smallest deficit and the deficits of each of the other  
20 previously existing districts. A district with a combined  
21 balance among the 4 funds that is positive shall be considered  
22 to have a deficit of zero.

23 (6) For an elementary opt-in as defined in subsection (d)  
24 of Section 11E-30 of this Code, the deficit fund balance  
25 incentive shall be computed in accordance with paragraph (5) of  
26 this subsection (c) as if the opted-in elementary was included

1 in the optional elementary unit district at the optional  
2 elementary unit district's original effective date. If the  
3 calculation in this paragraph (6) is less than that calculated  
4 in paragraph (5) of this subsection (c) at the optional  
5 elementary unit district's original effective date, then no  
6 adjustments may be made. If the calculation in this paragraph  
7 (6) is more than that calculated in paragraph (5) of this  
8 subsection (c) at the optional elementary unit district's  
9 original effective date, then the excess must be paid as  
10 follows:

11 (A) If the effective date for the elementary opt-in is  
12 one year after the effective date for the optional  
13 elementary unit district, 100% of the calculated excess  
14 shall be paid to the optional elementary unit district in  
15 the first year after the effective date of the elementary  
16 opt-in.

17 (B) If the effective date for the elementary opt-in is  
18 2 years after the effective date for the optional  
19 elementary unit district, 75% of the calculated excess  
20 shall be paid to the optional elementary unit district in  
21 the first year after the effective date of the elementary  
22 opt-in.

23 (C) If the effective date for the elementary opt-in is  
24 3 years after the effective date for the optional  
25 elementary unit district, 50% of the calculated excess  
26 shall be paid to the optional elementary unit district in

1 the first year after the effective date of the elementary  
2 opt-in.

3 (D) If the effective date for the elementary opt-in is  
4 4 years after the effective date for the optional  
5 elementary unit district, 25% of the calculated excess  
6 shall be paid to the optional elementary unit district in  
7 the first year after the effective date of the elementary  
8 opt-in.

9 (E) If the effective date for the elementary opt-in is  
10 5 years after the effective date for the optional  
11 elementary unit district, the optional elementary unit  
12 district is not eligible for any additional incentives due  
13 to the elementary opt-in.

14 (6.5) For the first year after the annexation of territory  
15 detached from another school district whereby the enrollment of  
16 the annexing district increases by 90% or more as a result of  
17 the annexation, a computation shall be made totaling the  
18 audited fund balances of the district gaining territory and the  
19 audited fund balances of the district losing territory in the  
20 educational fund, working cash fund, operations and  
21 maintenance fund, and transportation fund for the year ending  
22 June 30 prior to the date that the change of boundaries  
23 attributable to the annexation is allowed by the affirmative  
24 decision of the regional board of school trustees under Section  
25 7-6 of this Code, notwithstanding any action for administrative  
26 review of the decision. The annexing district as constituted

1 after the annexation shall be paid supplementary State aid  
2 equal to the difference between the deficit of whichever  
3 district included in this calculation as constituted prior to  
4 the annexation had the smallest deficit and the deficit of each  
5 other district included in this calculation as constituted  
6 prior to the annexation, multiplied by the ratio of equalized  
7 assessed value of the territory detached to the total equalized  
8 assessed value of the district losing territory. The regional  
9 superintendent of schools for the educational service region in  
10 which a district losing territory is located prior to the  
11 annexation shall certify to the State Board of Education the  
12 value of all taxable property in the district losing territory  
13 and the value of all taxable property in the territory being  
14 detached, as last equalized or assessed by the Department of  
15 Revenue prior to the annexation. To be eligible for  
16 supplementary State aid reimbursement under this Section, the  
17 intergovernmental agreement to be submitted pursuant to  
18 Section 7-14A of this Code must show that fund balances were  
19 transferred from the district losing territory to the district  
20 gaining territory in the annexation. The changes to this  
21 Section made by this amendatory Act of the 95th General  
22 Assembly are intended to be retroactive and applicable to any  
23 annexation taking effect on or after July 1, 2004. For  
24 annexations that are eligible for payments under this paragraph  
25 (6.5) and that are effective on or after July 1, 2004, but  
26 before the effective date of this amendatory Act of the 95th



1 General Assembly, the required payment under this paragraph  
2 (6.5) shall be paid in the fiscal year of the effective date of  
3 this amendatory Act of the 95th General Assembly.

4 (7) For purposes of any calculation required under  
5 paragraph (1), (2), (3), (4), (5), ~~or (6)~~, or (6.5) of this  
6 subsection (c), a district with a combined fund balance that is  
7 positive shall be considered to have a deficit of zero. For  
8 purposes of determining each district's audited fund balances  
9 in its educational fund, working cash fund, operations and  
10 maintenance fund, and transportation fund for the specified  
11 year ending June 30, as provided in paragraphs (1), (2), (3),  
12 (4), (5), ~~and (6)~~, and (6.5) of this subsection (c), the  
13 balance of each fund shall be deemed decreased by an amount  
14 equal to the amount of the annual property tax theretofore  
15 levied in the fund by the district for collection and payment  
16 to the district during the calendar year in which the June 30  
17 fell, but only to the extent that the tax so levied in the fund  
18 actually was received by the district on or before or comprised  
19 a part of the fund on such June 30. For purposes of determining  
20 each district's audited fund balances, a calculation shall be  
21 made for each fund to determine the average for the 3 years  
22 prior to the specified year ending June 30, as provided in  
23 paragraphs (1), (2), (3), (4), (5), ~~and (6)~~, and (6.5) of this  
24 subsection (c), of the district's expenditures in the  
25 categories "purchased services", "supplies and materials", and  
26 "capital outlay", as those categories are defined in rules of

1 the State Board of Education. If this 3-year average is less  
2 than the district's expenditures in these categories for the  
3 specified year ending June 30, as provided in paragraphs (1),  
4 (2), (3), (4), (5), ~~and (6)~~, and (6.5) of this subsection (c),  
5 then the 3-year average shall be used in calculating the  
6 amounts payable under this Section in place of the amounts  
7 shown in these categories for the specified year ending June  
8 30, as provided in paragraphs (1), (2), (3), (4), (5), ~~and (6)~~,  
9 and (6.5) of this subsection (c). Any deficit because of State  
10 aid not yet received may not be considered in determining the  
11 June 30 deficits. The same basis of accounting shall be used by  
12 all previously existing districts and by all annexing or  
13 annexed districts, as constituted prior to the annexation, in  
14 making any computation required under paragraphs (1), (2), (3),  
15 (4), (5), ~~and (6)~~, and (6.5) of this subsection (c).

16 (8) The supplementary State aid payments under this  
17 subsection (c) shall be treated as separate from all other  
18 payments made pursuant to Section 18-8.05 of this Code.

19 (d)(1) Following the formation of a combined school  
20 district, as defined in Section 11E-20 of this Code, a new  
21 elementary district or districts and a new high school district  
22 formed through a school district conversion, as defined in  
23 subsection (b) of Section 11E-15 of this Code, a new partial  
24 elementary unit district, as defined in Section 11E-30 of this  
25 Code, or a new elementary district or districts formed through  
26 a multi-unit conversion, as defined in subsection (b) of

1 Section 11E-30 of this Code, or the annexation of all of the  
 2 territory of one or more entire school districts by one or more  
 3 other school districts, as defined in Article 7 of this Code, a  
 4 supplementary State aid reimbursement shall be paid for the  
 5 number of school years determined under the following table to  
 6 each new or annexing district equal to the sum of \$4,000 for  
 7 each certified employee who is employed by the district on a  
 8 full-time basis for the regular term of the school year:

9	Reorganized District's Rank by type of district (unit, high school, elementary) in Equalized Assessed Value Per Pupil by Quintile	Reorganized District's Rank		
10		in Average Daily Attendance		
11		By Quintile		
12				
13				
14				3rd, 4th,
15		1st	2nd	or 5th
16		Quintile	Quintile	Quintile
17	1st Quintile	1 year	1 year	1 year
18	2nd Quintile	1 year	2 years	2 years
19	3rd Quintile	2 years	3 years	3 years
20	4th Quintile	2 years	3 years	3 years
21	5th Quintile	2 years	3 years	3 years

22 The State Board of Education shall make a one-time calculation  
 23 of a reorganized district's quintile ranks. The average daily  
 24 attendance used in this calculation shall be the best 3 months'

1 average daily attendance for the district's first year. The  
2 equalized assessed value per pupil shall be the district's real  
3 property equalized assessed value used in calculating the  
4 district's first-year general State aid claim, under Section  
5 18-8.05 of this Code, divided by the best 3 months' average  
6 daily attendance.

7 No annexing or resulting school district shall be entitled  
8 to supplementary State aid under this subsection (d) unless the  
9 district acquires at least 30% of the average daily attendance  
10 of the district from which the territory is being detached or  
11 divided.

12 If a district results from multiple reorganizations that  
13 would otherwise qualify the district for multiple payments  
14 under this subsection (d) in any year, then the district shall  
15 receive a single payment only for that year based solely on the  
16 most recent reorganization.

17 (2) For an elementary opt-in, as defined in subsection (d)  
18 of Section 11E-30 of this Code, the full-time certified staff  
19 incentive shall be computed in accordance with paragraph (1) of  
20 this subsection (d), equal to the sum of \$4,000 for each  
21 certified employee of the elementary district that opts-in who  
22 is employed by the optional elementary unit district on a  
23 full-time basis for the regular term of the school year. The  
24 calculation from this paragraph (2) must be paid as follows:

25 (A) If the effective date for the elementary opt-in is  
26 one year after the effective date for the optional

1 elementary unit district, 100% of the amount calculated in  
2 this paragraph (2) shall be paid to the optional elementary  
3 unit district for the number of years calculated in  
4 paragraph (1) of this subsection (d) at the optional  
5 elementary unit district's original effective date,  
6 starting in the second year after the effective date of the  
7 elementary opt-in.

8 (B) If the effective date for the elementary opt-in is  
9 2 years after the effective date for the optional  
10 elementary unit district, 75% of the amount calculated in  
11 this paragraph (2) shall be paid to the optional elementary  
12 unit district for the number of years calculated in  
13 paragraph (1) of this subsection (d) at the optional  
14 elementary unit district's original effective date,  
15 starting in the second year after the effective date of the  
16 elementary opt-in.

17 (C) If the effective date for the elementary opt-in is  
18 3 years after the effective date for the optional  
19 elementary unit district, 50% of the amount calculated in  
20 this paragraph (2) shall be paid to the optional elementary  
21 unit district for the number of years calculated in  
22 paragraph (1) of this subsection (d) at the optional  
23 elementary unit district's original effective date,  
24 starting in the second year after the effective date of the  
25 elementary opt-in.

26 (D) If the effective date for the elementary opt-in is

1           4 years after the effective date for the optional  
2 elementary unit district, 25% of the amount calculated in  
3 this paragraph (2) shall be paid to the optional elementary  
4 unit district for the number of years calculated in  
5 paragraph (1) of this subsection (d) at the optional  
6 elementary unit district's original effective date,  
7 starting in the second year after the effective date of the  
8 elementary opt-in.

9           (E) If the effective date for the elementary opt-in is  
10 5 years after the effective date for the optional  
11 elementary unit district, the optional elementary unit  
12 district is not eligible for any additional incentives due  
13 to the elementary opt-in.

14           (2.5) ~~(a-5)~~ Following the formation of a cooperative high  
15 school by 2 or more school districts under Section 10-22.22c of  
16 this Code, a supplementary State aid reimbursement shall be  
17 paid for 3 school years to the cooperative high school equal to  
18 the sum of \$4,000 for each certified employee who is employed  
19 by the cooperative high school on a full-time basis for the  
20 regular term of any such school year. If a cooperative high  
21 school results from multiple agreements that would otherwise  
22 qualify the cooperative high school for multiple payments under  
23 this Section in any year, the cooperative high school shall  
24 receive a single payment for that year based solely on the most  
25 recent agreement.

26           (2.10) Following the annexation of territory detached from

1 another school district whereby the enrollment of the annexing  
2 district increases 90% or more as a result of the annexation, a  
3 supplementary State aid reimbursement shall be paid to the  
4 annexing district equal to the sum of \$4,000 for each certified  
5 employee who is employed by the annexing district on a  
6 full-time basis and shall be calculated in accordance with  
7 subsection (a) of this Section. To be eligible for  
8 supplementary State aid reimbursement under this Section, the  
9 intergovernmental agreement to be submitted pursuant to  
10 Section 7-14A of this Code must show that certified staff  
11 members were transferred from the control of the district  
12 losing territory to the control of the district gaining  
13 territory in the annexation. The changes to this Section made  
14 by this amendatory Act of the 95th General Assembly are  
15 intended to be retroactive and applicable to any annexation  
16 taking effect on or after July 1, 2004. For annexations that  
17 are eligible for payments under this paragraph (2.10) and that  
18 are effective on or after July 1, 2004, but before the  
19 effective date of this amendatory Act of the 95th General  
20 Assembly, the first required yearly payment under this  
21 paragraph (2.10) shall be paid in the second fiscal year after  
22 the effective date of this amendatory Act of the 95th General  
23 Assembly. Any subsequent required yearly payments shall be paid  
24 in subsequent fiscal years until the payment obligation under  
25 this paragraph (2.10) is complete.

26 (3) The supplementary State aid reimbursement payable

1 under this subsection (d) shall be separate from and in  
2 addition to all other payments made to the district pursuant to  
3 any other Section of this Article.

4 (4) During May of each school year for which a  
5 supplementary State aid reimbursement is to be paid to a new or  
6 annexing school district or cooperative high school pursuant to  
7 this subsection (d), the school board or governing board shall  
8 certify to the State Board of Education, on forms furnished to  
9 the school board or governing board by the State Board of  
10 Education for purposes of this subsection (d), the number of  
11 certified employees for which the district or cooperative high  
12 school is entitled to reimbursement under this Section,  
13 together with the names, certificate numbers, and positions  
14 held by the certified employees.

15 (5) Upon certification by the State Board of Education to  
16 the State Comptroller of the amount of the supplementary State  
17 aid reimbursement to which a school district or cooperative  
18 high school is entitled under this subsection (d), the State  
19 Comptroller shall draw his or her warrant upon the State  
20 Treasurer for the payment thereof to the school district or  
21 cooperative high school and shall promptly transmit the payment  
22 to the school district or cooperative high school through the  
23 appropriate school treasurer.

24 (Source: P.A. 94-1019, eff. 7-10-06; incorporates P.A. 94-902,  
25 eff. 7-1-06; revised 9-13-06.)



1 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

2 Sec. 14-13.01. Reimbursement payable by State; Amounts.  
3 Reimbursement for furnishing special educational facilities in  
4 a recognized school to the type of children defined in Section  
5 14-1.02 shall be paid to the school districts in accordance  
6 with Section 14-12.01 for each school year ending June 30 by  
7 the State Comptroller out of any money in the treasury  
8 appropriated for such purposes on the presentation of vouchers  
9 by the State Board of Education.

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

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

1 1985-1986 school year through the 2006-2007 school year and  
2 \$1,000 per child or \$9,000 per teacher for the 2007-2008 school  
3 year and for each school year ~~and~~ thereafter, whichever is  
4 less. Children to be included in any reimbursement under this  
5 paragraph must regularly receive a minimum of one hour of  
6 instruction each school day, or in lieu thereof of a minimum of  
7 5 hours of instruction in each school week in order to qualify  
8 for full reimbursement under this Section. If the attending  
9 physician for such a child has certified that the child should  
10 not receive as many as 5 hours of instruction in a school week,  
11 however, reimbursement under this paragraph on account of that  
12 child shall be computed proportionate to the actual hours of  
13 instruction per week for that child divided by 5.

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

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

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

10 (e) For each school psychologist as defined in Section  
11 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year  
12 through the 2006-2007 school year and \$9,000 for the 2007-2008  
13 school year and for each school year ~~and~~ thereafter.

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

20 (g) For readers, working with blind or partially seeing  
21 children 1/2 of their salary but not more than \$400 annually  
22 per child. Readers may be employed to assist such children and  
23 shall not be required to be certified but prior to employment  
24 shall meet standards set up by the State Board of Education.

25 (h) For necessary non-certified employees working in any  
26 class or program for children defined in this Article, 1/2 of

1 the salary paid or \$2,800 annually per employee through the  
2 2006-2007 school year and \$3,500 per employee for the 2007-2008  
3 school year and for each school year thereafter, whichever is  
4 less.

5 The State Board of Education shall set standards and  
6 prescribe rules for determining the allocation of  
7 reimbursement under this section on less than a full time basis  
8 and for less than a school year.

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

16 Notwithstanding any other provision of law, any school  
17 district receiving a payment under this Section or under  
18 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
19 all or a portion of the funds that it receives in a particular  
20 fiscal year or from general State aid pursuant to Section  
21 18-8.05 of this Code as funds received in connection with any  
22 funding program for which it is entitled to receive funds from  
23 the State in that fiscal year (including, without limitation,  
24 any funding program referenced in this Section), regardless of  
25 the source or timing of the receipt. The district may not  
26 classify more funds as funds received in connection with the

1 funding program than the district is entitled to receive in  
2 that fiscal year for that program. Any classification by a  
3 district must be made by a resolution of its board of  
4 education. The resolution must identify the amount of any  
5 payments or general State aid to be classified under this  
6 paragraph and must specify the funding program to which the  
7 funds are to be treated as received in connection therewith.  
8 This resolution is controlling as to the classification of  
9 funds referenced therein. A certified copy of the resolution  
10 must be sent to the State Superintendent of Education. The  
11 resolution shall still take effect even though a copy of the  
12 resolution has not been sent to the State Superintendent of  
13 Education in a timely manner. No classification under this  
14 paragraph by a district shall affect the total amount or timing  
15 of money the district is entitled to receive under this Code.  
16 No classification under this paragraph by a district shall in  
17 any way relieve the district from or affect any requirements  
18 that otherwise would apply with respect to that funding  
19 program, including any accounting of funds by source, reporting  
20 expenditures by original source and purpose, reporting  
21 requirements, or requirements of providing services.

22 (Source: P.A. 95-415, eff. 8-24-07.)

23 (105 ILCS 5/18-8.05)

24 Sec. 18-8.05. Basis for apportionment of general State  
25 financial aid and supplemental general State aid to the common

1 schools for the 1998-1999 and subsequent school years.

2 (A) General Provisions.

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

19 (2) In addition to general State financial aid, school  
20 districts with specified levels or concentrations of pupils  
21 from low income households are eligible to receive supplemental  
22 general State financial aid grants as provided pursuant to  
23 subsection (H). The supplemental State aid grants provided for  
24 school districts under subsection (H) shall be appropriated for  
25 distribution to school districts as part of the same line item

1 in which the general State financial aid of school districts is  
2 appropriated under this Section.

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

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

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

25 (c) If a school district operates a full year school  
26 under Section 10-19.1, the general State aid to the school

1 district shall be determined by the State Board of  
2 Education in accordance with this Section as near as may be  
3 applicable.

4 (d) (Blank).

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

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

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

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

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

22 (c) "Corporate Personal Property Replacement Taxes":  
23 Funds paid to local school districts pursuant to "An Act in  
24 relation to the abolition of ad valorem personal property  
25 tax and the replacement of revenues lost thereby, and  
26 amending and repealing certain Acts and parts of Acts in



1 connection therewith", certified August 14, 1979, as  
2 amended (Public Act 81-1st S.S.-1).

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

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

9 (B) Foundation Level.

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

20 (2) For the 1998-1999 school year, the Foundation Level of  
21 support is \$4,225. For the 1999-2000 school year, the  
22 Foundation Level of support is \$4,325. For the 2000-2001 school  
23 year, the Foundation Level of support is \$4,425. For the  
24 2001-2002 school year and 2002-2003 school year, the Foundation  
25 Level of support is \$4,560. For the 2003-2004 school year, the

1 Foundation Level of support is \$4,810. For the 2004-2005 school  
2 year, the Foundation Level of support is \$4,964. For the  
3 2005-2006 school year, the Foundation Level of support is  
4 \$5,164. For the 2006-2007 school year, the Foundation Level of  
5 support is \$5,334.

6 (3) For the 2007-2008 ~~2006-2007~~ school year and each school  
7 year thereafter, the Foundation Level of support is \$5,734  
8 ~~\$5,334~~ or such greater amount as may be established by law by  
9 the General Assembly.

10 (C) Average Daily Attendance.

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

22 (2) The Average Daily Attendance figures utilized in  
23 subsection (E) shall be the requisite attendance data for the  
24 school year immediately preceding the school year for which  
25 general State aid is being calculated or the average of the

1 attendance data for the 3 preceding school years, whichever is  
2 greater. The Average Daily Attendance figures utilized in  
3 subsection (H) 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.

6 (D) Available Local Resources.

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

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

23 (3) For school districts maintaining grades kindergarten  
24 through 12, local property tax revenues per pupil shall be  
25 calculated as the product of the applicable equalized assessed

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

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

23 (4) The Corporate Personal Property Replacement Taxes paid  
24 to each school district during the calendar year 2 years before  
25 the calendar year in which a school year begins, divided by the  
26 Average Daily Attendance figure for that district, shall be

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

7 (E) Computation of General State Aid.

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

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

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

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

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

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

23 (F) Compilation of Average Daily Attendance.

24 (1) Each school district shall, by July 1 of each year,  
25 submit to the State Board of Education, on forms prescribed by

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

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

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

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

1 buildings for each month and added to the monthly  
2 attendance of the non-year-round buildings.

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

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

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

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



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

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

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

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

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

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

26 (g) For children with disabilities who are below the

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

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

24 (i) On the days when the Prairie State Achievement  
25 Examination is administered under subsection (c) of  
26 Section 2-3.64 of this Code, the day of attendance for a

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

9 (G) Equalized Assessed Valuation Data.

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

20 The Department of Revenue shall add to the equalized  
21 assessed value of all taxable property of each school district  
22 situated entirely or partially within a county that is or was  
23 subject to the alternative general homestead exemption  
24 provisions of Section 15-176 of the Property Tax Code (a) an  
25 amount equal to the total amount by which the homestead

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

1 been determined under Section 15-175 of the Property Tax Code.  
2 It is further the intent of this paragraph that if additional  
3 exemptions are allowed under Section 15-175 of the Property Tax  
4 Code for owners with a household income of less than \$30,000,  
5 then the calculation of Available Local Resources shall not be  
6 affected by the difference, if any, because of those additional  
7 exemptions.

8 This equalized assessed valuation, as adjusted further by  
9 the requirements of this subsection, shall be utilized in the  
10 calculation of Available Local Resources.

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

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

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

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

24 (3) For the 1999-2000 school year and each school year  
25 thereafter, if a school district meets all of the criteria of  
26 this subsection (G) (3), the school district's Available Local

1 Resources shall be calculated under subsection (D) using the  
2 district's Extension Limitation Equalized Assessed Valuation  
3 as calculated under this subsection (G) (3).

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

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

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

10 "Preceding Tax Year": The property tax levy year  
11 immediately preceding the Base Tax Year.

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

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

21 "Extension Limitation Ratio": A numerical ratio,  
22 certified by the County Clerk, in which the numerator is  
23 the Base Tax Year's Tax Extension and the denominator is  
24 the Preceding Tax Year's Tax Extension.

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



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

24           Partial elementary unit districts created in accordance  
25 with Article 11E of this Code shall not be eligible for the  
26 adjustment in this subsection (G)(3) until the fifth year

1 following the effective date of the reorganization.

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

22 (5) For school districts having a majority of their  
23 equalized assessed valuation in any county except Cook, DuPage,  
24 Kane, Lake, McHenry, or Will, if the amount of general State  
25 aid allocated to the school district for the 1999-2000 school  
26 year under the provisions of subsection (E), (H), and (J) of

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

8 (H) Supplemental General State Aid.

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

1 be used for supplemental general State aid, which the State  
2 Board of Education shall calculate and pay to eligible  
3 districts on a prorated basis.

4 (1.5) This paragraph (1.5) applies only to those school  
5 years preceding the 2003-2004 school year. For purposes of this  
6 subsection (H), the term "Low-Income Concentration Level"  
7 shall be the low-income eligible pupil count from the most  
8 recently available federal census divided by the Average Daily  
9 Attendance of the school district. If, however, (i) the  
10 percentage decrease from the 2 most recent federal censuses in  
11 the low-income eligible pupil count of a high school district  
12 with fewer than 400 students exceeds by 75% or more the  
13 percentage change in the total low-income eligible pupil count  
14 of contiguous elementary school districts, whose boundaries  
15 are coterminous with the high school district, or (ii) a high  
16 school district within 2 counties and serving 5 elementary  
17 school districts, whose boundaries are coterminous with the  
18 high school district, has a percentage decrease from the 2 most  
19 recent federal censuses in the low-income eligible pupil count  
20 and there is a percentage increase in the total low-income  
21 eligible pupil count of a majority of the elementary school  
22 districts in excess of 50% from the 2 most recent federal  
23 censuses, then the high school district's low-income eligible  
24 pupil count from the earlier federal census shall be the number  
25 used as the low-income eligible pupil count for the high school  
26 district, for purposes of this subsection (H). The changes made

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

12 (1.10) This paragraph (1.10) applies to the 2003-2004  
13 school year and each school year thereafter. For purposes of  
14 this subsection (H), the term "Low-Income Concentration Level"  
15 shall, for each fiscal year, be the low-income eligible pupil  
16 count as of July 1 of the immediately preceding fiscal year (as  
17 determined by the Department of Human Services based on the  
18 number of pupils who are eligible for at least one of the  
19 following low income programs: Medicaid, KidCare, TANF, or Food  
20 Stamps, excluding pupils who are eligible for services provided  
21 by the Department of Children and Family Services, averaged  
22 over the 2 immediately preceding fiscal years for fiscal year  
23 2004 and over the 3 immediately preceding fiscal years for each  
24 fiscal year thereafter) divided by the Average Daily Attendance  
25 of the school district.

26 (2) Supplemental general State aid pursuant to this

1 subsection (H) shall be provided as follows for the 1998-1999,  
2 1999-2000, and 2000-2001 school years only:

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

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

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

15 (d) For any school district with a Low Income  
16 Concentration Level of 60% or more, the grant for the  
17 1998-99 school year shall be \$1,900 multiplied by the low  
18 income eligible pupil count.

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

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

1           (2.5) Supplemental general State aid pursuant to this  
2 subsection (H) shall be provided as follows for the 2002-2003  
3 school year:

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

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

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

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

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

24           (f) For any school district with a Low Income  
25 Concentration Level of 60% or more, the grant for each  
26 school year shall be \$2,080 multiplied by the low income

1 eligible pupil count.

2 (2.10) Except as otherwise provided, supplemental general  
3 State aid pursuant to this subsection (H) shall be provided as  
4 follows for the 2003-2004 school year and each school year  
5 thereafter:

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

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

15 For the 2003-2004 school year and each school year through  
16 the 2007-2008 school year, ~~2004-2005 school year, 2005-2006~~  
17 ~~school year, and 2006-2007 school year~~ only, the grant shall be  
18 no less than the grant for the 2002-2003 school year. For the  
19 2008-2009 ~~2007-2008~~ school year only, the grant shall be no  
20 less than the grant for the 2002-2003 school year multiplied by  
21 0.66. For the 2009-2010 ~~2008-2009~~ school year only, the grant  
22 shall be no less than the grant for the 2002-2003 school year  
23 multiplied by 0.33. Notwithstanding the provisions of this  
24 paragraph to the contrary, if for any school year supplemental  
25 general State aid grants are prorated as provided in paragraph  
26 (1) of this subsection (H), then the grants under this



1 paragraph shall be prorated.

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

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

1 meeting the education needs of disadvantaged children. Such  
2 plan shall be submitted in accordance with rules and  
3 regulations promulgated by the State Board of Education.

4 (4) School districts with an Average Daily Attendance of  
5 50,000 or more that qualify for supplemental general State aid  
6 pursuant to this subsection shall be required to distribute  
7 from funds available pursuant to this Section, no less than  
8 \$261,000,000 in accordance with the following requirements:

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

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

24 (c) Each attendance center shall be provided by the  
25 school district a distribution of noncategorical funds and  
26 other categorical funds to which an attendance center is

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

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

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

24          (f) Each district subject to the provisions of this  
25          subdivision (H) (4) shall submit an acceptable plan to meet  
26          the educational needs of disadvantaged children, in

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

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

20 If the district fails to distribute State aid to  
21 attendance centers in accordance with an approved plan, the  
22 plan for the following year shall allocate funds, in  
23 addition to the funds otherwise required by this  
24 subsection, to those attendance centers which were  
25 underfunded during the previous year in amounts equal to  
26 such underfunding.

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

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

1 (I) (Blank).

2 (J) Supplementary Grants in Aid.

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

22 (2) If, as provided in paragraph (1) of this subsection  
23 (J), a school district is to receive aggregate general State  
24 aid in combination with supplemental general State aid under

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

9 (3) (Blank).

10 (K) Grants to Laboratory and Alternative Schools.

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

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

1 which operates the laboratory school. A laboratory school may  
2 not have more than 1,000 students, excluding students with  
3 disabilities in a special education program.

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

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



1 determined under this Section.

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

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

16 (2) (Blank).

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

19 (M) Education Funding Advisory Board.

20 The Education Funding Advisory Board, hereinafter in this  
21 subsection (M) referred to as the "Board", is hereby created.  
22 The Board shall consist of 5 members who are appointed by the  
23 Governor, by and with the advice and consent of the Senate. The  
24 members appointed shall include representatives of education,

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

1 person to fill that membership for the unexpired term. If the  
2 Senate is not in session when the initial appointments are  
3 made, those appointments shall be made as in the case of  
4 vacancies.

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

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

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

1 low-spending schools exhibiting high academic performance. The  
2 Education Funding Advisory Board shall make such  
3 recommendations to the General Assembly on January 1 of odd  
4 numbered years, beginning January 1, 2001.

5 (N) (Blank).

6 (O) References.

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

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

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

21 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,  
22 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,  
23 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,

1 eff. 7-10-06; 94-1105, eff. 6-1-07; revised 2-18-07.)

2 Section 5-25. The Illinois Public Aid Code is amended by  
3 changing Sections 5-5.4, 5A-8, 5B-8, 5C-2, and 12-10.7 as  
4 follows:

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

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

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

1 effect on July 1 in 1984 and subsequent years. No rate increase  
2 and no update for inflation shall be provided on or after July  
3 1, 1994 and before July 1, 2008, unless specifically provided  
4 for in this Section. The changes made by Public Act 93-841  
5 extending the duration of the prohibition against a rate  
6 increase or update for inflation are effective retroactive to  
7 July 1, 2004.

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

22 For facilities licensed by the Department of Public Health  
23 under the Nursing Home Care Act as Intermediate Care for the  
24 Developmentally Disabled facilities or Long Term Care for Under  
25 Age 22 facilities, the rates taking effect on July 1, 1999  
26 shall include an increase of 1.6% plus \$3.00 per resident-day,

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

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 July 1, 2000  
12 shall include an increase of 2.5% per resident-day, as defined  
13 by the Department. For facilities licensed by the Department of  
14 Public Health under the Nursing Home Care Act as Skilled  
15 Nursing facilities or Intermediate Care facilities, the rates  
16 taking effect on July 1, 2000 shall include an increase of 2.5%  
17 per resident-day, as defined by the Department.

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

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

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

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

25 (C) Notwithstanding paragraphs (A) and (B), the  
26 nursing component rate per patient day for the facility



1 shall be adjusted subject to appropriations provided by the  
2 General Assembly.

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

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

20 (i) For rates taking effect January 1, 2007,  
21 \$60,000,000.

22 (ii) For rates taking effect January 1, 2008,  
23 \$87,775,000.

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, the support component of the  
2 rates taking effect on January 1, 2008 shall be computed using  
3 the most recent cost reports on file with the Department of  
4 Healthcare and Family Services no later than April 1, 2005,  
5 updated for inflation to January 1, 2006.

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

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

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

1 determine by rule the rates taking effect on July 1, 2002,  
2 which shall be 5.9% less than the rates in effect on June 30,  
3 2002.

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

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

21 Notwithstanding any other provisions of this Section, for  
22 facilities licensed by the Department of Public Health under  
23 the Nursing Home Care Act as intermediate care facilities that  
24 are federally defined as Institutions for Mental Disease, a  
25 socio-development component rate equal to 6.6% of the  
26 facility's nursing component rate as of January 1, 2006 shall

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

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 as long-term care  
11 facilities for residents under 22 years of age, the rates  
12 taking effect on July 1, 2003 shall include a statewide  
13 increase of 4%, as defined by the Department.

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

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

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

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

1 below what that component would have been utilizing in the rate  
2 effective on July 1, 1984.

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

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

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

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

25 (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,  
26 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;

1 95-12, eff. 7-2-07.)

2 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

3 Sec. 5A-8. Hospital Provider Fund.

4 (a) There is created in the State Treasury the Hospital  
5 Provider Fund. Interest earned by the Fund shall be credited to  
6 the Fund. The Fund shall not be used to replace any moneys  
7 appropriated to the Medicaid program by the General Assembly.

8 (b) The Fund is created for the purpose of receiving moneys  
9 in accordance with Section 5A-6 and disbursing moneys only for  
10 the following purposes, notwithstanding any other provision of  
11 law:

12 (1) For making payments to hospitals as required under  
13 Articles V, VI, and XIV of this Code and under the  
14 Children's Health Insurance Program Act.

15 (2) For the reimbursement of moneys collected by the  
16 Illinois Department from hospitals or hospital providers  
17 through error or mistake in performing the activities  
18 authorized under this Article and Article V of this Code.

19 (3) For payment of administrative expenses incurred by  
20 the Illinois Department or its agent in performing the  
21 activities authorized by this Article.

22 (4) For payments of any amounts which are reimbursable  
23 to the federal government for payments from this Fund which  
24 are required to be paid by State warrant.

25 (5) For making transfers, as those transfers are

1 authorized in the proceedings authorizing debt under the  
2 Short Term Borrowing Act, but transfers made under this  
3 paragraph (5) shall not exceed the principal amount of debt  
4 issued in anticipation of the receipt by the State of  
5 moneys to be deposited into the Fund.

6 (6) For making transfers to any other fund in the State  
7 treasury, but transfers made under this paragraph (6) shall  
8 not exceed the amount transferred previously from that  
9 other fund into the Hospital Provider Fund.

10 (7) For State fiscal years 2004 and 2005 for making  
11 transfers to the Health and Human Services Medicaid Trust  
12 Fund, including 20% of the moneys received from hospital  
13 providers under Section 5A-4 and transferred into the  
14 Hospital Provider Fund under Section 5A-6. For State fiscal  
15 year 2006 for making transfers to the Health and Human  
16 Services Medicaid Trust Fund of up to \$130,000,000 per year  
17 of the moneys received from hospital providers under  
18 Section 5A-4 and transferred into the Hospital Provider  
19 Fund under Section 5A-6. Transfers under this paragraph  
20 shall be made within 7 days after the payments have been  
21 received pursuant to the schedule of payments provided in  
22 subsection (a) of Section 5A-4.

23 (7.5) For State fiscal year ~~years~~ 2007 ~~and 2008~~ for  
24 making transfers of the moneys received from hospital  
25 providers under Section 5A-4 and transferred into the  
26 Hospital Provider Fund under Section 5A-6 to the designated



1 funds not exceeding the following amounts in that ~~any~~ State  
2 fiscal year:

3 Health and Human Services

4 Medicaid Trust Fund .....	\$20,000,000
5 Long-Term Care Provider Fund .....	\$30,000,000
6 General Revenue Fund .....	\$80,000,000.

7 Transfers under this paragraph shall be made within 7  
8 days after the payments have been received pursuant to the  
9 schedule of payments provided in subsection (a) of Section  
10 5A-4.

11 (7.8) For State fiscal year 2008, for making transfers  
12 of the moneys received from hospital providers under  
13 Section 5A-4 and transferred into the Hospital Provider  
14 Fund under Section 5A-6 to the designated funds not  
15 exceeding the following amounts in that State fiscal year:

16 Health and Human Services

17 <u>Medicaid Trust Fund .....</u>	<u>\$40,000,000</u>
18 <u>Long-Term Care Provider Fund .....</u>	<u>\$60,000,000</u>
19 <u>General Revenue Fund .....</u>	<u>\$160,000,000.</u>

20 Transfers under this paragraph shall be made within 7  
21 days after the payments have been received pursuant to the  
22 schedule of payments provided in subsection (a) of Section  
23 5A-4.

24 (8) For making refunds to hospital providers pursuant  
25 to Section 5A-10.

26 Disbursements from the Fund, other than transfers

1 authorized under paragraphs (5) and (6) of this subsection,  
2 shall be by warrants drawn by the State Comptroller upon  
3 receipt of vouchers duly executed and certified by the Illinois  
4 Department.

5 (c) The Fund shall consist of the following:

6 (1) All moneys collected or received by the Illinois  
7 Department from the hospital provider assessment imposed  
8 by this Article.

9 (2) All federal matching funds received by the Illinois  
10 Department as a result of expenditures made by the Illinois  
11 Department that are attributable to moneys deposited in the  
12 Fund.

13 (3) Any interest or penalty levied in conjunction with  
14 the administration of this Article.

15 (4) Moneys transferred from another fund in the State  
16 treasury.

17 (5) All other moneys received for the Fund from any  
18 other source, including interest earned thereon.

19 (d) (Blank).

20 (Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05;  
21 94-839, eff. 6-6-06.)

22 (305 ILCS 5/5B-8) (from Ch. 23, par. 5B-8)

23 Sec. 5B-8. Long-Term Care Provider Fund.

24 (a) There is created in the State Treasury the Long-Term  
25 Care Provider Fund. Interest earned by the Fund shall be

1 credited to the Fund. The Fund shall not be used to replace any  
2 moneys appropriated to the Medicaid program by the General  
3 Assembly.

4 (b) The Fund is created for the purpose of receiving and  
5 disbursing moneys in accordance with this Article.  
6 Disbursements from the Fund shall be made only as follows:

7 (1) For payments to skilled or intermediate nursing  
8 facilities, including county nursing facilities but  
9 excluding State-operated facilities, under Title XIX of  
10 the Social Security Act and Article V of this Code.

11 (2) For the reimbursement of moneys collected by the  
12 Illinois Department through error or mistake, and for  
13 making required payments under Section 5-4.38(a)(1) if  
14 there are no moneys available for such payments in the  
15 Medicaid Long Term Care Provider Participation Fee Trust  
16 Fund.

17 (3) For payment of administrative expenses incurred by  
18 the Illinois Department or its agent in performing the  
19 activities authorized by this Article.

20 (3.5) For reimbursement of expenses incurred by  
21 long-term care facilities, and payment of administrative  
22 expenses incurred by the Department of Public Health, in  
23 relation to the conduct and analysis of background checks  
24 for identified offenders under the Nursing Home Care Act.

25 (4) For payments of any amounts that are reimbursable  
26 to the federal government for payments from this Fund that

1 are required to be paid by State warrant.

2 (5) For making transfers to the General Obligation Bond  
3 Retirement and Interest Fund, as those transfers are  
4 authorized in the proceedings authorizing debt under the  
5 Short Term Borrowing Act, but transfers made under this  
6 paragraph (5) shall not exceed the principal amount of debt  
7 issued in anticipation of the receipt by the State of  
8 moneys to be deposited into the Fund.

9 Disbursements from the Fund, other than transfers to the  
10 General Obligation Bond Retirement and Interest Fund, shall be  
11 by warrants drawn by the State Comptroller upon receipt of  
12 vouchers duly executed and certified by the Illinois  
13 Department.

14 (c) The Fund shall consist of the following:

15 (1) All moneys collected or received by the Illinois  
16 Department from the long-term care provider assessment  
17 imposed by this Article.

18 (2) All federal matching funds received by the Illinois  
19 Department as a result of expenditures made by the Illinois  
20 Department that are attributable to moneys deposited in the  
21 Fund.

22 (3) Any interest or penalty levied in conjunction with  
23 the administration of this Article.

24 (4) Any balance in the Medicaid Long Term Care Provider  
25 Participation Fee Fund in the State Treasury. The balance  
26 shall be transferred to the Fund upon certification by the

1 Illinois Department to the State Comptroller that all of  
2 the disbursements required by Section 5-4.31(b) of this  
3 Code have been made.

4 (5) All other monies received for the Fund from any  
5 other source, including interest earned thereon.

6 (Source: P.A. 89-626, eff. 8-9-96.)

7 (305 ILCS 5/5C-2) (from Ch. 23, par. 5C-2)

8 Sec. 5C-2. Assessment; no local authorization to tax.

9 (a) For the privilege of engaging in the occupation of  
10 developmentally disabled care provider, an assessment is  
11 imposed upon each developmentally disabled care provider in an  
12 amount equal to 6%, or the maximum allowed under federal  
13 regulation, whichever is less, of its adjusted gross  
14 developmentally disabled care revenue for the prior State  
15 fiscal year. Notwithstanding any provision of any other Act to  
16 the contrary, this assessment shall be construed as a tax, but  
17 may not be added to the charges of an individual's nursing home  
18 care that is paid for in whole, or in part, by a federal,  
19 State, or combined federal-state medical care program, except  
20 those individuals receiving Medicare Part B benefits solely.

21 (b) Nothing in this amendatory Act of 1995 shall be  
22 construed to authorize any home rule unit or other unit of  
23 local government to license for revenue or impose a tax or  
24 assessment upon a developmentally disabled care provider or the  
25 occupation of developmentally disabled care provider, or a tax

1 or assessment measured by the income or earnings of a  
2 developmentally disabled care provider.

3 (Source: P.A. 88-88; 89-21, eff. 7-1-95.)

4 (305 ILCS 5/12-10.7)

5 Sec. 12-10.7. The Health and Human Services Medicaid Trust  
6 Fund.

7 (a) The Health and Human Services Medicaid Trust Fund shall  
8 consist of (i) moneys appropriated or transferred into the  
9 Fund, pursuant to statute, (ii) federal financial  
10 participation moneys received pursuant to expenditures from  
11 the Fund, and (iii) the interest earned on moneys in the Fund.

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

15 (c) In addition to any other transfers that may be provided  
16 for by law, on July 1, 2007, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$3,900,000 from the Health  
19 and Human Services Medicaid Trust Fund to the Priority Capital  
20 Grant Program Fund.

21 (Source: P.A. 93-841, eff. 7-30-04.)

22 Section 5-30. The Illinois Affordable Housing Act is  
23 amended by changing Section 8 as follows:

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

2 Sec. 8. Uses of Trust Fund.

3 (a) Subject to annual appropriation to the Funding Agent  
4 and subject to the prior dedication, allocation, transfer and  
5 use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and  
6 9 of this Act, the Trust Fund may be used to make grants,  
7 mortgages, or other loans to acquire, construct, rehabilitate,  
8 develop, operate, insure, and retain affordable single-family  
9 and multi-family housing in this State for low-income and very  
10 low-income households. The majority of monies appropriated to  
11 the Trust Fund in any given year are to be used for affordable  
12 housing for very low-income households. For the fiscal years  
13 2007 and 2008 ~~year beginning July 1, 2006~~ only, the Department  
14 of Human Services is authorized to receive appropriations and  
15 spend moneys from the Illinois Affordable Housing Trust Fund  
16 for the purpose of developing and coordinating public and  
17 private resources targeted to meet the affordable housing needs  
18 of low-income, very low-income, and special needs households in  
19 the State of Illinois.

20 (b) For each fiscal year commencing with fiscal year 1994,  
21 the Program Administrator shall certify from time to time to  
22 the Funding Agent, the Comptroller and the State Treasurer  
23 amounts, up to an aggregate in any fiscal year of \$10,000,000,  
24 of Trust Fund Moneys expected to be used or pledged by the  
25 Program Administrator during the fiscal year for the purposes  
26 and uses specified in Sections 8(c) and 9 of this Act. Subject

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

25 (c) Notwithstanding Section 5(b) of this Act, any Trust  
26 Fund Moneys transferred to the Program Administrator pursuant



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

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

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

1 connection with any loans, mortgages, or developments  
2 funded or financed or expected to be funded or financed, in  
3 whole or in part, from the issuance of Affordable Housing  
4 Program Trust Fund Bonds or Notes;

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

1 or Notes;

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

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

22 (d) All or a portion of the Trust Fund Moneys on deposit or  
23 to be deposited in the Trust Fund not already certified for  
24 transfer or transferred to the Program Administrator pursuant  
25 to Section 8(b) of this Act may be used to secure the repayment  
26 of Affordable Housing Program Trust Fund Bonds or Notes, or

1 otherwise to supplement or support Affordable Housing funded or  
2 financed or intended to be funded or financed, in whole or in  
3 part, by Affordable Housing Program Trust Fund Bonds or Notes.

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

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

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

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

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

1 (Source: P.A. 94-839, eff. 6-6-06.)

2 Section 5-35. The Illinois Vehicle Code is amended by  
3 changing Sections 2-104 and 3-657 as follows:

4 (625 ILCS 5/2-104) (from Ch. 95 1/2, par. 2-104)

5 Sec. 2-104. Powers and duties of the Secretary of State.

6 (a) The administration of Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of  
7 this Act is vested in the Secretary of State, who is charged  
8 with the duty of observing, administering and enforcing the  
9 provisions of this Act.

10 (b) The Secretary may from time to time make, amend, and  
11 rescind such rules and regulations as may be necessary in the  
12 public interest to carry out the provisions of this Act,  
13 including rules and regulations governing procedures for the  
14 filing of applications and the issuance of licenses or  
15 registrations thereunder. The rules and regulations adopted by  
16 the Secretary of State under this Act shall be effective in the  
17 manner provided for in "The Illinois Administrative Procedure  
18 Act", approved September 22, 1975, as amended.

19 (c) Subject to appropriation, the Secretary is authorized  
20 to make grants to (i) units of local government for  
21 transportation infrastructure and (ii) school districts,  
22 educational institutions, and not-for-profit organizations for  
23 transportation to and from after school and weekend programs.

24 (Source: P.A. 83-333.)

1 (625 ILCS 5/3-657)

2 Sec. 3-657. Park District Youth Program license plates.

3 (a) In addition to any other special license plate, the  
4 Secretary, upon receipt of all applicable fees and applications  
5 made in the form prescribed by the Secretary of State, may  
6 issue Park District Youth Program license plates. The special  
7 Park District Youth Program plate issued under this Section  
8 shall be affixed only to passenger vehicles of the first  
9 division and motor vehicles of the second division weighing not  
10 more than 8,000 pounds. Plates issued under this Section shall  
11 expire according to the staggered multi-year procedure  
12 established by Section 3-414.1 of this Code.

13 (b) The design, color, and format of the plates shall be  
14 wholly within the discretion of the Secretary of State.  
15 Appropriate documentation, as determined by the Secretary,  
16 must accompany each application. The Secretary, in his or her  
17 discretion, shall approve and prescribe stickers or decals as  
18 provided under Section 3-412.

19 (c) An applicant for the special plate shall be charged a  
20 \$40 fee for original issuance in addition to the appropriate  
21 registration fee. Of this fee, \$25 shall be deposited into the  
22 Park District Youth Program Fund and \$15 shall be deposited  
23 into the Secretary of State Special License Plate Fund, to be  
24 used by the Secretary to help defray the administrative  
25 processing costs.

1 For each registration renewal period, a \$27 fee, in  
2 addition to the appropriate registration fee, shall be charged.  
3 Of this fee, \$25 shall be deposited into the Park District  
4 Youth Program Fund and \$2 shall be deposited into the Secretary  
5 of State Special License Plate Fund.

6 (d) The Park District Youth Program Fund is created as a  
7 special fund in the State treasury. Moneys deposited into All  
8 money in the Park District Youth Program Fund under subsection  
9 (c) shall be paid, subject to appropriation by the General  
10 Assembly and approval by the Secretary, as grants to the  
11 Illinois Association of Park Districts, a not-for-profit  
12 corporation, for grants to park districts and recreation  
13 agencies providing innovative after school programming for  
14 Illinois youth. Additional moneys deposited into the Fund must  
15 be paid, subject to appropriation by the General Assembly and  
16 approval by the Secretary, as grants to school districts and  
17 not-for-profit organizations for educational and vocational  
18 programs.

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

20 Section 5-40. The Reviewing Court Alternative Dispute  
21 Resolution Act is amended by changing Section 10 as follows:

22 (710 ILCS 40/10)

23 Sec. 10. Reviewing Court Alternative Dispute Resolution  
24 Fund. The Reviewing Court Alternative Dispute Resolution Fund

1 is created as a special fund in the State Treasury. The Supreme  
2 Court may designate an amount to be included in the filing fees  
3 collected by the clerks of the Appellate Court for the funding  
4 of alternative dispute resolution programs in the reviewing  
5 courts. The portion of the filing fees designated for  
6 alternative dispute resolution programs in the reviewing  
7 courts shall be remitted within one month after receipt to the  
8 State Treasurer for deposit in the Reviewing Court Alternative  
9 Dispute Resolution Fund. All money in the Reviewing Court  
10 Alternative Dispute Resolution Fund shall be maintained in  
11 separate accounts for each Appellate Court district that has  
12 established approved alternative dispute resolution programs  
13 pursuant to Supreme Court rule and used, subject to  
14 appropriation, by the Supreme Court solely for the purpose of  
15 funding alternative dispute resolution programs in the  
16 reviewing courts. Notwithstanding any other provision of this  
17 Section, the Reviewing Court Alternative Dispute Resolution  
18 Fund may be used for any other purpose authorized by the  
19 Supreme Court.

20 (Source: P.A. 93-801, eff. 7-22-04.)

21 Section 5-45. The Pretrial Services Act is amended by  
22 changing Section 33 as follows:

23 (725 ILCS 185/33) (from Ch. 38, par. 333)

24 Sec. 33. The Supreme Court shall pay from funds



1 appropriated to it for this purpose 100% of all approved costs  
2 for pretrial services, including pretrial services officers,  
3 necessary support personnel, travel costs reasonably related  
4 to the delivery of pretrial services, space costs, equipment,  
5 telecommunications, postage, commodities, printing and  
6 contractual services. Costs shall be reimbursed monthly, based  
7 on a plan and budget approved by the Supreme Court. No  
8 department may be reimbursed for costs which exceed or are not  
9 provided for in the approved plan and budget. ~~The For State~~  
10 ~~fiscal years 2004, 2005, and 2006, and 2007 only, the~~ Mandatory  
11 Arbitration Fund may be used to reimburse approved costs for  
12 pretrial services.

13 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91,  
14 eff. 7-1-05; 94-839, eff. 6-6-06; revised 8-3-06.)

15 Section 5-50. The Probation and Probation Officers Act is  
16 amended by changing Sections 15 and 15.1 as follows:

17 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

18 Sec. 15. (1) The Supreme Court of Illinois may establish a  
19 Division of Probation Services whose purpose shall be the  
20 development, establishment, promulgation, and enforcement of  
21 uniform standards for probation services in this State, and to  
22 otherwise carry out the intent of this Act. The Division may:

23 (a) establish qualifications for chief probation  
24 officers and other probation and court services personnel

1 as to hiring, promotion, and training.

2 (b) make available, on a timely basis, lists of those  
3 applicants whose qualifications meet the regulations  
4 referred to herein, including on said lists all candidates  
5 found qualified.

6 (c) establish a means of verifying the conditions for  
7 reimbursement under this Act and develop criteria for  
8 approved costs for reimbursement.

9 (d) develop standards and approve employee  
10 compensation schedules for probation and court services  
11 departments.

12 (e) employ sufficient personnel in the Division to  
13 carry out the functions of the Division.

14 (f) establish a system of training and establish  
15 standards for personnel orientation and training.

16 (g) develop standards for a system of record keeping  
17 for cases and programs, gather statistics, establish a  
18 system of uniform forms, and develop research for planning  
19 of Probation Services.

20 (h) develop standards to assure adequate support  
21 personnel, office space, equipment and supplies, travel  
22 expenses, and other essential items necessary for  
23 Probation and Court Services Departments to carry out their  
24 duties.

25 (i) review and approve annual plans submitted by  
26 Probation and Court Services Departments.

1           (j) monitor and evaluate all programs operated by  
2 Probation and Court Services Departments, and may include  
3 in the program evaluation criteria such factors as the  
4 percentage of Probation sentences for felons convicted of  
5 Probationable offenses.

6           (k) seek the cooperation of local and State government  
7 and private agencies to improve the quality of probation  
8 and court services.

9           (l) where appropriate, establish programs and  
10 corresponding standards designed to generally improve the  
11 quality of probation and court services and reduce the rate  
12 of adult or juvenile offenders committed to the Department  
13 of Corrections.

14           (m) establish such other standards and regulations and  
15 do all acts necessary to carry out the intent and purposes  
16 of this Act.

17           The Division shall establish a model list of structured  
18 intermediate sanctions that may be imposed by a probation  
19 agency for violations of terms and conditions of a sentence of  
20 probation, conditional discharge, or supervision.

21           The State of Illinois shall provide for the costs of  
22 personnel, travel, equipment, telecommunications, postage,  
23 commodities, printing, space, contractual services and other  
24 related costs necessary to carry out the intent of this Act.

25           (2) (a) The chief judge of each circuit shall provide  
26 full-time probation services for all counties within the

1 circuit, in a manner consistent with the annual probation plan,  
2 the standards, policies, and regulations established by the  
3 Supreme Court. A probation district of two or more counties  
4 within a circuit may be created for the purposes of providing  
5 full-time probation services. Every county or group of counties  
6 within a circuit shall maintain a probation department which  
7 shall be under the authority of the Chief Judge of the circuit  
8 or some other judge designated by the Chief Judge. The Chief  
9 Judge, through the Probation and Court Services Department  
10 shall submit annual plans to the Division for probation and  
11 related services.

12 (b) The Chief Judge of each circuit shall appoint the Chief  
13 Probation Officer and all other probation officers for his or  
14 her circuit from lists of qualified applicants supplied by the  
15 Supreme Court. Candidates for chief managing officer and other  
16 probation officer positions must apply with both the Chief  
17 Judge of the circuit and the Supreme Court.

18 (3) A Probation and Court Service Department shall apply to  
19 the Supreme Court for funds for basic services, and may apply  
20 for funds for new and expanded programs or Individualized  
21 Services and Programs. Costs shall be reimbursed monthly based  
22 on a plan and budget approved by the Supreme Court. No  
23 Department may be reimbursed for costs which exceed or are not  
24 provided for in the approved annual plan and budget. After the  
25 effective date of this amendatory Act of 1985, each county must  
26 provide basic services in accordance with the annual plan and

1 standards created by the division. No department may receive  
2 funds for new or expanded programs or individualized services  
3 and programs unless they are in compliance with standards as  
4 enumerated in paragraph (h) of subsection (1) of this Section,  
5 the annual plan, and standards for basic services.

6 (4) The Division shall reimburse the county or counties for  
7 probation services as follows:

8 (a) 100% of the salary of all chief managing officers  
9 designated as such by the Chief Judge and the division.

10 (b) 100% of the salary for all probation officer and  
11 supervisor positions approved for reimbursement by the  
12 division after April 1, 1984, to meet workload standards  
13 and to implement intensive sanction and probation  
14 supervision programs and other basic services as defined in  
15 this Act.

16 (c) 100% of the salary for all secure detention  
17 personnel and non-secure group home personnel approved for  
18 reimbursement after December 1, 1990. For all such  
19 positions approved for reimbursement before December 1,  
20 1990, the counties shall be reimbursed \$1,250 per month  
21 beginning July 1, 1995, and an additional \$250 per month  
22 beginning each July 1st thereafter until the positions  
23 receive 100% salary reimbursement. Allocation of such  
24 positions will be based on comparative need considering  
25 capacity, staff/resident ratio, physical plant and  
26 program.

1           (d) \$1,000 per month for salaries for the remaining  
2 probation officer positions engaged in basic services and  
3 new or expanded services. All such positions shall be  
4 approved by the division in accordance with this Act and  
5 division standards.

6           (e) 100% of the travel expenses in accordance with  
7 Division standards for all Probation positions approved  
8 under paragraph (b) of subsection 4 of this Section.

9           (f) If the amount of funds reimbursed to the county  
10 under paragraphs (a) through (e) of subsection 4 of this  
11 Section on an annual basis is less than the amount the  
12 county had received during the 12 month period immediately  
13 prior to the effective date of this amendatory Act of 1985,  
14 then the Division shall reimburse the amount of the  
15 difference to the county. The effect of paragraph (b) of  
16 subsection 7 of this Section shall be considered in  
17 implementing this supplemental reimbursement provision.

18           (5) The Division shall provide funds beginning on April 1,  
19 1987 for the counties to provide Individualized Services and  
20 Programs as provided in Section 16 of this Act.

21           (6) A Probation and Court Services Department in order to  
22 be eligible for the reimbursement must submit to the Supreme  
23 Court an application containing such information and in such a  
24 form and by such dates as the Supreme Court may require.  
25 Departments to be eligible for funding must satisfy the  
26 following conditions:

1           (a) The Department shall have on file with the Supreme  
2 Court an annual Probation plan for continuing, improved,  
3 and new Probation and Court Services Programs approved by  
4 the Supreme Court or its designee. This plan shall indicate  
5 the manner in which Probation and Court Services will be  
6 delivered and improved, consistent with the minimum  
7 standards and regulations for Probation and Court  
8 Services, as established by the Supreme Court. In counties  
9 with more than one Probation and Court Services Department  
10 eligible to receive funds, all Departments within that  
11 county must submit plans which are approved by the Supreme  
12 Court.

13           (b) The annual probation plan shall seek to generally  
14 improve the quality of probation services and to reduce the  
15 commitment of adult offenders to the Department of  
16 Corrections and to reduce the commitment of juvenile  
17 offenders to the Department of Juvenile Justice and shall  
18 require, when appropriate, coordination with the  
19 Department of Corrections, the Department of Juvenile  
20 Justice, and the Department of Children and Family Services  
21 in the development and use of community resources,  
22 information systems, case review and permanency planning  
23 systems to avoid the duplication of services.

24           (c) The Department shall be in compliance with  
25 standards developed by the Supreme Court for basic, new and  
26 expanded services, training, personnel hiring and

1 promotion.

2 (d) The Department shall in its annual plan indicate  
3 the manner in which it will support the rights of crime  
4 victims and in which manner it will implement Article I,  
5 Section 8.1 of the Illinois Constitution and in what manner  
6 it will coordinate crime victims' support services with  
7 other criminal justice agencies within its jurisdiction,  
8 including but not limited to, the State's Attorney, the  
9 Sheriff and any municipal police department.

10 (7) No statement shall be verified by the Supreme Court or  
11 its designee or vouchered by the Comptroller unless each of the  
12 following conditions have been met:

13 (a) The probation officer is a full-time employee  
14 appointed by the Chief Judge to provide probation services.

15 (b) The probation officer, in order to be eligible for  
16 State reimbursement, is receiving a salary of at least  
17 \$17,000 per year.

18 (c) The probation officer is appointed or was  
19 reappointed in accordance with minimum qualifications or  
20 criteria established by the Supreme Court; however, all  
21 probation officers appointed prior to January 1, 1978,  
22 shall be exempted from the minimum requirements  
23 established by the Supreme Court. Payments shall be made to  
24 counties employing these exempted probation officers as  
25 long as they are employed in the position held on the  
26 effective date of this amendatory Act of 1985. Promotions



1 shall be governed by minimum qualifications established by  
2 the Supreme Court.

3 (d) The Department has an established compensation  
4 schedule approved by the Supreme Court. The compensation  
5 schedule shall include salary ranges with necessary  
6 increments to compensate each employee. The increments  
7 shall, within the salary ranges, be based on such factors  
8 as bona fide occupational qualifications, performance, and  
9 length of service. Each position in the Department shall be  
10 placed on the compensation schedule according to job duties  
11 and responsibilities of such position. The policy and  
12 procedures of the compensation schedule shall be made  
13 available to each employee.

14 (8) In order to obtain full reimbursement of all approved  
15 costs, each Department must continue to employ at least the  
16 same number of probation officers and probation managers as  
17 were authorized for employment for the fiscal year which  
18 includes January 1, 1985. This number shall be designated as  
19 the base amount of the Department. No positions approved by the  
20 Division under paragraph (b) of subsection 4 will be included  
21 in the base amount. In the event that the Department employs  
22 fewer Probation officers and Probation managers than the base  
23 amount for a period of 90 days, funding received by the  
24 Department under subsection 4 of this Section may be reduced on  
25 a monthly basis by the amount of the current salaries of any  
26 positions below the base amount.

1           (9) Before the 15th day of each month, the treasurer of any  
2 county which has a Probation and Court Services Department, or  
3 the treasurer of the most populous county, in the case of a  
4 Probation or Court Services Department funded by more than one  
5 county, shall submit an itemized statement of all approved  
6 costs incurred in the delivery of Basic Probation and Court  
7 Services under this Act to the Supreme Court. The treasurer may  
8 also submit an itemized statement of all approved costs  
9 incurred in the delivery of new and expanded Probation and  
10 Court Services as well as Individualized Services and Programs.  
11 The Supreme Court or its designee shall verify compliance with  
12 this Section and shall examine and audit the monthly statement  
13 and, upon finding them to be correct, shall forward them to the  
14 Comptroller for payment to the county treasurer. In the case of  
15 payment to a treasurer of a county which is the most populous  
16 of counties sharing the salary and expenses of a Probation and  
17 Court Services Department, the treasurer shall divide the money  
18 between the counties in a manner that reflects each county's  
19 share of the cost incurred by the Department.

20           (10) The county treasurer must certify that funds received  
21 under this Section shall be used solely to maintain and improve  
22 Probation and Court Services. The county or circuit shall  
23 remain in compliance with all standards, policies and  
24 regulations established by the Supreme Court. If at any time  
25 the Supreme Court determines that a county or circuit is not in  
26 compliance, the Supreme Court shall immediately notify the

1 Chief Judge, county board chairman and the Director of Court  
2 Services Chief Probation Officer. If after 90 days of written  
3 notice the noncompliance still exists, the Supreme Court shall  
4 be required to reduce the amount of monthly reimbursement by  
5 10%. An additional 10% reduction of monthly reimbursement shall  
6 occur for each consecutive month of noncompliance. Except as  
7 provided in subsection 5 of Section 15, funding to counties  
8 shall commence on April 1, 1986. Funds received under this Act  
9 shall be used to provide for Probation Department expenses  
10 including those required under Section 13 of this Act. ~~The For~~  
11 ~~State fiscal years 2004, 2005, 2006, and 2007 only, the~~  
12 Mandatory Arbitration Fund may be used to provide for Probation  
13 Department expenses, including those required under Section 13  
14 of this Act.

15 (11) The respective counties shall be responsible for  
16 capital and space costs, fringe benefits, clerical costs,  
17 equipment, telecommunications, postage, commodities and  
18 printing.

19 (12) For purposes of this Act only, probation officers  
20 shall be considered peace officers. In the exercise of their  
21 official duties, probation officers, sheriffs, and police  
22 officers may, anywhere within the State, arrest any probationer  
23 who is in violation of any of the conditions of his or her  
24 probation, conditional discharge, or supervision, and it shall  
25 be the duty of the officer making the arrest to take the  
26 probationer before the Court having jurisdiction over the

1 probationer for further order.

2 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,  
3 eff. 7-30-04; 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,  
4 eff. 6-6-06.)

5 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

6 Sec. 15.1. Probation and Court Services Fund.

7 (a) The county treasurer in each county shall establish a  
8 probation and court services fund consisting of fees collected  
9 pursuant to subsection (i) of Section 5-6-3 and subsection (i)  
10 of Section 5-6-3.1 of the Unified Code of Corrections,  
11 subsection (10) of Section 5-615 and subsection (5) of Section  
12 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of  
13 subsection (b) of Section 110-10 of the Code of Criminal  
14 Procedure of 1963. The county treasurer shall disburse monies  
15 from the fund only at the direction of the chief judge of the  
16 circuit court in such circuit where the county is located. The  
17 county treasurer of each county shall, on or before January 10  
18 of each year, submit an annual report to the Supreme Court.

19 (b) Monies in the probation and court services fund shall  
20 be appropriated by the county board to be used within the  
21 county or jurisdiction where collected in accordance with  
22 policies and guidelines approved by the Supreme Court for the  
23 costs of operating the probation and court services department  
24 or departments; however, except as provided in subparagraph  
25 (g), monies in the probation and court services fund shall not

1 be used for the payment of salaries of probation and court  
2 services personnel.

3 (c) Monies expended from the probation and court services  
4 fund shall be used to supplement, not supplant, county  
5 appropriations for probation and court services.

6 (d) Interest earned on monies deposited in a probation and  
7 court services fund may be used by the county for its ordinary  
8 and contingent expenditures.

9 (e) The county board may appropriate moneys from the  
10 probation and court services fund, upon the direction of the  
11 chief judge, to support programs that are part of the continuum  
12 of juvenile delinquency intervention programs which are or may  
13 be developed within the county. The grants from the probation  
14 and court services fund shall be for no more than one year and  
15 may be used for any expenses attributable to the program  
16 including administration and oversight of the program by the  
17 probation department.

18 (f) The county board may appropriate moneys from the  
19 probation and court services fund, upon the direction of the  
20 chief judge, to support practices endorsed or required under  
21 the Sex Offender Management Board Act, including but not  
22 limited to sex offender evaluation, treatment, and monitoring  
23 programs that are or may be developed within the county.

24 (g) For the State Fiscal Years 2005, 2006, and 2007 only,  
25 the Administrative Office of the Illinois Courts may permit a  
26 county or circuit to use its probation and court services fund

1 for the payment of salaries of probation officers and other  
2 court services personnel whose salaries are reimbursed under  
3 this Act if the State's FY2005, FY2006, or FY2007 appropriation  
4 to the Supreme Court for reimbursement to counties for  
5 probation salaries and services is less than the amount  
6 appropriated to the Supreme Court for these purposes for State  
7 Fiscal Year 2004. The Administrative Office of the Illinois  
8 Courts shall take into account each county's or circuit's  
9 probation fee collections and expenditures when apportioning  
10 the total reimbursement for each county or circuit.

11 (h) The Administrative Office of the Illinois Courts may  
12 permit a county or circuit to use its probation and court  
13 services fund for the payment of salaries of probation officers  
14 and other court services personnel whose salaries are  
15 reimbursed under this Act in any State fiscal year that the  
16 appropriation for reimbursement to counties for probation  
17 salaries and services is less than the amount appropriated to  
18 the Supreme Court for these purposes for State Fiscal Year  
19 2002. The Administrative Office of the Illinois Courts shall  
20 take into account each county's or circuit's probation fee  
21 collections and expenditures when appropriating the total  
22 reimbursement for each county or circuit. Any amount  
23 appropriated to the Supreme Court in any State fiscal year for  
24 the purpose of reimbursing Cook County for the salaries and  
25 operations of the Cook County Juvenile Temporary Detention  
26 Center shall not be counted in the total appropriation to the

1 Supreme Court in that State fiscal year for reimbursement to  
2 counties for probation salaries and services, for the purposes  
3 of this paragraph (h).

4 (Source: P.A. 93-616, eff. 1-1-04; 93-839, eff. 7-30-04; 94-91,  
5 eff. 7-1-05; 94-839, eff. 6-6-06.)

6 Section 5-55. The Code of Civil Procedure is amended by  
7 changing Section 2-1009A as follows:

8 (735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

9 Sec. 2-1009A. Filing Fees. In each county authorized by the  
10 Supreme Court to utilize mandatory arbitration, the clerk of  
11 the circuit court shall charge and collect, in addition to any  
12 other fees, an arbitration fee of \$8, except in counties with  
13 3,000,000 or more inhabitants the fee shall be \$10, at the time  
14 of filing the first pleading, paper or other appearance filed  
15 by each party in all civil cases, but no additional fee shall  
16 be required if more than one party is represented in a single  
17 pleading, paper or other appearance. Arbitration fees received  
18 by the clerk of the circuit court pursuant to this Section  
19 shall be remitted within one month after receipt to the State  
20 Treasurer for deposit into the Mandatory Arbitration Fund, a  
21 special fund in the State treasury for the purpose of funding  
22 mandatory arbitration programs and such other alternative  
23 dispute resolution programs as may be authorized by circuit  
24 court rule for operation in counties that have implemented

1 mandatory arbitration, with a separate account being  
2 maintained for each county. Notwithstanding any other  
3 provision of this Section to the contrary, and for State fiscal  
4 years 2004, 2005, 2006, ~~and~~ 2007, and 2008 only, the Mandatory  
5 Arbitration Fund may be used for any other purpose authorized  
6 by the Supreme Court.

7 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91,  
8 eff. 7-1-05; 94-839, eff. 6-6-06.)

9 Section 5-60. The Residential Real Property Disclosure Act  
10 is amended by adding Section 80 as follows:

11 (765 ILCS 77/80 new)

12 Sec. 80. Predatory Lending Database Program Fund. The  
13 Predatory Lending Database Program Fund is created as a special  
14 fund in the State treasury. Subject to appropriation, moneys in  
15 the Fund shall be appropriated to the Illinois Housing  
16 Development Authority for the purpose of making grants for  
17 HUD-certified counseling agencies participating in the  
18 Predatory Lending Database Program to assist with  
19 implementation and development of the Predatory Lending  
20 Database Program.

21 ARTICLE 99. INSEVERABILITY; EFFECTIVE DATE.

22 Section 99-97. Inseverability. The provisions of this Act



1 are mutually dependent and inseverable. If any provision is  
2 held invalid other than as applied to a particular person or  
3 circumstance, then this entire Act is invalid.

4 Section 99-99. Effective date. This Act takes effect upon  
5 becoming law.".