

1 AN ACT concerning revenue.

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

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

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

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

9 (a) The municipality shall file a certified copy of any
10 ordinance authorizing tax increment allocation financing for
11 an economic development project area with the county clerk, and
12 the county clerk shall immediately thereafter determine (1) the
13 most recently ascertained equalized assessed value of each lot,
14 block, tract or parcel of real property within the economic
15 development project area from which shall be deducted the
16 homestead exemptions provided by Sections 15-170, 15-175, and
17 15-176 of the Property Tax Code, which value shall be the
18 "initial equalized assessed value" of each such piece of
19 property, and (2) the total equalized assessed value of all
20 taxable real property within the economic development project
21 area by adding together the most recently ascertained equalized
22 assessed value of each taxable lot, block, tract, or parcel of
23 real property within such economic development project area,

1 from which shall be deducted the homestead exemptions provided
2 under Article 15 ~~by Sections 15-170, 15-175, and 15-176~~ of the
3 Property Tax Code, and shall certify such amount as the "total
4 initial equalized assessed value" of the taxable real property
5 within the economic development project area.

6 (b) After the county clerk has certified the "total initial
7 equalized assessed value" of the taxable real property in the
8 economic development project area, then in respect to every
9 taxing district containing an economic development project
10 area, the county clerk or any other official required by law to
11 ascertain the amount of the equalized assessed value of all
12 taxable property within that taxing district for the purpose of
13 computing the rate per cent of tax to be extended upon taxable
14 property within that taxing district, shall in every year that
15 tax increment allocation financing is in effect ascertain the
16 amount of value of taxable property in an economic development
17 project area by including in that amount the lower of the
18 current equalized assessed value or the certified "total
19 initial equalized assessed value" of all taxable real property
20 in such area. The rate per cent of tax determined shall be
21 extended to the current equalized assessed value of all
22 property in the economic development project area in the same
23 manner as the rate per cent of tax is extended to all other
24 taxable property in the taxing district. The method of
25 allocating taxes established under this Section shall
26 terminate when the municipality adopts an ordinance dissolving

1 the special tax allocation fund for the economic development
2 project area, terminating the economic development project
3 area, and terminating the use of tax increment allocation
4 financing for the economic development project area. This Act
5 shall not be construed as relieving property owners within an
6 economic development project area from paying a uniform rate of
7 taxes upon the current equalized assessed value of their
8 taxable property as provided in the Property Tax Code.

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

10 Section 10. The Property Tax Code is amended by changing
11 Sections 14-15, 15-10, 15-165, 15-170, 15-172, 15-175, 15-176,
12 20-15, 20-178, and 21-27, by adding Division 18 to Article 10,
13 and by adding Sections 15-167, 15-168, 15-169, 15-177, 18-178,
14 and 24-35 as follows:

15 (35 ILCS 200/Art. 10 Div. 18 heading new)

16 ARTICLE 10 Div. 18. WIND ENERGY PROPERTY ASSESSMENT

17 (35 ILCS 200/10-600 new)

18 Sec. 10-600. Definitions. For the purposes of this Division
19 18:

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

1 "2007 real property cost basis" excludes personal property
2 but represents both the land and real property improvements of
3 a wind energy device and means \$360,000 per megawatt of
4 nameplate capacity.

5 "Trending factor" means a number equal to the consumer
6 price index (U.S. city average all items) published by the
7 Bureau of Labor Statistics for the December immediately
8 preceding the assessment date, divided by the consumer price
9 index (U.S. city average all items) published by the Bureau of
10 Labor Statistics for December 2006.

11 "Trended real property cost basis" means the 2007 real
12 property cost basis multiplied by the trending factor.

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

19 (35 ILCS 200/10-605 new)

20 Sec. 10-605. Valuation of wind energy devices. Beginning in
21 assessment year 2007, the fair cash value of wind energy
22 devices shall be determined by subtracting the allowance for
23 physical depreciation from the trended real property cost
24 basis. Functional obsolescence and external obsolescence may
25 further reduce the fair cash value of the wind energy device,

1 to the extent they are proved by the taxpayer by clear and
2 convincing evidence.

3 (35 ILCS 200/10-610 new)

4 Sec. 10-610. Applicability.

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

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

10 (35 ILCS 200/10-615 new)

11 Sec. 10-615. Wind energy assessable property is not subject
12 to equalization. Wind energy assessable property is not subject
13 to equalization factors applied by the Department or any board
14 of review, assessor, or chief county assessment officer.

15 (35 ILCS 200/10-620 new)

16 Sec. 10-620. Platting requirements; parcel identification
17 numbers. The owner of a wind energy device shall, at his or her
18 own expense, use an Illinois registered land surveyor to
19 prepare a plat showing the metes and bounds description,
20 including access routes, of the area immediately surrounding
21 the wind energy device over which that owner has exclusive
22 control; provided that such platting does not constitute a
23 subdivision of land subject to the provisions of the Plat Act

1 (765 ILCS 205/). Within 60 days after completion of
2 construction of the wind energy device, the owner of the wind
3 energy device shall record the plat and deliver a copy of it to
4 the chief county assessment officer and to the owner of the
5 land surrounding the newly platted area. Upon receiving a copy
6 of the plat, the chief county assessment officer shall issue a
7 separate parcel identification number or numbers for the
8 property containing the wind energy device or devices.

9 (35 ILCS 200/14-15)

10 Sec. 14-15. Certificate of error; counties of 3,000,000 or
11 more.

12 (a) In counties with 3,000,000 or more inhabitants, if,
13 after the assessment is certified pursuant to Section 16-150,
14 but subject to the limitations of subsection (c) of this
15 Section, the county assessor discovers an error or mistake in
16 the assessment, the assessor shall execute a certificate
17 setting forth the nature and cause of the error. The
18 certificate when endorsed by the county assessor, or when
19 endorsed by the county assessor and board of appeals (until the
20 first Monday in December 1998 and the board of review beginning
21 the first Monday in December 1998 and thereafter) where the
22 certificate is executed for any assessment which was the
23 subject of a complaint filed in the board of appeals (until the
24 first Monday in December 1998 and the board of review beginning
25 the first Monday in December 1998 and thereafter) for the tax

1 year for which the certificate is issued, may, either be
2 certified according to the procedure authorized by this Section
3 or be presented and received in evidence in any court of
4 competent jurisdiction. Certification is authorized, at the
5 discretion of the county assessor, for: (1) certificates of
6 error allowing homestead exemptions under Article 15 ~~pursuant~~
7 ~~to Sections 15-170, 15-172, 15-175, and 15-176;~~ (2)
8 certificates of error on residential property of 6 units or
9 less; (3) certificates of error allowing exemption of the
10 property pursuant to Section 14-25; and (4) other certificates
11 of error reducing assessed value by less than \$100,000. Any
12 certificate of error not certified shall be presented to the
13 court. The county assessor shall develop reasonable procedures
14 for the filing and processing of certificates of error. Prior
15 to the certification or presentation to the court, the county
16 assessor or his or her designee shall execute and include in
17 the certificate of error a statement attesting that all
18 procedural requirements pertaining to the issuance of the
19 certificate of error have been met and that in fact an error
20 exists. When so introduced in evidence such certificate shall
21 become a part of the court records, and shall not be removed
22 from the files except upon the order of the court.

23 Certificates of error that will be presented to the court
24 shall be filed as an objection in the application for judgment
25 and order of sale for the year in relation to which the
26 certificate is made or as an amendment to the objection under

1 subsection (b). Certificates of error that are to be certified
2 according to the procedure authorized by this Section need not
3 be presented to the court as an objection or an amendment under
4 subsection (b). The State's Attorney of the county in which the
5 property is situated shall mail a copy of any final judgment
6 entered by the court regarding any certificate of error to the
7 taxpayer of record for the year in question.

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

18 A certificate of error certified under this Section shall
19 be given effect by the county treasurer, who shall mark the tax
20 books and, upon receipt of one of the following certificates
21 from the county assessor or the county assessor and the board
22 of review where the board of review is required to endorse the
23 certificate of error, shall issue refunds to the taxpayer
24 accordingly:

25 "CERTIFICATION

1 I,, county assessor, hereby certify
 2 that the Certificates of Error set out on the attached list
 3 have been duly issued to correct an error or mistake in the
 4 assessment."

"CERTIFICATION

5
 6 I,, county assessor, and we,
 7,
 8 members of the board of review, hereby certify that the
 9 Certificates of Error set out on the attached list have
 10 been duly issued to correct an error or mistake in the
 11 assessment and that any certificates of error required to
 12 be endorsed by the board of review have been so endorsed."

13 The county treasurer has the power to mark the tax books to
 14 reflect the issuance of certificates of error certified
 15 according to the procedure authorized in this Section for
 16 certificates of error issued under Section 14-25 or
 17 certificates of error issued to and including 3 years after the
 18 date on which the annual judgment and order of sale for that
 19 tax year was first entered. The county treasurer has the power
 20 to issue refunds to the taxpayer as set forth above until all
 21 refunds authorized by this Section have been completed.

22 To the extent that the certificate of error obviates the
 23 liability for nonpayment of taxes, certification of a
 24 certificate of error according to the procedure authorized in

1 this Section shall operate to vacate any judgment or forfeiture
2 as to that year's taxes, and the warrant books and judgment
3 books shall be marked to reflect that the judgment or
4 forfeiture has been vacated.

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

15 (c) No certificate of error, other than a certificate to
16 establish an exemption under Section 14-25, shall be executed
17 for any tax year more than 3 years after the date on which the
18 annual judgment and order of sale for that tax year was first
19 entered, except that during calendar years 1999 and 2000 a
20 certificate of error may be executed for any tax year, provided
21 that the error or mistake in the assessment was discovered no
22 more than 3 years after the date on which the annual judgment
23 and order of sale for that tax year was first entered.

24 (d) The time limitation of subsection (c) shall not apply
25 to a certificate of error correcting an assessment to \$1, under
26 Section 10-35, on a parcel that a subdivision or planned

1 development has acquired by adverse possession, if during the
2 tax year for which the certificate is executed the subdivision
3 or planned development used the parcel as common area, as
4 defined in Section 10-35, and if application for the
5 certificate of error is made prior to December 1, 1997.

6 (e) The changes made by this amendatory Act of the 91st
7 General Assembly apply to certificates of error issued before,
8 on, and after the effective date of this amendatory Act of the
9 91st General Assembly.

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

11 (35 ILCS 200/15-10)

12 Sec. 15-10. Exempt property; procedures for certification.
13 All property granted an exemption by the Department pursuant to
14 the requirements of Section 15-5 and described in the Sections
15 following Section 15-30 and preceding Section 16-5, to the
16 extent therein limited, is exempt from taxation. In order to
17 maintain that exempt status, the titleholder or the owner of
18 the beneficial interest of any property that is exempt must
19 file with the chief county assessment officer, on or before
20 January 31 of each year (May 31 in the case of property
21 exempted by Section 15-170), an affidavit stating whether there
22 has been any change in the ownership or use of the property or
23 the status of the owner-resident, or that a disabled veteran
24 who qualifies under Section 15-165 owned and used the property
25 as of January 1 of that year. The nature of any change shall be

1 stated in the affidavit. Failure to file an affidavit shall, in
2 the discretion of the assessment officer, constitute cause to
3 terminate the exemption of that property, notwithstanding any
4 other provision of this Code. Owners of 5 or more such exempt
5 parcels within a county may file a single annual affidavit in
6 lieu of an affidavit for each parcel. The assessment officer,
7 upon request, shall furnish an affidavit form to the owners, in
8 which the owner may state whether there has been any change in
9 the ownership or use of the property or status of the owner or
10 resident as of January 1 of that year. The owner of 5 or more
11 exempt parcels shall list all the properties giving the same
12 information for each parcel as required of owners who file
13 individual affidavits.

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

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

20 (2) Section 15-40.

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

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

24 An application for homestead exemptions shall be filed as
25 provided in Section 15-170 (senior citizens homestead
26 exemption), Section 15-172 (senior citizens assessment freeze

1 homestead exemption), and Sections 15-175 (general homestead
2 exemption), ~~and~~ 15-176 (general alternative homestead
3 exemption), and 15-177 (long-time occupant homestead
4 exemption), respectively.

5 (Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02;
6 93-715, eff. 7-12-04.)

7 (35 ILCS 200/15-165)

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

18 The exemption applies to housing where Federal funds have
19 been used to purchase or construct special adaptations to suit
20 the veteran's disability.

21 The exemption also applies to housing that is specially
22 adapted to suit the veteran's disability, and purchased
23 entirely or in part by the proceeds of a sale, casualty loss
24 reimbursement, or other transfer of a home for which the
25 Federal Government had previously authorized payment for

1 purchase or construction as Specially Adapted Housing.

2 However, the entire proceeds of the sale, casualty loss
3 reimbursement, or other transfer of that housing shall be
4 applied to the acquisition of subsequent specially adapted
5 housing to the extent that the proceeds equal the purchase
6 price of the subsequently acquired housing.

7 For purposes of this Section, "unmarried surviving spouse"
8 means the surviving spouse of the veteran at any time after the
9 death of the veteran during which such surviving spouse is not
10 married.

11 This exemption must be reestablished on an annual basis by
12 certification from the Illinois Department of Veterans'
13 Affairs to the Department, which shall forward a copy of the
14 certification to local assessing officials.

15 A taxpayer who claims an exemption under Section 15-168 or
16 15-169 may not claim an exemption under this Section.

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

18 (35 ILCS 200/15-167 new)

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

20 (a) Beginning with taxable year 2007, a homestead
21 exemption, limited to a reduction set forth under subsection
22 (b), from the property's value, as equalized or assessed by the
23 Department, is granted for property that is owned and occupied
24 as the principal residence of a veteran returning from an armed
25 conflict involving the armed forces of the United States who is

1 liable for paying real estate taxes on the property and is an
2 owner of record of the property or has a legal or equitable
3 interest therein as evidenced by a written instrument, except
4 for a leasehold interest, other than a leasehold interest of
5 land on which a single family residence is located, which is
6 occupied as the principal residence of a veteran returning from
7 an armed conflict involving the armed forces of the United
8 States who has an ownership interest therein, legal, equitable
9 or as a lessee, and on which he or she is liable for the payment
10 of property taxes. For purposes of the exemption under this
11 Section, "veteran" means an Illinois resident who has served as
12 a member of the United States Armed Forces, a member of the
13 Illinois National Guard, or a member of the United States
14 Reserve Forces.

15 (b) In all counties, the reduction is \$5,000 and only for
16 the taxable year in which the veteran returns from active duty
17 in an armed conflict involving the armed forces of the United
18 States. For land improved with an apartment building owned and
19 operated as a cooperative, the maximum reduction from the value
20 of the property, as equalized by the Department, must be
21 multiplied by the number of apartments or units occupied by a
22 veteran returning from an armed conflict involving the armed
23 forces of the United States who is liable, by contract with the
24 owner or owners of record, for paying property taxes on the
25 property and is an owner of record of a legal or equitable
26 interest in the cooperative apartment building, other than a

1 leasehold interest. In a cooperative where a homestead
2 exemption has been granted, the cooperative association or the
3 management firm of the cooperative or facility shall credit the
4 savings resulting from that exemption only to the apportioned
5 tax liability of the owner or resident who qualified for the
6 exemption. Any person who willfully refuses to so credit the
7 savings is guilty of a Class B misdemeanor.

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

16 (d) The exemption under this Section is in addition to any
17 other homestead exemption provided in this Article 15.
18 Notwithstanding Sections 6 and 8 of the State Mandates Act, no
19 reimbursement by the State is required for the implementation
20 of any mandate created by this Section.

21 (35 ILCS 200/15-168 new)

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

23 (a) Beginning with taxable year 2007, an annual homestead
24 exemption is granted to disabled persons in the amount of
25 \$2,000, except as provided in subsection (c), to be deducted

1 from the property's value as equalized or assessed by the
2 Department of Revenue. The disabled person shall receive the
3 homestead exemption upon meeting the following requirements:

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

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

8 (3) The disabled person must be an owner of record of
9 the property or have a legal or equitable interest in the
10 property as evidenced by a written instrument. In the case
11 of a leasehold interest in property, the lease must be for
12 a single family residence.

13 A person who is disabled during the taxable year is
14 eligible to apply for this homestead exemption during that
15 taxable year. Application must be made during the application
16 period in effect for the county of residence. If a homestead
17 exemption has been granted under this Section and the person
18 awarded the exemption subsequently becomes a resident of a
19 facility licensed under the Nursing Home Care Act, then the
20 exemption shall continue (i) so long as the residence continues
21 to be occupied by the qualifying person's spouse or (ii) if the
22 residence remains unoccupied but is still owned by the person
23 qualified for the homestead exemption.

24 (b) For the purposes of this Section, "disabled person"
25 means a person unable to engage in any substantial gainful
26 activity by reason of a medically determinable physical or

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

21 (c) For land improved with (i) an apartment building owned
22 and operated as a cooperative or (ii) a life care facility as
23 defined under Section 2 of the Life Care Facilities Act that is
24 considered to be a cooperative, the maximum reduction from the
25 value of the property, as equalized or assessed by the
26 Department, shall be multiplied by the number of apartments or

1 units occupied by a disabled person. The disabled person shall
2 receive the homestead exemption upon meeting the following
3 requirements:

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

6 (2) The disabled person must be liable by contract with
7 the owner or owners of record for paying the apportioned
8 property taxes on the property of the cooperative or life
9 care facility. In the case of a life care facility, the
10 disabled person must be liable for paying the apportioned
11 property taxes under a life care contract as defined in
12 Section 2 of the Life Care Facilities Act.

13 (3) The disabled person must be an owner of record of a
14 legal or equitable interest in the cooperative apartment
15 building. A leasehold interest does not meet this
16 requirement.

17 If a homestead exemption is granted under this subsection, the
18 cooperative association or management firm shall credit the
19 savings resulting from the exemption to the apportioned tax
20 liability of the qualifying disabled person. The chief county
21 assessment officer may request reasonable proof that the
22 association or firm has properly credited the exemption. A
23 person who willfully refuses to credit an exemption to the
24 qualified disabled person is guilty of a Class B misdemeanor.

25 (d) The chief county assessment officer shall determine the
26 eligibility of property to receive the homestead exemption

1 according to guidelines established by the Department. After a
2 person has received an exemption under this Section, an annual
3 verification of eligibility for the exemption shall be mailed
4 to the taxpayer.

5 In counties with fewer than 3,000,000 inhabitants, the
6 chief county assessment officer shall provide to each person
7 granted a homestead exemption under this Section a form to
8 designate any other person to receive a duplicate of any notice
9 of delinquency in the payment of taxes assessed and levied
10 under this Code on the person's qualifying property. The
11 duplicate notice shall be in addition to the notice required to
12 be provided to the person receiving the exemption and shall be
13 given in the manner required by this Code. The person filing
14 the request for the duplicate notice shall pay an
15 administrative fee of \$5 to the chief county assessment
16 officer. The assessment officer shall then file the executed
17 designation with the county collector, who shall issue the
18 duplicate notices as indicated by the designation. A
19 designation may be rescinded by the disabled person in the
20 manner required by the chief county assessment officer.

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

23 (35 ILCS 200/15-169 new)

24 Sec. 15-169. Disabled veterans standard homestead
25 exemption.

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

5 (b) The amount of the exemption under this Section is as
6 follows:

7 (1) for veterans with a service-connected disability
8 of at least 75%, as certified by the United States
9 Department of Veterans Affairs, the annual exemption is
10 \$5,000; and

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

15 (c) The tax exemption under this Section carries over to
16 the benefit of the veteran's surviving spouse as long as the
17 spouse holds the legal or beneficial title to the homestead,
18 permanently resides thereon, and does not remarry. If the
19 surviving spouse sells the property, an exemption not to exceed
20 the amount granted from the most recent ad valorem tax roll may
21 be transferred to his or her new residence as long as it is
22 used as his or her primary residence and he or she does not
23 remarry.

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

1 this Section.

2 (e) Application must be made during the application period
3 in effect for the county of his or her residence. The assessor
4 or chief county assessment officer may determine the
5 eligibility of residential property to receive the homestead
6 exemption provided by this Section by application, visual
7 inspection, questionnaire, or other reasonable methods. The
8 determination must be made in accordance with guidelines
9 established by the Department.

10 (f) For the purposes of this Section:

11 "Qualified residence" means real property, but less any
12 portion of that property that is used for commercial purposes,
13 with an equalized assessed value of less than \$250,000 that is
14 the disabled veteran's primary residence. Property rented for
15 more than 6 months is presumed to be used for commercial
16 purposes.

17 "Veteran" means an Illinois resident who has served as a
18 member of the United States Armed Forces on active duty or
19 State active duty, a member of the Illinois National Guard, or
20 a member of the United States Reserve Forces and who has
21 received an honorable discharge.

22 (35 ILCS 200/15-170)

23 Sec. 15-170. Senior Citizens Homestead Exemption. An
24 annual homestead exemption limited, except as described here
25 with relation to cooperatives or life care facilities, to a

1 maximum reduction set forth below from the property's value, as
2 equalized or assessed by the Department, is granted for
3 property that is occupied as a residence by a person 65 years
4 of age or older who is liable for paying real estate taxes on
5 the property and is an owner of record of the property or has a
6 legal or equitable interest therein as evidenced by a written
7 instrument, except for a leasehold interest, other than a
8 leasehold interest of land on which a single family residence
9 is located, which is occupied as a residence by a person 65
10 years or older who has an ownership interest therein, legal,
11 equitable or as a lessee, and on which he or she is liable for
12 the payment of property taxes. Before taxable year 2004, the
13 maximum reduction shall be \$2,500 in counties with 3,000,000 or
14 more inhabitants and \$2,000 in all other counties. For taxable
15 years 2004 through 2005, the maximum reduction shall be \$3,000
16 in all counties. For taxable years 2006 and 2007 thereafter,
17 the maximum reduction shall be \$3,500 and, for taxable years
18 2008 and thereafter, the maximum reduction is \$4,000 in all
19 counties.

20 For land improved with an apartment building owned and
21 operated as a cooperative, the maximum reduction from the value
22 of the property, as equalized by the Department, shall be
23 multiplied by the number of apartments or units occupied by a
24 person 65 years of age or older who is liable, by contract with
25 the owner or owners of record, for paying property taxes on the
26 property and is an owner of record of a legal or equitable

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

21 When a homestead exemption has been granted under this
22 Section and the person qualifying subsequently becomes a
23 resident of a facility licensed under the Nursing Home Care
24 Act, the exemption shall continue so long as the residence
25 continues to be occupied by the qualifying person's spouse if
26 the spouse is 65 years of age or older, or if the residence

1 remains unoccupied but is still owned by the person qualified
2 for the homestead exemption.

3 A person who will be 65 years of age during the current
4 assessment year shall be eligible to apply for the homestead
5 exemption during that assessment year. Application shall be
6 made during the application period in effect for the county of
7 his residence.

8 Beginning with assessment year 2003, for taxes payable in
9 2004, property that is first occupied as a residence after
10 January 1 of any assessment year by a person who is eligible
11 for the senior citizens homestead exemption under this Section
12 must be granted a pro-rata exemption for the assessment year.
13 The amount of the pro-rata exemption is the exemption allowed
14 in the county under this Section divided by 365 and multiplied
15 by the number of days during the assessment year the property
16 is occupied as a residence by a person eligible for the
17 exemption under this Section. The chief county assessment
18 officer must adopt reasonable procedures to establish
19 eligibility for this pro-rata exemption.

20 The assessor or chief county assessment officer may
21 determine the eligibility of a life care facility to receive
22 the benefits provided by this Section, by affidavit,
23 application, visual inspection, questionnaire or other
24 reasonable methods in order to insure that the tax savings
25 resulting from the exemption are credited by the management
26 firm to the apportioned tax liability of each qualifying

1 resident. The assessor may request reasonable proof that the
2 management firm has so credited the exemption.

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

22 The assessor or chief county assessment officer may
23 determine the eligibility of residential property to receive
24 the homestead exemption provided by this Section by
25 application, visual inspection, questionnaire or other
26 reasonable methods. The determination shall be made in

1 accordance with guidelines established by the Department.

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

6 In counties with less than 3,000,000 inhabitants, if the
7 assessor or chief county assessment officer requires annual
8 application for verification of eligibility for an exemption
9 once granted under this Section, the application shall be
10 mailed to the taxpayer.

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

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

23 (Source: P.A. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04;
24 94-794, eff. 5-22-06.)

25 (35 ILCS 200/15-172)

1 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
2 Exemption.

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

5 (b) As used in this Section:

6 "Applicant" means an individual who has filed an
7 application under this Section.

8 "Base amount" means the base year equalized assessed value
9 of the residence plus the first year's equalized assessed value
10 of any added improvements which increased the assessed value of
11 the residence after the base year.

12 "Base year" means the taxable year prior to the taxable
13 year for which the applicant first qualifies and applies for
14 the exemption provided that in the prior taxable year the
15 property was improved with a permanent structure that was
16 occupied as a residence by the applicant who was liable for
17 paying real property taxes on the property and who was either
18 (i) an owner of record of the property or had legal or
19 equitable interest in the property as evidenced by a written
20 instrument or (ii) had a legal or equitable interest as a
21 lessee in the parcel of property that was single family
22 residence. If in any subsequent taxable year for which the
23 applicant applies and qualifies for the exemption the equalized
24 assessed value of the residence is less than the equalized
25 assessed value in the existing base year (provided that such
26 equalized assessed value is not based on an assessed value that

1 results from a temporary irregularity in the property that
2 reduces the assessed value for one or more taxable years), then
3 that subsequent taxable year shall become the base year until a
4 new base year is established under the terms of this paragraph.
5 For taxable year 1999 only, the Chief County Assessment Officer
6 shall review (i) all taxable years for which the applicant
7 applied and qualified for the exemption and (ii) the existing
8 base year. The assessment officer shall select as the new base
9 year the year with the lowest equalized assessed value. An
10 equalized assessed value that is based on an assessed value
11 that results from a temporary irregularity in the property that
12 reduces the assessed value for one or more taxable years shall
13 not be considered the lowest equalized assessed value. The
14 selected year shall be the base year for taxable year 1999 and
15 thereafter until a new base year is established under the terms
16 of this paragraph.

17 "Chief County Assessment Officer" means the County
18 Assessor or Supervisor of Assessments of the county in which
19 the property is located.

20 "Equalized assessed value" means the assessed value as
21 equalized by the Illinois Department of Revenue.

22 "Household" means the applicant, the spouse of the
23 applicant, and all persons using the residence of the applicant
24 as their principal place of residence.

25 "Household income" means the combined income of the members
26 of a household for the calendar year preceding the taxable

1 year.

2 "Income" has the same meaning as provided in Section 3.07
3 of the Senior Citizens and Disabled Persons Property Tax Relief
4 and Pharmaceutical Assistance Act, except that, beginning in
5 assessment year 2001, "income" does not include veteran's
6 benefits.

7 "Internal Revenue Code of 1986" means the United States
8 Internal Revenue Code of 1986 or any successor law or laws
9 relating to federal income taxes in effect for the year
10 preceding the taxable year.

11 "Life care facility that qualifies as a cooperative" means
12 a facility as defined in Section 2 of the Life Care Facilities
13 Act.

14 "Maximum income limitation" means:

- 15 (1) \$35,000 prior to taxable year 1999;
16 (2) \$40,000 in taxable years 1999 through 2003;
17 (3) \$45,000 in taxable years 2004 through 2005;
18 (4) \$50,000 in taxable years 2006 and 2007; and
19 (5) \$55,000 in taxable year 2008 and thereafter.

20 "Residence" means the principal dwelling place and
21 appurtenant structures used for residential purposes in this
22 State occupied on January 1 of the taxable year by a household
23 and so much of the surrounding land, constituting the parcel
24 upon which the dwelling place is situated, as is used for
25 residential purposes. If the Chief County Assessment Officer
26 has established a specific legal description for a portion of

1 property constituting the residence, then that portion of
2 property shall be deemed the residence for the purposes of this
3 Section.

4 "Taxable year" means the calendar year during which ad
5 valorem property taxes payable in the next succeeding year are
6 levied.

7 (c) Beginning in taxable year 1994, a senior citizens
8 assessment freeze homestead exemption is granted for real
9 property that is improved with a permanent structure that is
10 occupied as a residence by an applicant who (i) is 65 years of
11 age or older during the taxable year, (ii) has a household
12 income that does not exceed the maximum income limitation ~~of~~
13 ~~\$35,000 or less prior to taxable year 1999, \$40,000 or less in~~
14 ~~taxable years 1999 through 2003, \$45,000 or less in taxable~~
15 ~~year 2004 and 2005, and \$50,000 or less in taxable year 2006~~
16 ~~and thereafter,~~ (iii) is liable for paying real property taxes
17 on the property, and (iv) is an owner of record of the property
18 or has a legal or equitable interest in the property as
19 evidenced by a written instrument. This homestead exemption
20 shall also apply to a leasehold interest in a parcel of
21 property improved with a permanent structure that is a single
22 family residence that is occupied as a residence by a person
23 who (i) is 65 years of age or older during the taxable year,
24 (ii) has a household income that does not exceed the maximum
25 income limitation ~~of \$35,000 or less prior to taxable year~~
26 ~~1999, \$40,000 or less in taxable years 1999 through 2003,~~

1 ~~\$45,000 or less in taxable year 2004 and 2005, and \$50,000 or~~
2 ~~less in taxable year 2006 and thereafter,~~ (iii) has a legal or
3 equitable ownership interest in the property as lessee, and
4 (iv) is liable for the payment of real property taxes on that
5 property.

6 In counties of 3,000,000 or more inhabitants, the amount of
7 the exemption for all taxable years is the equalized assessed
8 value of the residence in the taxable year for which
9 application is made minus the base amount. In all other
10 counties, the amount of the exemption is as follows: (i)
11 through ~~Through~~ taxable year 2005 and for taxable year 2007 and
12 thereafter, the amount of this exemption shall be the equalized
13 assessed value of the residence in the taxable year for which
14 application is made minus the base amount; and (ii) for. ~~For~~
15 taxable year 2006 ~~and thereafter,~~ the amount of the exemption
16 is as follows:

17 (1) For an applicant who has a household income of
18 \$45,000 or less, the amount of the exemption is the
19 equalized assessed value of the residence in the taxable
20 year for which application is made minus the base amount.

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

26 (3) For an applicant who has a household income

1 exceeding \$46,250 but not exceeding \$47,500, the amount of
2 the exemption is (i) the equalized assessed value of the
3 residence in the taxable year for which application is made
4 minus the base amount (ii) multiplied by 0.6.

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

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

15 When the applicant is a surviving spouse of an applicant
16 for a prior year for the same residence for which an exemption
17 under this Section has been granted, the base year and base
18 amount for that residence are the same as for the applicant for
19 the prior year.

20 Each year at the time the assessment books are certified to
21 the County Clerk, the Board of Review or Board of Appeals shall
22 give to the County Clerk a list of the assessed values of
23 improvements on each parcel qualifying for this exemption that
24 were added after the base year for this parcel and that
25 increased the assessed value of the property.

26 In the case of land improved with an apartment building

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

23 When a homestead exemption has been granted under this
24 Section and an applicant then becomes a resident of a facility
25 licensed under the Nursing Home Care Act, the exemption shall
26 be granted in subsequent years so long as the residence (i)

1 continues to be occupied by the qualified applicant's spouse or
2 (ii) if remaining unoccupied, is still owned by the qualified
3 applicant for the homestead exemption.

4 Beginning January 1, 1997, when an individual dies who
5 would have qualified for an exemption under this Section, and
6 the surviving spouse does not independently qualify for this
7 exemption because of age, the exemption under this Section
8 shall be granted to the surviving spouse for the taxable year
9 preceding and the taxable year of the death, provided that,
10 except for age, the surviving spouse meets all other
11 qualifications for the granting of this exemption for those
12 years.

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

16 For taxable year 1994 only, in counties having less than
17 3,000,000 inhabitants, to receive the exemption, a person shall
18 submit an application by February 15, 1995 to the Chief County
19 Assessment Officer of the county in which the property is
20 located. In counties having 3,000,000 or more inhabitants, for
21 taxable year 1994 and all subsequent taxable years, to receive
22 the exemption, a person may submit an application to the Chief
23 County Assessment Officer of the county in which the property
24 is located during such period as may be specified by the Chief
25 County Assessment Officer. The Chief County Assessment Officer
26 in counties of 3,000,000 or more inhabitants shall annually

1 give notice of the application period by mail or by
2 publication. In counties having less than 3,000,000
3 inhabitants, beginning with taxable year 1995 and thereafter,
4 to receive the exemption, a person shall submit an application
5 by July 1 of each taxable year to the Chief County Assessment
6 Officer of the county in which the property is located. A
7 county may, by ordinance, establish a date for submission of
8 applications that is different than July 1. The applicant shall
9 submit with the application an affidavit of the applicant's
10 total household income, age, marital status (and if married the
11 name and address of the applicant's spouse, if known), and
12 principal dwelling place of members of the household on January
13 1 of the taxable year. The Department shall establish, by rule,
14 a method for verifying the accuracy of affidavits filed by
15 applicants under this Section, and the Chief County Assessment
16 Officer may conduct audits of any taxpayer claiming an
17 exemption under this Section to verify that the taxpayer is
18 eligible to receive the exemption. Each application shall
19 contain or be verified by a written declaration that it is made
20 under the penalties of perjury. A taxpayer's signing a
21 fraudulent application under this Act is perjury, as defined in
22 Section 32-2 of the Criminal Code of 1961. The applications
23 shall be clearly marked as applications for the Senior Citizens
24 Assessment Freeze Homestead Exemption and must contain a notice
25 that any taxpayer who receives the exemption is subject to an
26 audit by the Chief County Assessment Officer.

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

19 Beginning January 1, 1998, notwithstanding any other
20 provision to the contrary, in counties having fewer than
21 3,000,000 inhabitants, if an applicant fails to file the
22 application required by this Section in a timely manner and
23 this failure to file is due to a mental or physical condition
24 sufficiently severe so as to render the applicant incapable of
25 filing the application in a timely manner, the Chief County
26 Assessment Officer may extend the filing deadline for a period

1 of 3 months. In order to receive the extension provided in this
2 paragraph, the applicant shall provide the Chief County
3 Assessment Officer with a signed statement from the applicant's
4 physician stating the nature and extent of the condition, and
5 that, in the physician's opinion, the condition was so severe
6 that it rendered the applicant incapable of filing the
7 application in a timely manner.

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

22 For purposes of this Section, a person who will be 65 years
23 of age during the current taxable year shall be eligible to
24 apply for the homestead exemption during that taxable year.
25 Application shall be made during the application period in
26 effect for the county of his or her residence.

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

11 Except as provided in this Section, all information
12 received by the chief county assessment officer or the
13 Department from applications filed under this Section, or from
14 any investigation conducted under the provisions of this
15 Section, shall be confidential, except for official purposes or
16 pursuant to official procedures for collection of any State or
17 local tax or enforcement of any civil or criminal penalty or
18 sanction imposed by this Act or by any statute or ordinance
19 imposing a State or local tax. Any person who divulges any such
20 information in any manner, except in accordance with a proper
21 judicial order, is guilty of a Class A misdemeanor.

22 Nothing contained in this Section shall prevent the
23 Director or chief county assessment officer from publishing or
24 making available reasonable statistics concerning the
25 operation of the exemption contained in this Section in which
26 the contents of claims are grouped into aggregates in such a

1 way that information contained in any individual claim shall
2 not be disclosed.

3 (d) Each Chief County Assessment Officer shall annually
4 publish a notice of availability of the exemption provided
5 under this Section. The notice shall be published at least 60
6 days but no more than 75 days prior to the date on which the
7 application must be submitted to the Chief County Assessment
8 Officer of the county in which the property is located. The
9 notice shall appear in a newspaper of general circulation in
10 the county.

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

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

15 (35 ILCS 200/15-175)

16 Sec. 15-175. General homestead exemption. Except as
17 provided in Sections 15-176 and 15-177 ~~Section 15-176~~,
18 homestead property is entitled to an annual homestead exemption
19 limited, except as described here with relation to
20 cooperatives, to a reduction in the equalized assessed value of
21 homestead property equal to the increase in equalized assessed
22 value for the current assessment year above the equalized
23 assessed value of the property for 1977, up to the maximum
24 reduction set forth below. If however, the 1977 equalized
25 assessed value upon which taxes were paid is subsequently

1 determined by local assessing officials, the Property Tax
2 Appeal Board, or a court to have been excessive, the equalized
3 assessed value which should have been placed on the property
4 for 1977 shall be used to determine the amount of the
5 exemption.

6 Except as provided in Section 15-176, the maximum reduction
7 before taxable year 2004 shall be \$4,500 in counties with
8 3,000,000 or more inhabitants and \$3,500 in all other counties.
9 Except as provided in Sections 15-176 and 15-177 ~~Section~~
10 ~~15-176~~, for taxable years 2004 through 2007 ~~and thereafter~~, the
11 maximum reduction shall be \$5,000, for taxable year 2008, the
12 maximum reduction is \$5,500, and, for taxable years 2009 and
13 thereafter, the maximum reduction is \$6,000 in all counties. If
14 a county has elected to subject itself to the provisions of
15 Section 15-176 as provided in subsection (k) of that Section,
16 then, for the first taxable year only after the provisions of
17 Section 15-176 no longer apply, for owners who, for the taxable
18 year, have not been granted a senior citizens assessment freeze
19 homestead exemption under Section 15-172 or a long-time
20 occupant homestead exemption under Section 15-177, there shall
21 be an additional exemption of \$5,000 for owners with a
22 household income of \$30,000 or less. ~~If a county has elected to~~
23 ~~subject itself to the provisions of Section 15-176 as provided~~
24 ~~in subsection (k) of that Section, then, for the first taxable~~
25 ~~year only after the provisions of Section 15-176 no longer~~
26 ~~apply, for owners (i) who have not been granted a senior~~

1 ~~citizens assessment freeze homestead exemption under Section~~
2 ~~15-172 for the taxable year and (ii) whose qualified property~~
3 ~~has an assessed valuation that has increased by more than 20%~~
4 ~~over the previous assessed valuation of the property, there~~
5 ~~shall be an additional exemption of \$5,000 for owners with a~~
6 ~~household income of \$30,000 or less. For purposes of this~~
7 ~~paragraph, "household income" has the meaning set forth in this~~
8 ~~Section 15-175.~~

9 In counties with fewer than 3,000,000 inhabitants, if,
10 based on the most recent assessment, the equalized assessed
11 value of the homestead property for the current assessment year
12 is greater than the equalized assessed value of the property
13 for 1977, the owner of the property shall automatically receive
14 the exemption granted under this Section in an amount equal to
15 the increase over the 1977 assessment up to the maximum
16 reduction set forth in this Section.

17 If in any assessment year beginning with the 2000
18 assessment year, homestead property has a pro-rata valuation
19 under Section 9-180 resulting in an increase in the assessed
20 valuation, a reduction in equalized assessed valuation equal to
21 the increase in equalized assessed value of the property for
22 the year of the pro-rata valuation above the equalized assessed
23 value of the property for 1977 shall be applied to the property
24 on a proportionate basis for the period the property qualified
25 as homestead property during the assessment year. The maximum
26 proportionate homestead exemption shall not exceed the maximum

1 homestead exemption allowed in the county under this Section
2 divided by 365 and multiplied by the number of days the
3 property qualified as homestead property.

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

25 "Household", as used in this Section, means the owner, the
26 spouse of the owner, and all persons using the residence of the

1 owner as their principal place of residence.

2 "Household income", as used in this Section, means the
3 combined income of the members of a household for the calendar
4 year preceding the taxable year.

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

9 In a cooperative where a homestead exemption has been
10 granted, the cooperative association or its management firm
11 shall credit the savings resulting from that exemption only to
12 the apportioned tax liability of the owner who qualified for
13 the exemption. Any person who willfully refuses to so credit
14 the savings shall be guilty of a Class B misdemeanor.

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

19 In all counties, the assessor or chief county assessment
20 officer may determine the eligibility of residential property
21 to receive the homestead exemption and the amount of the
22 exemption by application, visual inspection, questionnaire or
23 other reasonable methods. The determination shall be made in
24 accordance with guidelines established by the Department,
25 provided that the taxpayer applying for an additional general
26 exemption under this Section shall submit to the chief county

1 assessment officer an application with an affidavit of the
2 applicant's total household income, age, marital status (and,
3 if married, the name and address of the applicant's spouse, if
4 known), and principal dwelling place of members of the
5 household on January 1 of the taxable year. The Department
6 shall issue guidelines establishing a method for verifying the
7 accuracy of the affidavits filed by applicants under this
8 paragraph. The applications shall be clearly marked as
9 applications for the Additional General Homestead Exemption.

10 In counties with fewer than 3,000,000 inhabitants, in the
11 event of a sale of homestead property the homestead exemption
12 shall remain in effect for the remainder of the assessment year
13 of the sale. The assessor or chief county assessment officer
14 may require the new owner of the property to apply for the
15 homestead exemption for the following assessment year.

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

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

20 (35 ILCS 200/15-176)

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

22 (a) For the assessment years as determined under subsection
23 (j), in any county that has elected, by an ordinance in
24 accordance with subsection (k), to be subject to the provisions
25 of this Section in lieu of the provisions of Section 15-175,

1 homestead property is entitled to an annual homestead exemption
2 equal to a reduction in the property's equalized assessed value
3 calculated as provided in this Section.

4 (b) As used in this Section:

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

7 (2) "Adjusted homestead value" means the lesser of the
8 following values:

9 (A) The property's base homestead value increased
10 by 7% for each tax year after the base year through and
11 including the current tax year, or, if the property is
12 sold or ownership is otherwise transferred, the
13 property's base homestead value increased by 7% for
14 each tax year after the year of the sale or transfer
15 through and including the current tax year. The
16 increase by 7% each year is an increase by 7% over the
17 prior year.

18 (B) The property's equalized assessed value for
19 the current tax year minus: (i) \$4,500 in Cook County
20 or \$3,500 in all other counties in tax year 2003; ~~or~~
21 (ii) \$5,000 in all counties in tax years ~~year~~ 2004 and
22 2005; and (iii) the lesser of the amount of the general
23 homestead exemption under Section 15-175 or an amount
24 equal to the increase in the equalized assessed value
25 for the current tax year above the equalized assessed
26 value for 1977 in tax year 2006 and thereafter.

1 (3) "Base homestead value".

2 (A) Except as provided in subdivision (b) (3) (A-5)
3 or (b) (3) (B), "base homestead value" means the
4 equalized assessed value of the property for the base
5 year prior to exemptions, minus (i) \$4,500 in Cook
6 County or \$3,500 in all other counties in tax year
7 2003, ~~or~~ (ii) \$5,000 in all counties in tax years year
8 2004 and 2005, or (iii) the lesser of the amount of the
9 general homestead exemption under Section 15-175 or an
10 amount equal to the increase in the equalized assessed
11 value for the current tax year above the equalized
12 assessed value for 1977 in tax year 2006 and
13 thereafter, provided that it was assessed for that year
14 as residential property qualified for any of the
15 homestead exemptions under Sections 15-170 through
16 15-175 of this Code, then in force, and further
17 provided that the property's assessment was not based
18 on a reduced assessed value resulting from a temporary
19 irregularity in the property for that year. Except as
20 provided in subdivision (b) (3) (B), if the property did
21 not have a residential equalized assessed value for the
22 base year, then "base homestead value" means the base
23 homestead value established by the assessor under
24 subsection (c).

25 (A-5) On or before September 1, 2007, in Cook
26 County, the base homestead value, as set forth under

1 subdivision (b) (3) (A) and except as provided under
2 subdivision (b) (3) (B), must be recalculated as the
3 equalized assessed value of the property for the base
4 year, prior to exemptions, minus:

5 (1) if the general assessment year for the
6 property was 2003, the lesser of (i) \$4,500 or (ii)
7 the amount equal to the increase in equalized
8 assessed value for the 2002 tax year above the
9 equalized assessed value for 1977;

10 (2) if the general assessment year for the
11 property was 2004, the lesser of (i) \$4,500 or (ii)
12 the amount equal to the increase in equalized
13 assessed value for the 2003 tax year above the
14 equalized assessed value for 1977;

15 (3) if the general assessment year for the
16 property was 2005, the lesser of (i) \$5,000 or (ii)
17 the amount equal to the increase in equalized
18 assessed value for the 2004 tax year above the
19 equalized assessed value for 1977.

20 (B) If the property is sold or ownership is
21 otherwise transferred, other than sales or transfers
22 between spouses or between a parent and a child, "base
23 homestead value" means the equalized assessed value of
24 the property at the time of the sale or transfer prior
25 to exemptions, minus: (i) \$4,500 in Cook County or
26 \$3,500 in all other counties in tax year 2003; ~~or~~ (ii)

1 \$5,000 in all counties in tax years ~~year~~ 2004 and 2005;
2 and (iii) the lesser of the amount of the general
3 homestead exemption under Section 15-175 or an amount
4 equal to the increase in the equalized assessed value
5 for the current tax year above the equalized assessed
6 value for 1977 in tax year 2006 and thereafter,
7 provided that it was assessed as residential property
8 qualified for any of the homestead exemptions under
9 Sections 15-170 through 15-175 of this Code, then in
10 force, and further provided that the property's
11 assessment was not based on a reduced assessed value
12 resulting from a temporary irregularity in the
13 property.

14 (3.5) "Base year" means (i) tax year 2002 in Cook
15 County or (ii) tax year 2005 or 2006 ~~2002 or 2003~~ in all
16 other counties in accordance with the designation made by
17 the county as provided in subsection (k).

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

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

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

23 (A) Residential property that as of January 1 of
24 the tax year is occupied by its owner or owners as his,
25 her, or their principal dwelling place, or that is a
26 leasehold interest on which a single family residence

1 is situated, that is occupied as a residence by a
2 person who has a legal or equitable interest therein
3 evidenced by a written instrument, as an owner or as a
4 lessee, and on which the person is liable for the
5 payment of property taxes. Residential units in an
6 apartment building owned and operated as a
7 cooperative, or as a life care facility, which are
8 occupied by persons who hold a legal or equitable
9 interest in the cooperative apartment building or life
10 care facility as owners or lessees, and who are liable
11 by contract for the payment of property taxes, shall be
12 included within this definition of homestead property.

13 (B) A homestead includes the dwelling place,
14 appurtenant structures, and so much of the surrounding
15 land constituting the parcel on which the dwelling
16 place is situated as is used for residential purposes.
17 If the assessor has established a specific legal
18 description for a portion of property constituting the
19 homestead, then the homestead shall be limited to the
20 property within that description.

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

23 (c) If the property did not have a residential equalized
24 assessed value for the base year as provided in subdivision
25 (b) (3) (A) of this Section, then the assessor shall first
26 determine an initial value for the property by comparison with

1 assessed values for the base year of other properties having
2 physical and economic characteristics similar to those of the
3 subject property, so that the initial value is uniform in
4 relation to assessed values of those other properties for the
5 base year. The product of the initial value multiplied by the
6 equalized factor for the base year for homestead properties in
7 that county, less: (i) \$4,500 in Cook County or \$3,500 in all
8 other counties in tax years year 2003; ~~or~~ (ii) \$5,000 in all
9 counties in tax year 2004 and 2005; and (iii) the lesser of the
10 amount of the general homestead exemption under Section 15-175
11 or an amount equal to the increase in the equalized assessed
12 value for the current tax year above the equalized assessed
13 value for 1977 in tax year 2006 and thereafter, is the base
14 homestead value.

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

20 (d) The base homestead value shall remain constant, except
21 that the assessor may revise it under the following
22 circumstances:

23 (1) If the equalized assessed value of a homestead
24 property for the current tax year is less than the previous
25 base homestead value for that property, then the current
26 equalized assessed value (provided it is not based on a

1 reduced assessed value resulting from a temporary
2 irregularity in the property) shall become the base
3 homestead value in subsequent tax years.

4 (2) For any year in which new buildings, structures, or
5 other improvements are constructed on the homestead
6 property that would increase its assessed value, the
7 assessor shall adjust the base homestead value as provided
8 in subsection (c) of this Section with due regard to the
9 value added by the new improvements.

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

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

17 (e) The amount of the exemption under this Section is the
18 equalized assessed value of the homestead property for the
19 current tax year, minus the adjusted homestead value, with the
20 following exceptions:

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

24 (i) 2005, if the general assessment year for the
25 property is 2003;

26 (ii) 2006, if the general assessment year for the

1 property is 2004; or

2 (iii) 2007, if the general assessment year for the
3 property is 2005.

4 (1.1) Thereafter, in Cook County, and in all other
5 counties, the exemption is as follows:

6 (i) if the general assessment year for the property
7 is 2006, then the exemption may not exceed: \$33,000 for
8 taxable year 2006; \$26,000 for taxable year 2007; and
9 \$20,000 for taxable year 2008;

10 (ii) if the general assessment year for the
11 property is 2007, then the exemption may not exceed:
12 \$33,000 for taxable year 2007; \$26,000 for taxable year
13 2008; and \$20,000 for taxable year 2009; and

14 (iii) if the general assessment year for the
15 property is 2008, then the exemption may not exceed:
16 \$33,000 for taxable year 2008; \$26,000 for taxable year
17 2009; and \$20,000 for taxable year 2010.

18 (1.5) In Cook County, for the 2006 taxable year only, the
19 maximum amount of the exemption set forth under subsection
20 (e) (1.1) (i) of this Section may be increased: (i) by \$7,000 if
21 the equalized assessed value of the property in that taxable
22 year exceeds the equalized assessed value of that property in
23 2002 by 100% or more; or (ii) by \$2,000 if the equalized
24 assessed value of the property in that taxable year exceeds the
25 equalized assessed value of that property in 2002 by more than
26 80% but less than 100%.

1 (2) In the case of homestead property that also
2 qualifies for the exemption under Section 15-172, the
3 property is entitled to the exemption under this Section,
4 limited to the amount of (i) \$4,500 in Cook County or
5 \$3,500 in all other counties in tax year 2003, ~~or~~ (ii)
6 \$5,000 in all counties in tax years ~~year~~ 2004 and 2005, or
7 (iii) the lesser of the amount of the general homestead
8 exemption under Section 15-175 or an amount equal to the
9 increase in the equalized assessed value for the current
10 tax year above the equalized assessed value for 1977 in tax
11 year 2006 and thereafter.

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

26 (g) When married persons maintain separate residences, the

1 exemption provided under this Section shall be claimed by only
2 one such person and for only one residence.

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

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

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

24 (1) If the general assessment year for the property is
25 2003, this Section applies for assessment years 2003, 2004,
26 ~~and~~ 2005, 2006, 2007, and 2008. Thereafter, the provisions

1 of Section 15-175 apply.

2 (2) If the general assessment year for the property is
3 2004, this Section applies for assessment years 2004, 2005,
4 ~~and 2006, 2007, 2008, and 2009~~. Thereafter, the provisions
5 of Section 15-175 apply.

6 (3) If the general assessment year for the property is
7 2005, this Section applies for assessment years 2005, 2006,
8 ~~and 2007, 2008, 2009, and 2010~~. Thereafter, the provisions
9 of Section 15-175 apply.

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

16 (k) To be subject to the provisions of this Section in lieu
17 of Section 15-175, a county must adopt an ordinance to subject
18 itself to the provisions of this Section within 6 months after
19 the effective date of this amendatory Act of the 95th General
20 Assembly ~~93rd General Assembly~~. In a county other than Cook
21 County, the ordinance must designate either tax year 2005 ~~2002~~
22 or tax year 2006 ~~2003~~ as the base year.

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

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

1 (35 ILCS 200/15-177 new)

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

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

11 (b) As used in this Section:

12 "Adjusted homestead value" means the lesser of the
13 following values:

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

15 (i) 10% for each taxable year after the base year through
16 and including the current tax year for qualified taxpayers
17 with a household income of more than \$75,000 but not
18 exceeding \$100,000; or (ii) 7% for each taxable year after
19 the base year through and including the current tax year
20 for qualified taxpayers with a household income of \$75,000
21 or less. The increase each year is an increase over the
22 prior year; or

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

25 "Base homestead value" means:

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

9 (2) if the property had an adjusted homestead value
10 under Section 15-176 for the base year, then an amount
11 equal to the adjusted homestead value of the property under
12 Section 15-176 for the base year.

13 "Base year" means the taxable year prior to the taxable
14 year in which the taxpayer first qualifies for the exemption
15 under this Section.

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

18 "Equalized assessed value" means the property's assessed
19 value as equalized by the Department.

20 "Homestead" or "homestead property" means residential
21 property that as of January 1 of the tax year is occupied by a
22 qualified taxpayer as his or her principal dwelling place, or
23 that is a leasehold interest on which a single family residence
24 is situated, that is occupied as a residence by a qualified
25 taxpayer who has a legal or equitable interest therein
26 evidenced by a written instrument, as an owner or as a lessee,

1 and on which the person is liable for the payment of property
2 taxes. Residential units in an apartment building owned and
3 operated as a cooperative, or as a life care facility, which
4 are occupied by persons who hold a legal or equitable interest
5 in the cooperative apartment building or life care facility as
6 owners or lessees, and who are liable by contract for the
7 payment of property taxes, are included within this definition
8 of homestead property. A homestead includes the dwelling place,
9 appurtenant structures, and so much of the surrounding land
10 constituting the parcel on which the dwelling place is situated
11 as is used for residential purposes. If the assessor has
12 established a specific legal description for a portion of
13 property constituting the homestead, then the homestead is
14 limited to the property within that description.

15 "Household income" has the meaning set forth under Section
16 15-172 of this Code.

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

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

21 "Qualified homestead property" means homestead property
22 owned by a qualified taxpayer.

23 "Qualified taxpayer" means any individual:

24 (1) who, for at least 10 continuous years as of January
25 1 of the taxable year, has occupied the same homestead
26 property as a principal residence and domicile or who, for

1 at least 5 continuous years as of January 1 of the taxable
2 year, has occupied the same homestead property as a
3 principal residence and domicile if that person received
4 assistance in the acquisition of the property as part of a
5 government or nonprofit housing program; and

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

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

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

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

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

26 (e) In the case of an apartment building owned and operated

1 as a cooperative, or as a life care facility, that contains
2 residential units that qualify as homestead property of a
3 qualified taxpayer under this Section, the maximum cumulative
4 exemption amount attributed to the entire building or facility
5 shall not exceed the sum of the exemptions calculated for each
6 unit that is a qualified homestead property. The cooperative
7 association, management firm, or other person or entity that
8 manages or controls the cooperative apartment building or life
9 care facility shall credit the exemption attributable to each
10 residential unit only to the apportioned tax liability of the
11 qualified taxpayer as to that unit. Any person who willfully
12 refuses to so credit the exemption is guilty of a Class B
13 misdemeanor.

14 (f) When married persons maintain separate residences, the
15 exemption provided under this Section may be claimed by only
16 one such person and for only one residence. No person who
17 receives an exemption under Section 15-172 of this Code may
18 receive an exemption under this Section. No person who receives
19 an exemption under this Section may receive an exemption under
20 Section 15-175 or 15-176 of this Code.

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

25 (h) In the event of a sale or other transfer in ownership
26 of the homestead property other than subsection (g) of this

1 Section, the exemption under this Section shall remain in
2 effect for the remainder of the tax year and be calculated
3 using the same base homestead value in which the sale or
4 transfer occurs.

5 (i) To receive the exemption, a person must submit an
6 application to the county assessor during the period specified
7 by the county assessor.

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

10 The taxpayer must submit, with the application, an
11 affidavit of the taxpayer's total household income, marital
12 status (and if married the name and address of the applicant's
13 spouse, if known), and principal dwelling place of members of
14 the household on January 1 of the taxable year. The Department
15 shall establish, by rule, a method for verifying the accuracy
16 of affidavits filed by applicants under this Section, and the
17 Chief County Assessment Officer may conduct audits of any
18 taxpayer claiming an exemption under this Section to verify
19 that the taxpayer is eligible to receive the exemption. Each
20 application shall contain or be verified by a written
21 declaration that it is made under the penalties of perjury. A
22 taxpayer's signing a fraudulent application under this Act is
23 perjury, as defined in Section 32-2 of the Criminal Code of
24 1961. The applications shall be clearly marked as applications
25 for the Long-time Occupant Homestead Exemption and must contain
26 a notice that any taxpayer who receives the exemption is

1 subject to an audit by the Chief County Assessment Officer.

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

5 (35 ILCS 200/18-178 new)

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

8 (a) The governing body of any county or municipality may,
9 by ordinance, order the county clerk to abate any percentage of
10 the taxes levied by the county or municipality on each parcel
11 of qualified property within the boundaries of the county or
12 municipality that is owned by the surviving spouse of a fallen
13 police officer or rescue worker.

14 (b) The governing body may provide, by ordinance, for the
15 percentage amount and duration of an abatement under this
16 Section and for any other provision necessary to carry out the
17 provisions of this Section. Upon passing an ordinance under
18 this Section, the county or municipality must deliver a
19 certified copy of the ordinance to the county clerk.

20 (c) As used in this Section:

21 "Fallen police officer or rescue worker" means an
22 individual who dies:

23 (1) as a result of or in the course of employment as a
24 police officer; or

25 (2) while in the active service of a fire, rescue, or

1 emergency medical service.

2 "Fallen police officer or rescue worker", however, does not
3 include any individual whose death was the result of that
4 individual's own willful misconduct or abuse of alcohol or
5 drugs.

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

9 (1) was owned by the fallen police officer or rescue
10 worker or surviving spouse at the time of the police
11 officer's or rescue worker's death;

12 (2) was acquired by the surviving spouse within 2 years
13 after the police officer's or rescue worker's death if the
14 surviving spouse was domiciled in the State at the time of
15 that death; or

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

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

22 (35 ILCS 200/20-15)

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

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

11 (b) a separate statement for each of the taxing
12 districts of the dollar amount of tax due which is
13 allocable to a tax levied under the Illinois Pension Code
14 or to any other tax levied by a municipality or township
15 for public pension or retirement purposes,

16 (c) the total tax rate,

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

18 (e) the amount by which the total tax and the tax
19 allocable to each taxing district differs from the
20 taxpayer's last prior tax bill.

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

24 In all counties the statement shall also provide:

25 (1) the property index number or other suitable
26 description,

- 1 (2) the assessment of the property,
2 (3) the equalization factors imposed by the county and
3 by the Department, and
4 (4) the equalized assessment resulting from the
5 application of the equalization factors to the basic
6 assessment.

7 In all counties which do not classify property for purposes
8 of taxation, for property on which a single family residence is
9 situated the statement shall also include a statement to
10 reflect the fair cash value determined for the property. In all
11 counties which classify property for purposes of taxation in
12 accordance with Section 4 of Article IX of the Illinois
13 Constitution, for parcels of residential property in the lowest
14 assessment classification the statement shall also include a
15 statement to reflect the fair cash value determined for the
16 property.

17 In all counties, the statement must include information
18 that certain taxpayers may be eligible for tax exemptions,
19 abatements, and other assistance programs and that, for more
20 information, taxpayers should consult with the office of their
21 township or county assessor and with the Illinois Department of
22 Revenue.

23 In all counties, the statement shall include information
24 that certain taxpayers may be eligible for the Senior Citizens
25 and Disabled Persons Property Tax Relief and Pharmaceutical
26 Assistance Act and that applications are available from the

1 Illinois Department on Aging ~~of Revenue~~.

2 In counties which use the estimated or accelerated billing
3 methods, these statements shall only be provided with the final
4 installment of taxes due. The provisions of this Section create
5 a mandatory statutory duty. They are not merely directory or
6 discretionary. The failure or neglect of the collector to mail
7 the bill, or the failure of the taxpayer to receive the bill,
8 shall not affect the validity of any tax, or the liability for
9 the payment of any tax.

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

11 (35 ILCS 200/20-178)

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

18 No interest shall be due under this Section for any time
19 prior to 60 days after the effective date of this amendatory
20 Act of the 91st General Assembly. For certificates of error
21 issued prior to the effective date of this amendatory Act of
22 the 91st General Assembly, the county collector shall pay the
23 taxpayer interest from 60 days after the effective date of this
24 amendatory Act of the 91st General Assembly until the date the
25 refund is paid. For certificates of error issued on or after

1 the effective date of this amendatory Act of the 91st General
2 Assembly, interest shall be paid from 60 days after the
3 certificate of error is issued by the chief county assessment
4 officer to the date the refund is made. To cover the cost of
5 interest, the county collector shall proportionately reduce
6 the distribution of taxes collected for each taxing district in
7 which the property is situated.

8 This Section shall not apply to any certificate of error
9 granting a homestead exemption under Section 15-170, 15-172,
10 15-175, ~~or~~ 15-176, or 15-177.

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

12 (35 ILCS 200/21-27)

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

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

20 (1) The person is determined eligible for a grant under
21 the Senior Citizens and Disabled Persons Property Tax
22 Relief and Pharmaceutical Assistance Act with respect to
23 the taxes for that year.

24 (2) The person requests, in writing, on a form approved
25 by the county treasurer, a waiver of the interest penalty,

1 and the request is filed with the county treasurer on or
2 before the first day of the month that an installment of
3 taxes is due.

4 (3) The person pays the installment of taxes due, in
5 full, on or before the third day of the month that the
6 installment is due.

7 (4) The county treasurer approves the request for a
8 waiver.

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

18 (1) the property has delinquent taxes and an
19 outstanding interest penalty and the amount of that
20 interest penalty is so large as to, possibly, result in all
21 of the taxes becoming uncollectible;

22 (2) the property is part of a redevelopment plan of a
23 unit of local government and that unit of local government
24 does not oppose the waiver of the interest penalty;

25 (3) the redevelopment of the property will benefit the
26 public interest by remediating the brownfield

1 contamination;

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

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

11 (6) the county treasurer approves the request for a
12 waiver.

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

14 (35 ILCS 200/24-35 new)

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

16 (a) There is created the Property Tax Reform and Relief
17 Task Force consisting of 9 members appointed as follows: 3
18 members appointed by the President of the Senate, one of whom
19 shall be designated as the chair of the Task Force upon
20 appointment; 2 members appointed by the Minority Leader of the
21 Senate; 2 members appointed by the Speaker of the House of
22 Representatives; and 2 members appointed by the Minority Leader
23 of the House of Representatives.

24 (b) The Task Force shall conduct a study of the property
25 tax system in Illinois and investigate methods of reducing the

1 reliance on property taxes and alternative methods of funding.

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

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

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

10 Section 15. The County Economic Development Project Area
11 Property Tax Allocation Act is amended by changing Section 6 as
12 follows:

13 (55 ILCS 85/6) (from Ch. 34, par. 7006)

14 Sec. 6. Filing with county clerk; certification of initial
15 equalized assessed value.

16 (a) The county shall file a certified copy of any ordinance
17 authorizing property tax allocation financing for an economic
18 development project area with the county clerk, and the county
19 clerk shall immediately thereafter determine (1) the most
20 recently ascertained equalized assessed value of each lot,
21 block, tract or parcel of real property within the economic
22 development project area from which shall be deducted the
23 homestead exemptions under Article 15 ~~provided by Sections~~
24 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which

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

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

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

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

17 Section 17. The County Economic Development Project Area
18 Tax Increment Allocation Act of 1991 is amended by changing
19 Section 45 as follows:

20 (55 ILCS 90/45) (from Ch. 34, par. 8045)

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

23 (a) A county that has by ordinance approved an economic
24 development plan, established an economic development project

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

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

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

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

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

1 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

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

22 (a) That portion of taxes levied upon each taxable lot,
23 block, tract or parcel of real property which is attributable
24 to the lower of the current equalized assessed value or the
25 initial equalized assessed value of each such taxable lot,
26 block, tract or parcel of real property in the redevelopment

1 project area shall be allocated to and when collected shall be
2 paid by the county collector to the respective affected taxing
3 districts in the manner required by law in the absence of the
4 adoption of tax increment allocation financing.

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

1 were last extended against the taxable lot, block, track, or
2 parcel of real property in the manner provided in subsection
3 (c) of Section 11-74.4-9 by the initial equalized assessed
4 value of the property divided by the number of installments in
5 which real estate taxes are billed and collected within the
6 county; provided that the payments on or before December 31,
7 1999 to a municipal treasurer shall be made only if each of the
8 following conditions are met:

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

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

16 (3) The municipal clerk has certified to the county
17 clerk that the municipality has issued its obligations to
18 which there has been pledged the incremental property taxes
19 of the redevelopment project area or taxes levied and
20 collected on any or all property in the municipality or the
21 full faith and credit of the municipality to pay or secure
22 payment for all or a portion of the redevelopment project
23 costs. The certification shall be filed annually no later
24 than September 1 for the estimated taxes to be distributed
25 in the following year; however, for the year 1992 the
26 certification shall be made at any time on or before March

1 31, 1992.

2 (4) The municipality has not requested that the total
3 initial equalized assessed value of real property be
4 adjusted as provided in subsection (b) of Section
5 11-74.4-9.

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

18 It is the intent of this Division that after the effective
19 date of this amendatory Act of 1988 a municipality's own ad
20 valorem tax arising from levies on taxable real property be
21 included in the determination of incremental revenue in the
22 manner provided in paragraph (c) of Section 11-74.4-9. If the
23 municipality does not extend such a tax, it shall annually
24 deposit in the municipality's Special Tax Increment Fund an
25 amount equal to 10% of the total contributions to the fund from
26 all other taxing districts in that year. The annual 10% deposit

1 required by this paragraph shall be limited to the actual
2 amount of municipally produced incremental tax revenues
3 available to the municipality from taxpayers located in the
4 redevelopment project area in that year if: (a) the plan for
5 the area restricts the use of the property primarily to
6 industrial purposes, (b) the municipality establishing the
7 redevelopment project area is a home-rule community with a 1990
8 population of between 25,000 and 50,000, (c) the municipality
9 is wholly located within a county with a 1990 population of
10 over 750,000 and (d) the redevelopment project area was
11 established by the municipality prior to June 1, 1990. This
12 payment shall be in lieu of a contribution of ad valorem taxes
13 on real property. If no such payment is made, any redevelopment
14 project area of the municipality shall be dissolved.

15 If a municipality has adopted tax increment allocation
16 financing by ordinance and the County Clerk thereafter
17 certifies the "total initial equalized assessed value as
18 adjusted" of the taxable real property within such
19 redevelopment project area in the manner provided in paragraph
20 (b) of Section 11-74.4-9, each year after the date of the
21 certification of the total initial equalized assessed value as
22 adjusted until redevelopment project costs and all municipal
23 obligations financing redevelopment project costs have been
24 paid the ad valorem taxes, if any, arising from the levies upon
25 the taxable real property in such redevelopment project area by
26 taxing districts and tax rates determined in the manner

1 provided in paragraph (c) of Section 11-74.4-9 shall be divided
2 as follows:

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

17 (2) That portion, if any, of such taxes which is
18 attributable to the increase in the current equalized
19 assessed valuation of each taxable lot, block, tract, or
20 parcel of real property in the redevelopment project area,
21 over and above the initial equalized assessed value of each
22 property existing at the time tax increment financing was
23 adopted, minus the total current homestead exemptions
24 pertaining to each piece of property provided by Article 15
25 ~~Sections 15-170, 15-175, and 15-176~~ of the Property Tax
26 Code in the redevelopment project area, shall be allocated

1 to and when collected shall be paid to the municipal
2 Treasurer, who shall deposit said taxes into a special fund
3 called the special tax allocation fund of the municipality
4 for the purpose of paying redevelopment project costs and
5 obligations incurred in the payment thereof.

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

17 Whenever a municipality issues bonds for the purpose of
18 financing redevelopment project costs, such municipality may
19 provide by ordinance for the appointment of a trustee, which
20 may be any trust company within the State, and for the
21 establishment of such funds or accounts to be maintained by
22 such trustee as the municipality shall deem necessary to
23 provide for the security and payment of the bonds. If such
24 municipality provides for the appointment of a trustee, such
25 trustee shall be considered the assignee of any payments
26 assigned by the municipality pursuant to such ordinance and

1 this Section. Any amounts paid to such trustee as assignee
2 shall be deposited in the funds or accounts established
3 pursuant to such trust agreement, and shall be held by such
4 trustee in trust for the benefit of the holders of the bonds,
5 and such holders shall have a lien on and a security interest
6 in such funds or accounts so long as the bonds remain
7 outstanding and unpaid. Upon retirement of the bonds, the
8 trustee shall pay over any excess amounts held to the
9 municipality for deposit in the special tax allocation fund.

10 When such redevelopment projects costs, including without
11 limitation all municipal obligations financing redevelopment
12 project costs incurred under this Division, have been paid, all
13 surplus funds then remaining in the special tax allocation fund
14 shall be distributed by being paid by the municipal treasurer
15 to the Department of Revenue, the municipality and the county
16 collector; first to the Department of Revenue and the
17 municipality in direct proportion to the tax incremental
18 revenue received from the State and the municipality, but not
19 to exceed the total incremental revenue received from the State
20 or the municipality less any annual surplus distribution of
21 incremental revenue previously made; with any remaining funds
22 to be paid to the County Collector who shall immediately
23 thereafter pay said funds to the taxing districts in the
24 redevelopment project area in the same manner and proportion as
25 the most recent distribution by the county collector to the
26 affected districts of real property taxes from real property in

1 the redevelopment project area.

2 Upon the payment of all redevelopment project costs, the
3 retirement of obligations, the distribution of any excess
4 monies pursuant to this Section, and final closing of the books
5 and records of the redevelopment project area, the municipality
6 shall adopt an ordinance dissolving the special tax allocation
7 fund for the redevelopment project area and terminating the
8 designation of the redevelopment project area as a
9 redevelopment project area. Title to real or personal property
10 and public improvements acquired by or for the municipality as
11 a result of the redevelopment project and plan shall vest in
12 the municipality when acquired and shall continue to be held by
13 the municipality after the redevelopment project area has been
14 terminated. Municipalities shall notify affected taxing
15 districts prior to November 1 if the redevelopment project area
16 is to be terminated by December 31 of that same year. If a
17 municipality extends estimated dates of completion of a
18 redevelopment project and retirement of obligations to finance
19 a redevelopment project, as allowed by this amendatory Act of
20 1993, that extension shall not extend the property tax
21 increment allocation financing authorized by this Section.
22 Thereafter the rates of the taxing districts shall be extended
23 and taxes levied, collected and distributed in the manner
24 applicable in the absence of the adoption of tax increment
25 allocation financing.

26 Nothing in this Section shall be construed as relieving

1 property in such redevelopment project areas from being
2 assessed as provided in the Property Tax Code or as relieving
3 owners of such property from paying a uniform rate of taxes, as
4 required by Section 4 of Article 9 of the Illinois
5 Constitution.

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

8 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

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

10 (a) If a municipality by ordinance provides for tax
11 increment allocation financing pursuant to Section 11-74.4-8,
12 the county clerk immediately thereafter shall determine (1) the
13 most recently ascertained equalized assessed value of each lot,
14 block, tract or parcel of real property within such
15 redevelopment project area from which shall be deducted the
16 homestead exemptions under Article 15 ~~provided by Sections~~
17 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which
18 value shall be the "initial equalized assessed value" of each
19 such piece of property, and (2) the total equalized assessed
20 value of all taxable real property within such redevelopment
21 project area by adding together the most recently ascertained
22 equalized assessed value of each taxable lot, block, tract, or
23 parcel of real property within such project area, from which
24 shall be deducted the homestead exemptions provided by Sections
25 15-170, 15-175, and 15-176 of the Property Tax Code, and shall

1 certify such amount as the "total initial equalized assessed
2 value" of the taxable real property within such project area.

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

26 (c) After the county clerk has certified the "total initial

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

1 established under this Section shall terminate when the
2 municipality adopts an ordinance dissolving the special tax
3 allocation fund for the redevelopment project area. This
4 Division shall not be construed as relieving property owners
5 within a redevelopment project area from paying a uniform rate
6 of taxes upon the current equalized assessed value of their
7 taxable property as provided in the Property Tax Code.

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

9 (65 ILCS 5/11-74.6-40)

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

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

15 (1) shall determine the initial equalized assessed
16 value of each parcel of real property in the redevelopment
17 project area, which is the most recently established
18 equalized assessed value of each lot, block, tract or
19 parcel of taxable real property within the redevelopment
20 project area, minus the homestead exemptions under Article
21 15 provided by Sections 15-170, 15-175, and 15-176 of the
22 Property Tax Code; and

23 (2) shall certify to the municipality the total initial
24 equalized assessed value of all taxable real property
25 within the redevelopment project area.

1 (b) Any municipality that has established a vacant
2 industrial buildings conservation area may, by ordinance
3 passed after the adoption of tax increment allocation
4 financing, provide that the county clerk immediately
5 thereafter shall again determine:

6 (1) the updated initial equalized assessed value of
7 each lot, block, tract or parcel of real property, which is
8 the most recently ascertained equalized assessed value of
9 each lot, block, tract or parcel of real property within
10 the vacant industrial buildings conservation area; and

11 (2) the total updated initial equalized assessed value
12 of all taxable real property within the redevelopment
13 project area, which is the total of the updated initial
14 equalized assessed value of all taxable real property
15 within the vacant industrial buildings conservation area.

16 The county clerk shall certify to the municipality the
17 total updated initial equalized assessed value of all taxable
18 real property within the industrial buildings conservation
19 area.

20 (c) After the county clerk has certified the total initial
21 equalized assessed value or the total updated initial equalized
22 assessed value of the taxable real property in the area, for
23 each taxing district in which a redevelopment project area is
24 situated, the county clerk or any other official required by
25 law to determine the amount of the equalized assessed value of
26 all taxable property within the district for the purpose of

1 computing the percentage rate of tax to be extended upon
2 taxable property within the district, shall in every year that
3 tax increment allocation financing is in effect determine the
4 total equalized assessed value of taxable property in a
5 redevelopment project area by including in that amount the
6 lower of the current equalized assessed value or the certified
7 total initial equalized assessed value or, if the total of
8 updated equalized assessed value has been certified, the total
9 updated initial equalized assessed value of all taxable real
10 property in the redevelopment project area. After he has
11 certified the total initial equalized assessed value he shall
12 in the year of that certification, if tax rates have not been
13 extended, and in every subsequent year that tax increment
14 allocation financing is in effect, determine the amount of
15 equalized assessed value of taxable property in a redevelopment
16 project area by including in that amount the lower of the
17 current total equalized assessed value or the certified total
18 initial equalized assessed value or, if the total of updated
19 initial equalized assessed values have been certified, the
20 total updated initial equalized assessed value of all taxable
21 real property in the redevelopment project area.

22 (d) The percentage rate of tax determined shall be extended
23 on the current equalized assessed value of all property in the
24 redevelopment project area in the same manner as the rate per
25 cent of tax is extended to all other taxable property in the
26 taxing district. The method of extending taxes established

1 under this Section shall terminate when the municipality adopts
2 an ordinance dissolving the special tax allocation fund for the
3 redevelopment project area. This Law shall not be construed as
4 relieving property owners within a redevelopment project area
5 from paying a uniform rate of taxes upon the current equalized
6 assessed value of their taxable property as provided in the
7 Property Tax Code.

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

9 Section 25. The Economic Development Project Area Tax
10 Increment Allocation Act of 1995 is amended by changing Section
11 45 as follows:

12 (65 ILCS 110/45)

13 Sec. 45. Filing with county clerk; certification of initial
14 equalized assessed value.

15 (a) A municipality that has by ordinance approved an
16 economic development plan, established an economic development
17 project area, and adopted tax increment allocation financing
18 for that area shall file certified copies of the ordinance or
19 ordinances with the county clerk. Upon receiving the ordinance
20 or ordinances, the county clerk shall immediately determine (i)
21 the most recently ascertained equalized assessed value of each
22 lot, block, tract, or parcel of real property within the
23 economic development project area from which shall be deducted
24 the homestead exemptions under Article 15 ~~provided by Sections~~

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

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

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

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

15 Section 30. The School Code is amended by changing Section
16 18-8.05 as follows:

17 (105 ILCS 5/18-8.05)

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

21 (A) General Provisions.

22 (1) The provisions of this Section apply to the 1998-1999
23 and subsequent school years. The system of general State

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

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

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

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

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

20 (c) If a school district operates a full year school
21 under Section 10-19.1, the general State aid to the school
22 district shall be determined by the State Board of
23 Education in accordance with this Section as near as may be
24 applicable.

25 (d) (Blank).

26 (4) Except as provided in subsections (H) and (L), the

1 board of any district receiving any of the grants provided for
2 in this Section may apply those funds to any fund so received
3 for which that board is authorized to make expenditures by law.

4 School districts are not required to exert a minimum
5 Operating Tax Rate in order to qualify for assistance under
6 this Section.

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

9 (a) "Average Daily Attendance": A count of pupil
10 attendance in school, averaged as provided for in
11 subsection (C) and utilized in deriving per pupil financial
12 support levels.

13 (b) "Available Local Resources": A computation of
14 local financial support, calculated on the basis of Average
15 Daily Attendance and derived as provided pursuant to
16 subsection (D).

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

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

26 (e) "Operating Tax Rate": All school district property

1 taxes extended for all purposes, except Bond and Interest,
2 Summer School, Rent, Capital Improvement, and Vocational
3 Education Building purposes.

4 (B) Foundation Level.

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

15 (2) For the 1998-1999 school year, the Foundation Level of
16 support is \$4,225. For the 1999-2000 school year, the
17 Foundation Level of support is \$4,325. For the 2000-2001 school
18 year, the Foundation Level of support is \$4,425. For the
19 2001-2002 school year and 2002-2003 school year, the Foundation
20 Level of support is \$4,560. For the 2003-2004 school year, the
21 Foundation Level of support is \$4,810. For the 2004-2005 school
22 year, the Foundation Level of support is \$4,964. For the
23 2005-2006 school year, the Foundation Level of support is
24 \$5,164.

25 (3) For the 2006-2007 school year and each school year

1 thereafter, the Foundation Level of support is \$5,334 or such
2 greater amount as may be established by law by the General
3 Assembly.

4 (C) Average Daily Attendance.

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

16 (2) The Average Daily Attendance figures utilized in
17 subsection (E) shall be the requisite attendance data for the
18 school year immediately preceding the school year for which
19 general State aid is being calculated or the average of the
20 attendance data for the 3 preceding school years, whichever is
21 greater. The Average Daily Attendance figures utilized in
22 subsection (H) shall be the requisite attendance data for the
23 school year immediately preceding the school year for which
24 general State aid is being calculated.

1 (D) Available Local Resources.

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

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

18 (3) For school districts maintaining grades kindergarten
19 through 12, local property tax revenues per pupil shall be
20 calculated as the product of the applicable equalized assessed
21 valuation for the district multiplied by 3.00%, and divided by
22 the district's Average Daily Attendance figure. For school
23 districts maintaining grades kindergarten through 8, local
24 property tax revenues per pupil shall be calculated as the
25 product of the applicable equalized assessed valuation for the
26 district multiplied by 2.30%, and divided by the district's

1 Average Daily Attendance figure. For school districts
2 maintaining grades 9 through 12, local property tax revenues
3 per pupil shall be the applicable equalized assessed valuation
4 of the district multiplied by 1.05%, and divided by the
5 district's Average Daily Attendance figure.

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

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

1 (E) Computation of General State Aid.

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

5 (2) For any school district for which Available Local
6 Resources per pupil is less than the product of 0.93 times the
7 Foundation Level, general State aid for that district shall be
8 calculated as an amount equal to the Foundation Level minus
9 Available Local Resources, multiplied by the Average Daily
10 Attendance of the school district.

11 (3) For any school district for which Available Local
12 Resources per pupil is equal to or greater than the product of
13 0.93 times the Foundation Level and less than the product of
14 1.75 times the Foundation Level, the general State aid per
15 pupil shall be a decimal proportion of the Foundation Level
16 derived using a linear algorithm. Under this linear algorithm,
17 the calculated general State aid per pupil shall decline in
18 direct linear fashion from 0.07 times the Foundation Level for
19 a school district with Available Local Resources equal to the
20 product of 0.93 times the Foundation Level, to 0.05 times the
21 Foundation Level for a school district with Available Local
22 Resources equal to the product of 1.75 times the Foundation
23 Level. The allocation of general State aid for school districts
24 subject to this paragraph 3 shall be the calculated general
25 State aid per pupil figure multiplied by the Average Daily

1 Attendance of the school district.

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

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

17 (F) Compilation of Average Daily Attendance.

18 (1) Each school district shall, by July 1 of each year,
19 submit to the State Board of Education, on forms prescribed by
20 the State Board of Education, attendance figures for the school
21 year that began in the preceding calendar year. The attendance
22 information so transmitted shall identify the average daily
23 attendance figures for each month of the school year. Beginning
24 with the general State aid claim form for the 2002-2003 school
25 year, districts shall calculate Average Daily Attendance as

1 provided in subdivisions (a), (b), and (c) of this paragraph
2 (1).

3 (a) In districts that do not hold year-round classes,
4 days of attendance in August shall be added to the month of
5 September and any days of attendance in June shall be added
6 to the month of May.

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

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

23 Except as otherwise provided in this Section, days of
24 attendance by pupils shall be counted only for sessions of not
25 less than 5 clock hours of school work per day under direct
26 supervision of: (i) teachers, or (ii) non-teaching personnel or

1 volunteer personnel when engaging in non-teaching duties and
2 supervising in those instances specified in subsection (a) of
3 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
4 of legal school age and in kindergarten and grades 1 through
5 12.

6 Days of attendance by tuition pupils shall be accredited
7 only to the districts that pay the tuition to a recognized
8 school.

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

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

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

25 (c) A session of 4 or more clock hours may be counted
26 as a day of attendance upon certification by the regional

1 superintendent, and approved by the State Superintendent
2 of Education to the extent that the district has been
3 forced to use daily multiple sessions.

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

1 not less than the number of minutes by which such sessions
2 of 3 or more clock hours fall short of 5 clock hours. Any
3 full days used for the purposes of this paragraph shall not
4 be considered for computing average daily attendance. Days
5 scheduled for in-service training programs, staff
6 development activities, or parent-teacher conferences may
7 be scheduled separately for different grade levels and
8 different attendance centers of the district.

9 (e) A session of not less than one clock hour of
10 teaching hospitalized or homebound pupils on-site or by
11 telephone to the classroom may be counted as 1/2 day of
12 attendance, however these pupils must receive 4 or more
13 clock hours of instruction to be counted for a full day of
14 attendance.

15 (f) A session of at least 4 clock hours may be counted
16 as a day of attendance for first grade pupils, and pupils
17 in full day kindergartens, and a session of 2 or more hours
18 may be counted as 1/2 day of attendance by pupils in
19 kindergartens which provide only 1/2 day of attendance.

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

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

18 (i) On the days when the Prairie State Achievement
19 Examination is administered under subsection (c) of
20 Section 2-3.64 of this Code, the day of attendance for a
21 pupil whose school day must be shortened to accommodate
22 required testing procedures may be less than 5 clock hours
23 and shall be counted towards the 176 days of actual pupil
24 attendance required under Section 10-19 of this Code,
25 provided that a sufficient number of minutes of school work
26 in excess of 5 clock hours are first completed on other

1 school days to compensate for the loss of school work on
2 the examination days.

3 (G) Equalized Assessed Valuation Data.

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

14 The Department of Revenue shall add to the equalized
15 assessed value of all taxable property of each school district
16 situated entirely or partially within a county that is or was
17 subject to the ~~alternative general homestead exemption~~
18 provisions of Section 15-176 or 15-177 ~~Section 15-176~~ of the
19 Property Tax Code (a) an amount equal to the total amount by
20 which the homestead exemption allowed under Section 15-176 or
21 15-177 ~~Section 15-176~~ of the Property Tax Code for real
22 property situated in that school district exceeds the total
23 amount that would have been allowed in that school district if
24 the maximum reduction under Section 15-176 was (i) \$4,500 in
25 Cook County or \$3,500 in all other counties in tax year 2003 or

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

1 then the calculation of Available Local Resources shall not be
2 affected by the difference, if any, because of those additional
3 exemptions.

4 This equalized assessed valuation, as adjusted further by
5 the requirements of this subsection, shall be utilized in the
6 calculation of Available Local Resources.

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

9 (a) For the purposes of calculating State aid under
10 this Section, with respect to any part of a school district
11 within a redevelopment project area in respect to which a
12 municipality has adopted tax increment allocation
13 financing pursuant to the Tax Increment Allocation
14 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
15 of the Illinois Municipal Code or the Industrial Jobs
16 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
17 Illinois Municipal Code, no part of the current equalized
18 assessed valuation of real property located in any such
19 project area which is attributable to an increase above the
20 total initial equalized assessed valuation of such
21 property shall be used as part of the equalized assessed
22 valuation of the district, until such time as all
23 redevelopment project costs have been paid, as provided in
24 Section 11-74.4-8 of the Tax Increment Allocation
25 Redevelopment Act or in Section 11-74.6-35 of the
26 Industrial Jobs Recovery Law. For the purpose of the

1 equalized assessed valuation of the district, the total
2 initial equalized assessed valuation or the current
3 equalized assessed valuation, whichever is lower, shall be
4 used until such time as all redevelopment project costs
5 have been paid.

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

20 (3) For the 1999-2000 school year and each school year
21 thereafter, if a school district meets all of the criteria of
22 this subsection (G) (3), the school district's Available Local
23 Resources shall be calculated under subsection (D) using the
24 district's Extension Limitation Equalized Assessed Valuation
25 as calculated under this subsection (G) (3).

26 For purposes of this subsection (G) (3) the following terms

1 shall have the following meanings:

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

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

6 "Preceding Tax Year": The property tax levy year
7 immediately preceding the Base Tax Year.

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

13 "Preceding Tax Year's Tax Extension": The product of
14 the equalized assessed valuation utilized by the County
15 Clerk in the Preceding Tax Year multiplied by the Operating
16 Tax Rate as defined in subsection (A).

17 "Extension Limitation Ratio": A numerical ratio,
18 certified by the County Clerk, in which the numerator is
19 the Base Tax Year's Tax Extension and the denominator is
20 the Preceding Tax Year's Tax Extension.

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

23 If a school district is subject to property tax extension
24 limitations as imposed under the Property Tax Extension
25 Limitation Law, the State Board of Education shall calculate
26 the Extension Limitation Equalized Assessed Valuation of that

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

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

24 (4) For the purposes of calculating general State aid for
25 the 1999-2000 school year only, if a school district
26 experienced a triennial reassessment on the equalized assessed

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

18 (5) For school districts having a majority of their
19 equalized assessed valuation in any county except Cook, DuPage,
20 Kane, Lake, McHenry, or Will, if the amount of general State
21 aid allocated to the school district for the 1999-2000 school
22 year under the provisions of subsection (E), (H), and (J) of
23 this Section is less than the amount of general State aid
24 allocated to the district for the 1998-1999 school year under
25 these subsections, then the general State aid of the district
26 for the 1999-2000 school year only shall be increased by the

1 difference between these amounts. The total payments made under
2 this paragraph (5) shall not exceed \$14,000,000. Claims shall
3 be prorated if they exceed \$14,000,000.

4 (H) Supplemental General State Aid.

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

25 (1.5) This paragraph (1.5) applies only to those school

1 years preceding the 2003-2004 school year. For purposes of this
2 subsection (H), the term "Low-Income Concentration Level"
3 shall be the low-income eligible pupil count from the most
4 recently available federal census divided by the Average Daily
5 Attendance of the school district. If, however, (i) the
6 percentage decrease from the 2 most recent federal censuses in
7 the low-income eligible pupil count of a high school district
8 with fewer than 400 students exceeds by 75% or more the
9 percentage change in the total low-income eligible pupil count
10 of contiguous elementary school districts, whose boundaries
11 are coterminous with the high school district, or (ii) a high
12 school district within 2 counties and serving 5 elementary
13 school districts, whose boundaries are coterminous with the
14 high school district, has a percentage decrease from the 2 most
15 recent federal censuses in the low-income eligible pupil count
16 and there is a percentage increase in the total low-income
17 eligible pupil count of a majority of the elementary school
18 districts in excess of 50% from the 2 most recent federal
19 censuses, then the high school district's low-income eligible
20 pupil count from the earlier federal census shall be the number
21 used as the low-income eligible pupil count for the high school
22 district, for purposes of this subsection (H). The changes made
23 to this paragraph (1) by Public Act 92-28 shall apply to
24 supplemental general State aid grants for school years
25 preceding the 2003-2004 school year that are paid in fiscal
26 year 1999 or thereafter and to any State aid payments made in

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

8 (1.10) This paragraph (1.10) applies to the 2003-2004
9 school year and each school year thereafter. For purposes of
10 this subsection (H), the term "Low-Income Concentration Level"
11 shall, for each fiscal year, be the low-income eligible pupil
12 count as of July 1 of the immediately preceding fiscal year (as
13 determined by the Department of Human Services based on the
14 number of pupils who are eligible for at least one of the
15 following low income programs: Medicaid, KidCare, TANF, or Food
16 Stamps, excluding pupils who are eligible for services provided
17 by the Department of Children and Family Services, averaged
18 over the 2 immediately preceding fiscal years for fiscal year
19 2004 and over the 3 immediately preceding fiscal years for each
20 fiscal year thereafter) divided by the Average Daily Attendance
21 of the school district.

22 (2) Supplemental general State aid pursuant to this
23 subsection (H) shall be provided as follows for the 1998-1999,
24 1999-2000, and 2000-2001 school years only:

25 (a) For any school district with a Low Income
26 Concentration Level of at least 20% and less than 35%, the

1 grant for any school year shall be \$800 multiplied by the
2 low income eligible pupil count.

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

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

11 (d) For any school district with a Low Income
12 Concentration Level of 60% or more, the grant for the
13 1998-99 school year shall be \$1,900 multiplied by the low
14 income eligible pupil count.

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

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

23 (2.5) Supplemental general State aid pursuant to this
24 subsection (H) shall be provided as follows for the 2002-2003
25 school year:

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

1 Concentration Level of less than 10%, the grant for each
2 school year shall be \$355 multiplied by the low income
3 eligible pupil count.

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

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

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

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

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

24 (2.10) Except as otherwise provided, supplemental general
25 State aid pursuant to this subsection (H) shall be provided as
26 follows for the 2003-2004 school year and each school year

1 thereafter:

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

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

11 For the 2003-2004 school year, 2004-2005 school year,
12 2005-2006 school year, and 2006-2007 school year only, the
13 grant shall be no less than the grant for the 2002-2003 school
14 year. For the 2007-2008 school year only, the grant shall be no
15 less than the grant for the 2002-2003 school year multiplied by
16 0.66. For the 2008-2009 school year only, the grant shall be no
17 less than the grant for the 2002-2003 school year multiplied by
18 0.33. Notwithstanding the provisions of this paragraph to the
19 contrary, if for any school year supplemental general State aid
20 grants are prorated as provided in paragraph (1) of this
21 subsection (H), then the grants under this paragraph shall be
22 prorated.

23 For the 2003-2004 school year only, the grant shall be no
24 greater than the grant received during the 2002-2003 school
25 year added to the product of 0.25 multiplied by the difference
26 between the grant amount calculated under subsection (a) or (b)

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

15 (3) School districts with an Average Daily Attendance of
16 more than 1,000 and less than 50,000 that qualify for
17 supplemental general State aid pursuant to this subsection
18 shall submit a plan to the State Board of Education prior to
19 October 30 of each year for the use of the funds resulting from
20 this grant of supplemental general State aid for the
21 improvement of instruction in which priority is given to
22 meeting the education needs of disadvantaged children. Such
23 plan shall be submitted in accordance with rules and
24 regulations promulgated by the State Board of Education.

25 (4) School districts with an Average Daily Attendance of
26 50,000 or more that qualify for supplemental general State aid

1 pursuant to this subsection shall be required to distribute
2 from funds available pursuant to this Section, no less than
3 \$261,000,000 in accordance with the following requirements:

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

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

19 (c) Each attendance center shall be provided by the
20 school district a distribution of noncategorical funds and
21 other categorical funds to which an attendance center is
22 entitled under law in order that the general State aid and
23 supplemental general State aid provided by application of
24 this subsection supplements rather than supplants the
25 noncategorical funds and other categorical funds provided
26 by the school district to the attendance centers.

1 (d) Any funds made available under this subsection that
2 by reason of the provisions of this subsection are not
3 required to be allocated and provided to attendance centers
4 may be used and appropriated by the board of the district
5 for any lawful school purpose.

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

19 (f) Each district subject to the provisions of this
20 subdivision (H) (4) shall submit an acceptable plan to meet
21 the educational needs of disadvantaged children, in
22 compliance with the requirements of this paragraph, to the
23 State Board of Education prior to July 15 of each year.
24 This plan shall be consistent with the decisions of local
25 school councils concerning the school expenditure plans
26 developed in accordance with part 4 of Section 34-2.3. The

1 State Board shall approve or reject the plan within 60 days
2 after its submission. If the plan is rejected, the district
3 shall give written notice of intent to modify the plan
4 within 15 days of the notification of rejection and then
5 submit a modified plan within 30 days after the date of the
6 written notice of intent to modify. Districts may amend
7 approved plans pursuant to rules promulgated by the State
8 Board of Education.

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

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

22 For purposes of determining compliance with this
23 subsection in relation to the requirements of attendance
24 center funding, each district subject to the provisions of
25 this subsection shall submit as a separate document by
26 December 1 of each year a report of expenditure data for

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

16 The State Board of Education shall promulgate rules and
17 regulations to implement the provisions of this
18 subsection. No funds shall be released under this
19 subdivision (H) (4) to any district that has not submitted a
20 plan that has been approved by the State Board of
21 Education.

22 (I) (Blank).

23 (J) Supplementary Grants in Aid.

24 (1) Notwithstanding any other provisions of this Section,

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

19 (2) If, as provided in paragraph (1) of this subsection
20 (J), a school district is to receive aggregate general State
21 aid in combination with supplemental general State aid under
22 this Section for the 1998-99 school year and any subsequent
23 school year that in any such school year is less than the
24 amount of the aggregate general State aid entitlement that the
25 district received for the 1997-98 school year, the school
26 district shall also receive, from a separate appropriation made

1 for purposes of this subsection (J), a supplementary payment
2 that is equal to the amount of the difference in the aggregate
3 State aid figures as described in paragraph (1).

4 (3) (Blank).

5 (K) Grants to Laboratory and Alternative Schools.

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

12 As used in this Section, "laboratory school" means a public
13 school which is created and operated by a public university and
14 approved by the State Board of Education. The governing board
15 of a public university which receives funds from the State
16 Board under this subsection (K) may not increase the number of
17 students enrolled in its laboratory school from a single
18 district, if that district is already sending 50 or more
19 students, except under a mutual agreement between the school
20 board of a student's district of residence and the university
21 which operates the laboratory school. A laboratory school may
22 not have more than 1,000 students, excluding students with
23 disabilities in a special education program.

24 As used in this Section, "alternative school" means a
25 public school which is created and operated by a Regional

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

15 Each laboratory and alternative school shall file, on forms
16 provided by the State Superintendent of Education, an annual
17 State aid claim which states the Average Daily Attendance of
18 the school's students by month. The best 3 months' Average
19 Daily Attendance shall be computed for each school. The general
20 State aid entitlement shall be computed by multiplying the
21 applicable Average Daily Attendance by the Foundation Level as
22 determined under this Section.

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

24 (1) For a school district operating under the financial
25 supervision of an Authority created under Article 34A, the

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

12 (2) (Blank).

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

15 (M) Education Funding Advisory Board.

16 The Education Funding Advisory Board, hereinafter in this
17 subsection (M) referred to as the "Board", is hereby created.
18 The Board shall consist of 5 members who are appointed by the
19 Governor, by and with the advice and consent of the Senate. The
20 members appointed shall include representatives of education,
21 business, and the general public. One of the members so
22 appointed shall be designated by the Governor at the time the
23 appointment is made as the chairperson of the Board. The
24 initial members of the Board may be appointed any time after
25 the effective date of this amendatory Act of 1997. The regular

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

26 The Education Funding Advisory Board shall be deemed

1 established, and the initial members appointed by the Governor
2 to serve as members of the Board shall take office, on the date
3 that the Governor makes his or her appointment of the fifth
4 initial member of the Board, whether those initial members are
5 then serving pursuant to appointment and confirmation or
6 pursuant to temporary appointments that are made by the
7 Governor as in the case of vacancies.

8 The State Board of Education shall provide such staff
9 assistance to the Education Funding Advisory Board as is
10 reasonably required for the proper performance by the Board of
11 its responsibilities.

12 For school years after the 2000-2001 school year, the
13 Education Funding Advisory Board, in consultation with the
14 State Board of Education, shall make recommendations as
15 provided in this subsection (M) to the General Assembly for the
16 foundation level under subdivision (B)(3) of this Section and
17 for the supplemental general State aid grant level under
18 subsection (H) of this Section for districts with high
19 concentrations of children from poverty. The recommended
20 foundation level shall be determined based on a methodology
21 which incorporates the basic education expenditures of
22 low-spending schools exhibiting high academic performance. The
23 Education Funding Advisory Board shall make such
24 recommendations to the General Assembly on January 1 of odd
25 numbered years, beginning January 1, 2001.

1 (N) (Blank).

2 (O) References.

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

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

11 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
12 changes to this Section. Under Section 6 of the Statute on
13 Statutes there is an irreconcilable conflict between Public Act
14 93-808 and Public Act 93-838. Public Act 93-838, being the last
15 acted upon, is controlling. The text of Public Act 93-838 is
16 the law regardless of the text of Public Act 93-808.

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

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

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

2 Sec. 4. Amount of Grant.

3 (a) In general. Any individual 65 years or older or any
4 individual who will become 65 years old during the calendar
5 year in which a claim is filed, and any surviving spouse of
6 such a claimant, who at the time of death received or was
7 entitled to receive a grant pursuant to this Section, which
8 surviving spouse will become 65 years of age within the 24
9 months immediately following the death of such claimant and
10 which surviving spouse but for his or her age is otherwise
11 qualified to receive a grant pursuant to this Section, and any
12 disabled person whose annual household income is less than the
13 income eligibility limitation, as defined in subsection (a-5)
14 ~~\$14,000 for grant years before the 1998 grant year, less than~~
15 ~~\$16,000 for the 1998 and 1999 grant years, and less than (i)~~
16 ~~\$21,218 for a household containing one person, (ii) \$28,480 for~~
17 ~~a household containing 2 persons, or (iii) \$35,740 for a~~
18 ~~household containing 3 or more persons for the 2000 grant year~~
19 ~~and thereafter~~ and whose household is liable for payment of
20 property taxes accrued or has paid rent constituting property
21 taxes accrued and is domiciled in this State at the time he or
22 she files his or her claim is entitled to claim a grant under
23 this Act. With respect to claims filed by individuals who will
24 become 65 years old during the calendar year in which a claim
25 is filed, the amount of any grant to which that household is

1 entitled shall be an amount equal to 1/12 of the amount to
2 which the claimant would otherwise be entitled as provided in
3 this Section, multiplied by the number of months in which the
4 claimant was 65 in the calendar year in which the claim is
5 filed.

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

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

10 (ii) for the 1998 and 1999 grant year, less than
11 \$16,000;

12 (iii) for grant years 2000 through 2007:

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

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

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

19 (iv) for grant years 2008 and thereafter:

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

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

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

26 (b) Limitation. Except as otherwise provided in

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

11 (c) Public aid recipients. If household income in one or
12 more months during a year includes cash assistance in excess of
13 \$55 per month from the Department of Healthcare and Family
14 Services or the Department of Human Services (acting as
15 successor to the Department of Public Aid under the Department
16 of Human Services Act) which was determined under regulations
17 of that Department on a measure of need that included an
18 allowance for actual rent or property taxes paid by the
19 recipient of that assistance, the amount of grant to which that
20 household is entitled, except as otherwise provided in
21 subsection (a), shall be the product of (1) the maximum amount
22 computed as specified in subsection (b) of this Section and (2)
23 the ratio of the number of months in which household income did
24 not include such cash assistance over \$55 to the number twelve.
25 If household income did not include such cash assistance over
26 \$55 for any months during the year, the amount of the grant to

1 which the household is entitled shall be the maximum amount
2 computed as specified in subsection (b) of this Section. For
3 purposes of this paragraph (c), "cash assistance" does not
4 include any amount received under the federal Supplemental
5 Security Income (SSI) program.

6 (d) Joint ownership. If title to the residence is held
7 jointly by the claimant with a person who is not a member of
8 his or her household, the amount of property taxes accrued used
9 in computing the amount of grant to which he or she is entitled
10 shall be the same percentage of property taxes accrued as is
11 the percentage of ownership held by the claimant in the
12 residence.

13 (e) More than one residence. If a claimant has occupied
14 more than one residence in the taxable year, he or she may
15 claim only one residence for any part of a month. In the case
16 of property taxes accrued, he or she shall prorate 1/12 of the
17 total property taxes accrued on his or her residence to each
18 month that he or she owned and occupied that residence; and, in
19 the case of rent constituting property taxes accrued, shall
20 prorate each month's rent payments to the residence actually
21 occupied during that month.

22 (f) There is hereby established a program of pharmaceutical
23 assistance to the aged and disabled which shall be administered
24 by the Department in accordance with this Act, to consist of
25 payments to authorized pharmacies, on behalf of beneficiaries
26 of the program, for the reasonable costs of covered

1 prescription drugs. Each beneficiary who pays \$5 for an
2 identification card shall pay no additional prescription
3 costs. Each beneficiary who pays \$25 for an identification card
4 shall pay \$3 per prescription. In addition, after a beneficiary
5 receives \$2,000 in benefits during a State fiscal year, that
6 beneficiary shall also be charged 20% of the cost of each
7 prescription for which payments are made by the program during
8 the remainder of the fiscal year. To become a beneficiary under
9 this program a person must: (1) be (i) 65 years of age or
10 older, or (ii) the surviving spouse of such a claimant, who at
11 the time of death received or was entitled to receive benefits
12 pursuant to this subsection, which surviving spouse will become
13 65 years of age within the 24 months immediately following the
14 death of such claimant and which surviving spouse but for his
15 or her age is otherwise qualified to receive benefits pursuant
16 to this subsection, or (iii) disabled, and (2) be domiciled in
17 this State at the time he or she files his or her claim, and (3)
18 have a maximum household income of less than the income
19 eligibility limitation, as defined in subsection (a-5) \$14,000
20 ~~for grant years before the 1998 grant year, less than \$16,000~~
21 ~~for the 1998 and 1999 grant years, and less than (i) \$21,218~~
22 ~~for a household containing one person, (ii) \$28,480 for a~~
23 ~~household containing 2 persons, or (iii) \$35,740 for a~~
24 ~~household containing 3 more persons for the 2000 grant year and~~
25 ~~thereafter~~. In addition, each eligible person must (1) obtain
26 an identification card from the Department, (2) at the time the

1 card is obtained, sign a statement assigning to the State of
2 Illinois benefits which may be otherwise claimed under any
3 private insurance plans, and (3) present the identification
4 card to the dispensing pharmacist.

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

19 Whenever a generic equivalent for a covered prescription
20 drug is available, the Department shall reimburse only for the
21 reasonable costs of the generic equivalent, less the co-pay
22 established in this Section, unless (i) the covered
23 prescription drug contains one or more ingredients defined as a
24 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
25 prescriber indicates on the face of the prescription "brand
26 medically necessary", and (iii) the prescriber specifies that a

1 substitution is not permitted. When issuing an oral
2 prescription for covered prescription medication described in
3 item (i) of this paragraph, the prescriber shall stipulate
4 "brand medically necessary" and that a substitution is not
5 permitted. If the covered prescription drug and its authorizing
6 prescription do not meet the criteria listed above, the
7 beneficiary may purchase the non-generic equivalent of the
8 covered prescription drug by paying the difference between the
9 generic cost and the non-generic cost plus the beneficiary
10 co-pay.

11 Any person otherwise eligible for pharmaceutical
12 assistance under this Act whose covered drugs are covered by
13 any public program for assistance in purchasing any covered
14 prescription drugs shall be ineligible for assistance under
15 this Act to the extent such costs are covered by such other
16 plan.

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

22 In the event that 2 or more persons are eligible for any
23 benefit under this Act, and are members of the same household,
24 (1) each such person shall be entitled to participate in the
25 pharmaceutical assistance program, provided that he or she
26 meets all other requirements imposed by this subsection and (2)

1 each participating household member contributes the fee
2 required for that person by the preceding paragraph for the
3 purpose of obtaining an identification card.

4 The provisions of this subsection (f), other than this
5 paragraph, are inoperative after December 31, 2005.
6 Beneficiaries who received benefits under the program
7 established by this subsection (f) are not entitled, at the
8 termination of the program, to any refund of the identification
9 card fee paid under this subsection.

10 (g) Effective January 1, 2006, there is hereby established
11 a program of pharmaceutical assistance to the aged and
12 disabled, entitled the Illinois Seniors and Disabled Drug
13 Coverage Program, which shall be administered by the Department
14 of Healthcare and Family Services and the Department on Aging
15 in accordance with this subsection, to consist of coverage of
16 specified prescription drugs on behalf of beneficiaries of the
17 program as set forth in this subsection. The program under this
18 subsection replaces and supersedes the program established
19 under subsection (f), which shall end at midnight on December
20 31, 2005.

21 To become a beneficiary under the program established under
22 this subsection, a person must:

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

24 and

25 (2) be domiciled in this State; and

26 (3) enroll with a qualified Medicare Part D

1 Prescription Drug Plan if eligible and apply for all
2 available subsidies under Medicare Part D; and

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

12 All individuals enrolled as of December 31, 2005, in the
13 pharmaceutical assistance program operated pursuant to
14 subsection (f) of this Section and all individuals enrolled as
15 of December 31, 2005, in the SeniorCare Medicaid waiver program
16 operated pursuant to Section 5-5.12a of the Illinois Public Aid
17 Code shall be automatically enrolled in the program established
18 by this subsection for the first year of operation without the
19 need for further application, except that they must apply for
20 Medicare Part D and the Low Income Subsidy under Medicare Part
21 D. A person enrolled in the pharmaceutical assistance program
22 operated pursuant to subsection (f) of this Section as of
23 December 31, 2005, shall not lose eligibility in future years
24 due only to the fact that they have not reached the age of 65.

25 To the extent permitted by federal law, the Department may
26 act as an authorized representative of a beneficiary in order

1 to enroll the beneficiary in a Medicare Part D Prescription
2 Drug Plan if the beneficiary has failed to choose a plan and,
3 where possible, to enroll beneficiaries in the low-income
4 subsidy program under Medicare Part D or assist them in
5 enrolling in that program.

6 Beneficiaries under the program established under this
7 subsection shall be divided into the following 5 eligibility
8 groups:

9 (A) Eligibility Group 1 shall consist of beneficiaries
10 who are not eligible for Medicare Part D coverage and who
11 are:

12 (i) disabled and under age 65; or

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

15 (iii) age 65 or older, with incomes at or below
16 200% of the Federal Poverty Level and not eligible for
17 federally funded means-tested benefits due to
18 immigration status.

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

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

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

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

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

19 The program established under this subsection shall cover
20 the cost of covered prescription drugs in excess of the
21 beneficiary cost-sharing amounts set forth in this paragraph
22 that are not covered by Medicare. In 2006, beneficiaries shall
23 pay a co-payment of \$2 for each prescription of a generic drug
24 and \$5 for each prescription of a brand-name drug. In future
25 years, beneficiaries shall pay co-payments equal to the
26 co-payments required under Medicare Part D for "other

1 low-income subsidy eligible individuals" pursuant to 42 CFR
2 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and
3 4, once the program established under this subsection and
4 Medicare combined have paid \$1,750 in a year for covered
5 prescription drugs, the beneficiary shall pay 20% of the cost
6 of each prescription in addition to the co-payments set forth
7 in this paragraph. For individuals in Eligibility Group 5, once
8 the program established under this subsection and Medicare
9 combined have paid \$1,750 in a year for covered prescription
10 drugs, the beneficiary shall pay 20% of the cost of each
11 prescription in addition to the co-payments set forth in this
12 paragraph unless the drug is included in the formulary of the
13 Illinois AIDS Drug Assistance Program operated by the Illinois
14 Department of Public Health. If the drug is included in the
15 formulary of the Illinois AIDS Drug Assistance Program,
16 individuals in Eligibility Group 5 shall continue to pay the
17 co-payments set forth in this paragraph after the program
18 established under this subsection and Medicare combined have
19 paid \$1,750 in a year for covered prescription drugs.

20 For beneficiaries eligible for Medicare Part D coverage,
21 the program established under this subsection shall pay 100% of
22 the premiums charged by a qualified Medicare Part D
23 Prescription Drug Plan for Medicare Part D basic prescription
24 drug coverage, not including any late enrollment penalties.
25 Qualified Medicare Part D Prescription Drug Plans may be
26 limited by the Department of Healthcare and Family Services to

1 those plans that sign a coordination agreement with the
2 Department.

3 Notwithstanding Section 3.15, for purposes of the program
4 established under this subsection, the term "covered
5 prescription drug" has the following meanings:

6 For Eligibility Group 1, "covered prescription drug"
7 means: (1) any cardiovascular agent or drug; (2) any
8 insulin or other prescription drug used in the treatment of
9 diabetes, including syringe and needles used to administer
10 the insulin; (3) any prescription drug used in the
11 treatment of arthritis; (4) any prescription drug used in
12 the treatment of cancer; (5) any prescription drug used in
13 the treatment of Alzheimer's disease; (6) any prescription
14 drug used in the treatment of Parkinson's disease; (7) any
15 prescription drug used in the treatment of glaucoma; (8)
16 any prescription drug used in the treatment of lung disease
17 and smoking-related illnesses; (9) any prescription drug
18 used in the treatment of osteoporosis; and (10) any
19 prescription drug used in the treatment of multiple
20 sclerosis. The Department may add additional therapeutic
21 classes by rule. The Department may adopt a preferred drug
22 list within any of the classes of drugs described in items
23 (1) through (10) of this paragraph. The specific drugs or
24 therapeutic classes of covered prescription drugs shall be
25 indicated by rule.

26 For Eligibility Group 2, "covered prescription drug"

1 means those drugs covered for Eligibility Group 1 that are
2 also covered by the Medicare Part D Prescription Drug Plan
3 in which the beneficiary is enrolled.

4 For Eligibility Group 3, "covered prescription drug"
5 means those drugs covered by the Medicare Part D
6 Prescription Drug Plan in which the beneficiary is
7 enrolled.

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

11 For Eligibility Group 5, "covered prescription drug"
12 means: (1) those drugs covered for Eligibility Group 1 that
13 are also covered by the Medicare Part D Prescription Drug
14 Plan in which the beneficiary is enrolled; and (2) those
15 drugs included in the formulary of the Illinois AIDS Drug
16 Assistance Program operated by the Illinois Department of
17 Public Health that are also covered by the Medicare Part D
18 Prescription Drug Plan in which the beneficiary is
19 enrolled.

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

23 Any person otherwise eligible for pharmaceutical
24 assistance under this subsection whose covered drugs are
25 covered by any public program is ineligible for assistance
26 under this subsection to the extent that the cost of those

1 drugs is covered by the other program.

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

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

16 The Department of Healthcare and Family Services or the
17 Department on Aging, as appropriate, may adopt rules regarding
18 applications, counting of income, proof of Medicare status,
19 mandatory generic policies, and pharmacy reimbursement rates
20 and any other rules necessary for the cost-efficient operation
21 of the program established under this subsection.

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

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

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

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

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

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

18 (c) The double income tax exemption conferred upon persons
19 65 years of age or older by Section 204 of the Illinois Income
20 Tax Act.

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

22 (e) Reductions in vehicle registration fees under Section
23 3-806.3 of the Illinois Vehicle Code.

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

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

3 (h) Any benefits under the Illinois Public Aid Code.
4 (Source: P.A. 93-715, eff. 7-12-04.)

5 Section 40. The Plat Act is amended by changing Section 1
6 as follows:

7 (765 ILCS 205/1) (from Ch. 109, par. 1)

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

1 from such land, will be changed as a result of any portion of
2 such subdivision development, then such study or studies shall
3 also show such proposed changes in the elevations and the flow
4 of surface water from such land. The topographical and profile
5 studies required hereunder may be prepared as a subsidiary
6 study or studies separate from, but of the same scale and size
7 as the subdivision plat, and shall be prepared in such a manner
8 as will permit the topographical study or studies to be used as
9 overlays to the subdivision plat. The plat must show all
10 angular and linear data along the exterior boundaries of the
11 tract of land divided or subdivided, the names of all public
12 streets and the width, course and extent of all public streets,
13 alleys and ways for public service facilities. References must
14 also be made upon the plat to known and permanent monuments
15 from which future survey may be made and the surveyor must, at
16 the time of making his survey, set in such manner that they
17 will not be moved by frost, good and sufficient monuments
18 marking the external boundaries of the tract to be divided or
19 subdivided and must designate upon the plat the points where
20 they may be found. These monuments must be placed at all
21 corners, at each end of all curves, at the point where a curve
22 changes its radius, at all angle points in any line and at all
23 angle points along a meander line, the points to be not less
24 than 20 feet back from the normal water elevation of a lake or
25 from the bank of a stream, except that when such corners or
26 points fall within a street, or proposed future street, the

1 monuments must be placed in the right of way line of the
2 street. All internal boundaries, corners and points must be
3 monumented in the field by like monuments as defined above.
4 These monuments 2 of which must be of stone or reinforced
5 concrete and must be set at the opposite extremities of the
6 property platted, placed at all block corners, at each end of
7 all curves, at the points where a curve changes its radius, and
8 at all angle points in any line. All lots must be monumented in
9 the field with 2 or more monuments.

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

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

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

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

25 3. The sale or exchange of parcels of land between owners
26 of adjoining and contiguous land;

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

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

8 6. The conveyance of land for highway or other public
9 purposes or grants or conveyances relating to the dedication of
10 land for public use or instruments relating to the vacation of
11 land impressed with a public use;

12 7. Conveyances made to correct descriptions in prior
13 conveyances.

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

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

26 10. The preparation of a plat for wind energy devices under

1 Section 10-620 of the Property Tax Code.

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

9 (c) However, if a plat is made by an Illinois Registered
10 Surveyor of any parcel or tract of land otherwise exempt from
11 the plat provisions of this Act pursuant to subsection (b) of
12 this Section, such plat shall be recorded. It shall not be the
13 responsibility of a recorder of deeds to determine whether the
14 plat has been made or recorded under this subsection (c) prior
15 to accepting a deed for recording.

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

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.31 as follows:

19 (30 ILCS 805/8.31 new)

20 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this amendatory Act of
23 the 95th General Assembly.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.