



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2935

Introduced 2/18/2016, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

30 ILCS 115/12	from Ch. 85, par. 616
35 ILCS 200/3-20	
35 ILCS 200/3-40	
55 ILCS 5/3-4007	from Ch. 34, par. 3-4007
55 ILCS 5/4-2001	from Ch. 34, par. 4-2001

Amends the Property Tax Code. Provides that the portion of the salary for the county supervisor of assessments that is paid by the State is no longer subject to appropriation. Amends the Counties Code. Provides that the portion of the salary for state's attorneys, certain assistant state's attorneys, and public defenders that is paid by the State is no longer subject to appropriation. Amends the State Revenue Sharing Act to make conforming changes.

LRB099 19055 MLM 43444 b

1 AN ACT concerning finance.

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

4 Section 5. The State Revenue Sharing Act is amended by
5 changing Section 12 as follows:

6 (30 ILCS 115/12) (from Ch. 85, par. 616)

7 Sec. 12. Personal Property Tax Replacement Fund. There is
8 hereby created the Personal Property Tax Replacement Fund, a
9 special fund in the State Treasury into which shall be paid all
10 revenue realized:

11 (a) all amounts realized from the additional personal
12 property tax replacement income tax imposed by subsections (c)
13 and (d) of Section 201 of the Illinois Income Tax Act, except
14 for those amounts deposited into the Income Tax Refund Fund
15 pursuant to subsection (c) of Section 901 of the Illinois
16 Income Tax Act; and

17 (b) all amounts realized from the additional personal
18 property replacement invested capital taxes imposed by Section
19 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue
20 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and
21 Section 3 of the Water Company Invested Capital Tax Act, and
22 amounts payable to the Department of Revenue under the
23 Telecommunications Infrastructure Maintenance Fee Act.

1 As soon as may be after the end of each month, the
2 Department of Revenue shall certify to the Treasurer and the
3 Comptroller the amount of all refunds paid out of the General
4 Revenue Fund through the preceding month on account of
5 overpayment of liability on taxes paid into the Personal
6 Property Tax Replacement Fund. Upon receipt of such
7 certification, the Treasurer and the Comptroller shall
8 transfer the amount so certified from the Personal Property Tax
9 Replacement Fund into the General Revenue Fund.

10 The payments of revenue into the Personal Property Tax
11 Replacement Fund shall be used exclusively for distribution to
12 taxing districts, regional offices and officials, and State and
13 local officials as provided by law ~~in this Section~~ and in the
14 School Code, payment of the ordinary and contingent expenses of
15 the Property Tax Appeal Board, payment of the expenses of the
16 Department of Revenue incurred in administering the collection
17 and distribution of monies paid into the Personal Property Tax
18 Replacement Fund and transfers due to refunds to taxpayers for
19 overpayment of liability for taxes paid into the Personal
20 Property Tax Replacement Fund.

21 In addition, moneys in the Personal Property Tax
22 Replacement Fund may be used to pay any of the following: (i)
23 salary, stipends, and additional compensation as provided by
24 law for chief election clerks, county clerks, and county
25 recorders; (ii) costs associated with regional offices of
26 education and educational service centers; (iii)

1 reimbursements payable by the State Board of Elections under
2 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the
3 Election Code; (iv) expenses of the Illinois Educational Labor
4 Relations Board; and (v) salary, personal services, and
5 additional compensation as provided by law for court reporters
6 under the Court Reporters Act.

7 As soon as may be after the effective date of this
8 amendatory Act of 1980, the Department of Revenue shall certify
9 to the Treasurer the amount of net replacement revenue paid
10 into the General Revenue Fund prior to that effective date from
11 the additional tax imposed by Section 2a.1 of the Messages Tax
12 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of
13 the Public Utilities Revenue Act; Section 3 of the Water
14 Company Invested Capital Tax Act; amounts collected by the
15 Department of Revenue under the Telecommunications
16 Infrastructure Maintenance Fee Act; and the additional
17 personal property tax replacement income tax imposed by the
18 Illinois Income Tax Act, as amended by Public Act 81-1st
19 Special Session-1. Net replacement revenue shall be defined as
20 the total amount paid into and remaining in the General Revenue
21 Fund as a result of those Acts minus the amount outstanding and
22 obligated from the General Revenue Fund in state vouchers or
23 warrants prior to the effective date of this amendatory Act of
24 1980 as refunds to taxpayers for overpayment of liability under
25 those Acts.

26 All interest earned by monies accumulated in the Personal

1 Property Tax Replacement Fund shall be deposited in such Fund.
2 All amounts allocated pursuant to this Section are appropriated
3 on a continuing basis.

4 Prior to December 31, 1980, as soon as may be after the end
5 of each quarter beginning with the quarter ending December 31,
6 1979, and on and after December 31, 1980, as soon as may be
7 after January 1, March 1, April 1, May 1, July 1, August 1,
8 October 1 and December 1 of each year, the Department of
9 Revenue shall allocate to each taxing district as defined in
10 Section 1-150 of the Property Tax Code, in accordance with the
11 provisions of paragraph (2) of this Section the portion of the
12 funds held in the Personal Property Tax Replacement Fund which
13 is required to be distributed, as provided in paragraph (1),
14 for each quarter. Provided, however, under no circumstances
15 shall any taxing district during each of the first two years of
16 distribution of the taxes imposed by this amendatory Act of
17 1979 be entitled to an annual allocation which is less than the
18 funds such taxing district collected from the 1978 personal
19 property tax. Provided further that under no circumstances
20 shall any taxing district during the third year of distribution
21 of the taxes imposed by this amendatory Act of 1979 receive
22 less than 60% of the funds such taxing district collected from
23 the 1978 personal property tax. In the event that the total of
24 the allocations made as above provided for all taxing
25 districts, during either of such 3 years, exceeds the amount
26 available for distribution the allocation of each taxing

1 district shall be proportionately reduced. Except as provided
2 in Section 13 of this Act, the Department shall then certify,
3 pursuant to appropriation, such allocations to the State
4 Comptroller who shall pay over to the several taxing districts
5 the respective amounts allocated to them.

6 Any township which receives an allocation based in whole or
7 in part upon personal property taxes which it levied pursuant
8 to Section 6-507 or 6-512 of the Illinois Highway Code and
9 which was previously required to be paid over to a municipality
10 shall immediately pay over to that municipality a proportionate
11 share of the personal property replacement funds which such
12 township receives.

13 Any municipality or township, other than a municipality
14 with a population in excess of 500,000, which receives an
15 allocation based in whole or in part on personal property taxes
16 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the
17 Illinois Local Library Act and which was previously required to
18 be paid over to a public library shall immediately pay over to
19 that library a proportionate share of the personal property tax
20 replacement funds which such municipality or township
21 receives; provided that if such a public library has converted
22 to a library organized under The Illinois Public Library
23 District Act, regardless of whether such conversion has
24 occurred on, after or before January 1, 1988, such
25 proportionate share shall be immediately paid over to the
26 library district which maintains and operates the library.

1 However, any library that has converted prior to January 1,
2 1988, and which hitherto has not received the personal property
3 tax replacement funds, shall receive such funds commencing on
4 January 1, 1988.

5 Any township which receives an allocation based in whole or
6 in part on personal property taxes which it levied pursuant to
7 Section 1c of the Public Graveyards Act and which taxes were
8 previously required to be paid over to or used for such public
9 cemetery or cemeteries shall immediately pay over to or use for
10 such public cemetery or cemeteries a proportionate share of the
11 personal property tax replacement funds which the township
12 receives.

13 Any taxing district which receives an allocation based in
14 whole or in part upon personal property taxes which it levied
15 for another governmental body or school district in Cook County
16 in 1976 or for another governmental body or school district in
17 the remainder of the State in 1977 shall immediately pay over
18 to that governmental body or school district the amount of
19 personal property replacement funds which such governmental
20 body or school district would receive directly under the
21 provisions of paragraph (2) of this Section, had it levied its
22 own taxes.

23 (1) The portion of the Personal Property Tax
24 Replacement Fund required to be distributed as of the time
25 allocation is required to be made shall be the amount
26 available in such Fund as of the time allocation is

1 required to be made.

2 The amount available for distribution shall be the
3 total amount in the fund at such time minus the necessary
4 administrative and other authorized expenses as limited by
5 the appropriation and the amount determined by: (a) \$2.8
6 million for fiscal year 1981; (b) for fiscal year 1982,
7 .54% of the funds distributed from the fund during the
8 preceding fiscal year; (c) for fiscal year 1983 through
9 fiscal year 1988, .54% of the funds distributed from the
10 fund during the preceding fiscal year less .02% of such
11 fund for fiscal year 1983 and less .02% of such funds for
12 each fiscal year thereafter; (d) for fiscal year 1989
13 through fiscal year 2011 no more than 105% of the actual
14 administrative expenses of the prior fiscal year; (e) for
15 fiscal year 2012 and beyond, a sufficient amount to pay (i)
16 stipends, additional compensation, salary reimbursements,
17 and other amounts directed to be paid out of this Fund for
18 local officials as authorized or required by statute and
19 (ii) no more than 105% of the actual administrative
20 expenses of the prior fiscal year, including payment of the
21 ordinary and contingent expenses of the Property Tax Appeal
22 Board and payment of the expenses of the Department of
23 Revenue incurred in administering the collection and
24 distribution of moneys paid into the Fund; or (f) for
25 fiscal years 2012 and 2013 only, a sufficient amount to pay
26 stipends, additional compensation, salary reimbursements,

1 and other amounts directed to be paid out of this Fund for
2 regional offices and officials as authorized or required by
3 statute. Such portion of the fund shall be determined after
4 the transfer into the General Revenue Fund due to refunds,
5 if any, paid from the General Revenue Fund during the
6 preceding quarter. If at any time, for any reason, there is
7 insufficient amount in the Personal Property Tax
8 Replacement Fund for payments for regional offices and
9 officials or local officials or payment of costs of
10 administration or for transfers due to refunds at the end
11 of any particular month, the amount of such insufficiency
12 shall be carried over for the purposes of payments for
13 regional offices and officials, local officials, transfers
14 into the General Revenue Fund, and costs of administration
15 to the following month or months. Net replacement revenue
16 held, and defined above, shall be transferred by the
17 Treasurer and Comptroller to the Personal Property Tax
18 Replacement Fund within 10 days of such certification.

19 (2) Each quarterly allocation shall first be
20 apportioned in the following manner: 51.65% for taxing
21 districts in Cook County and 48.35% for taxing districts in
22 the remainder of the State.

23 The Personal Property Replacement Ratio of each taxing
24 district outside Cook County shall be the ratio which the Tax
25 Base of that taxing district bears to the Downstate Tax Base.
26 The Tax Base of each taxing district outside of Cook County is

1 the personal property tax collections for that taxing district
2 for the 1977 tax year. The Downstate Tax Base is the personal
3 property tax collections for all taxing districts in the State
4 outside of Cook County for the 1977 tax year. The Department of
5 Revenue shall have authority to review for accuracy and
6 completeness the personal property tax collections for each
7 taxing district outside Cook County for the 1977 tax year.

8 The Personal Property Replacement Ratio of each Cook County
9 taxing district shall be the ratio which the Tax Base of that
10 taxing district bears to the Cook County Tax Base. The Tax Base
11 of each Cook County taxing district is the personal property
12 tax collections for that taxing district for the 1976 tax year.
13 The Cook County Tax Base is the personal property tax
14 collections for all taxing districts in Cook County for the
15 1976 tax year. The Department of Revenue shall have authority
16 to review for accuracy and completeness the personal property
17 tax collections for each taxing district within Cook County for
18 the 1976 tax year.

19 For all purposes of this Section 12, amounts paid to a
20 taxing district for such tax years as may be applicable by a
21 foreign corporation under the provisions of Section 7-202 of
22 the Public Utilities Act, as amended, shall be deemed to be
23 personal property taxes collected by such taxing district for
24 such tax years as may be applicable. The Director shall
25 determine from the Illinois Commerce Commission, for any tax
26 year as may be applicable, the amounts so paid by any such

1 foreign corporation to any and all taxing districts. The
2 Illinois Commerce Commission shall furnish such information to
3 the Director. For all purposes of this Section 12, the Director
4 shall deem such amounts to be collected personal property taxes
5 of each such taxing district for the applicable tax year or
6 years.

7 Taxing districts located both in Cook County and in one or
8 more other counties shall receive both a Cook County allocation
9 and a Downstate allocation determined in the same way as all
10 other taxing districts.

11 If any taxing district in existence on July 1, 1979 ceases
12 to exist, or discontinues its operations, its Tax Base shall
13 thereafter be deemed to be zero. If the powers, duties and
14 obligations of the discontinued taxing district are assumed by
15 another taxing district, the Tax Base of the discontinued
16 taxing district shall be added to the Tax Base of the taxing
17 district assuming such powers, duties and obligations.

18 If two or more taxing districts in existence on July 1,
19 1979, or a successor or successors thereto shall consolidate
20 into one taxing district, the Tax Base of such consolidated
21 taxing district shall be the sum of the Tax Bases of each of
22 the taxing districts which have consolidated.

23 If a single taxing district in existence on July 1, 1979,
24 or a successor or successors thereto shall be divided into two
25 or more separate taxing districts, the tax base of the taxing
26 district so divided shall be allocated to each of the resulting

1 taxing districts in proportion to the then current equalized
2 assessed value of each resulting taxing district.

3 If a portion of the territory of a taxing district is
4 disconnected and annexed to another taxing district of the same
5 type, the Tax Base of the taxing district from which
6 disconnection was made shall be reduced in proportion to the
7 then current equalized assessed value of the disconnected
8 territory as compared with the then current equalized assessed
9 value within the entire territory of the taxing district prior
10 to disconnection, and the amount of such reduction shall be
11 added to the Tax Base of the taxing district to which
12 annexation is made.

13 If a community college district is created after July 1,
14 1979, beginning on the effective date of this amendatory Act of
15 1995, its Tax Base shall be 3.5% of the sum of the personal
16 property tax collected for the 1977 tax year within the
17 territorial jurisdiction of the district.

18 The amounts allocated and paid to taxing districts pursuant
19 to the provisions of this amendatory Act of 1979 shall be
20 deemed to be substitute revenues for the revenues derived from
21 taxes imposed on personal property pursuant to the provisions
22 of the "Revenue Act of 1939" or "An Act for the assessment and
23 taxation of private car line companies", approved July 22,
24 1943, as amended, or Section 414 of the Illinois Insurance
25 Code, prior to the abolition of such taxes and shall be used
26 for the same purposes as the revenues derived from ad valorem

1 taxes on real estate.

2 Monies received by any taxing districts from the Personal
3 Property Tax Replacement Fund shall be first applied toward
4 payment of the proportionate amount of debt service which was
5 previously levied and collected from extensions against
6 personal property on bonds outstanding as of December 31, 1978
7 and next applied toward payment of the proportionate share of
8 the pension or retirement obligations of the taxing district
9 which were previously levied and collected from extensions
10 against personal property. For each such outstanding bond
11 issue, the County Clerk shall determine the percentage of the
12 debt service which was collected from extensions against real
13 estate in the taxing district for 1978 taxes payable in 1979,
14 as related to the total amount of such levies and collections
15 from extensions against both real and personal property. For
16 1979 and subsequent years' taxes, the County Clerk shall levy
17 and extend taxes against the real estate of each taxing
18 district which will yield the said percentage or percentages of
19 the debt service on such outstanding bonds. The balance of the
20 amount necessary to fully pay such debt service shall
21 constitute a first and prior lien upon the monies received by
22 each such taxing district through the Personal Property Tax
23 Replacement Fund and shall be first applied or set aside for
24 such purpose. In counties having fewer than 3,000,000
25 inhabitants, the amendments to this paragraph as made by this
26 amendatory Act of 1980 shall be first applicable to 1980 taxes

1 to be collected in 1981.

2 (Source: P.A. 97-72, eff. 7-1-11; 97-619, eff. 11-14-11;
3 97-732, eff. 6-30-12; 98-24, eff. 6-19-13; 98-674, eff.
4 6-30-14.)

5 Section 10. The Property Tax Code is amended by changing
6 Sections 3-20 and 3-40 as follows:

7 (35 ILCS 200/3-20)

8 Sec. 3-20. Reimbursement when serving more than 1 county.
9 When 2 or more counties have, with Department approval, elected
10 or appointed the same person as county supervisor of
11 assessments, ~~subject to appropriation,~~ the Department shall
12 pay out of the Personal Property Tax Replacement Fund to the
13 counties a total of \$5,000 per year to be applied toward the
14 person's salary. The Department shall apportion the \$5,000
15 among such counties in proportion to each county's share of the
16 salary.

17 The amount payable under this Section is in addition to the
18 50% reimbursement provided for in Section 3-40, but in no event
19 shall the total paid under this Section and the reimbursement
20 under Section 3-40 exceed the compensation of the supervisor of
21 assessments.

22 (Source: P.A. 97-72, eff. 7-1-11.)

23 (35 ILCS 200/3-40)

1 Sec. 3-40. Compensation of supervisors of assessments.

2 (a) A supervisor of assessments shall receive annual
3 compensation in an amount fixed by the county board subject to
4 the following minimum amounts:

5 In counties with less than 14,000 inhabitants, not less
6 than \$7,500;

7 In counties with 14,000 or more but less than 30,000
8 inhabitants, not less than \$8,000;

9 In counties with 30,000 or more but less than 60,000
10 inhabitants, not less than \$9,000;

11 In counties with 60,000 or more but less than 100,000
12 inhabitants, not less than \$10,000;

13 In counties with 100,000 or more but less than 200,000
14 inhabitants, not less than \$11,500;

15 In counties with 200,000 or more but less than 300,000
16 inhabitants, not less than \$13,000;

17 In counties with 300,000 or more but less than
18 1,000,000 inhabitants, not less than \$15,000.

19 For purposes of this subsection, the number of inhabitants
20 shall be determined by the latest Federal decennial or special
21 census of the county.

22 (b) Elected supervisors of assessments who began a term of
23 office before December 1, 1990 shall be compensated at the rate
24 of their base salary. "Base salary" is the compensation paid
25 for their position before July 1, 1989.

26 (c) Elected supervisors of assessments beginning a term of

1 office on or after December 1, 1990 shall, beginning December
2 1, 1993, receive their base salary plus at least 12% of base
3 salary.

4 Any supervisor of assessments who has been presented a
5 Certified Assessing Evaluator Certificate by the International
6 Association of Assessing Officers shall receive an additional
7 compensation of \$500 per year to be paid out of funds
8 appropriated to the Department from the Personal Property Tax
9 Replacement Fund.

10 The salary set by the county board shall be paid in equal
11 monthly installments out of the treasury of the county in which
12 he or she is appointed or elected. If the Department has
13 determined that the total assessed value of property in a
14 county, as equalized by the supervisor of assessments under
15 Section 9-210, is between 31 1/3% and 35 1/3% of the total fair
16 cash value of property in the county, ~~subject to appropriation,~~
17 the Department shall reimburse the county monthly from the
18 Personal Property Tax Replacement Fund 50% of the amount of
19 salary the county paid to the officer for the preceding month.

20 The county board shall provide necessary office space for
21 the officer and pay all necessary expenses of the office out of
22 the county treasury.

23 Each supervisor of assessments may, with the advice and
24 consent of the county board, appoint necessary deputies and
25 clerks, their compensation to be fixed by the county board and
26 paid by the county.

1 (Source: P.A. 97-72, eff. 7-1-11.)

2 Section 15. The Counties Code is amended by changing
3 Sections 3-4007 and 4-2001 as follows:

4 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

5 Sec. 3-4007. Compensation.

6 (a) The public defender shall be paid out of the county
7 treasury, and, subject to appropriation, shall be paid by the
8 Department of Revenue out of the Personal Property Tax
9 Replacement Fund or the General Revenue Fund as provided in
10 subsection (b), as the sole compensation for his or her
11 services a salary in an amount fixed by the County Board. When
12 a Public Defender in a county of 30,000 or more population is
13 receiving not less than 90% of the compensation of the State's
14 Attorney of such county, that Public Defender shall not engage
15 in the private practice of law.

16 (b) The State must pay 66 2/3% of the public defender's
17 annual salary. If the public defender is employed full-time in
18 that capacity, his or her salary must be at least 90% of that
19 county's State's attorney's annual compensation. These ~~Subject~~
20 ~~to appropriation, these~~ amounts furnished by the State shall be
21 payable monthly by the Department of Revenue out of the
22 Personal Property Tax Replacement Fund or the General Revenue
23 Fund to the county in which each Public Defender is employed.

24 (c) In cases where 2 or more adjoining counties have joined

1 to form a common office of Public Defender, the salary of the
2 Public Defender shall be set and paid as provided by a joint
3 resolution of the various county boards involved.

4 (Source: P.A. 97-72, eff. 7-1-11.)

5 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

6 Sec. 4-2001. State's attorney salaries.

7 (a) There shall be allowed to the several state's attorneys
8 in this State, except the state's attorney of Cook County, the
9 following annual salary:

10 (1) Subject to paragraph (5), to each state's attorney
11 in counties containing less than 10,000 inhabitants,
12 \$40,500 until December 31, 1988, \$45,500 until June 30,
13 1994, and \$55,500 thereafter or as set by the Compensation
14 Review Board, whichever is greater.

15 (2) Subject to paragraph (5), to each state's attorney
16 in counties containing 10,000 or more inhabitants but less
17 than 20,000 inhabitants, \$46,500 until December 31, 1988,
18 \$61,500 until June 30, 1994, and \$71,500 thereafter or as
19 set by the Compensation Review Board, whichever is greater.

20 (3) Subject to paragraph (5), to each state's attorney
21 in counties containing 20,000 or more but less than 30,000
22 inhabitants, \$51,000 until December 31, 1988, \$65,000
23 until June 30, 1994, and \$75,000 thereafter or as set by
24 the Compensation Review Board, whichever is greater.

25 (4) To each state's attorney in counties of 30,000 or

1 more inhabitants, \$65,500 until December 31, 1988, \$80,000
2 until June 30, 1994, and \$96,837 thereafter or as set by
3 the Compensation Review Board, whichever is greater.

4 (5) Effective December 1, 2000, to each state's
5 attorney in counties containing fewer than 30,000
6 inhabitants, the same salary plus any cost of living
7 adjustments as authorized by the Compensation Review Board
8 to take effect after January 1, 1999, for state's attorneys
9 in counties containing 20,000 or more but fewer than 30,000
10 inhabitants, or as set by the Compensation Review Board
11 whichever is greater.

12 The State shall furnish 66 2/3% of the total annual
13 compensation to be paid to each state's attorney in Illinois
14 based on the salary in effect on December 31, 1988, and 100% of
15 the increases in salary taking effect after December 31, 1988.

16 ~~Said~~ ~~Subject to appropriation,~~ ~~said~~ amounts furnished by
17 the State shall be payable monthly by the Department of Revenue
18 out of the Personal Property Tax Replacement Fund or the
19 General Revenue Fund to the county in which each state's
20 attorney is elected.

21 Each county shall be required to furnish 33 1/3% of the
22 total annual compensation to be paid to each state's attorney
23 in Illinois based on the salary in effect on December 31, 1988.

24 Within 90 days after the effective date of this amendatory
25 Act of the 96th General Assembly, the county board of any
26 county with a population between 15,000 and 50,000 by

1 resolution or ordinance may increase the amount of compensation
2 to be paid to each eligible state's attorney in their county in
3 the form of a longevity stipend which shall be added to and
4 become part of the salary of the state's attorney for that
5 year. To be eligible, the state's attorney must have served in
6 the elected position for at least 20 continuous years and elect
7 to participate in a program for an alternative annuity for
8 county officers and make the required additional optional
9 contributions as authorized by P.A. 90-32.

10 (b) Effective December 1, 2000, no state's attorney may
11 engage in the private practice of law. However, until November
12 30, 2000, (i) the state's attorneys in counties containing
13 fewer than 10,000 inhabitants may engage in the practice of
14 law, and (ii) in any county between 10,000 and 30,000
15 inhabitants or in any county containing 30,000 or more
16 inhabitants which reached that population between 1970 and
17 December 31, 1981, the state's attorney may declare his or her
18 intention to engage in the private practice of law, and may do
19 so through no later than November 30, 2000, by filing a written
20 declaration of intent to engage in the private practice of law
21 with the county clerk. The declaration of intention shall be
22 irrevocable during the remainder of the term of office. The
23 declaration shall be filed with the county clerk within 30 days
24 of certification of election or appointment, or within 60 days
25 of March 15, 1989, whichever is later. In that event the annual
26 salary of such state's attorney shall be as follows:

1 (1) In counties containing 10,000 or more inhabitants
2 but less than 20,000 inhabitants, \$46,500 until December
3 31, 1988, \$51,500 until June 30, 1994, and \$61,500
4 thereafter or as set by the Compensation Review Board,
5 whichever is greater. The State shall furnish 100% of the
6 increases taking effect after December 31, 1988.

7 (2) In counties containing 20,000 or more inhabitants
8 but less than 30,000 inhabitants, and in counties
9 containing 30,000 or more inhabitants which reached said
10 population between 1970 and December 31, 1981, \$51,500
11 until December 31, 1988, \$56,000 until June 30, 1994, and
12 \$65,000 thereafter or as set by the Compensation Review
13 Board, whichever is greater. The State shall furnish 100%
14 of the increases taking effect after December 31, 1988.

15 (c) In counties where a state mental health institution, as
16 hereinafter defined, is located, one assistant state's
17 attorney shall, ~~subject to appropriation,~~ receive for his
18 services, payable monthly by the Department of Revenue out of
19 the Personal Property Tax Replacement Fund or the General
20 Revenue Fund to the county in which he is appointed, the
21 following:

22 (1) To each assistant state's attorney in counties
23 containing less than 10,000 inhabitants, the sum of \$2,500
24 per annum;

25 (2) To each assistant state's attorney in counties
26 containing not less than 10,000 inhabitants and not more

1 than 20,000 inhabitants, the sum of \$3,500 per annum;

2 (3) To each assistant state's attorney in counties
3 containing not less than 20,000 inhabitants and not more
4 than 30,000 inhabitants, the sum of \$4,000 per annum;

5 (4) To each assistant state's attorney in counties
6 containing not less than 30,000 inhabitants and not more
7 than 40,000 inhabitants, the sum of \$4,500 per annum;

8 (5) To each assistant state's attorney in counties
9 containing not less than 40,000 inhabitants and not more
10 than 70,000 inhabitants, the sum of \$5,000 per annum;

11 (6) To each assistant state's attorney in counties
12 containing not less than 70,000 inhabitants and not more
13 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

14 (d) The population of all counties for the purpose of
15 fixing salaries as herein provided shall be based upon the last
16 Federal census immediately previous to the appointment of an
17 assistant state's attorney in each county.

18 (e) At the request of the county governing authority, in
19 counties where one or more state correctional institutions, as
20 hereinafter defined, are located, one or more assistant state's
21 attorneys shall, subject to appropriation, receive for their
22 services, provided that such services are performed in
23 connection with the state correctional institution, payable
24 monthly by the Department of Revenue out of the Personal
25 Property Tax Replacement Fund or the General Revenue Fund to
26 the county in which they are appointed, the following:

1 (1) \$22,000 for each assistant state's attorney in
2 counties with one or more State correctional institutions
3 with a total average daily inmate population in excess of
4 2,000, on the basis of 2 assistant state's attorneys when
5 the total average daily inmate population exceeds 2,000 but
6 is less than 4,000; and 3 assistant state's attorneys when
7 such population exceeds 4,000; with reimbursement to be
8 based on actual services rendered.

9 (2) \$15,000 per year for one assistant state's attorney
10 in counties having one or more correctional institutions
11 with a total average daily inmate population of between 750
12 and 2,000 inmates, with reimbursement to be based on actual
13 services rendered.

14 (3) A maximum of \$12,000 per year for one assistant
15 state's attorney in counties having less than 750 inmates,
16 with reimbursement to be based on actual services rendered.

17 Upon application of the county governing authority and
18 certification of the State's Attorney, the Director of
19 Corrections may, in his discretion and subject to
20 appropriation, increase the amount of salary reimbursement
21 to a county in the event special circumstances require the
22 county to incur extraordinary salary expenditures as a
23 result of services performed in connection with State
24 correctional institutions in that county.

25 In determining whether or not to increase the amount of
26 salary reimbursement, the Director shall consider, among other

1 matters:

2 (1) the nature of the services rendered;

3 (2) the results or dispositions obtained;

4 (3) whether or not the county was required to employ
5 additional attorney personnel as a direct result of the
6 services actually rendered in connection with a particular
7 service to a State correctional institution.

8 (f) In counties where a State senior institution of higher
9 education is located, the assistant state's attorneys
10 specified by this Section shall, subject to appropriation,
11 receive for their services, payable monthly by the Department
12 of Revenue out of the Personal Property Tax Replacement Fund or
13 the General Revenue Fund to the county in which appointed, the
14 following:

15 (1) \$14,000 per year each for employment on a full time
16 basis for 2 assistant state's attorneys in counties having
17 a State university or State universities with combined full
18 time enrollment of more than 15,000 students.

19 (2) \$7,200 per year for one assistant state's attorney
20 with no limitation on other practice in counties having a
21 State university or State universities with combined full
22 time enrollment of 10,000 to 15,000 students.

23 (3) \$4,000 per year for one assistant state's attorney
24 with no limitation on other practice in counties having a
25 State university or State universities with combined full
26 time enrollment of less than 10,000 students.

1 Such salaries shall be paid to the state's attorney and the
2 assistant state's attorney in equal monthly installments by
3 such county out of the county treasury provided that, ~~subject~~
4 ~~to appropriation,~~ the Department of Revenue shall reimburse
5 each county monthly, out of the Personal Property Tax
6 Replacement Fund or the General Revenue Fund, the amount of
7 such salary. This Section shall not prevent the payment of such
8 additional compensation to the state's attorney or assistant
9 state's attorney of any county, out of the treasury of that
10 county as may be provided by law.

11 (g) For purposes of this Section, "State mental health
12 institution" means any institution under the jurisdiction of
13 the Department of Human Services that is listed in Section 4 of
14 the Mental Health and Developmental Disabilities
15 Administrative Act.

16 For purposes of this Section, "State correctional
17 institution" means any facility of the Department of
18 Corrections including adult facilities, juvenile facilities,
19 pre-release centers, community correction centers, and work
20 camps.

21 For purposes of this Section, "State university" means the
22 University of Illinois, Southern Illinois University, Chicago
23 State University, Eastern Illinois University, Governors State
24 University, Illinois State University, Northeastern Illinois
25 University, Northern Illinois University, Western Illinois
26 University, and any public community college which has

1 established a program of interinstitutional cooperation with
2 one of the foregoing institutions whereby a student, after
3 earning an associate degree from the community college, pursues
4 a course of study at the community college campus leading to a
5 baccalaureate degree from the foregoing institution (also
6 known as a "2 Plus 2" degree program).

7 (h) A number of assistant state's attorneys shall be
8 appointed in each county that chooses to participate, as
9 provided in this subsection, for the prosecution of
10 alcohol-related traffic offenses. Each county shall receive
11 monthly a subsidy for payment of the salaries and benefits of
12 these assistant state's attorneys from State funds
13 appropriated to the Department of Revenue out of the Personal
14 Property Tax Replacement Fund or the General Revenue Fund for
15 that purpose. The amounts of subsidies provided by this
16 subsection shall be adjusted for inflation each July 1 using
17 the Consumer Price Index of the Bureau of Labor Statistics of
18 the U.S. Department of Labor.

19 When a county chooses to participate in the subsidy program
20 described in this subsection (h), the number of assistant
21 state's attorneys who are prosecuting alcohol-related traffic
22 offenses must increase according to the subsidy provided in
23 this subsection. These appointed assistant state's attorneys
24 shall be in addition to any other assistant state's attorneys
25 assigned to those cases on the effective date of this
26 amendatory Act of the 91st General Assembly, and may not

1 replace those assistant state's attorneys. In counties where
2 the state's attorney is the sole prosecutor, this subsidy shall
3 be used to provide an assistant state's attorney to prosecute
4 alcohol-related traffic offenses along with the state's
5 attorney. In counties where the state's attorney is the sole
6 prosecutor, and in counties where a judge presides over cases
7 involving a variety of misdemeanors, including alcohol-related
8 traffic matters, assistant state's attorneys appointed and
9 subsidized by this subsection (h) may also prosecute the
10 different misdemeanor cases at the direction of the state's
11 attorney.

12 Assistant state's attorneys shall be appointed under this
13 subsection in the following number and counties shall receive
14 the following annual subsidies:

15 (1) In counties with fewer than 30,000 inhabitants, one
16 at \$35,000.

17 (2) In counties with 30,000 or more but fewer than
18 100,000 inhabitants, one at \$45,000.

19 (3) In counties with 100,000 or more but fewer than
20 300,000 inhabitants, 2 at \$45,000 each.

21 (4) In counties, other than Cook County, with 300,000
22 or more inhabitants, 4 at \$50,000 each.

23 The amounts appropriated under this Section must be
24 segregated by population classification and disbursed monthly.

25 If in any year the amount appropriated for the purposes of
26 this subsection (h) is insufficient to pay all of the subsidies

1 specified in this subsection, the amount appropriated shall
2 first be prorated by the population classifications of this
3 subsection (h) and then among the counties choosing to
4 participate within each of those classifications. If any of the
5 appropriated moneys for each population classification remain
6 at the end of a fiscal year, the remainder of the moneys may be
7 allocated to participating counties that were not fully funded
8 during the course of the year. Nothing in this subsection
9 prohibits 2 or more State's attorneys from combining their
10 subsidies to appoint a joint assistant State's attorney to
11 prosecute alcohol-related traffic offenses in multiple
12 counties. Nothing in this subsection prohibits a State's
13 attorney from appointing an assistant State's attorney by
14 contract or otherwise.

15 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)