



Rep. Gary Hannig

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1 AMENDMENT TO HOUSE BILL 3741

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3741 by replacing  
3 everything after the enacting clause with the following:

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

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

9 Section 20. The Department of Public Health Powers and  
10 Duties Law of the Civil Administrative Code of Illinois is  
11 amended by changing Section 2310-315 and by adding Section  
12 2310-394 as follows:

13 (20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

14 Sec. 2310-315. Prevention and treatment of AIDS. To perform

1 the following in relation to the prevention and treatment of  
2 acquired immunodeficiency syndrome (AIDS):

3 (1) Establish a State AIDS Control Unit within the  
4 Department as a separate administrative subdivision, to  
5 coordinate all State programs and services relating to the  
6 prevention, treatment, and amelioration of AIDS.

7 (2) Conduct a public information campaign for physicians,  
8 hospitals, health facilities, public health departments, law  
9 enforcement personnel, public employees, laboratories, and the  
10 general public on acquired immunodeficiency syndrome (AIDS)  
11 and promote necessary measures to reduce the incidence of AIDS  
12 and the mortality from AIDS. This program shall include, but  
13 not be limited to, the establishment of a statewide hotline and  
14 a State AIDS information clearinghouse that will provide  
15 periodic reports and releases to public officials, health  
16 professionals, community service organizations, and the  
17 general public regarding new developments or procedures  
18 concerning prevention and treatment of AIDS.

19 (3) (Blank).

20 (4) Establish alternative blood test services that are not  
21 operated by a blood bank, plasma center or hospital. The  
22 Department shall prescribe by rule minimum criteria, standards  
23 and procedures for the establishment and operation of such  
24 services, which shall include, but not be limited to  
25 requirements for the provision of information, counseling and  
26 referral services that ensure appropriate counseling and

1 referral for persons whose blood is tested and shows evidence  
2 of exposure to the human immunodeficiency virus (HIV) or other  
3 identified causative agent of acquired immunodeficiency  
4 syndrome (AIDS).

5 (5) Establish regional and community service networks of  
6 public and private service providers or health care  
7 professionals who may be involved in AIDS research, prevention  
8 and treatment.

9 (6) Provide grants to individuals, organizations or  
10 facilities to support the following:

11 (A) Information, referral, and treatment services.

12 (B) Interdisciplinary workshops for professionals  
13 involved in research and treatment.

14 (C) Establishment and operation of a statewide  
15 hotline.

16 (D) Establishment and operation of alternative testing  
17 services.

18 (E) Research into detection, prevention, and  
19 treatment.

20 (F) Supplementation of other public and private  
21 resources.

22 (G) Implementation by long-term care facilities of  
23 Department standards and procedures for the care and  
24 treatment of persons with AIDS and the development of  
25 adequate numbers and types of placements for those persons.

26 (7) (Blank).

1           (8) Accept any gift, donation, bequest, or grant of funds  
2 from private or public agencies, including federal funds that  
3 may be provided for AIDS control efforts.

4           (9) Develop and implement, in consultation with the  
5 Long-Term Care Facility Advisory Board, standards and  
6 procedures for long-term care facilities that provide care and  
7 treatment of persons with AIDS, including appropriate  
8 infection control procedures. The Department shall work  
9 cooperatively with organizations representing those facilities  
10 to develop adequate numbers and types of placements for persons  
11 with AIDS and shall advise those facilities on proper  
12 implementation of its standards and procedures.

13           (10) The Department shall create and administer a training  
14 program for State employees who have a need for understanding  
15 matters relating to AIDS in order to deal with or advise the  
16 public. The training shall include information on the cause and  
17 effects of AIDS, the means of detecting it and preventing its  
18 transmission, the availability of related counseling and  
19 referral, and other matters that may be appropriate. The  
20 training may also be made available to employees of local  
21 governments, public service agencies, and private agencies  
22 that contract with the State; in those cases the Department may  
23 charge a reasonable fee to recover the cost of the training.

24           (11) Approve tests or testing procedures used in  
25 determining exposure to HIV or any other identified causative  
26 agent of AIDS.

1 (12) Provide prescription drug benefits counseling for  
2 persons with HIV or AIDS.

3 (13) Continue to administer the AIDS Drug Assistance  
4 Program that provides drugs to prolong the lives of low income  
5 Persons with Acquired Immunodeficiency Syndrome (AIDS) or  
6 Human Immunodeficiency Virus (HIV) infection who are not  
7 eligible under Article V of the Illinois Public Aid Code for  
8 Medical Assistance, as provided under Title 77, Chapter 1,  
9 Subchapter (k), Part 692, Section 692.10 of the Illinois  
10 Administrative Code, effective August 1, 2000, except that the  
11 financial qualification for that program shall be that the  
12 anticipated gross monthly income shall be at or below 500% of  
13 the most recent Federal Poverty Guidelines published annually  
14 by the United States Department of Health and Human Services  
15 for the size of the household.

16 (Source: P.A. 94-909, eff. 6-23-06.)

17 (20 ILCS 2310/2310-394 new)

18 Sec. 2310-394. Multiple sclerosis; home services.

19 (a) Subject to appropriation, the Department shall create a  
20 program of services for persons with multiple sclerosis to help  
21 those persons stay in their homes and out of institutions. The  
22 Department shall collaborate with consumers to develop a  
23 program of services that is consumer directed.

24 (1) There shall be meaningful consumer participation  
25 in all aspects of program design, review, and improvement.

1           (2) A review committee shall be established, comprised  
2           of consumers and other stakeholders. The committee shall  
3           meet at least once a year to evaluate the program,  
4           including quality assurance data, and shall submit program  
5           recommendations to the Department.

6           (3) Consumers shall have control in the selection,  
7           management, and termination of providers.

8           (4) Providers shall be educated about  
9           consumer-directed services and multiple sclerosis.

10          (b) To be eligible for the program, a person must meet the  
11          following requirements:

12           (1) He or she must have a current diagnosis of multiple  
13           sclerosis.

14           (2) He or she must have applied for benefits under the  
15           Home Services Program operated by the Department of Human  
16           Services and must have been determined not eligible for  
17           benefits under that program because his or her retirement  
18           assets or life insurance assets, or both, exceeded the  
19           limits applicable to that program.

20           (3) He or she must have assets not exceeding \$17,500.  
21           In determining whether a person's assets meet this  
22           requirement, the Department must disregard retirement  
23           assets up to a total of \$500,000 and disregard all life  
24           insurance assets.

25          (c) This Section does not create any new entitlement to a  
26          service, program, or benefit, but does not affect any

1 entitlement to a service, program, or benefit created by any  
2 other law.

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

5 (20 ILCS 3958/25)

6 Sec. 25. I-FLY Program.

7 (a) The Department shall establish the I-FLY Program, in  
8 cooperation with the Commission. The Program shall consist of  
9 the following components:

10 (1) air carrier recruitment and retention grants as  
11 described in subsection (c); and

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

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

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

17 (a).

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

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

21 (A) it is capable of supporting takeoffs and  
22 landings by aircraft that have at least 19 passenger  
23 seats or have made improvements or commitments to the  
24 Department to provide this capability; and

1           (B) it has a commitment from an air carrier to  
2 start or continue air service to the community that the  
3 airport serves subject to financial support from the  
4 State and from the airport or unit of local government  
5 that the airport serves. The commitment must specify  
6 that the air carrier would not provide or continue to  
7 provide service to the community if financial  
8 assistance were not available.

9           (2) An application for an air carrier recruitment and  
10 retention program grant must contain commitments from the  
11 airport or the unit of local government in which the  
12 airport is located as to the amount of the total project  
13 cost, the contribution from the unit of local government or  
14 airport, the method in which the contribution from the  
15 airport or unit of local government will be generated, and  
16 the requested State contribution.

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

22           (A) A grant may be used to guarantee that an air  
23 carrier shall receive an agreed amount of revenue per  
24 flight.

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



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

3 (4) During the first year of a grant under this  
4 subsection (c), the grant shall pay 80% of the total cost  
5 of the guarantee and the airport or unit of local  
6 government in which the airport is located shall pay 20% of  
7 the total cost of the guarantee. During the second year of  
8 a grant under this subsection (c), the grant shall pay 80%  
9 ~~50%~~ of the total cost of the guarantee and the airport or  
10 the unit of local government in which the airport is  
11 located shall pay 20% ~~50%~~ of the total cost of the  
12 guarantee.

13 (5) The total State funding for a grant under this  
14 subsection (c) to a particular airport may not exceed  
15 \$1,000,000 in any year.

16 (6) An airport that has received a 2-year grant under  
17 this subsection (c) may apply for another grant for an  
18 additional 2-year period; however, the Department shall,  
19 in determining whether to make a grant for an additional  
20 2-year period, give priority to other airports that have  
21 not previously received a grant under this subsection (c).  
22 The Department shall also give priority in making grants  
23 under this subsection (c) to airports at which the  
24 Department determines that a 2-year grant may result in the  
25 creation of stable and reliable commercial air service  
26 without an additional grant.

1 (d) Planning grants. An airport may apply for and receive a  
2 planning grant to conduct feasibility studies or business plans  
3 designed to study the recruitment, retention, or expansion of  
4 an air carrier at the airport. To be eligible for a grant under  
5 this subsection (d), the airport must have the potential for  
6 initial or expanded air service as the Department determines  
7 through its evaluation process. The grant shall pay 70% of the  
8 total cost of the feasibility studies or business plans and the  
9 airport or the unit of local government in which the airport is  
10 located shall pay 30% of the total cost of the feasibility  
11 studies or business plans. An airport may receive only one  
12 planning grant.

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

14 Section 40. The State Finance Act is amended by changing  
15 Sections 6z-30, 6z-70, 8.3, and 8g and by renumbering and  
16 changing Section 6z-69 as added by Public Act 95-707 as  
17 follows:

18 (30 ILCS 105/6z-30)

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

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

23 (1) As soon as possible after the beginning of each  
24 fiscal year (starting in fiscal year 1995), and in no event

1 later than July 30, the State Comptroller and the State  
2 Treasurer shall automatically transfer \$44,700,000 from  
3 the General Revenue Fund to the University of Illinois  
4 Hospital Services Fund.

5 (2) All intergovernmental transfer payments to the  
6 Department of Healthcare and Family Services (formerly  
7 Illinois Department of Public Aid) by the University of  
8 Illinois made pursuant to an intergovernmental agreement  
9 under subsection (b) or (c) of Section 5A-3 of the Illinois  
10 Public Aid Code.

11 (3) All federal matching funds received by the  
12 Department of Healthcare and Family Services (formerly  
13 Illinois Department of Public Aid) as a result of  
14 expenditures made by the Department that are attributable  
15 to moneys that were deposited in the Fund.

16 (b) Moneys in the fund may be used by the Department of  
17 Healthcare and Family Services (formerly Illinois Department  
18 of Public Aid), subject to appropriation, to reimburse the  
19 University of Illinois Hospital for hospital and pharmacy  
20 services, and to reimburse practitioners as defined in Section  
21 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are  
22 employed by the University of Illinois Hospital. The fund may  
23 also be used to make monthly transfers to the General Revenue  
24 Fund as provided in subsection (c).

25 (c) The State Comptroller and State Treasurer shall  
26 automatically transfer on the last day of each month except

1 June, beginning August 31, 1994, from the University of  
2 Illinois Hospital Services Fund to the General Revenue Fund, an  
3 amount determined and certified to the State Comptroller by the  
4 Director of Healthcare and Family Services (formerly Director  
5 of Public Aid), equal to the amount by which the balance in the  
6 Fund exceeds the amount necessary to ensure timely payments to  
7 the University of Illinois Hospital.

8 On June 30, 1995 and each June 30 thereafter, the State  
9 Comptroller and State Treasurer shall automatically transfer  
10 the entire balance in the University of Illinois Hospital  
11 Services Fund to the General Revenue Fund.

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

13 (30 ILCS 105/6z-70)

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

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

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

25 (c) Notwithstanding any other provision of State law to the

1 contrary, on or after July 1, 2007, and until June 30, 2008, in  
 2 addition to any other transfers that may be provided for by  
 3 law, at the direction of and upon notification of the Secretary  
 4 of State, the State Comptroller shall direct and the State  
 5 Treasurer shall transfer amounts into the Secretary of State  
 6 Identification Security and Theft Prevention Fund from the  
 7 designated funds not exceeding the following totals:

- 8 Lobbyist Registration Administration Fund ..... \$100,000
- 9 Registered Limited Liability Partnership Fund .... \$75,000
- 10 Securities Investors Education Fund ..... \$500,000
- 11 Securities Audit and Enforcement Fund ..... \$5,725,000
- 12 Department of Business Services
- 13 Special Operations Fund ..... \$3,000,000
- 14 Corporate Franchise Tax Refund Fund ..... \$3,000,000.

15 (d) Notwithstanding any other provision of State law to the  
 16 contrary, on or after July 1, 2008, and until June 30, 2009, in  
 17 addition to any other transfers that may be provided for by  
 18 law, at the direction of and upon notification of the Secretary  
 19 of State, the State Comptroller shall direct and the State  
 20 Treasurer shall transfer amounts into the Secretary of State  
 21 Identification Security and Theft Prevention Fund from the  
 22 designated funds not exceeding the following totals:

- 23 Lobbyist Registration Administration Fund ..... \$100,000
- 24 Registered Limited Liability Partnership Fund .... \$75,000
- 25 Securities Investors Education Fund ..... \$500,000
- 26 Securities Audit and Enforcement Fund ..... \$5,725,000

1           Department of Business Services

2                   Special Operations Fund ..... \$3,000,000

3           Corporate Franchise Tax Refund Fund ..... \$3,000,000

4           State Parking Facility Maintenance Fund ..... \$100,000

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

6           (30 ILCS 105/6z-71)

7           Sec. 6z-71 ~~6z-69~~. Human Services Priority Capital Program

8           Fund. The Human Services Priority Capital Program Fund is

9           created as a special fund in the State treasury. Subject to

10          appropriation, the Department of Human Services shall use

11          moneys in the Human Services Priority Capital Program Fund to

12          make grants to the Illinois Facilities Fund, a not-for-profit

13          corporation, to make long term below market rate loans to

14          nonprofit human service providers working under contract to the

15          State of Illinois to assist those providers in meeting their

16          capital needs. The loans shall be for the purpose of such

17          capital needs, including but not limited to special use

18          facilities, requirements for serving the disabled, mentally

19          ill, or substance abusers, and medical and technology

20          equipment. Loan repayments shall be deposited into the Human

21          Services Priority Capital Program Fund. Interest income may be

22          used to cover expenses of the program. The Illinois Facilities

23          Fund shall report to the Department of Human Services and the

24          General Assembly by April 1, 2008, and again by April 1, 2009,

25          as to the use and earnings of the program.

1 (Source: P.A. 95-707, eff. 1-11-08; revised 1-23-08.)

2 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

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

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

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

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

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



1           Beginning with fiscal year 1980 and thereafter, no Road  
2 Fund monies shall be appropriated to the following Departments  
3 or agencies of State government for administration, grants, or  
4 operations; but this limitation is not a restriction upon  
5 appropriating for those purposes any Road Fund monies that are  
6 eligible for federal reimbursement;

7           1. Department of Public Health;

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

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

14           4. Judicial Systems and Agencies.

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

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

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

25           Beginning with fiscal year 1982 and thereafter, no Road  
26 Fund monies shall be appropriated to the following Departments

1 or agencies of State government for administration, grants, or  
2 operations; but this limitation is not a restriction upon  
3 appropriating for those purposes any Road Fund monies that are  
4 eligible for federal reimbursement: Department of Central  
5 Management Services, except for awards made by the Illinois  
6 Workers' Compensation Commission under the terms of the  
7 Workers' Compensation Act or Workers' Occupational Diseases  
8 Act for injury or death of an employee of the Division of  
9 Highways in the Department of Transportation.

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

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

18 2. State Officers.

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

1 Appropriations shall be made from the Road Fund only in  
2 accordance with the provisions of this Section.

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

12 first -- to pay the cost of administration of Chapters  
13 2 through 10 of the Illinois Vehicle Code; and

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

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

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

15 Except as provided in this paragraph, beginning with fiscal  
16 year 1991 and thereafter, no Road Fund monies shall be  
17 appropriated to the Department of State Police for the purposes  
18 of this Section in excess of its total fiscal year 1990 Road  
19 Fund appropriations for those purposes unless otherwise  
20 provided in Section 5g of this Act. For fiscal years 2003,  
21 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
22 appropriated to the Department of State Police for the purposes  
23 of this Section in excess of \$97,310,000. For fiscal years ~~year~~  
24 2008 and 2009 only, no Road Fund monies shall be appropriated  
25 to the Department of State Police for the purposes of this  
26 Section in excess of \$106,100,000. It shall not be lawful to

1 circumvent this limitation on appropriations by governmental  
2 reorganization or other methods unless otherwise provided in  
3 Section 5g of this Act.

4 In fiscal year 1994, no Road Fund monies shall be  
5 appropriated to the Secretary of State for the purposes of this  
6 Section in excess of the total fiscal year 1991 Road Fund  
7 appropriations to the Secretary of State for those purposes,  
8 plus \$9,800,000. It shall not be lawful to circumvent this  
9 limitation on appropriations by governmental reorganization or  
10 other method.

11 Beginning with fiscal year 1995 and thereafter, no Road  
12 Fund monies shall be appropriated to the Secretary of State for  
13 the purposes of this Section in excess of the total fiscal year  
14 1994 Road Fund appropriations to the Secretary of State for  
15 those purposes. It shall not be lawful to circumvent this  
16 limitation on appropriations by governmental reorganization or  
17 other methods.

18 Beginning with fiscal year 2000, total Road Fund  
19 appropriations to the Secretary of State for the purposes of  
20 this Section shall not exceed the amounts specified for the  
21 following fiscal years:

22	Fiscal Year 2000	\$80,500,000;
23	Fiscal Year 2001	\$80,500,000;
24	Fiscal Year 2002	\$80,500,000;
25	Fiscal Year 2003	\$130,500,000;
26	Fiscal Year 2004	\$130,500,000;

1	Fiscal Year 2005	\$130,500,000;
2	Fiscal Year 2006	\$130,500,000;
3	Fiscal Year 2007	\$130,500,000;
4	Fiscal Year 2008	\$130,500,000;
5	Fiscal Year 2009 <del>and</del>	<u>\$130,500,000;</u>
6	<u>Fiscal Year 2010 and</u> each year thereafter	\$30,500,000.

7 It shall not be lawful to circumvent this limitation on  
8 appropriations by governmental reorganization or other  
9 methods.

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

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

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

25 The additional amounts authorized for expenditure by the  
26 Secretary of State and the Department of State Police in this

1 Section by this amendatory Act of the 94th General Assembly  
2 shall be repaid to the Road Fund from the General Revenue Fund  
3 in the next succeeding fiscal year that the General Revenue  
4 Fund has a positive budgetary balance, as determined by  
5 generally accepted accounting principles applicable to  
6 government.

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

9 (30 ILCS 105/8g)

10 Sec. 8g. Fund transfers.

11 (a) In addition to any other transfers that may be provided  
12 for by law, as soon as may be practical after the effective  
13 date of this amendatory Act of the 91st General Assembly, the  
14 State Comptroller shall direct and the State Treasurer shall  
15 transfer the sum of \$10,000,000 from the General Revenue Fund  
16 to the Motor Vehicle License Plate Fund created by Senate Bill  
17 1028 of the 91st General Assembly.

18 (b) In addition to any other transfers that may be provided  
19 for by law, as soon as may be practical after the effective  
20 date of this amendatory Act of the 91st General Assembly, the  
21 State Comptroller shall direct and the State Treasurer shall  
22 transfer the sum of \$25,000,000 from the General Revenue Fund  
23 to the Fund for Illinois' Future created by Senate Bill 1066 of  
24 the 91st General Assembly.

25 (c) In addition to any other transfers that may be provided

1 for by law, on August 30 of each fiscal year's license period,  
2 the Illinois Liquor Control Commission shall direct and the  
3 State Comptroller and State Treasurer shall transfer from the  
4 General Revenue Fund to the Youth Alcoholism and Substance  
5 Abuse Prevention Fund an amount equal to the number of retail  
6 liquor licenses issued for that fiscal year multiplied by \$50.

7 (d) The payments to programs required under subsection (d)  
8 of Section 28.1 of the Horse Racing Act of 1975 shall be made,  
9 pursuant to appropriation, from the special funds referred to  
10 in the statutes cited in that subsection, rather than directly  
11 from the General Revenue Fund.

12 Beginning January 1, 2000, on the first day of each month,  
13 or as soon as may be practical thereafter, the State  
14 Comptroller shall direct and the State Treasurer shall transfer  
15 from the General Revenue Fund to each of the special funds from  
16 which payments are to be made under Section 28.1(d) of the  
17 Horse Racing Act of 1975 an amount equal to 1/12 of the annual  
18 amount required for those payments from that special fund,  
19 which annual amount shall not exceed the annual amount for  
20 those payments from that special fund for the calendar year  
21 1998. The special funds to which transfers shall be made under  
22 this subsection (d) include, but are not necessarily limited  
23 to, the Agricultural Premium Fund; the Metropolitan Exposition  
24 Auditorium and Office Building Fund; the Fair and Exposition  
25 Fund; the Standardbred Breeders Fund; the Thoroughbred  
26 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.



1           (e) In addition to any other transfers that may be provided  
2 for by law, as soon as may be practical after the effective  
3 date of this amendatory Act of the 91st General Assembly, but  
4 in no event later than June 30, 2000, the State Comptroller  
5 shall direct and the State Treasurer shall transfer the sum of  
6 \$15,000,000 from the General Revenue Fund to the Fund for  
7 Illinois' Future.

8           (f) In addition to any other transfers that may be provided  
9 for by law, as soon as may be practical after the effective  
10 date of this amendatory Act of the 91st General Assembly, but  
11 in no event later than June 30, 2000, the State Comptroller  
12 shall direct and the State Treasurer shall transfer the sum of  
13 \$70,000,000 from the General Revenue Fund to the Long-Term Care  
14 Provider Fund.

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

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

26           (h) In each of fiscal years 2002 through 2004, but not

1 thereafter, in addition to any other transfers that may be  
2 provided for by law, the State Comptroller shall direct and the  
3 State Treasurer shall transfer \$5,000,000 from the General  
4 Revenue Fund to the Tourism Promotion Fund.

5 (i) On or after July 1, 2001 and until May 1, 2002, in  
6 addition to any other transfers that may be provided for by  
7 law, at the direction of and upon notification from the  
8 Governor, the State Comptroller shall direct and the State  
9 Treasurer shall transfer amounts not exceeding a total of  
10 \$80,000,000 from the General Revenue Fund to the Tobacco  
11 Settlement Recovery Fund. Any amounts so transferred shall be  
12 re-transferred by the State Comptroller and the State Treasurer  
13 from the Tobacco Settlement Recovery Fund to the General  
14 Revenue Fund at the direction of and upon notification from the  
15 Governor, but in any event on or before June 30, 2002.

16 (i-1) On or after July 1, 2002 and until May 1, 2003, in  
17 addition to any other transfers that may be provided for by  
18 law, at the direction of and upon notification from the  
19 Governor, the State Comptroller shall direct and the State  
20 Treasurer shall transfer amounts not exceeding a total of  
21 \$80,000,000 from the General Revenue Fund to the Tobacco  
22 Settlement Recovery Fund. Any amounts so transferred shall be  
23 re-transferred by the State Comptroller and the State Treasurer  
24 from the Tobacco Settlement Recovery Fund to the General  
25 Revenue Fund at the direction of and upon notification from the  
26 Governor, but in any event on or before June 30, 2003.

1 (j) On or after July 1, 2001 and no later than June 30,  
 2 2002, in addition to any other transfers that may be provided  
 3 for by law, at the direction of and upon notification from the  
 4 Governor, the State Comptroller shall direct and the State  
 5 Treasurer shall transfer amounts not to exceed the following  
 6 sums into the Statistical Services Revolving Fund:

7	From the General Revenue Fund .....	\$8,450,000
8	From the Public Utility Fund .....	1,700,000
9	From the Transportation Regulatory Fund .....	2,650,000
10	From the Title III Social Security and	
11	Employment Fund .....	3,700,000
12	From the Professions Indirect Cost Fund .....	4,050,000
13	From the Underground Storage Tank Fund .....	550,000
14	From the Agricultural Premium Fund .....	750,000
15	From the State Pensions Fund .....	200,000
16	From the Road Fund .....	2,000,000
17	From the Health Facilities	
18	Planning Fund .....	1,000,000
19	From the Savings and Residential Finance	
20	Regulatory Fund .....	130,800
21	From the Appraisal Administration Fund .....	28,600
22	From the Pawnbroker Regulation Fund .....	3,600
23	From the Auction Regulation	
24	Administration Fund .....	35,800
25	From the Bank and Trust Company Fund.....	634,800
26	From the Real Estate License	

1 Administration Fund ..... 313,600

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

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

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

20 (k-3) On or after July 1, 2002 and no later than June 30,  
21 2003, in addition to any other transfers that may be provided  
22 for by law, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts not to exceed the following  
25 sums into the Statistical Services Revolving Fund:

26 Appraisal Administration Fund ..... \$150,000

1	General Revenue Fund .....	10,440,000
2	Savings and Residential Finance	
3	Regulatory Fund .....	200,000
4	State Pensions Fund .....	100,000
5	Bank and Trust Company Fund .....	100,000
6	Professions Indirect Cost Fund .....	3,400,000
7	Public Utility Fund .....	2,081,200
8	Real Estate License Administration Fund .....	150,000
9	Title III Social Security and	
10	Employment Fund .....	1,000,000
11	Transportation Regulatory Fund .....	3,052,100
12	Underground Storage Tank Fund .....	50,000

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

19       (m) In addition to any other transfers that may be provided  
20 for by law, on July 1, 2002 and on the effective date of this  
21 amendatory Act of the 93rd General Assembly, or as soon  
22 thereafter as may be practical, the State Comptroller shall  
23 direct and the State Treasurer shall transfer the sum of  
24 \$1,200,000 from the General Revenue Fund to the Violence  
25 Prevention Fund.

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

1 for by law, on July 1, 2003, or as soon thereafter as may be  
2 practical, the State Comptroller shall direct and the State  
3 Treasurer shall transfer the sum of \$6,800,000 from the General  
4 Revenue Fund to the DHS Recoveries Trust Fund.

5 (o) On or after July 1, 2003, and no later than June 30,  
6 2004, in addition to any other transfers that may be provided  
7 for by law, at the direction of and upon notification from the  
8 Governor, the State Comptroller shall direct and the State  
9 Treasurer shall transfer amounts not to exceed the following  
10 sums into the Vehicle Inspection Fund:

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

12 (p) On or after July 1, 2003 and until May 1, 2004, in  
13 addition to any other transfers that may be provided for by  
14 law, at the direction of and upon notification from the  
15 Governor, the State Comptroller shall direct and the State  
16 Treasurer shall transfer amounts not exceeding a total of  
17 \$80,000,000 from the General Revenue Fund to the Tobacco  
18 Settlement Recovery Fund. Any amounts so transferred shall be  
19 re-transferred from the Tobacco Settlement Recovery Fund to the  
20 General Revenue Fund at the direction of and upon notification  
21 from the Governor, but in any event on or before June 30, 2004.

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

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

7           (s) In addition to any other transfers that may be provided  
8 for by law, on or after July 1, 2003, the State Comptroller  
9 shall direct and the State Treasurer shall transfer the sum of  
10 \$4,800,000 from the Statewide Economic Development Fund to the  
11 General Revenue Fund.

12           (t) In addition to any other transfers that may be provided  
13 for by law, on or after July 1, 2003, the State Comptroller  
14 shall direct and the State Treasurer shall transfer the sum of  
15 \$50,000,000 from the General Revenue Fund to the Budget  
16 Stabilization Fund.

17           (u) On or after July 1, 2004 and until May 1, 2005, in  
18 addition to any other transfers that may be provided for by  
19 law, at the direction of and upon notification from the  
20 Governor, the State Comptroller shall direct and the State  
21 Treasurer shall transfer amounts not exceeding a total of  
22 \$80,000,000 from the General Revenue Fund to the Tobacco  
23 Settlement Recovery Fund. Any amounts so transferred shall be  
24 retransferred by the State Comptroller and the State Treasurer  
25 from the Tobacco Settlement Recovery Fund to the General  
26 Revenue Fund at the direction of and upon notification from the

1 Governor, but in any event on or before June 30, 2005.

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

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

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

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

19 From the State Police Wireless Service Emergency Fund,  
20 \$200,000;

21 From the State Offender DNA Identification System  
22 Fund, \$800,000; and

23 From the State Police Whistleblower Reward and  
24 Protection Fund, \$500,000.

25 (y) Notwithstanding any other provision of law to the  
26 contrary, in addition to any other transfers that may be



1 provided for by law on June 30, 2005, or as soon as may be  
2 practical thereafter, the State Comptroller shall direct and  
3 the State Treasurer shall transfer the remaining balance from  
4 the designated funds into the General Revenue Fund and any  
5 future deposits that would otherwise be made into these funds  
6 must instead be made into the General Revenue Fund:

7 (1) the Keep Illinois Beautiful Fund;

8 (2) the Metropolitan Fair and Exposition Authority  
9 Reconstruction Fund;

10 (3) the New Technology Recovery Fund;

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

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

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

14 (7) the State Postsecondary Review Program Fund;

15 (8) the Tourism Attraction Development Matching Grant  
16 Fund;

17 (9) the Patent and Copyright Fund;

18 (10) the Credit Enhancement Development Fund;

19 (11) the Community Mental Health and Developmental  
20 Disabilities Services Provider Participation Fee Trust  
21 Fund;

22 (12) the Nursing Home Grant Assistance Fund;

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

24 (14) the Illinois Student Assistance Commission Higher  
25 EdNet Fund;

26 (15) the DORS State Project Fund;

- 1           (16) the School Technology Revolving Fund;
- 2           (17) the Energy Assistance Contribution Fund;
- 3           (18) the Illinois Building Commission Revolving Fund;
- 4           (19) the Illinois Aquaculture Development Fund;
- 5           (20) the Homelessness Prevention Fund;
- 6           (21) the DCFS Refugee Assistance Fund;
- 7           (22) the Illinois Century Network Special Purposes
- 8           Fund; and
- 9           (23) the Build Illinois Purposes Fund.

10           (z) In addition to any other transfers that may be provided

11           for by law, on July 1, 2005, or as soon as may be practical

12           thereafter, the State Comptroller shall direct and the State

13           Treasurer shall transfer the sum of \$1,200,000 from the General

14           Revenue Fund to the Violence Prevention Fund.

15           (aa) In addition to any other transfers that may be

16           provided for by law, on July 1, 2005, or as soon as may be

17           practical thereafter, the State Comptroller shall direct and

18           the State Treasurer shall transfer the sum of \$9,000,000 from

19           the General Revenue Fund to the Presidential Library and Museum

20           Operating Fund.

21           (bb) In addition to any other transfers that may be

22           provided for by law, on July 1, 2005, or as soon as may be

23           practical thereafter, the State Comptroller shall direct and

24           the State Treasurer shall transfer the sum of \$6,803,600 from

25           the General Revenue Fund to the Securities Audit and

26           Enforcement Fund.

1           (cc) In addition to any other transfers that may be  
2 provided for by law, on or after July 1, 2005 and until May 1,  
3 2006, at the direction of and upon notification from the  
4 Governor, the State Comptroller shall direct and the State  
5 Treasurer shall transfer amounts not exceeding a total of  
6 \$80,000,000 from the General Revenue Fund to the Tobacco  
7 Settlement Recovery Fund. Any amounts so transferred shall be  
8 re-transferred by the State Comptroller and the State Treasurer  
9 from the Tobacco Settlement Recovery Fund to the General  
10 Revenue Fund at the direction of and upon notification from the  
11 Governor, but in any event on or before June 30, 2006.

12           (dd) In addition to any other transfers that may be  
13 provided for by law, on April 1, 2005, or as soon thereafter as  
14 may be practical, at the direction of the Director of Public  
15 Aid (now Director of Healthcare and Family Services), the State  
16 Comptroller shall direct and the State Treasurer shall transfer  
17 from the Public Aid Recoveries Trust Fund amounts not to exceed  
18 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

19           (ee) Notwithstanding any other provision of law, on July 1,  
20 2006, or as soon thereafter as practical, the State Comptroller  
21 shall direct and the State Treasurer shall transfer the  
22 remaining balance from the Illinois Civic Center Bond Fund to  
23 the Illinois Civic Center Bond Retirement and Interest Fund.

24           (ff) In addition to any other transfers that may be  
25 provided for by law, on and after July 1, 2006 and until June  
26 30, 2007, at the direction of and upon notification from the

1 Director of the Governor's Office of Management and Budget, the  
 2 State Comptroller shall direct and the State Treasurer shall  
 3 transfer amounts not exceeding a total of \$1,900,000 from the  
 4 General Revenue Fund to the Illinois Capital Revolving Loan  
 5 Fund.

6 (gg) In addition to any other transfers that may be  
 7 provided for by law, on and after July 1, 2006 and until May 1,  
 8 2007, at the direction of and upon notification from the  
 9 Governor, the State Comptroller shall direct and the State  
 10 Treasurer shall transfer amounts not exceeding a total of  
 11 \$80,000,000 from the General Revenue Fund to the Tobacco  
 12 Settlement Recovery Fund. Any amounts so transferred shall be  
 13 retransferred by the State Comptroller and the State Treasurer  
 14 from the Tobacco Settlement Recovery Fund to the General  
 15 Revenue Fund at the direction of and upon notification from the  
 16 Governor, but in any event on or before June 30, 2007.

17 (hh) In addition to any other transfers that may be  
 18 provided for by law, on and after July 1, 2006 and until June  
 19 30, 2007, at the direction of and upon notification from the  
 20 Governor, the State Comptroller shall direct and the State  
 21 Treasurer shall transfer amounts from the Illinois Affordable  
 22 Housing Trust Fund to the designated funds not exceeding the  
 23 following amounts:

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

1 Supplemental Low-Income Energy

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

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

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

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

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

1 provided for by law, on the first day of each calendar quarter  
2 of the fiscal year beginning July 1, 2006, or as soon  
3 thereafter as practical, the State Comptroller shall direct and  
4 the State Treasurer shall transfer from the General Revenue  
5 Fund amounts equal to one-fourth of \$20,000,000 to the  
6 Renewable Energy Resources Trust Fund.

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

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

17 (oo) In addition to any other transfers that may be  
18 provided for by law, on and after July 1, 2006 and until June  
19 30, 2007, at the direction of and upon notification from the  
20 Governor, the State Comptroller shall direct and the State  
21 Treasurer shall transfer amounts identified as net receipts  
22 from the sale of all or part of the Illinois Student Assistance  
23 Commission loan portfolio from the Student Loan Operating Fund  
24 to the General Revenue Fund. The maximum amount that may be  
25 transferred pursuant to this Section is \$38,800,000. In  
26 addition, no transfer may be made pursuant to this Section that

1 would have the effect of reducing the available balance in the  
2 Student Loan Operating Fund to an amount less than the amount  
3 remaining unexpended and unreserved from the total  
4 appropriations from the Fund estimated to be expended for the  
5 fiscal year. The State Treasurer and Comptroller shall transfer  
6 the amounts designated under this Section as soon as may be  
7 practical after receiving the direction to transfer from the  
8 Governor.

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

14 (qq) In addition to any other transfers that may be  
15 provided for by law, on and after July 1, 2007 and until May 1,  
16 2008, at the direction of and upon notification from the  
17 Governor, the State Comptroller shall direct and the State  
18 Treasurer shall transfer amounts not exceeding a total of  
19 \$80,000,000 from the General Revenue Fund to the Tobacco  
20 Settlement Recovery Fund. Any amounts so transferred shall be  
21 retransferred by the State Comptroller and the State Treasurer  
22 from the Tobacco Settlement Recovery Fund to the General  
23 Revenue Fund at the direction of and upon notification from the  
24 Governor, but in any event on or before June 30, 2008.

25 (rr) In addition to any other transfers that may be  
26 provided for by law, on and after July 1, 2007 and until June

1 30, 2008, at the direction of and upon notification from the  
 2 Governor, the State Comptroller shall direct and the State  
 3 Treasurer shall transfer amounts from the Illinois Affordable  
 4 Housing Trust Fund to the designated funds not exceeding the  
 5 following amounts:

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

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

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

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



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

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

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

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

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

1       (aaa) In addition to any other transfers that may be  
 2 provided for by law, on and after July 1, 2008 and until May 1,  
 3 2009, at the direction of and upon notification from the  
 4 Governor, the State Comptroller shall direct and the State  
 5 Treasurer shall transfer amounts not exceeding a total of  
 6 \$80,000,000 from the General Revenue Fund to the Tobacco  
 7 Settlement Recovery Fund. Any amounts so transferred shall be  
 8 retransferred by the State Comptroller and the State Treasurer  
 9 from the Tobacco Settlement Recovery Fund to the General  
 10 Revenue Fund at the direction of and upon notification from the  
 11 Governor, but in any event on or before June 30, 2009.

12       (bbb) In addition to any other transfers that may be  
 13 provided for by law, on and after July 1, 2008 and until June  
 14 30, 2009, at the direction of and upon notification from the  
 15 Governor, the State Comptroller shall direct and the State  
 16 Treasurer shall transfer amounts from the Illinois Affordable  
 17 Housing Trust Fund to the designated funds not exceeding the  
 18 following amounts:

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

24       (ccc) In addition to any other transfers that may be  
 25 provided for by law, on July 1, 2008, or as soon thereafter as  
 26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$7,450,000 from the General  
2 Revenue Fund to the Presidential Library and Museum Operating  
3 Fund.

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

9 (eee) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2008, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$150,000 from the General  
13 Revenue Fund to the Civic Education Trust Fund.

14 (Source: P.A. 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; 94-816,  
15 eff. 5-30-06; 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;  
16 95-707, eff. 1-11-08.)

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

19 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

20 Sec. 901. Collection Authority.

21 (a) In general.

22 The Department shall collect the taxes imposed by this Act.  
23 The Department shall collect certified past due child support  
24 amounts under Section 2505-650 of the Department of Revenue Law

1 (20 ILCS 2505/2505-650). Except as provided in subsections (c)  
2 and (e) of this Section, money collected pursuant to  
3 subsections (a) and (b) of Section 201 of this Act shall be  
4 paid into the General Revenue Fund in the State treasury; money  
5 collected pursuant to subsections (c) and (d) of Section 201 of  
6 this Act shall be paid into the Personal Property Tax  
7 Replacement Fund, a special fund in the State Treasury; and  
8 money collected under Section 2505-650 of the Department of  
9 Revenue Law (20 ILCS 2505/2505-650) shall be paid into the  
10 Child Support Enforcement Trust Fund, a special fund outside  
11 the State Treasury, or to the State Disbursement Unit  
12 established under Section 10-26 of the Illinois Public Aid  
13 Code, as directed by the Department of Healthcare and Family  
14 Services.

15 (b) Local Governmental Distributive Fund.

16 Beginning August 1, 1969, and continuing through June 30,  
17 1994, the Treasurer shall transfer each month from the General  
18 Revenue Fund to a special fund in the State treasury, to be  
19 known as the "Local Government Distributive Fund", an amount  
20 equal to 1/12 of the net revenue realized from the tax imposed  
21 by subsections (a) and (b) of Section 201 of this Act during  
22 the preceding month. Beginning July 1, 1994, and continuing  
23 through June 30, 1995, the Treasurer shall transfer each month  
24 from the General Revenue Fund to the Local Government  
25 Distributive Fund an amount equal to 1/11 of the net revenue  
26 realized from the tax imposed by subsections (a) and (b) of

1 Section 201 of this Act during the preceding month. Beginning  
2 July 1, 1995, the Treasurer shall transfer each month from the  
3 General Revenue Fund to the Local Government Distributive Fund  
4 an amount equal to the net of (i) 1/10 of the net revenue  
5 realized from the tax imposed by subsections (a) and (b) of  
6 Section 201 of the Illinois Income Tax Act during the preceding  
7 month (ii) minus, beginning July 1, 2003 and ending June 30,  
8 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue  
9 realized for a month shall be defined as the revenue from the  
10 tax imposed by subsections (a) and (b) of Section 201 of this  
11 Act which is deposited in the General Revenue Fund, the  
12 Educational Assistance Fund and the Income Tax Surcharge Local  
13 Government Distributive Fund during the month minus the amount  
14 paid out of the General Revenue Fund in State warrants during  
15 that same month as refunds to taxpayers for overpayment of  
16 liability under the tax imposed by subsections (a) and (b) of  
17 Section 201 of this Act.

18 (c) Deposits Into Income Tax Refund Fund.

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

1 fiscal year thereafter, the percentage deposited into the  
2 Income Tax Refund Fund during a fiscal year shall be the  
3 Annual Percentage. For fiscal years 1999 through 2001, the  
4 Annual Percentage shall be 7.1%. For fiscal year 2003, the  
5 Annual Percentage shall be 8%. For fiscal year 2004, the  
6 Annual Percentage shall be 11.7%. Upon the effective date  
7 of this amendatory Act of the 93rd General Assembly, the  
8 Annual Percentage shall be 10% for fiscal year 2005. For  
9 fiscal year 2006, the Annual Percentage shall be 9.75%. For  
10 fiscal year 2007, the Annual Percentage shall be 9.75%. For  
11 fiscal year 2008, the Annual Percentage shall be 7.75%. For  
12 fiscal year 2009, the Annual Percentage shall be 9.75%. For  
13 all other fiscal years, the Annual Percentage shall be  
14 calculated as a fraction, the numerator of which shall be  
15 the amount of refunds approved for payment by the  
16 Department during the preceding fiscal year as a result of  
17 overpayment of tax liability under subsections (a) and  
18 (b) (1), (2), and (3) of Section 201 of this Act plus the  
19 amount of such refunds remaining approved but unpaid at the  
20 end of the preceding fiscal year, minus the amounts  
21 transferred into the Income Tax Refund Fund from the  
22 Tobacco Settlement Recovery Fund, and the denominator of  
23 which shall be the amounts which will be collected pursuant  
24 to subsections (a) and (b) (1), (2), and (3) of Section 201  
25 of this Act during the preceding fiscal year; except that  
26 in State fiscal year 2002, the Annual Percentage shall in

1 no event exceed 7.6%. The Director of Revenue shall certify  
2 the Annual Percentage to the Comptroller on the last  
3 business day of the fiscal year immediately preceding the  
4 fiscal year for which it is to be effective.

5 (2) Beginning on January 1, 1989 and thereafter, the  
6 Department shall deposit a percentage of the amounts  
7 collected pursuant to subsections (a) and (b)(6), (7), and  
8 (8), (c) and (d) of Section 201 of this Act into a fund in  
9 the State treasury known as the Income Tax Refund Fund. The  
10 Department shall deposit 18% of such amounts during the  
11 period beginning January 1, 1989 and ending on June 30,  
12 1989. Beginning with State fiscal year 1990 and for each  
13 fiscal year thereafter, the percentage deposited into the  
14 Income Tax Refund Fund during a fiscal year shall be the  
15 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
16 the Annual Percentage shall be 19%. For fiscal year 2003,  
17 the Annual Percentage shall be 27%. For fiscal year 2004,  
18 the Annual Percentage shall be 32%. Upon the effective date  
19 of this amendatory Act of the 93rd General Assembly, the  
20 Annual Percentage shall be 24% for fiscal year 2005. For  
21 fiscal year 2006, the Annual Percentage shall be 20%. For  
22 fiscal year 2007, the Annual Percentage shall be 17.5%. For  
23 fiscal year 2008, the Annual Percentage shall be 15.5%. For  
24 fiscal year 2009, the Annual Percentage shall be 17.5%. For  
25 all other fiscal years, the Annual Percentage shall be  
26 calculated as a fraction, the numerator of which shall be

1 the amount of refunds approved for payment by the  
2 Department during the preceding fiscal year as a result of  
3 overpayment of tax liability under subsections (a) and  
4 (b) (6), (7), and (8), (c) and (d) of Section 201 of this  
5 Act plus the amount of such refunds remaining approved but  
6 unpaid at the end of the preceding fiscal year, and the  
7 denominator of which shall be the amounts which will be  
8 collected pursuant to subsections (a) and (b) (6), (7), and  
9 (8), (c) and (d) of Section 201 of this Act during the  
10 preceding fiscal year; except that in State fiscal year  
11 2002, the Annual Percentage shall in no event exceed 23%.  
12 The Director of Revenue shall certify the Annual Percentage  
13 to the Comptroller on the last business day of the fiscal  
14 year immediately preceding the fiscal year for which it is  
15 to be effective.

16 (3) The Comptroller shall order transferred and the  
17 Treasurer shall transfer from the Tobacco Settlement  
18 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
19 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
20 (iii) \$35,000,000 in January, 2003.

21 (d) Expenditures from Income Tax Refund Fund.

22 (1) Beginning January 1, 1989, money in the Income Tax  
23 Refund Fund shall be expended exclusively for the purpose  
24 of paying refunds resulting from overpayment of tax  
25 liability under Section 201 of this Act, for paying rebates  
26 under Section 208.1 in the event that the amounts in the



1 Homeowners' Tax Relief Fund are insufficient for that  
2 purpose, and for making transfers pursuant to this  
3 subsection (d).

4 (2) The Director shall order payment of refunds  
5 resulting from overpayment of tax liability under Section  
6 201 of this Act from the Income Tax Refund Fund only to the  
7 extent that amounts collected pursuant to Section 201 of  
8 this Act and transfers pursuant to this subsection (d) and  
9 item (3) of subsection (c) have been deposited and retained  
10 in the Fund.

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

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

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

9 (4.5) As soon as possible after the end of fiscal year  
10 1999 and of each fiscal year thereafter, the Director shall  
11 order transferred and the State Treasurer and State  
12 Comptroller shall transfer from the Income Tax Refund Fund  
13 to the General Revenue Fund any surplus remaining in the  
14 Income Tax Refund Fund as of the end of such fiscal year;  
15 excluding for fiscal years 2000, 2001, and 2002 amounts  
16 attributable to transfers under item (3) of subsection (c)  
17 less refunds resulting from the earned income tax credit.

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

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

24 On July 1, 1991, and thereafter, of the amounts collected  
25 pursuant to subsections (a) and (b) of Section 201 of this Act,  
26 minus deposits into the Income Tax Refund Fund, the Department

1 shall deposit 7.3% into the Education Assistance Fund in the  
2 State Treasury. Beginning July 1, 1991, and continuing through  
3 January 31, 1993, of the amounts collected pursuant to  
4 subsections (a) and (b) of Section 201 of the Illinois Income  
5 Tax Act, minus deposits into the Income Tax Refund Fund, the  
6 Department shall deposit 3.0% into the Income Tax Surcharge  
7 Local Government Distributive Fund in the State Treasury.  
8 Beginning February 1, 1993 and continuing through June 30,  
9 1993, of the amounts collected pursuant to subsections (a) and  
10 (b) of Section 201 of the Illinois Income Tax Act, minus  
11 deposits into the Income Tax Refund Fund, the Department shall  
12 deposit 4.4% into the Income Tax Surcharge Local Government  
13 Distributive Fund in the State Treasury. Beginning July 1,  
14 1993, and continuing through June 30, 1994, of the amounts  
15 collected under subsections (a) and (b) of Section 201 of this  
16 Act, minus deposits into the Income Tax Refund Fund, the  
17 Department shall deposit 1.475% into the Income Tax Surcharge  
18 Local Government Distributive Fund in the State Treasury.

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

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

23 (35 ILCS 505/8) (from Ch. 120, par. 424)

24 Sec. 8. Except as provided in Section 8a, subdivision

1 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
2 16 of Section 15, all money received by the Department under  
3 this Act, including payments made to the Department by member  
4 jurisdictions participating in the International Fuel Tax  
5 Agreement, shall be deposited in a special fund in the State  
6 treasury, to be known as the "Motor Fuel Tax Fund", and shall  
7 be used as follows:

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

12 (b) \$420,000 shall be transferred each month to the State  
13 Boating Act Fund to be used by the Department of Natural  
14 Resources for the purposes specified in Article X of the Boat  
15 Registration and Safety Act;

16 (c) \$2,250,000 shall be transferred each month to the Grade  
17 Crossing Protection Fund to be used as follows: not less than  
18 \$6,000,000 each fiscal year shall be used for the construction  
19 or reconstruction of rail highway grade separation structures;  
20 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter  
21 shall be transferred to the Transportation Regulatory Fund and  
22 shall be accounted for as part of the rail carrier portion of  
23 such funds and shall be used to pay the cost of administration  
24 of the Illinois Commerce Commission's railroad safety program  
25 in connection with its duties under subsection (3) of Section  
26 18c-7401 of the Illinois Vehicle Code, with the remainder to be

1 used by the Department of Transportation upon order of the  
2 Illinois Commerce Commission, to pay that part of the cost  
3 apportioned by such Commission to the State to cover the  
4 interest of the public in the use of highways, roads, streets,  
5 or pedestrian walkways in the county highway system, township  
6 and district road system, or municipal street system as defined  
7 in the Illinois Highway Code, as the same may from time to time  
8 be amended, for separation of grades, for installation,  
9 construction or reconstruction of crossing protection or  
10 reconstruction, alteration, relocation including construction  
11 or improvement of any existing highway necessary for access to  
12 property or improvement of any grade crossing including the  
13 necessary highway approaches thereto of any railroad across the  
14 highway or public road, or for the installation, construction,  
15 reconstruction, or maintenance of a pedestrian walkway over or  
16 under a railroad right-of-way, as provided for in and in  
17 accordance with Section 18c-7401 of the Illinois Vehicle Code.  
18 The Commission shall not order more than \$2,000,000 per year in  
19 Grade Crossing Protection Fund moneys for pedestrian walkways.  
20 In entering orders for projects for which payments from the  
21 Grade Crossing Protection Fund will be made, the Commission  
22 shall account for expenditures authorized by the orders on a  
23 cash rather than an accrual basis. For purposes of this  
24 requirement an "accrual basis" assumes that the total cost of  
25 the project is expended in the fiscal year in which the order  
26 is entered, while a "cash basis" allocates the cost of the

1 project among fiscal years as expenditures are actually made.  
2 To meet the requirements of this subsection, the Illinois  
3 Commerce Commission shall develop annual and 5-year project  
4 plans of rail crossing capital improvements that will be paid  
5 for with moneys from the Grade Crossing Protection Fund. The  
6 annual project plan shall identify projects for the succeeding  
7 fiscal year and the 5-year project plan shall identify projects  
8 for the 5 directly succeeding fiscal years. The Commission  
9 shall submit the annual and 5-year project plans for this Fund  
10 to the Governor, the President of the Senate, the Senate  
11 Minority Leader, the Speaker of the House of Representatives,  
12 and the Minority Leader of the House of Representatives on the  
13 first Wednesday in April of each year;

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

17 (1) the costs of the Department of Revenue in  
18 administering this Act;

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

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

26 (4) from October 1, 1985 until June 30, 1994, the

1 administration of the Vehicle Emissions Inspection Law,  
2 which amount shall be certified monthly by the  
3 Environmental Protection Agency to the State Comptroller  
4 and shall promptly be transferred by the State Comptroller  
5 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
6 Inspection Fund, and for the period July 1, 1994 through  
7 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
8 the period July 1, 2000 through June 30, 2003, one-twelfth  
9 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
10 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
11 July 1 and October 1, or as soon thereafter as may be  
12 practical, during the period July 1, 2004 through June 30,  
13 2009 ~~2008~~, for the administration of the Vehicle Emissions  
14 Inspection Law of 2005 ~~1995~~, to be transferred by the State  
15 Comptroller and Treasurer from the Motor Fuel Tax Fund into  
16 the Vehicle Inspection Fund;

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

18 (6) payment of motor fuel use taxes due to member  
19 jurisdictions under the terms of the International Fuel Tax  
20 Agreement. The Department shall certify these amounts to  
21 the Comptroller by the 15th day of each month; the  
22 Comptroller shall cause orders to be drawn for such  
23 amounts, and the Treasurer shall administer those amounts  
24 on or before the last day of each month;

25 (e) after allocations for the purposes set forth in  
26 subsections (a), (b), (c) and (d), the remaining amount shall

1 be apportioned as follows:

2 (1) Until January 1, 2000, 58.4%, and beginning January  
3 1, 2000, 45.6% shall be deposited as follows:

4 (A) 37% into the State Construction Account Fund,  
5 and

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

11 (2) Until January 1, 2000, 41.6%, and beginning January  
12 1, 2000, 54.4% shall be transferred to the Department of  
13 Transportation to be distributed as follows:

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

15 (B) 16.74% to the counties of the State having  
16 1,000,000 or more inhabitants,

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

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

20 As soon as may be after the first day of each month the  
21 Department of Transportation shall allot to each municipality  
22 its share of the amount apportioned to the several  
23 municipalities which shall be in proportion to the population  
24 of such municipalities as determined by the last preceding  
25 municipal census if conducted by the Federal Government or  
26 Federal census. If territory is annexed to any municipality



1 subsequent to the time of the last preceding census the  
2 corporate authorities of such municipality may cause a census  
3 to be taken of such annexed territory and the population so  
4 ascertained for such territory shall be added to the population  
5 of the municipality as determined by the last preceding census  
6 for the purpose of determining the allotment for that  
7 municipality. If the population of any municipality was not  
8 determined by the last Federal census preceding any  
9 apportionment, the apportionment to such municipality shall be  
10 in accordance with any census taken by such municipality. Any  
11 municipal census used in accordance with this Section shall be  
12 certified to the Department of Transportation by the clerk of  
13 such municipality, and the accuracy thereof shall be subject to  
14 approval of the Department which may make such corrections as  
15 it ascertains to be necessary.

16 As soon as may be after the first day of each month the  
17 Department of Transportation shall allot to each county its  
18 share of the amount apportioned to the several counties of the  
19 State as herein provided. Each allotment to the several  
20 counties having less than 1,000,000 inhabitants shall be in  
21 proportion to the amount of motor vehicle license fees received  
22 from the residents of such counties, respectively, during the  
23 preceding calendar year. The Secretary of State shall, on or  
24 before April 15 of each year, transmit to the Department of  
25 Transportation a full and complete report showing the amount of  
26 motor vehicle license fees received from the residents of each

1 county, respectively, during the preceding calendar year. The  
2 Department of Transportation shall, each month, use for  
3 allotment purposes the last such report received from the  
4 Secretary of State.

5 As soon as may be after the first day of each month, the  
6 Department of Transportation shall allot to the several  
7 counties their share of the amount apportioned for the use of  
8 road districts. The allotment shall be apportioned among the  
9 several counties in the State in the proportion which the total  
10 mileage of township or district roads in the respective  
11 counties bears to the total mileage of all township and  
12 district roads in the State. Funds allotted to the respective  
13 counties for the use of road districts therein shall be  
14 allocated to the several road districts in the county in the  
15 proportion which the total mileage of such township or district  
16 roads in the respective road districts bears to the total  
17 mileage of all such township or district roads in the county.  
18 After July 1 of any year, no allocation shall be made for any  
19 road district unless it levied a tax for road and bridge  
20 purposes in an amount which will require the extension of such  
21 tax against the taxable property in any such road district at a  
22 rate of not less than either .08% of the value thereof, based  
23 upon the assessment for the year immediately prior to the year  
24 in which such tax was levied and as equalized by the Department  
25 of Revenue or, in DuPage County, an amount equal to or greater  
26 than \$12,000 per mile of road under the jurisdiction of the

1 road district, whichever is less. If any road district has  
2 levied a special tax for road purposes pursuant to Sections  
3 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such  
4 tax was levied in an amount which would require extension at a  
5 rate of not less than .08% of the value of the taxable property  
6 thereof, as equalized or assessed by the Department of Revenue,  
7 or, in DuPage County, an amount equal to or greater than  
8 \$12,000 per mile of road under the jurisdiction of the road  
9 district, whichever is less, such levy shall, however, be  
10 deemed a proper compliance with this Section and shall qualify  
11 such road district for an allotment under this Section. If a  
12 township has transferred to the road and bridge fund money  
13 which, when added to the amount of any tax levy of the road  
14 district would be the equivalent of a tax levy requiring  
15 extension at a rate of at least .08%, or, in DuPage County, an  
16 amount equal to or greater than \$12,000 per mile of road under  
17 the jurisdiction of the road district, whichever is less, such  
18 transfer, together with any such tax levy, shall be deemed a  
19 proper compliance with this Section and shall qualify the road  
20 district for an allotment under this Section.

21 In counties in which a property tax extension limitation is  
22 imposed under the Property Tax Extension Limitation Law, road  
23 districts may retain their entitlement to a motor fuel tax  
24 allotment if, at the time the property tax extension limitation  
25 was imposed, the road district was levying a road and bridge  
26 tax at a rate sufficient to entitle it to a motor fuel tax

1 allotment and continues to levy the maximum allowable amount  
2 after the imposition of the property tax extension limitation.  
3 Any road district may in all circumstances retain its  
4 entitlement to a motor fuel tax allotment if it levied a road  
5 and bridge tax in an amount that will require the extension of  
6 the tax against the taxable property in the road district at a  
7 rate of not less than 0.08% of the assessed value of the  
8 property, based upon the assessment for the year immediately  
9 preceding the year in which the tax was levied and as equalized  
10 by the Department of Revenue or, in DuPage County, an amount  
11 equal to or greater than \$12,000 per mile of road under the  
12 jurisdiction of the road district, whichever is less.

13 As used in this Section the term "road district" means any  
14 road district, including a county unit road district, provided  
15 for by the Illinois Highway Code; and the term "township or  
16 district road" means any road in the township and district road  
17 system as defined in the Illinois Highway Code. For the  
18 purposes of this Section, "road district" also includes park  
19 districts, forest preserve districts and conservation  
20 districts organized under Illinois law and "township or  
21 district road" also includes such roads as are maintained by  
22 park districts, forest preserve districts and conservation  
23 districts. The Department of Transportation shall determine  
24 the mileage of all township and district roads for the purposes  
25 of making allotments and allocations of motor fuel tax funds  
26 for use in road districts.

1           Payment of motor fuel tax moneys to municipalities and  
2 counties shall be made as soon as possible after the allotment  
3 is made. The treasurer of the municipality or county may invest  
4 these funds until their use is required and the interest earned  
5 by these investments shall be limited to the same uses as the  
6 principal funds.

7           (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;  
8 94-839, eff. 6-6-06; revised 1-30-08.)

9           Section 50. The School Code is amended by changing Sections  
10 2-3.131, 14-13.01, and 18-8.05 as follows:

11           (105 ILCS 5/2-3.131)

12           Sec. 2-3.131. Transitional assistance payments.

13           (a) If the amount that the State Board of Education will  
14 pay to a school district from fiscal year 2004 appropriations,  
15 as estimated by the State Board of Education on April 1, 2004,  
16 is less than the amount that the State Board of Education paid  
17 to the school district from fiscal year 2003 appropriations,  
18 then, subject to appropriation, the State Board of Education  
19 shall make a fiscal year 2004 transitional assistance payment  
20 to the school district in an amount equal to the difference  
21 between the estimated amount to be paid from fiscal year 2004  
22 appropriations and the amount paid from fiscal year 2003  
23 appropriations.

24           (b) If the amount that the State Board of Education will

1 pay to a school district from fiscal year 2005 appropriations,  
2 as estimated by the State Board of Education on April 1, 2005,  
3 is less than the amount that the State Board of Education paid  
4 to the school district from fiscal year 2004 appropriations,  
5 then the State Board of Education shall make a fiscal year 2005  
6 transitional assistance payment to the school district in an  
7 amount equal to the difference between the estimated amount to  
8 be paid from fiscal year 2005 appropriations and the amount  
9 paid from fiscal year 2004 appropriations.

10 (c) If the amount that the State Board of Education will  
11 pay to a school district from fiscal year 2006 appropriations,  
12 as estimated by the State Board of Education on April 1, 2006,  
13 is less than the amount that the State Board of Education paid  
14 to the school district from fiscal year 2005 appropriations,  
15 then the State Board of Education shall make a fiscal year 2006  
16 transitional assistance payment to the school district in an  
17 amount equal to the difference between the estimated amount to  
18 be paid from fiscal year 2006 appropriations and the amount  
19 paid from fiscal year 2005 appropriations.

20 (d) If the amount that the State Board of Education will  
21 pay to a school district from fiscal year 2007 appropriations,  
22 as estimated by the State Board of Education on April 1, 2007,  
23 is less than the amount that the State Board of Education paid  
24 to the school district from fiscal year 2006 appropriations,  
25 then the State Board of Education, subject to appropriation,  
26 shall make a fiscal year 2007 transitional assistance payment

1 to the school district in an amount equal to the difference  
2 between the estimated amount to be paid from fiscal year 2007  
3 appropriations and the amount paid from fiscal year 2006  
4 appropriations.

5 (e) Subject to appropriation, beginning on July 1, 2007,  
6 the State Board of Education shall adjust prior year  
7 information for the transitional assistance calculations under  
8 this Section in the event of the creation or reorganization of  
9 any school district pursuant to Article 11E of this Code, the  
10 dissolution of an entire district and the annexation of all of  
11 its territory to one or more other districts pursuant to  
12 Article 7 of this Code, or a boundary change whereby the  
13 enrollment of the annexing district increases by 90% or more as  
14 a result of annexing territory detached from another district  
15 pursuant to Article 7 of this Code.

16 (f) If the amount that the State Board of Education will  
17 pay to a school district from fiscal year 2008 appropriations,  
18 as estimated by the State Board of Education on April 1, 2008,  
19 is less than the amount that the State Board of Education paid  
20 to the school district from fiscal year 2007 appropriations,  
21 then the State Board of Education, subject to appropriation,  
22 shall make a fiscal year 2008 transitional assistance payment  
23 to the school district in an amount equal to the difference  
24 between the estimated amount to be paid from fiscal year 2008  
25 appropriations and the amount paid from fiscal year 2007  
26 appropriations.

1       (g) If the amount that the State Board of Education will  
2 pay to a school district from fiscal year 2009 appropriations,  
3 as estimated by the State Board of Education on April 1, 2009,  
4 is less than the amount that the State Board of Education paid  
5 to the school district from fiscal year 2008 appropriations,  
6 then the State Board of Education, subject to appropriation,  
7 shall make a fiscal year 2009 transitional assistance payment  
8 to the school district in an amount equal to the difference  
9 between the estimated amount to be paid from fiscal year 2009  
10 appropriations and the amount paid from fiscal year 2008  
11 appropriations.

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

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

15       Sec. 14-13.01. Reimbursement payable by State; Amounts.  
16 Reimbursement for furnishing special educational facilities in  
17 a recognized school to the type of children defined in Section  
18 14-1.02 shall be paid to the school districts in accordance  
19 with Section 14-12.01 for each school year ending June 30 by  
20 the State Comptroller out of any money in the treasury  
21 appropriated for such purposes on the presentation of vouchers  
22 by the State Board of Education.

23       The reimbursement shall be limited to funds expended for  
24 construction and maintenance of special education facilities  
25 designed and utilized to house instructional programs,



1 diagnostic services, other special education services for  
2 children with disabilities and reimbursement as provided in  
3 Section 14-13.01. There shall be no reimbursement for  
4 construction and maintenance of any administrative facility  
5 separated from special education facilities designed and  
6 utilized to house instructional programs, diagnostic services  
7 and other special education services for children with  
8 disabilities.

9 (a) For children who have not been identified as eligible  
10 for special education and for eligible children with physical  
11 disabilities, including all eligible children whose placement  
12 has been determined under Section 14-8.02 in hospital or home  
13 instruction, 1/2 of the teacher's salary but not more than  
14 \$1,000 annually per child or \$8,000 per teacher for the  
15 1985-1986 school year through the 2005-2006 school year, ~~and~~  
16 \$1,000 per child or \$9,000 per teacher for the 2006-2007 school  
17 year, and \$1,000 per child or \$10,000 per teacher for the  
18 2007-2008 school year and for each school year thereafter,  
19 whichever is less. Children to be included in any reimbursement  
20 under this paragraph must regularly receive a minimum of one  
21 hour of instruction each school day, or in lieu thereof of a  
22 minimum of 5 hours of instruction in each school week in order  
23 to qualify for full reimbursement under this Section. If the  
24 attending physician for such a child has certified that the  
25 child should not receive as many as 5 hours of instruction in a  
26 school week, however, reimbursement under this paragraph on

1 account of that child shall be computed proportionate to the  
2 actual hours of instruction per week for that child divided by  
3 5.

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

12 (c) For each professional worker excluding those included  
13 in subparagraphs (a), (d), (e), and (f) of this Section, the  
14 annual sum of \$8,000 for the 1985-1986 school year through the  
15 2005-2006 school year, ~~and~~ \$9,000 for the 2006-2007 school  
16 year, and \$10,000 for the 2007-2008 school year and for each  
17 school year thereafter.

18 (d) For one full time qualified director of the special  
19 education program of each school district which maintains a  
20 fully approved program of special education the annual sum of  
21 \$8,000 for the 1985-1986 school year through the 2005-2006  
22 school year, ~~and~~ \$9,000 for the 2006-2007 school year, and  
23 \$10,000 for the 2007-2008 school year and for each school year  
24 thereafter. Districts participating in a joint agreement  
25 special education program shall not receive such reimbursement  
26 if reimbursement is made for a director of the joint agreement

1 program.

2 (e) For each school psychologist as defined in Section  
3 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year  
4 through the 2005-2006 school year, ~~and~~ \$9,000 for the 2006-2007  
5 school year, and \$10,000 for the 2007-2008 school year and for  
6 each school year thereafter.

7 (f) For each qualified teacher working in a fully approved  
8 program for children of preschool age who are deaf or  
9 hard-of-hearing the annual sum of \$8,000 for the 1985-1986  
10 school year through the 2005-2006 school year, ~~and~~ \$9,000 for  
11 the 2006-2007 school year, and \$10,000 for the 2007-2008 school  
12 year and for each school year thereafter.

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

18 (h) For necessary non-certified employees working in any  
19 class or program for children defined in this Article, 1/2 of  
20 the salary paid or \$2,800 annually per employee through the  
21 2005-2006 school year, ~~and~~ \$3,500 per employee for the  
22 2006-2007 school year, and \$4,000 per employee for the  
23 2007-2008 school year and for each school year thereafter,  
24 whichever is less.

25 The State Board of Education shall set standards and  
26 prescribe rules for determining the allocation of

1 reimbursement under this section on less than a full time basis  
2 and for less than a school year.

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

10 Notwithstanding any other provision of law, any school  
11 district receiving a payment under this Section or under  
12 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
13 all or a portion of the funds that it receives in a particular  
14 fiscal year or from general State aid pursuant to Section  
15 18-8.05 of this Code as funds received in connection with any  
16 funding program for which it is entitled to receive funds from  
17 the State in that fiscal year (including, without limitation,  
18 any funding program referenced in this Section), regardless of  
19 the source or timing of the receipt. The district may not  
20 classify more funds as funds received in connection with the  
21 funding program than the district is entitled to receive in  
22 that fiscal year for that program. Any classification by a  
23 district must be made by a resolution of its board of  
24 education. The resolution must identify the amount of any  
25 payments or general State aid to be classified under this  
26 paragraph and must specify the funding program to which the

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

16 (Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

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  
24 financial aid provided for in this Section is designed to

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

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

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

26 (a) Any school district which fails for any given

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

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

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

24 (d) (Blank).

25 (4) Except as provided in subsections (H) and (L), the  
26 board of any district receiving any of the grants provided for

1 in this Section may apply those funds to any fund so received  
2 for which that board is authorized to make expenditures by law.

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

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

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

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

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

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

25 (e) "Operating Tax Rate": All school district property  
26 taxes extended for all purposes, except Bond and Interest,



1 Summer School, Rent, Capital Improvement, and Vocational  
2 Education Building purposes.

3 (B) Foundation Level.

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

14 (2) For the 1998-1999 school year, the Foundation Level of  
15 support is \$4,225. For the 1999-2000 school year, the  
16 Foundation Level of support is \$4,325. For the 2000-2001 school  
17 year, the Foundation Level of support is \$4,425. For the  
18 2001-2002 school year and 2002-2003 school year, the Foundation  
19 Level of support is \$4,560. For the 2003-2004 school year, the  
20 Foundation Level of support is \$4,810. For the 2004-2005 school  
21 year, the Foundation Level of support is \$4,964. For the  
22 2005-2006 school year, the Foundation Level of support is  
23 \$5,164. For the 2006-2007 school year, the Foundation Level of  
24 support is \$5,334. For the 2007-2008 school year, the  
25 Foundation Level of support is \$5,734.

1           (3) For the 2008-2009 ~~2007-2008~~ school year and each school  
2 year thereafter, the Foundation Level of support is \$6,034  
3 ~~\$5,734~~ or such greater amount as may be established by law by  
4 the General Assembly.

5           (C) Average Daily Attendance.

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

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

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

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

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

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

1 aid.

2 (E) Computation of General State Aid.

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

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

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

1 State aid per pupil figure multiplied by the Average Daily  
2 Attendance of the school district.

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

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

18 (F) Compilation of Average Daily Attendance.

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

1 year, districts shall calculate Average Daily Attendance as  
2 provided in subdivisions (a), (b), and (c) of this paragraph  
3 (1).

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

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

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

24 Except as otherwise provided in this Section, days of  
25 attendance by pupils shall be counted only for sessions of not  
26 less than 5 clock hours of school work per day under direct

1 supervision of: (i) teachers, or (ii) non-teaching personnel or  
2 volunteer personnel when engaging in non-teaching duties and  
3 supervising in those instances specified in subsection (a) of  
4 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
5 of legal school age and in kindergarten and grades 1 through  
6 12.

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

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

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

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

26 (c) A session of 4 or more clock hours may be counted



1 as a day of attendance upon certification by the regional  
2 superintendent, and approved by the State Superintendent  
3 of Education to the extent that the district has been  
4 forced to use daily multiple sessions.

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

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

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

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

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

1 counted as a full day of attendance.

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

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

1           in excess of 5 clock hours are first completed on other  
2           school days to compensate for the loss of school work on  
3           the examination days.

4           (G) Equalized Assessed Valuation Data.

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

15          The Department of Revenue shall add to the equalized  
16          assessed value of all taxable property of each school district  
17          situated entirely or partially within a county that is or was  
18          subject to the provisions of Section 15-176 or 15-177 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 of the Property Tax Code for real property situated in  
22          that school district exceeds the total amount that would have  
23          been allowed in that school district if the maximum reduction  
24          under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in  
25          all other counties in tax year 2003 or (ii) \$5,000 in all

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

1 difference, if any, because of those additional exemptions.

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

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

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

1 equalized assessed valuation, whichever is lower, shall be  
2 used until such time as all redevelopment project costs  
3 have been paid.

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

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

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

26 "Budget Year": The school year for which general State

1 aid is calculated and awarded under subsection (E).

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

4 "Preceding Tax Year": The property tax levy year  
5 immediately preceding the Base Tax Year.

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

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

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

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

21 If a school district is subject to property tax extension  
22 limitations as imposed under the Property Tax Extension  
23 Limitation Law, the State Board of Education shall calculate  
24 the Extension Limitation Equalized Assessed Valuation of that  
25 district. For the 1999-2000 school year, the Extension  
26 Limitation Equalized Assessed Valuation of a school district as



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

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

22 (4) For the purposes of calculating general State aid for  
23 the 1999-2000 school year only, if a school district  
24 experienced a triennial reassessment on the equalized assessed  
25 valuation used in calculating its general State financial aid  
26 apportionment for the 1998-1999 school year, the State Board of

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

16 (5) For school districts having a majority of their  
17 equalized assessed valuation in any county except Cook, DuPage,  
18 Kane, Lake, McHenry, or Will, if the amount of general State  
19 aid allocated to the school district for the 1999-2000 school  
20 year under the provisions of subsection (E), (H), and (J) of  
21 this Section is less than the amount of general State aid  
22 allocated to the district for the 1998-1999 school year under  
23 these subsections, then the general State aid of the district  
24 for the 1999-2000 school year only shall be increased by the  
25 difference between these amounts. The total payments made under  
26 this paragraph (5) shall not exceed \$14,000,000. Claims shall

1 be prorated if they exceed \$14,000,000.

2 (H) Supplemental General State Aid.

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

23 (1.5) This paragraph (1.5) applies only to those school  
24 years preceding the 2003-2004 school year. For purposes of this  
25 subsection (H), the term "Low-Income Concentration Level"

1 shall be the low-income eligible pupil count from the most  
2 recently available federal census divided by the Average Daily  
3 Attendance of the school district. If, however, (i) the  
4 percentage decrease from the 2 most recent federal censuses in  
5 the low-income eligible pupil count of a high school district  
6 with fewer than 400 students exceeds by 75% or more the  
7 percentage change in the total low-income eligible pupil count  
8 of contiguous elementary school districts, whose boundaries  
9 are coterminous with the high school district, or (ii) a high  
10 school district within 2 counties and serving 5 elementary  
11 school districts, whose boundaries are coterminous with the  
12 high school district, has a percentage decrease from the 2 most  
13 recent federal censuses in the low-income eligible pupil count  
14 and there is a percentage increase in the total low-income  
15 eligible pupil count of a majority of the elementary school  
16 districts in excess of 50% from the 2 most recent federal  
17 censuses, then the high school district's low-income eligible  
18 pupil count from the earlier federal census shall be the number  
19 used as the low-income eligible pupil count for the high school  
20 district, for purposes of this subsection (H). The changes made  
21 to this paragraph (1) by Public Act 92-28 shall apply to  
22 supplemental general State aid grants for school years  
23 preceding the 2003-2004 school year that are paid in fiscal  
24 year 1999 or thereafter and to any State aid payments made in  
25 fiscal year 1994 through fiscal year 1998 pursuant to  
26 subsection 1(n) of Section 18-8 of this Code (which was

1 repealed on July 1, 1998), and any high school district that is  
2 affected by Public Act 92-28 is entitled to a recomputation of  
3 its supplemental general State aid grant or State aid paid in  
4 any of those fiscal years. This recomputation shall not be  
5 affected by any other funding.

6 (1.10) This paragraph (1.10) applies to the 2003-2004  
7 school year and each school year thereafter. For purposes of  
8 this subsection (H), the term "Low-Income Concentration Level"  
9 shall, for each fiscal year, be the low-income eligible pupil  
10 count as of July 1 of the immediately preceding fiscal year (as  
11 determined by the Department of Human Services based on the  
12 number of pupils who are eligible for at least one of the  
13 following low income programs: Medicaid, KidCare, TANF, or Food  
14 Stamps, excluding pupils who are eligible for services provided  
15 by the Department of Children and Family Services, averaged  
16 over the 2 immediately preceding fiscal years for fiscal year  
17 2004 and over the 3 immediately preceding fiscal years for each  
18 fiscal year thereafter) divided by the Average Daily Attendance  
19 of the school district.

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

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

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

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

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

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

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

21           (2.5) Supplemental general State aid pursuant to this  
22 subsection (H) shall be provided as follows for the 2002-2003  
23 school year:

24           (a) For any school district with a Low Income  
25 Concentration Level of less than 10%, the grant for each  
26 school year shall be \$355 multiplied by the low income

1 eligible pupil count.

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

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

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

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

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

22 (2.10) Except as otherwise provided, supplemental general  
23 State aid pursuant to this subsection (H) shall be provided as  
24 follows for the 2003-2004 school year and each school year  
25 thereafter:

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

1 Concentration Level of 15% or less, 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 greater than 15%, the grant for each  
6 school year shall be \$294.25 added to the product of \$2,700  
7 and the square of the Low Income Concentration Level, all  
8 multiplied by the low income eligible pupil count.

9 For the 2003-2004 school year and each school year  
10 thereafter through the 2008-2009 ~~2007-2008~~ school year only,  
11 the grant shall be no less than the grant for the 2002-2003  
12 school year. For the 2009-2010 ~~2008-2009~~ school year only, the  
13 grant shall be no less than the grant for the 2002-2003 school  
14 year multiplied by 0.66. For the 2010-2011 ~~2009-2010~~ school  
15 year only, the grant shall be no less than the grant for the  
16 2002-2003 school year multiplied by 0.33. Notwithstanding the  
17 provisions of this paragraph to the contrary, if for any school  
18 year supplemental general State aid grants are prorated as  
19 provided in paragraph (1) of this subsection (H), then the  
20 grants under this paragraph shall be prorated.

21 For the 2003-2004 school year only, the grant shall be no  
22 greater than the grant received during the 2002-2003 school  
23 year added to the product of 0.25 multiplied by the difference  
24 between the grant amount calculated under subsection (a) or (b)  
25 of this paragraph (2.10), whichever is applicable, and the  
26 grant received during the 2002-2003 school year. For the



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

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

23 (4) School districts with an Average Daily Attendance of  
24 50,000 or more that qualify for supplemental general State aid  
25 pursuant to this subsection shall be required to distribute  
26 from funds available pursuant to this Section, no less than

1 \$261,000,000 in accordance with the following requirements:

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

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

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

25 (d) Any funds made available under this subsection that  
26 by reason of the provisions of this subsection are not

1 required to be allocated and provided to attendance centers  
2 may be used and appropriated by the board of the district  
3 for any lawful school purpose.

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

17 (f) Each district subject to the provisions of this  
18 subdivision (H) (4) shall submit an acceptable plan to meet  
19 the educational needs of disadvantaged children, in  
20 compliance with the requirements of this paragraph, to the  
21 State Board of Education prior to July 15 of each year.  
22 This plan shall be consistent with the decisions of local  
23 school councils concerning the school expenditure plans  
24 developed in accordance with part 4 of Section 34-2.3. The  
25 State Board shall approve or reject the plan within 60 days  
26 after its submission. If the plan is rejected, the district

1 shall give written notice of intent to modify the plan  
2 within 15 days of the notification of rejection and then  
3 submit a modified plan within 30 days after the date of the  
4 written notice of intent to modify. Districts may amend  
5 approved plans pursuant to rules promulgated by the State  
6 Board of Education.

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

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

20 For purposes of determining compliance with this  
21 subsection in relation to the requirements of attendance  
22 center funding, each district subject to the provisions of  
23 this subsection shall submit as a separate document by  
24 December 1 of each year a report of expenditure data for  
25 the prior year in addition to any modification of its  
26 current plan. If it is determined that there has been a

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

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

20 (I) (Blank).

21 (J) Supplementary Grants in Aid.

22 (1) Notwithstanding any other provisions of this Section,  
23 the amount of the aggregate general State aid in combination  
24 with supplemental general State aid under this Section for

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

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

1 State aid figures as described in paragraph (1).

2 (3) (Blank).

3 (K) Grants to Laboratory and Alternative Schools.

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

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

22 As used in this Section, "alternative school" means a  
23 public school which is created and operated by a Regional  
24 Superintendent of Schools and approved by the State Board of  
25 Education. Such alternative schools may offer courses of

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

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

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

22 (1) For a school district operating under the financial  
23 supervision of an Authority created under Article 34A, the  
24 general State aid otherwise payable to that district under this  
25 Section, but not the supplemental general State aid, shall be



1 reduced by an amount equal to the budget for the operations of  
2 the Authority as certified by the Authority to the State Board  
3 of Education, and an amount equal to such reduction shall be  
4 paid to the Authority created for such district for its  
5 operating expenses in the manner provided in Section 18-11. The  
6 remainder of general State school aid for any such district  
7 shall be paid in accordance with Article 34A when that Article  
8 provides for a disposition other than that provided by this  
9 Article.

10 (2) (Blank).

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

13 (M) Education Funding Advisory Board.

14 The Education Funding Advisory Board, hereinafter in this  
15 subsection (M) referred to as the "Board", is hereby created.  
16 The Board shall consist of 5 members who are appointed by the  
17 Governor, by and with the advice and consent of the Senate. The  
18 members appointed shall include representatives of education,  
19 business, and the general public. One of the members so  
20 appointed shall be designated by the Governor at the time the  
21 appointment is made as the chairperson of the Board. The  
22 initial members of the Board may be appointed any time after  
23 the effective date of this amendatory Act of 1997. The regular  
24 term of each member of the Board shall be for 4 years from the  
25 third Monday of January of the year in which the term of the

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

24 The Education Funding Advisory Board shall be deemed  
25 established, and the initial members appointed by the Governor  
26 to serve as members of the Board shall take office, on the date

1 that the Governor makes his or her appointment of the fifth  
2 initial member of the Board, whether those initial members are  
3 then serving pursuant to appointment and confirmation or  
4 pursuant to temporary appointments that are made by the  
5 Governor as in the case of vacancies.

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

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

24 (N) (Blank).

1 (O) References.

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

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

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

16 (Source: P.A. 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; 94-835,  
17 eff. 6-6-06; 94-1019, eff. 7-10-06; 94-1105, eff. 6-1-07;  
18 95-331, eff. 8-21-07; 95-644, eff. 10-12-07; 95-707, eff.  
19 1-11-08; revised 1-14-08.)

20 Section 60. The Illinois Public Aid Code is amended by  
21 changing Sections 5-5.4, 12-10.7, and 12-10.8 and by adding  
22 Section 5-5.26 as follows:

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

1           Sec. 5-5.4. Standards of Payment - Department of Healthcare  
2 and Family Services. The Department of Healthcare and Family  
3 Services shall develop standards of payment of skilled nursing  
4 and intermediate care services in facilities providing such  
5 services under this Article which:

6           (1) Provide for the determination of a facility's payment  
7 for skilled nursing and intermediate care services on a  
8 prospective basis. The amount of the payment rate for all  
9 nursing facilities certified by the Department of Public Health  
10 under the Nursing Home Care Act as Intermediate Care for the  
11 Developmentally Disabled facilities, Long Term Care for Under  
12 Age 22 facilities, Skilled Nursing facilities, or Intermediate  
13 Care facilities under the medical assistance program shall be  
14 prospectively established annually on the basis of historical,  
15 financial, and statistical data reflecting actual costs from  
16 prior years, which shall be applied to the current rate year  
17 and updated for inflation, except that the capital cost element  
18 for newly constructed facilities shall be based upon projected  
19 budgets. The annually established payment rate shall take  
20 effect on July 1 in 1984 and subsequent years. No rate increase  
21 and no update for inflation shall be provided on or after July  
22 1, 1994 and before July 1, 2009 ~~2008~~, unless specifically  
23 provided for in this Section. The changes made by Public Act  
24 93-841 extending the duration of the prohibition against a rate  
25 increase or update for inflation are effective retroactive to  
26 July 1, 2004.

1           For facilities licensed by the Department of Public Health  
2 under the Nursing Home Care Act as Intermediate Care for the  
3 Developmentally Disabled facilities or Long Term Care for Under  
4 Age 22 facilities, the rates taking effect on July 1, 1998  
5 shall include an increase of 3%. For facilities licensed by the  
6 Department of Public Health under the Nursing Home Care Act as  
7 Skilled Nursing facilities or Intermediate Care facilities,  
8 the rates taking effect on July 1, 1998 shall include an  
9 increase of 3% plus \$1.10 per resident-day, as defined by the  
10 Department. For facilities licensed by the Department of Public  
11 Health under the Nursing Home Care Act as Intermediate Care  
12 Facilities for the Developmentally Disabled or Long Term Care  
13 for Under Age 22 facilities, the rates taking effect on January  
14 1, 2006 shall include an increase of 3%.

15           For facilities licensed by the Department of Public Health  
16 under the Nursing Home Care Act as Intermediate Care for the  
17 Developmentally Disabled facilities or Long Term Care for Under  
18 Age 22 facilities, the rates taking effect on July 1, 1999  
19 shall include an increase of 1.6% plus \$3.00 per resident-day,  
20 as defined by the Department. For facilities licensed by the  
21 Department of Public Health under the Nursing Home Care Act as  
22 Skilled Nursing facilities or Intermediate Care facilities,  
23 the rates taking effect on July 1, 1999 shall include an  
24 increase of 1.6% and, for services provided on or after October  
25 1, 1999, shall be increased by \$4.00 per resident-day, as  
26 defined by the Department.

1           For facilities licensed by the Department of Public Health  
2 under the Nursing Home Care Act as Intermediate Care for the  
3 Developmentally Disabled facilities or Long Term Care for Under  
4 Age 22 facilities, the rates taking effect on July 1, 2000  
5 shall include an increase of 2.5% per resident-day, as defined  
6 by the Department. For facilities licensed by the Department of  
7 Public Health under the Nursing Home Care Act as Skilled  
8 Nursing facilities or Intermediate Care facilities, the rates  
9 taking effect on July 1, 2000 shall include an increase of 2.5%  
10 per resident-day, as defined by the Department.

11           For facilities licensed by the Department of Public Health  
12 under the Nursing Home Care Act as skilled nursing facilities  
13 or intermediate care facilities, a new payment methodology must  
14 be implemented for the nursing component of the rate effective  
15 July 1, 2003. The Department of Public Aid (now Healthcare and  
16 Family Services) shall develop the new payment methodology  
17 using the Minimum Data Set (MDS) as the instrument to collect  
18 information concerning nursing home resident condition  
19 necessary to compute the rate. The Department shall develop the  
20 new payment methodology to meet the unique needs of Illinois  
21 nursing home residents while remaining subject to the  
22 appropriations provided by the General Assembly. A transition  
23 period from the payment methodology in effect on June 30, 2003  
24 to the payment methodology in effect on July 1, 2003 shall be  
25 provided for a period not exceeding 3 years and 184 days after  
26 implementation of the new payment methodology as follows:

1           (A) For a facility that would receive a lower nursing  
2           component rate per patient day under the new system than  
3           the facility received effective on the date immediately  
4           preceding the date that the Department implements the new  
5           payment methodology, the nursing component rate per  
6           patient day for the facility shall be held at the level in  
7           effect on the date immediately preceding the date that the  
8           Department implements the new payment methodology until a  
9           higher nursing component rate of reimbursement is achieved  
10          by that facility.

11          (B) For a facility that would receive a higher nursing  
12          component rate per patient day under the payment  
13          methodology in effect on July 1, 2003 than the facility  
14          received effective on the date immediately preceding the  
15          date that the Department implements the new payment  
16          methodology, the nursing component rate per patient day for  
17          the facility shall be adjusted.

18          (C) Notwithstanding paragraphs (A) and (B), the  
19          nursing component rate per patient day for the facility  
20          shall be adjusted subject to appropriations provided by the  
21          General Assembly.

22          For facilities licensed by the Department of Public Health  
23          under the Nursing Home Care Act as Intermediate Care for the  
24          Developmentally Disabled facilities or Long Term Care for Under  
25          Age 22 facilities, the rates taking effect on March 1, 2001  
26          shall include a statewide increase of 7.85%, as defined by the



1 Department.

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

13 (i) For rates taking effect January 1, 2007,  
14 \$60,000,000.

15 (ii) For rates taking effect January 1, 2008,  
16 \$110,000,000.

17 (iii) For rates taking effect July 1, 2008,  
18 \$194,000,000.

19 Notwithstanding any other provision of this Section, for  
20 facilities licensed by the Department of Public Health under  
21 the Nursing Home Care Act as skilled nursing facilities or  
22 intermediate care facilities, the support component of the  
23 rates taking effect on January 1, 2008 shall be computed using  
24 the most recent cost reports on file with the Department of  
25 Healthcare and Family Services no later than April 1, 2005,  
26 updated for inflation to January 1, 2006.

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

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

18           Notwithstanding any other provision of this Section, for  
19 facilities licensed by the Department of Public Health under  
20 the Nursing Home Care Act as skilled nursing facilities or  
21 intermediate care facilities, the Illinois Department shall  
22 determine by rule the rates taking effect on July 1, 2002,  
23 which shall be 5.9% less than the rates in effect on June 30,  
24 2002.

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

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

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

16 Notwithstanding any other provision of this Section, for  
17 facilities licensed by the Department of Public Health under  
18 the Nursing Home Care Act as skilled nursing facilities or  
19 intermediate care facilities, effective July 1, 2008, the per  
20 diem support component of the rates effective on January 1,  
21 2008, computed using the most recent cost reports on file with  
22 the Department of Healthcare and Family Services no later than  
23 April 1, 2005, updated for inflation to January 1, 2006, shall  
24 be increased to the amount that would have been derived using  
25 standard Department of Healthcare and Family Services methods,  
26 procedures, and inflators.

1           Notwithstanding any other provisions of this Section, for  
2 facilities licensed by the Department of Public Health under  
3 the Nursing Home Care Act as intermediate care facilities that  
4 are federally defined as Institutions for Mental Disease, a  
5 socio-development component rate equal to 6.6% of the  
6 facility's nursing component rate as of January 1, 2006 shall  
7 be established and paid effective July 1, 2006. The  
8 socio-development component of the rate shall be increased by a  
9 factor of 2.53 on the first day of the month that begins at  
10 least 45 days after January 11, 2008 (the effective date of  
11 Public Act 95-707). The socio-development component of the rate  
12 shall be increased by a factor of 3.53 on July 1, 2008. ~~the~~  
13 ~~effective date of this amendatory Act of the 95th General~~  
14 ~~Assembly.~~ The Illinois Department may by rule adjust these  
15 socio-development component rates, but in no case may such  
16 rates be diminished.

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

23           For facilities licensed by the Department of Public Health  
24 under the Nursing Home Care Act as Intermediate Care for the  
25 Developmentally Disabled facilities or Long Term Care for Under  
26 Age 22 facilities, the rates taking effect on the first day of

1 the month that begins at least 45 days after the effective date  
2 of this amendatory Act of the 95th General Assembly shall  
3 include a statewide increase of 2.5%, as defined by the  
4 Department.

5 Notwithstanding any other provision of this Section, for  
6 facilities licensed by the Department of Public Health under  
7 the Nursing Home Care Act as skilled nursing facilities or  
8 intermediate care facilities, effective January 1, 2005,  
9 facility rates shall be increased by the difference between (i)  
10 a facility's per diem property, liability, and malpractice  
11 insurance costs as reported in the cost report filed with the  
12 Department of Public Aid and used to establish rates effective  
13 July 1, 2001 and (ii) those same costs as reported in the  
14 facility's 2002 cost report. These costs shall be passed  
15 through to the facility without caps or limitations, except for  
16 adjustments required under normal auditing procedures.

17 Rates established effective each July 1 shall govern  
18 payment for services rendered throughout that fiscal year,  
19 except that rates established on July 1, 1996 shall be  
20 increased by 6.8% for services provided on or after January 1,  
21 1997. Such rates will be based upon the rates calculated for  
22 the year beginning July 1, 1990, and for subsequent years  
23 thereafter until June 30, 2001 shall be based on the facility  
24 cost reports for the facility fiscal year ending at any point  
25 in time during the previous calendar year, updated to the  
26 midpoint of the rate year. The cost report shall be on file

1 with the Department no later than April 1 of the current rate  
2 year. Should the cost report not be on file by April 1, the  
3 Department shall base the rate on the latest cost report filed  
4 by each skilled care facility and intermediate care facility,  
5 updated to the midpoint of the current rate year. In  
6 determining rates for services rendered on and after July 1,  
7 1985, fixed time shall not be computed at less than zero. The  
8 Department shall not make any alterations of regulations which  
9 would reduce any component of the Medicaid rate to a level  
10 below what that component would have been utilizing in the rate  
11 effective on July 1, 1984.

12 (2) Shall take into account the actual costs incurred by  
13 facilities in providing services for recipients of skilled  
14 nursing and intermediate care services under the medical  
15 assistance program.

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

18 (4) Shall take into account the actual costs incurred by  
19 facilities in meeting licensing and certification standards  
20 imposed and prescribed by the State of Illinois, any of its  
21 political subdivisions or municipalities and by the U.S.  
22 Department of Health and Human Services pursuant to Title XIX  
23 of the Social Security Act.

24 The Department of Healthcare and Family Services shall  
25 develop precise standards for payments to reimburse nursing  
26 facilities for any utilization of appropriate rehabilitative

1 personnel for the provision of rehabilitative services which is  
2 authorized by federal regulations, including reimbursement for  
3 services provided by qualified therapists or qualified  
4 assistants, and which is in accordance with accepted  
5 professional practices. Reimbursement also may be made for  
6 utilization of other supportive personnel under appropriate  
7 supervision.

8 (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,  
9 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;  
10 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff.  
11 1-11-08.)

12 (305 ILCS 5/5-5.26 new)

13 Sec. 5-5.26. Multiple sclerosis; home services; waiver.  
14 The Department of Healthcare and Family Services shall apply  
15 for a waiver of federal law and regulations to the extent  
16 necessary to claim federal financial participation for medical  
17 assistance for services provided under the Department of Human  
18 Services' Home Services Program for persons with multiple  
19 sclerosis who are over 60 years of age and have retirement  
20 assets or life insurance assets, or both, that do not exceed a  
21 total of \$500,000.

22 (305 ILCS 5/12-10.7)

23 Sec. 12-10.7. The Health and Human Services Medicaid Trust  
24 Fund.

1 (a) The Health and Human Services Medicaid Trust Fund shall  
2 consist of (i) moneys appropriated or transferred into the  
3 Fund, pursuant to statute, (ii) federal financial  
4 participation moneys received pursuant to expenditures from  
5 the Fund, and (iii) the interest earned on moneys in the Fund.

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

9 (c) In addition to any other transfers that may be provided  
10 for by law, on July 1, 2007, or as soon thereafter as  
11 practical, the State Comptroller shall direct and the State  
12 Treasurer shall transfer the sum of \$3,500,000 from the Health  
13 and Human Services Medicaid Trust Fund to the Human Services  
14 Priority Capital Program Fund.

15 (d) In addition to any other transfers that may be provided  
16 for by law, on July 1, 2008, or as soon thereafter as  
17 practical, the State Comptroller shall direct and the State  
18 Treasurer shall transfer the sum of \$7,000,000 from the Health  
19 and Human Services Medicaid Trust Fund to the Human Services  
20 Priority Capital Program Fund.

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

22 (305 ILCS 5/12-10.8)

23 Sec. 12-10.8. Mental health contracts. Subject to  
24 appropriations available for these purposes, including,  
25 without limitation, the FY08 and FY09 appropriations to the



1 Department for federally defined Institutions for Mental  
2 Disease, the Department of Healthcare and Family Services shall  
3 enter into a contract for \$1,000,000 with a ~~the~~ provider of  
4 community mental health services that has more than 700 beds at  
5 over 30 service locations in multiple counties for purposes of  
6 supporting the implementation of time-limited resident review  
7 and rapid reintegration targeted to residents of federally  
8 defined Institutions for Mental Disease.

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

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

12 (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

13 Sec. 8. Uses of Trust Fund.

14 (a) Subject to annual appropriation to the Funding Agent  
15 and subject to the prior dedication, allocation, transfer and  
16 use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and  
17 9 of this Act, the Trust Fund may be used to make grants,  
18 mortgages, or other loans to acquire, construct, rehabilitate,  
19 develop, operate, insure, and retain affordable single-family  
20 and multi-family housing in this State for low-income and very  
21 low-income households. The majority of monies appropriated to  
22 the Trust Fund in any given year are to be used for affordable  
23 housing for very low-income households. For the fiscal years  
24 2007, ~~and 2008,~~ and 2009 only, the Department of Human Services

1 is authorized to receive appropriations and spend moneys from  
2 the Illinois Affordable Housing Trust Fund for the purpose of  
3 developing and coordinating public and private resources  
4 targeted to meet the affordable housing needs of low-income,  
5 very low-income, and special needs households in the State of  
6 Illinois.

7 (b) For each fiscal year commencing with fiscal year 1994,  
8 the Program Administrator shall certify from time to time to  
9 the Funding Agent, the Comptroller and the State Treasurer  
10 amounts, up to an aggregate in any fiscal year of \$10,000,000,  
11 of Trust Fund Moneys expected to be used or pledged by the  
12 Program Administrator during the fiscal year for the purposes  
13 and uses specified in Sections 8(c) and 9 of this Act. Subject  
14 to annual appropriation, upon receipt of such certification,  
15 the Funding Agent and the Comptroller shall dedicate and the  
16 State Treasurer shall transfer not less often than monthly to  
17 the Program Administrator or its designated payee, without  
18 requisition or further request therefor, all amounts  
19 accumulated in the Trust Fund within the State Treasury and not  
20 already transferred to the Loan Commitment Account prior to the  
21 Funding Agent's receipt of such certification, until the  
22 Program Administrator has received the aggregate amount  
23 certified by the Program Administrator, to be used solely for  
24 the purposes and uses authorized and provided in Sections 8(c)  
25 and 9 of this Act. Neither the Comptroller nor the Treasurer  
26 shall transfer, dedicate or allocate any of the Trust Fund

1 Moneys transferred or certified for transfer by the Program  
2 Administrator as provided above to any other fund, nor shall  
3 the Governor authorize any such transfer, dedication or  
4 allocation, nor shall any of the Trust Fund Moneys so  
5 dedicated, allocated or transferred be used, temporarily or  
6 otherwise, for interfund borrowing, or be otherwise used or  
7 appropriated, except as expressly authorized and provided in  
8 Sections 8(c) and 9 of this Act for the purposes and subject to  
9 the priorities, limitations and conditions provided for  
10 therein until such obligations, uses and dedications as therein  
11 provided, have been satisfied.

12 (c) Notwithstanding Section 5(b) of this Act, any Trust  
13 Fund Moneys transferred to the Program Administrator pursuant  
14 to Section 8(b) of this Act, or otherwise obtained, paid to or  
15 held by or for the Program Administrator, or pledged pursuant  
16 to resolution of the Program Administrator, for Affordable  
17 Housing Program Trust Fund Bonds or Notes under the Illinois  
18 Housing Development Act, and all proceeds, payments and  
19 receipts from investments or use of such moneys, including any  
20 residual or additional funds or moneys generated or obtained in  
21 connection with any of the foregoing, may be held, pledged,  
22 applied or dedicated by the Program Administrator as follows:

23 (1) as required by the terms of any pledge of or  
24 resolution of the Program Administrator authorized under  
25 Section 9 of this Act in connection with Affordable Housing  
26 Program Trust Fund Bonds or Notes issued pursuant to the

1 Illinois Housing Development Act;

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

18 (3) to or for costs of issuance and administration and  
19 the payments of principal, interest, premium, loan fees,  
20 and other amounts or other obligations of the Program  
21 Administrator, including rate protection contracts and  
22 credit support arrangements pertaining thereto, for loans,  
23 commercial paper or other notes or bonds issued by the  
24 Program Administrator pursuant to the Illinois Housing  
25 Development Act, provided that the proceeds of such loans,  
26 commercial paper or other notes or bonds are paid or

1 expended in connection with, or refund or repay, loans,  
2 commercial paper or other notes or bonds issued or made in  
3 connection with bridge loans or loans for the construction,  
4 renovation, redevelopment, restructuring, reorganization  
5 of Affordable Housing and related expenses, including  
6 development costs, technical assistance, or other amounts  
7 to construct, preserve, improve, renovate, rehabilitate,  
8 refinance, or assist Affordable Housing, including  
9 financially troubled Affordable Housing, permanent or  
10 other financing for which has been funded or financed or is  
11 expected to be funded or financed in whole or in part by  
12 the Program Administrator through the issuance of or use of  
13 proceeds from Affordable Housing Program Trust Fund Bonds  
14 or Notes;

15 (4) to or for direct expenditures or reimbursement for  
16 development costs, technical assistance, or other amounts  
17 to construct, preserve, improve, renovate, rehabilitate,  
18 refinance, or assist Affordable Housing, including  
19 financially troubled Affordable Housing, permanent or  
20 other financing for which has been funded or financed or is  
21 expected to be funded or financed in whole or in part by  
22 the Program Administrator through the issuance of or use of  
23 proceeds from Affordable Housing Program Trust Fund Bonds  
24 or Notes; and

25 (5) for deposit into any residual, sinking, reserve or  
26 revolving fund or pool established by the Program

1 Administrator, whether or not pledged to secure Affordable  
2 Housing Program Trust Fund Bonds or Notes, to support or be  
3 utilized for the issuance, redemption, or payment of the  
4 principal, interest, premium or other amounts payable on or  
5 with respect to any existing, additional or future  
6 Affordable Housing Program Trust Fund Bonds or Notes, or to  
7 or for any other expenditure authorized by this Section  
8 8(c).

9 (d) All or a portion of the Trust Fund Moneys on deposit or  
10 to be deposited in the Trust Fund not already certified for  
11 transfer or transferred to the Program Administrator pursuant  
12 to Section 8(b) of this Act may be used to secure the repayment  
13 of Affordable Housing Program Trust Fund Bonds or Notes, or  
14 otherwise to supplement or support Affordable Housing funded or  
15 financed or intended to be funded or financed, in whole or in  
16 part, by Affordable Housing Program Trust Fund Bonds or Notes.

17 (e) Assisted housing may include housing for special needs  
18 populations such as the homeless, single-parent families, the  
19 elderly, or the physically and mentally disabled. The Trust  
20 Fund shall be used to implement a demonstration congregate  
21 housing project for any such special needs population.

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

25 (g) The Trust Fund may be used to pay actual and reasonable  
26 costs for Commission members to attend Commission meetings, and

1 any litigation costs and expenses, including legal fees,  
2 incurred by the Program Administrator in any litigation related  
3 to this Act or its action as Program Administrator.

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

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

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

15 Section 999. Effective date. This Act takes effect July 1,  
16 2008.".