



Filed: 7/24/2007

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LRB095 03635 BDD 38202 a

1 AMENDMENT TO SENATE BILL 101

2 AMENDMENT NO. _____. Amend Senate Bill 101 by replacing
3 everything after the enacting clause with the following:

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

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

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

9 (a) The municipality shall file a certified copy of any
10 ordinance authorizing tax increment allocation financing for
11 an economic development project area with the county clerk, and
12 the county clerk shall immediately thereafter determine (1) the
13 most recently ascertained equalized assessed value of each lot,
14 block, tract or parcel of real property within the economic
15 development project area from which shall be deducted the
16 homestead exemptions provided by Sections 15-170, 15-175, and

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

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

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

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

17 Section 10. The Property Tax Code is amended by changing
18 Sections 14-15, 15-10, 15-165, 15-170, 15-172, 15-175, 15-176,
19 20-15, 20-178, and 21-27 and by adding Sections 15-167, 15-168,
20 15-169, 15-177, 18-178, and 24-35 as follows:

21 (35 ILCS 200/14-15)

22 Sec. 14-15. Certificate of error; counties of 3,000,000 or
23 more.

24 (a) In counties with 3,000,000 or more inhabitants, if,

1 after the assessment is certified pursuant to Section 16-150,
2 but subject to the limitations of subsection (c) of this
3 Section, the county assessor discovers an error or mistake in
4 the assessment, the assessor shall execute a certificate
5 setting forth the nature and cause of the error. The
6 certificate when endorsed by the county assessor, or when
7 endorsed by the county assessor and board of appeals (until the
8 first Monday in December 1998 and the board of review beginning
9 the first Monday in December 1998 and thereafter) where the
10 certificate is executed for any assessment which was the
11 subject of a complaint filed in the board of appeals (until the
12 first Monday in December 1998 and the board of review beginning
13 the first Monday in December 1998 and thereafter) for the tax
14 year for which the certificate is issued, may, either be
15 certified according to the procedure authorized by this Section
16 or be presented and received in evidence in any court of
17 competent jurisdiction. Certification is authorized, at the
18 discretion of the county assessor, for: (1) certificates of
19 error allowing homestead exemptions under Article 15 ~~pursuant~~
20 ~~to Sections 15-170, 15-172, 15-175, and 15-176;~~ (2)
21 certificates of error on residential property of 6 units or
22 less; (3) certificates of error allowing exemption of the
23 property pursuant to Section 14-25; and (4) other certificates
24 of error reducing assessed value by less than \$100,000. Any
25 certificate of error not certified shall be presented to the
26 court. The county assessor shall develop reasonable procedures

1 for the filing and processing of certificates of error. Prior
2 to the certification or presentation to the court, the county
3 assessor or his or her designee shall execute and include in
4 the certificate of error a statement attesting that all
5 procedural requirements pertaining to the issuance of the
6 certificate of error have been met and that in fact an error
7 exists. When so introduced in evidence such certificate shall
8 become a part of the court records, and shall not be removed
9 from the files except upon the order of the court.

10 Certificates of error that will be presented to the court
11 shall be filed as an objection in the application for judgment
12 and order of sale for the year in relation to which the
13 certificate is made or as an amendment to the objection under
14 subsection (b). Certificates of error that are to be certified
15 according to the procedure authorized by this Section need not
16 be presented to the court as an objection or an amendment under
17 subsection (b). The State's Attorney of the county in which the
18 property is situated shall mail a copy of any final judgment
19 entered by the court regarding any certificate of error to the
20 taxpayer of record for the year in question.

21 Any unpaid taxes after the entry of the final judgment by
22 the court or certification on certificates issued under this
23 Section may be included in a special tax sale, provided that an
24 advertisement is published and a notice is mailed to the person
25 in whose name the taxes were last assessed, in a form and
26 manner substantially similar to the advertisement and notice

1 required under Sections 21-110 and 21-135. The advertisement
 2 and sale shall be subject to all provisions of law regulating
 3 the annual advertisement and sale of delinquent property, to
 4 the extent that those provisions may be made applicable.

5 A certificate of error certified under this Section shall
 6 be given effect by the county treasurer, who shall mark the tax
 7 books and, upon receipt of one of the following certificates
 8 from the county assessor or the county assessor and the board
 9 of review where the board of review is required to endorse the
 10 certificate of error, shall issue refunds to the taxpayer
 11 accordingly:

12 "CERTIFICATION

13 I,, county assessor, hereby certify
 14 that the Certificates of Error set out on the attached list
 15 have been duly issued to correct an error or mistake in the
 16 assessment."

17 "CERTIFICATION

18 I,, county assessor, and we,
 19,
 20 members of the board of review, hereby certify that the
 21 Certificates of Error set out on the attached list have
 22 been duly issued to correct an error or mistake in the
 23 assessment and that any certificates of error required to
 24 be endorsed by the board of review have been so endorsed."

1 The county treasurer has the power to mark the tax books to
2 reflect the issuance of certificates of error certified
3 according to the procedure authorized in this Section for
4 certificates of error issued under Section 14-25 or
5 certificates of error issued to and including 3 years after the
6 date on which the annual judgment and order of sale for that
7 tax year was first entered. The county treasurer has the power
8 to issue refunds to the taxpayer as set forth above until all
9 refunds authorized by this Section have been completed.

10 To the extent that the certificate of error obviates the
11 liability for nonpayment of taxes, certification of a
12 certificate of error according to the procedure authorized in
13 this Section shall operate to vacate any judgment or forfeiture
14 as to that year's taxes, and the warrant books and judgment
15 books shall be marked to reflect that the judgment or
16 forfeiture has been vacated.

17 (b) Nothing in subsection (a) of this Section shall be
18 construed to prohibit the execution, endorsement, issuance,
19 and adjudication of a certificate of error if (i) the annual
20 judgment and order of sale for the tax year in question is
21 reopened for further proceedings upon consent of the county
22 collector and county assessor, represented by the State's
23 Attorney, and (ii) a new final judgment is subsequently entered
24 pursuant to the certificate. This subsection (b) shall be
25 construed as declarative of existing law and not as a new

1 enactment.

2 (c) No certificate of error, other than a certificate to
3 establish an exemption under Section 14-25, shall be executed
4 for any tax year more than 3 years after the date on which the
5 annual judgment and order of sale for that tax year was first
6 entered, except that during calendar years 1999 and 2000 a
7 certificate of error may be executed for any tax year, provided
8 that the error or mistake in the assessment was discovered no
9 more than 3 years after the date on which the annual judgment
10 and order of sale for that tax year was first entered.

11 (d) The time limitation of subsection (c) shall not apply
12 to a certificate of error correcting an assessment to \$1, under
13 Section 10-35, on a parcel that a subdivision or planned
14 development has acquired by adverse possession, if during the
15 tax year for which the certificate is executed the subdivision
16 or planned development used the parcel as common area, as
17 defined in Section 10-35, and if application for the
18 certificate of error is made prior to December 1, 1997.

19 (e) The changes made by this amendatory Act of the 91st
20 General Assembly apply to certificates of error issued before,
21 on, and after the effective date of this amendatory Act of the
22 91st General Assembly.

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

24 (35 ILCS 200/15-10)

25 Sec. 15-10. Exempt property; procedures for certification.

1 All property granted an exemption by the Department pursuant to
2 the requirements of Section 15-5 and described in the Sections
3 following Section 15-30 and preceding Section 16-5, to the
4 extent therein limited, is exempt from taxation. In order to
5 maintain that exempt status, the titleholder or the owner of
6 the beneficial interest of any property that is exempt must
7 file with the chief county assessment officer, on or before
8 January 31 of each year (May 31 in the case of property
9 exempted by Section 15-170), an affidavit stating whether there
10 has been any change in the ownership or use of the property or
11 the status of the owner-resident, or that a disabled veteran
12 who qualifies under Section 15-165 owned and used the property
13 as of January 1 of that year. The nature of any change shall be
14 stated in the affidavit. Failure to file an affidavit shall, in
15 the discretion of the assessment officer, constitute cause to
16 terminate the exemption of that property, notwithstanding any
17 other provision of this Code. Owners of 5 or more such exempt
18 parcels within a county may file a single annual affidavit in
19 lieu of an affidavit for each parcel. The assessment officer,
20 upon request, shall furnish an affidavit form to the owners, in
21 which the owner may state whether there has been any change in
22 the ownership or use of the property or status of the owner or
23 resident as of January 1 of that year. The owner of 5 or more
24 exempt parcels shall list all the properties giving the same
25 information for each parcel as required of owners who file
26 individual affidavits.

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

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

7 (2) Section 15-40.

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

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

11 An application for homestead exemptions shall be filed as
12 provided in Section 15-170 (senior citizens homestead
13 exemption), Section 15-172 (senior citizens assessment freeze
14 homestead exemption), and Sections 15-175 (general homestead
15 exemption), ~~and~~ 15-176 (general alternative homestead
16 exemption), and 15-177 (long-time occupant homestead
17 exemption), respectively.

18 (Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02;
19 93-715, eff. 7-12-04.)

20 (35 ILCS 200/15-165)

21 Sec. 15-165. Disabled veterans. Property up to an assessed
22 value of \$70,000, owned and used exclusively by a disabled
23 veteran, or the spouse or unmarried surviving spouse of the
24 veteran, as a home, is exempt. As used in this Section, a
25 disabled veteran means a person who has served in the Armed

1 Forces of the United States and whose disability is of such a
2 nature that the Federal Government has authorized payment for
3 purchase or construction of Specially Adapted Housing as set
4 forth in the United States Code, Title 38, Chapter 21, Section
5 2101.

6 The exemption applies to housing where Federal funds have
7 been used to purchase or construct special adaptations to suit
8 the veteran's disability.

9 The exemption also applies to housing that is specially
10 adapted to suit the veteran's disability, and purchased
11 entirely or in part by the proceeds of a sale, casualty loss
12 reimbursement, or other transfer of a home for which the
13 Federal Government had previously authorized payment for
14 purchase or construction as Specially Adapted Housing.

15 However, the entire proceeds of the sale, casualty loss
16 reimbursement, or other transfer of that housing shall be
17 applied to the acquisition of subsequent specially adapted
18 housing to the extent that the proceeds equal the purchase
19 price of the subsequently acquired housing.

20 For purposes of this Section, "unmarried surviving spouse"
21 means the surviving spouse of the veteran at any time after the
22 death of the veteran during which such surviving spouse is not
23 married.

24 This exemption must be reestablished on an annual basis by
25 certification from the Illinois Department of Veterans'
26 Affairs to the Department, which shall forward a copy of the

1 certification to local assessing officials.

2 A taxpayer who claims an exemption under Section 15-169 may
3 not claim an exemption under this Section.

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

5 (35 ILCS 200/15-167 new)

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

7 (a) Beginning with taxable year 2007, a homestead
8 exemption, limited to a reduction set forth under subsection
9 (b), from the property's value, as equalized or assessed by the
10 Department, is granted for property that is owned and occupied
11 as the principal residence of a veteran returning from an armed
12 conflict involving the armed forces of the United States who is
13 liable for paying real estate taxes on the property and is an
14 owner of record of the property or has a legal or equitable
15 interest therein as evidenced by a written instrument, except
16 for a leasehold interest, other than a leasehold interest of
17 land on which a single family residence is located, which is
18 occupied as the principal residence of a veteran returning from
19 an armed conflict involving the armed forces of the United
20 States who has an ownership interest therein, legal, equitable
21 or as a lessee, and on which he or she is liable for the payment
22 of property taxes. For purposes of the exemption under this
23 Section, "veteran" means an Illinois resident who has served as
24 a member of the United States Armed Forces, a member of the
25 Illinois National Guard, or a member of the United States

1 Reserve Forces.

2 (b) In all counties, the reduction is \$5,000 and only for
3 the taxable year in which the veteran returns from active duty
4 in an armed conflict involving the armed forces of the United
5 States. For land improved with an apartment building owned and
6 operated as a cooperative, the maximum reduction from the value
7 of the property, as equalized by the Department, must be
8 multiplied by the number of apartments or units occupied by a
9 veteran returning from an armed conflict involving the armed
10 forces of the United States who is liable, by contract with the
11 owner or owners of record, for paying property taxes on the
12 property and is an owner of record of a legal or equitable
13 interest in the cooperative apartment building, other than a
14 leasehold interest. In a cooperative where a homestead
15 exemption has been granted, the cooperative association or the
16 management firm of the cooperative or facility shall credit the
17 savings resulting from that exemption only to the apportioned
18 tax liability of the owner or resident who qualified for the
19 exemption. Any person who willfully refuses to so credit the
20 savings is guilty of a Class B misdemeanor.

21 (c) Application must be made during the application period
22 in effect for the county of his or her residence. The assessor
23 or chief county assessment officer may determine the
24 eligibility of residential property to receive the homestead
25 exemption provided by this Section by application, visual
26 inspection, questionnaire, or other reasonable methods. The

1 determination must be made in accordance with guidelines
2 established by the Department.

3 (d) The exemption under this Section is in addition to any
4 other homestead provided in Sections 15-170 through 15-177.
5 Notwithstanding Sections 6 and 8 of the State Mandates Act, no
6 reimbursement by the State is required for the implementation
7 of any mandate created by this Section.

8 (35 ILCS 200/15-168 new)

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

10 (a) Beginning with taxable year 2007, an annual homestead
11 exemption is granted to disabled persons in the amount of
12 \$2,000, except as provided in subsection (c), to be deducted
13 from the property's value as equalized or assessed by the
14 Department of Revenue. The disabled person shall receive the
15 homestead exemption upon meeting the following requirements:

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

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

20 (3) The disabled person must be an owner of record of
21 the property or have a legal or equitable interest in the
22 property as evidenced by a written instrument. In the case
23 of a leasehold interest in property, the lease must be for
24 a single family residence.

25 A person who is disabled during the taxable year is

1 eligible to apply for this homestead exemption during that
2 taxable year. Application must be made during the application
3 period in effect for the county of residence. If a homestead
4 exemption has been granted under this Section and the person
5 awarded the exemption subsequently becomes a resident of a
6 facility licensed under the Nursing Home Care Act, then the
7 exemption shall continue (i) so long as the residence continues
8 to be occupied by the qualifying person's spouse or (ii) if the
9 residence remains unoccupied but is still owned by the person
10 qualified for the homestead exemption.

11 (b) For the purposes of this Section, "disabled person"
12 means a person unable to engage in any substantial gainful
13 activity by reason of a medically determinable physical or
14 mental impairment which can be expected to result in death or
15 has lasted or can be expected to last for a continuous period
16 of not less than 12 months. Disabled persons filing claims
17 under this Act shall submit proof of disability in such form
18 and manner as the Department shall by rule and regulation
19 prescribe. Proof that a claimant is eligible to receive
20 disability benefits under the Federal Social Security Act shall
21 constitute proof of disability for purposes of this Act.
22 Issuance of an Illinois Disabled Person Identification Card
23 stating that the claimant is under a Class 2 disability, as
24 defined in Section 4A of The Illinois Identification Card Act,
25 shall constitute proof that the person named thereon is a
26 disabled person for purposes of this Act. A disabled person not

1 covered under the Federal Social Security Act and not
2 presenting a Disabled Person Identification Card stating that
3 the claimant is under a Class 2 disability shall be examined by
4 a physician designated by the Department, and his status as a
5 disabled person determined using the same standards as used by
6 the Social Security Administration. The costs of any required
7 examination shall be borne by the claimant.

8 (c) For land improved with (i) an apartment building owned
9 and operated as a cooperative or (ii) a life care facility as
10 defined under Section 2 of the Life Care Facilities Act that is
11 considered to be a cooperative, the maximum reduction from the
12 value of the property, as equalized or assessed by the
13 Department, shall be multiplied by the number of apartments or
14 units occupied by a disabled person. The disabled person shall
15 receive the homestead exemption upon meeting the following
16 requirements:

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

19 (2) The disabled person must be liable by contract with
20 the owner or owners of record for paying the apportioned
21 property taxes on the property of the cooperative or life
22 care facility. In the case of a life care facility, the
23 disabled person must be liable for paying the apportioned
24 property taxes under a life care contract as defined in
25 Section 2 of the Life Care Facilities Act.

26 (3) The disabled person must be an owner of record of a

1 legal or equitable interest in the cooperative apartment
2 building. A leasehold interest does not meet this
3 requirement.

4 If a homestead exemption is granted under this subsection, the
5 cooperative association or management firm shall credit the
6 savings resulting from the exemption to the apportioned tax
7 liability of the qualifying disabled person. The chief county
8 assessment officer may request reasonable proof that the
9 association or firm has properly credited the exemption. A
10 person who willfully refuses to credit an exemption to the
11 qualified disabled person is guilty of a Class B misdemeanor.

12 (d) The chief county assessment officer shall determine the
13 eligibility of property to receive the homestead exemption
14 according to guidelines established by the Department. After a
15 person has received an exemption under this Section, an annual
16 verification of eligibility for the exemption shall be mailed
17 to the taxpayer.

18 In counties with fewer than 3,000,000 inhabitants, the
19 chief county assessment officer shall provide to each person
20 granted a homestead exemption under this Section a form to
21 designate any other person to receive a duplicate of any notice
22 of delinquency in the payment of taxes assessed and levied
23 under this Code on the person's qualifying property. The
24 duplicate notice shall be in addition to the notice required to
25 be provided to the person receiving the exemption and shall be
26 given in the manner required by this Code. The person filing

1 the request for the duplicate notice shall pay an
2 administrative fee of \$5 to the chief county assessment
3 officer. The assessment officer shall then file the executed
4 designation with the county collector, who shall issue the
5 duplicate notices as indicated by the designation. A
6 designation may be rescinded by the disabled person in the
7 manner required by the chief county assessment officer.

8 (35 ILCS 200/15-169 new)

9 Sec. 15-169. Disabled veterans standard homestead
10 exemption.

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

15 (b) The amount of the exemption under this Section is as
16 follows:

17 (1) for veterans with a service-connected disability
18 of at least 75%, as certified by the United States
19 Department of Veterans Affairs, the annual exemption is
20 \$5,000; and

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

25 (c) The tax exemption under this Section carries over to

1 the benefit of the veteran's surviving spouse as long as the
2 spouse holds the legal or beneficial title to the homestead,
3 permanently resides thereon, and does not remarry. If the
4 surviving spouse sells the property, an exemption not to exceed
5 the amount granted from the most recent ad valorem tax roll may
6 be transferred to his or her new residence as long as it is
7 used as his or her primary residence and he or she does not
8 remarry.

9 (d) The exemption under this Section applies for taxable
10 year 2007 and thereafter. A taxpayer who claims an exemption
11 under Section 15-165 may not claim an exemption under this
12 Section.

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

21 (f) For the purposes of this Section:

22 "Qualified residence" means real property, but less any
23 portion of that property that is used for commercial purposes,
24 with an equalized assessed value of less than \$250,000 that is
25 the disabled veteran's primary residence. Property rented for
26 more than 6 months is presumed to be used for commercial

1 purposes.

2 "Veteran" means an Illinois resident who has served as a
3 member of the United States Armed Forces on active duty or
4 State active duty, a member of the Illinois National Guard, or
5 a member of the United States Reserve Forces and who has
6 received an honorable discharge.

7
8 (35 ILCS 200/15-170)

9 Sec. 15-170. Senior Citizens Homestead Exemption. An
10 annual homestead exemption limited, except as described here
11 with relation to cooperatives or life care facilities, to a
12 maximum reduction set forth below from the property's value, as
13 equalized or assessed by the Department, is granted for
14 property that is occupied as a residence by a person 65 years
15 of age or older who is liable for paying real estate taxes on
16 the property and is an owner of record of the property or has a
17 legal or equitable interest therein as evidenced by a written
18 instrument, except for a leasehold interest, other than a
19 leasehold interest of land on which a single family residence
20 is located, which is occupied as a residence by a person 65
21 years or older who has an ownership interest therein, legal,
22 equitable or as a lessee, and on which he or she is liable for
23 the payment of property taxes. Before taxable year 2004, the
24 maximum reduction shall be \$2,500 in counties with 3,000,000 or
25 more inhabitants and \$2,000 in all other counties. For taxable

1 years 2004 through 2005, the maximum reduction shall be \$3,000
2 in all counties. For taxable years 2006 and 2007 thereafter,
3 the maximum reduction shall be \$3,500 and, for taxable years
4 2008 and thereafter, the maximum reduction is \$4,000 in all
5 counties.

6 For land improved with an apartment building owned and
7 operated as a cooperative, the maximum reduction from the value
8 of the property, as equalized by the Department, shall be
9 multiplied by the number of apartments or units occupied by a
10 person 65 years of age or older who is liable, by contract with
11 the owner or owners of record, for paying property taxes on the
12 property and is an owner of record of a legal or equitable
13 interest in the cooperative apartment building, other than a
14 leasehold interest. For land improved with a life care
15 facility, the maximum reduction from the value of the property,
16 as equalized by the Department, shall be multiplied by the
17 number of apartments or units occupied by persons 65 years of
18 age or older, irrespective of any legal, equitable, or
19 leasehold interest in the facility, who are liable, under a
20 contract with the owner or owners of record of the facility,
21 for paying property taxes on the property. In a cooperative or
22 a life care facility where a homestead exemption has been
23 granted, the cooperative association or the management firm of
24 the cooperative or facility shall credit the savings resulting
25 from that exemption only to the apportioned tax liability of
26 the owner or resident who qualified for the exemption. Any

1 person who willfully refuses to so credit the savings shall be
2 guilty of a Class B misdemeanor. Under this Section and
3 Sections 15-175 ~~and~~ 15-176, and 15-177 "life care facility"
4 means a facility as defined in Section 2 of the Life Care
5 Facilities Act, with which the applicant for the homestead
6 exemption has a life care contract as defined in that Act.

7 When a homestead exemption has been granted under this
8 Section and the person qualifying subsequently becomes a
9 resident of a facility licensed under the Nursing Home Care
10 Act, the exemption shall continue so long as the residence
11 continues to be occupied by the qualifying person's spouse if
12 the spouse is 65 years of age or older, or if the residence
13 remains unoccupied but is still owned by the person qualified
14 for the homestead exemption.

15 A person who will be 65 years of age during the current
16 assessment year shall be eligible to apply for the homestead
17 exemption during that assessment year. Application shall be
18 made during the application period in effect for the county of
19 his residence.

20 Beginning with assessment year 2003, for taxes payable in
21 2004, property that is first occupied as a residence after
22 January 1 of any assessment year by a person who is eligible
23 for the senior citizens homestead exemption under this Section
24 must be granted a pro-rata exemption for the assessment year.
25 The amount of the pro-rata exemption is the exemption allowed
26 in the county under this Section divided by 365 and multiplied

1 by the number of days during the assessment year the property
2 is occupied as a residence by a person eligible for the
3 exemption under this Section. The chief county assessment
4 officer must adopt reasonable procedures to establish
5 eligibility for this pro-rata exemption.

6 The assessor or chief county assessment officer may
7 determine the eligibility of a life care facility to receive
8 the benefits provided by this Section, by affidavit,
9 application, visual inspection, questionnaire or other
10 reasonable methods in order to insure that the tax savings
11 resulting from the exemption are credited by the management
12 firm to the apportioned tax liability of each qualifying
13 resident. The assessor may request reasonable proof that the
14 management firm has so credited the exemption.

15 The chief county assessment officer of each county with
16 less than 3,000,000 inhabitants shall provide to each person
17 allowed a homestead exemption under this Section a form to
18 designate any other person to receive a duplicate of any notice
19 of delinquency in the payment of taxes assessed and levied
20 under this Code on the property of the person receiving the
21 exemption. The duplicate notice shall be in addition to the
22 notice required to be provided to the person receiving the
23 exemption, and shall be given in the manner required by this
24 Code. The person filing the request for the duplicate notice
25 shall pay a fee of \$5 to cover administrative costs to the
26 supervisor of assessments, who shall then file the executed

1 designation with the county collector. Notwithstanding any
2 other provision of this Code to the contrary, the filing of
3 such an executed designation requires the county collector to
4 provide duplicate notices as indicated by the designation. A
5 designation may be rescinded by the person who executed such
6 designation at any time, in the manner and form required by the
7 chief county assessment officer.

8 The assessor or chief county assessment officer may
9 determine the eligibility of residential property to receive
10 the homestead exemption provided by this Section by
11 application, visual inspection, questionnaire or other
12 reasonable methods. The determination shall be made in
13 accordance with guidelines established by the Department.

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

18 In counties with less than 3,000,000 inhabitants, if the
19 assessor or chief county assessment officer requires annual
20 application for verification of eligibility for an exemption
21 once granted under this Section, the application shall be
22 mailed to the taxpayer.

23 The assessor or chief county assessment officer shall
24 notify each person who qualifies for an exemption under this
25 Section that the person may also qualify for deferral of real
26 estate taxes under the Senior Citizens Real Estate Tax Deferral

1 Act. The notice shall set forth the qualifications needed for
2 deferral of real estate taxes, the address and telephone number
3 of county collector, and a statement that applications for
4 deferral of real estate taxes may be obtained from the county
5 collector.

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

9 (Source: P.A. 93-511, eff. 8-11-03; 93-715, eff. 7-12-04;
10 94-794, eff. 5-22-06.)

11 (35 ILCS 200/15-172)

12 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
13 Exemption.

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

16 (b) As used in this Section:

17 "Applicant" means an individual who has filed an
18 application under this Section.

19 "Base amount" means the base year equalized assessed value
20 of the residence plus the first year's equalized assessed value
21 of any added improvements which increased the assessed value of
22 the residence after the base year.

23 "Base year" means the taxable year prior to the taxable
24 year for which the applicant first qualifies and applies for
25 the exemption provided that in the prior taxable year the

1 property was improved with a permanent structure that was
2 occupied as a residence by the applicant who was liable for
3 paying real property taxes on the property and who was either
4 (i) an owner of record of the property or had legal or
5 equitable interest in the property as evidenced by a written
6 instrument or (ii) had a legal or equitable interest as a
7 lessee in the parcel of property that was single family
8 residence. If in any subsequent taxable year for which the
9 applicant applies and qualifies for the exemption the equalized
10 assessed value of the residence is less than the equalized
11 assessed value in the existing base year (provided that such
12 equalized assessed value is not based on an assessed value that
13 results from a temporary irregularity in the property that
14 reduces the assessed value for one or more taxable years), then
15 that subsequent taxable year shall become the base year until a
16 new base year is established under the terms of this paragraph.
17 For taxable year 1999 only, the Chief County Assessment Officer
18 shall review (i) all taxable years for which the applicant
19 applied and qualified for the exemption and (ii) the existing
20 base year. The assessment officer shall select as the new base
21 year the year with the lowest equalized assessed value. An
22 equalized assessed value that is based on an assessed value
23 that results from a temporary irregularity in the property that
24 reduces the assessed value for one or more taxable years shall
25 not be considered the lowest equalized assessed value. The
26 selected year shall be the base year for taxable year 1999 and

1 thereafter until a new base year is established under the terms
2 of this paragraph.

3 "Chief County Assessment Officer" means the County
4 Assessor or Supervisor of Assessments of the county in which
5 the property is located.

6 "Equalized assessed value" means the assessed value as
7 equalized by the Illinois Department of Revenue.

8 "Household" means the applicant, the spouse of the
9 applicant, and all persons using the residence of the applicant
10 as their principal place of residence.

11 "Household income" means the combined income of the members
12 of a household for the calendar year preceding the taxable
13 year.

14 "Income" has the same meaning as provided in Section 3.07
15 of the Senior Citizens and Disabled Persons Property Tax Relief
16 and Pharmaceutical Assistance Act, except that, beginning in
17 assessment year 2001, "income" does not include veteran's
18 benefits.

19 "Internal Revenue Code of 1986" means the United States
20 Internal Revenue Code of 1986 or any successor law or laws
21 relating to federal income taxes in effect for the year
22 preceding the taxable year.

23 "Life care facility that qualifies as a cooperative" means
24 a facility as defined in Section 2 of the Life Care Facilities
25 Act.

26 "Maximum income limitation" means:

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

6 "Residence" means the principal dwelling place and
7 appurtenant structures used for residential purposes in this
8 State occupied on January 1 of the taxable year by a household
9 and so much of the surrounding land, constituting the parcel
10 upon which the dwelling place is situated, as is used for
11 residential purposes. If the Chief County Assessment Officer
12 has established a specific legal description for a portion of
13 property constituting the residence, then that portion of
14 property shall be deemed the residence for the purposes of this
15 Section.

16 "Taxable year" means the calendar year during which ad
17 valorem property taxes payable in the next succeeding year are
18 levied.

19 (c) Beginning in taxable year 1994, a senior citizens
20 assessment freeze homestead exemption is granted for real
21 property that is improved with a permanent structure that is
22 occupied as a residence by an applicant who (i) is 65 years of
23 age or older during the taxable year, (ii) has a household
24 income that does not exceed the maximum income limitation of
25 ~~\$35,000 or less prior to taxable year 1999, \$40,000 or less in~~
26 ~~taxable years 1999 through 2003, \$45,000 or less in taxable~~

1 ~~year 2004 and 2005, and \$50,000 or less in taxable year 2006~~
2 ~~and thereafter,~~ (iii) is liable for paying real property taxes
3 on the property, and (iv) is an owner of record of the property
4 or has a legal or equitable interest in the property as
5 evidenced by a written instrument. This homestead exemption
6 shall also apply to a leasehold interest in a parcel of
7 property improved with a permanent structure that is a single
8 family residence that is occupied as a residence by a person
9 who (i) is 65 years of age or older during the taxable year,
10 (ii) has a household income that does not exceed the maximum
11 income limitation ~~of \$35,000 or less prior to taxable year~~
12 ~~1999, \$40,000 or less in taxable years 1999 through 2003,~~
13 ~~\$45,000 or less in taxable year 2004 and 2005, and \$50,000 or~~
14 ~~less in taxable year 2006 and thereafter,~~ (iii) has a legal or
15 equitable ownership interest in the property as lessee, and
16 (iv) is liable for the payment of real property taxes on that
17 property.

18 In counties of 3,000,000 or more inhabitants, the amount of
19 the exemption for all taxable years is the equalized assessed
20 value of the residence in the taxable year for which
21 application is made minus the base amount. In all other
22 counties, the amount of the exemption is as follows: (i)
23 through ~~Through~~ taxable year 2005 and for taxable year 2007 and
24 thereafter, the amount of this exemption shall be the equalized
25 assessed value of the residence in the taxable year for which
26 application is made minus the base amount; and (ii) for. ~~For~~

1 taxable year 2006 ~~and thereafter~~, the amount of the exemption
2 is as follows:

3 (1) For an applicant who has a household income of
4 \$45,000 or less, the amount of the exemption is the
5 equalized assessed value of the residence in the taxable
6 year for which application is made minus the base amount.

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

12 (3) For an applicant who has a household income
13 exceeding \$46,250 but not exceeding \$47,500, the amount of
14 the exemption is (i) the equalized assessed value of the
15 residence in the taxable year for which application is made
16 minus the base amount (ii) multiplied by 0.6.

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

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

1 When the applicant is a surviving spouse of an applicant
2 for a prior year for the same residence for which an exemption
3 under this Section has been granted, the base year and base
4 amount for that residence are the same as for the applicant for
5 the prior year.

6 Each year at the time the assessment books are certified to
7 the County Clerk, the Board of Review or Board of Appeals shall
8 give to the County Clerk a list of the assessed values of
9 improvements on each parcel qualifying for this exemption that
10 were added after the base year for this parcel and that
11 increased the assessed value of the property.

12 In the case of land improved with an apartment building
13 owned and operated as a cooperative or a building that is a
14 life care facility that qualifies as a cooperative, the maximum
15 reduction from the equalized assessed value of the property is
16 limited to the sum of the reductions calculated for each unit
17 occupied as a residence by a person or persons (i) 65 years of
18 age or older, (ii) with a household income that does not exceed
19 the maximum income limitation ~~of \$35,000 or less prior to~~
20 ~~taxable year 1999, \$40,000 or less in taxable years 1999~~
21 ~~through 2003, \$45,000 or less in taxable year 2004 and 2005,~~
22 ~~and \$50,000 or less in taxable year 2006 and thereafter,~~ (iii)
23 who is liable, by contract with the owner or owners of record,
24 for paying real property taxes on the property, and (iv) who is
25 an owner of record of a legal or equitable interest in the
26 cooperative apartment building, other than a leasehold

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

9 When a homestead exemption has been granted under this
10 Section and an applicant then becomes a resident of a facility
11 licensed under the Nursing Home Care Act, the exemption shall
12 be granted in subsequent years so long as the residence (i)
13 continues to be occupied by the qualified applicant's spouse or
14 (ii) if remaining unoccupied, is still owned by the qualified
15 applicant for the homestead exemption.

16 Beginning January 1, 1997, when an individual dies who
17 would have qualified for an exemption under this Section, and
18 the surviving spouse does not independently qualify for this
19 exemption because of age, the exemption under this Section
20 shall be granted to the surviving spouse for the taxable year
21 preceding and the taxable year of the death, provided that,
22 except for age, the surviving spouse meets all other
23 qualifications for the granting of this exemption for those
24 years.

25 When married persons maintain separate residences, the
26 exemption provided for in this Section may be claimed by only

1 one of such persons and for only one residence.

2 For taxable year 1994 only, in counties having less than
3 3,000,000 inhabitants, to receive the exemption, a person shall
4 submit an application by February 15, 1995 to the Chief County
5 Assessment Officer of the county in which the property is
6 located. In counties having 3,000,000 or more inhabitants, for
7 taxable year 1994 and all subsequent taxable years, to receive
8 the exemption, a person may submit an application to the Chief
9 County Assessment Officer of the county in which the property
10 is located during such period as may be specified by the Chief
11 County Assessment Officer. The Chief County Assessment Officer
12 in counties of 3,000,000 or more inhabitants shall annually
13 give notice of the application period by mail or by
14 publication. In counties having less than 3,000,000
15 inhabitants, beginning with taxable year 1995 and thereafter,
16 to receive the exemption, a person shall submit an application
17 by July 1 of each taxable year to the Chief County Assessment
18 Officer of the county in which the property is located. A
19 county may, by ordinance, establish a date for submission of
20 applications that is different than July 1. The applicant shall
21 submit with the application an affidavit of the applicant's
22 total household income, age, marital status (and if married the
23 name and address of the applicant's spouse, if known), and
24 principal dwelling place of members of the household on January
25 1 of the taxable year. The Department shall establish, by rule,
26 a method for verifying the accuracy of affidavits filed by

1 applicants under this Section, and the Chief County Assessment
2 Officer may conduct audits of any taxpayer claiming an
3 exemption under this Section to verify that the taxpayer is
4 eligible to receive the exemption. Each application shall
5 contain or be verified by a written declaration that it is made
6 under the penalties of perjury. A taxpayer's signing a
7 fraudulent application under this Act is perjury, as defined in
8 Section 32-2 of the Criminal Code of 1961. The applications
9 shall be clearly marked as applications for the Senior Citizens
10 Assessment Freeze Homestead Exemption and must contain a notice
11 that any taxpayer who receives the exemption is subject to an
12 audit by the Chief County Assessment Officer.

13 Notwithstanding any other provision to the contrary, in
14 counties having fewer than 3,000,000 inhabitants, if an
15 applicant fails to file the application required by this
16 Section in a timely manner and this failure to file is due to a
17 mental or physical condition sufficiently severe so as to
18 render the applicant incapable of filing the application in a
19 timely manner, the Chief County Assessment Officer may extend
20 the filing deadline for a period of 30 days after the applicant
21 regains the capability to file the application, but in no case
22 may the filing deadline be extended beyond 3 months of the
23 original filing deadline. In order to receive the extension
24 provided in this paragraph, the applicant shall provide the
25 Chief County Assessment Officer with a signed statement from
26 the applicant's physician stating the nature and extent of the

1 condition, that, in the physician's opinion, the condition was
2 so severe that it rendered the applicant incapable of filing
3 the application in a timely manner, and the date on which the
4 applicant regained the capability to file the application.

5 Beginning January 1, 1998, notwithstanding any other
6 provision to the contrary, in counties having fewer than
7 3,000,000 inhabitants, if an applicant fails to file the
8 application required by this Section in a timely manner and
9 this failure to file is due to a mental or physical condition
10 sufficiently severe so as to render the applicant incapable of
11 filing the application in a timely manner, the Chief County
12 Assessment Officer may extend the filing deadline for a period
13 of 3 months. In order to receive the extension provided in this
14 paragraph, the applicant shall provide the Chief County
15 Assessment Officer with a signed statement from the applicant's
16 physician stating the nature and extent of the condition, and
17 that, in the physician's opinion, the condition was so severe
18 that it rendered the applicant incapable of filing the
19 application in a timely manner.

20 In counties having less than 3,000,000 inhabitants, if an
21 applicant was denied an exemption in taxable year 1994 and the
22 denial occurred due to an error on the part of an assessment
23 official, or his or her agent or employee, then beginning in
24 taxable year 1997 the applicant's base year, for purposes of
25 determining the amount of the exemption, shall be 1993 rather
26 than 1994. In addition, in taxable year 1997, the applicant's

1 exemption shall also include an amount equal to (i) the amount
2 of any exemption denied to the applicant in taxable year 1995
3 as a result of using 1994, rather than 1993, as the base year,
4 (ii) the amount of any exemption denied to the applicant in
5 taxable year 1996 as a result of using 1994, rather than 1993,
6 as the base year, and (iii) the amount of the exemption
7 erroneously denied for taxable year 1994.

8 For purposes of this Section, a person who will be 65 years
9 of age during the current taxable year shall be eligible to
10 apply for the homestead exemption during that taxable year.
11 Application shall be made during the application period in
12 effect for the county of his or her residence.

13 The Chief County Assessment Officer may determine the
14 eligibility of a life care facility that qualifies as a
15 cooperative to receive the benefits provided by this Section by
16 use of an affidavit, application, visual inspection,
17 questionnaire, or other reasonable method in order to insure
18 that the tax savings resulting from the exemption are credited
19 by the management firm to the apportioned tax liability of each
20 qualifying resident. The Chief County Assessment Officer may
21 request reasonable proof that the management firm has so
22 credited that exemption.

23 Except as provided in this Section, all information
24 received by the chief county assessment officer or the
25 Department from applications filed under this Section, or from
26 any investigation conducted under the provisions of this

1 Section, shall be confidential, except for official purposes or
2 pursuant to official procedures for collection of any State or
3 local tax or enforcement of any civil or criminal penalty or
4 sanction imposed by this Act or by any statute or ordinance
5 imposing a State or local tax. Any person who divulges any such
6 information in any manner, except in accordance with a proper
7 judicial order, is guilty of a Class A misdemeanor.

8 Nothing contained in this Section shall prevent the
9 Director or chief county assessment officer from publishing or
10 making available reasonable statistics concerning the
11 operation of the exemption contained in this Section in which
12 the contents of claims are grouped into aggregates in such a
13 way that information contained in any individual claim shall
14 not be disclosed.

15 (d) Each Chief County Assessment Officer shall annually
16 publish a notice of availability of the exemption provided
17 under this Section. The notice shall be published at least 60
18 days but no more than 75 days prior to the date on which the
19 application must be submitted to the Chief County Assessment
20 Officer of the county in which the property is located. The
21 notice shall appear in a newspaper of general circulation in
22 the county.

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

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

1 (35 ILCS 200/15-175)

2 Sec. 15-175. General homestead exemption. Except as
3 provided in Sections 15-176 and 15-177 ~~Section 15-176~~,
4 homestead property is entitled to an annual homestead exemption
5 limited, except as described here with relation to
6 cooperatives, to a reduction in the equalized assessed value of
7 homestead property equal to the increase in equalized assessed
8 value for the current assessment year above the equalized
9 assessed value of the property for 1977, up to the maximum
10 reduction set forth below. If however, the 1977 equalized
11 assessed value upon which taxes were paid is subsequently
12 determined by local assessing officials, the Property Tax
13 Appeal Board, or a court to have been excessive, the equalized
14 assessed value which should have been placed on the property
15 for 1977 shall be used to determine the amount of the
16 exemption.

17 Except as provided in Section 15-176, the maximum reduction
18 before taxable year 2004 shall be \$4,500 in counties with
19 3,000,000 or more inhabitants and \$3,500 in all other counties.
20 Except as provided in Sections 15-176 and 15-177 ~~Section~~
21 ~~15-176~~, for taxable years 2004 through 2007 ~~and thereafter~~, the
22 maximum reduction shall be \$5,000, for taxable year 2008, the
23 maximum reduction is \$5,500, and, for taxable years 2009 and
24 thereafter, the maximum reduction is \$6,000 in all counties. If
25 a county has elected to subject itself to the provisions of

1 Section 15-176 as provided in subsection (k) of that Section,
2 then, for the first taxable year only after the provisions of
3 Section 15-176 no longer apply, for owners who, for the taxable
4 year, have not been granted a senior citizens assessment freeze
5 homestead exemption under Section 15-172 or a long-time
6 occupant homestead exemption under Section 15-177, there shall
7 be an additional exemption of \$5,000 for owners with a
8 household income of \$30,000 or less.~~If a county has elected to~~
9 ~~subject itself to the provisions of Section 15-176 as provided~~
10 ~~in subsection (k) of that Section, then, for the first taxable~~
11 ~~year only after the provisions of Section 15-176 no longer~~
12 ~~apply, for owners (i) who have not been granted a senior~~
13 ~~citizens assessment freeze homestead exemption under Section~~
14 ~~15-172 for the taxable year and (ii) whose qualified property~~
15 ~~has an assessed valuation that has increased by more than 20%~~
16 ~~over the previous assessed valuation of the property, there~~
17 ~~shall be an additional exemption of \$5,000 for owners with a~~
18 ~~household income of \$30,000 or less. For purposes of this~~
19 ~~paragraph, "household income" has the meaning set forth in this~~
20 ~~Section 15-175.~~

21 In counties with fewer than 3,000,000 inhabitants, if,
22 based on the most recent assessment, the equalized assessed
23 value of the homestead property for the current assessment year
24 is greater than the equalized assessed value of the property
25 for 1977, the owner of the property shall automatically receive
26 the exemption granted under this Section in an amount equal to

1 the increase over the 1977 assessment up to the maximum
2 reduction set forth in this Section.

3 If in any assessment year beginning with the 2000
4 assessment year, homestead property has a pro-rata valuation
5 under Section 9-180 resulting in an increase in the assessed
6 valuation, a reduction in equalized assessed valuation equal to
7 the increase in equalized assessed value of the property for
8 the year of the pro-rata valuation above the equalized assessed
9 value of the property for 1977 shall be applied to the property
10 on a proportionate basis for the period the property qualified
11 as homestead property during the assessment year. The maximum
12 proportionate homestead exemption shall not exceed the maximum
13 homestead exemption allowed in the county under this Section
14 divided by 365 and multiplied by the number of days the
15 property qualified as homestead property.

16 "Homestead property" under this Section includes
17 residential property that is occupied by its owner or owners as
18 his or their principal dwelling place, or that is a leasehold
19 interest on which a single family residence is situated, which
20 is occupied as a residence by a person who has an ownership
21 interest therein, legal or equitable or as a lessee, and on
22 which the person is liable for the payment of property taxes.
23 For land improved with an apartment building owned and operated
24 as a cooperative or a building which is a life care facility as
25 defined in Section 15-170 and considered to be a cooperative
26 under Section 15-170, the maximum reduction from the equalized

1 assessed value shall be limited to the increase in the value
2 above the equalized assessed value of the property for 1977, up
3 to the maximum reduction set forth above, multiplied by the
4 number of apartments or units occupied by a person or persons
5 who is liable, by contract with the owner or owners of record,
6 for paying property taxes on the property and is an owner of
7 record of a legal or equitable interest in the cooperative
8 apartment building, other than a leasehold interest. For
9 purposes of this Section, the term "life care facility" has the
10 meaning stated in Section 15-170.

11 "Household", as used in this Section, means the owner, the
12 spouse of the owner, and all persons using the residence of the
13 owner as their principal place of residence.

14 "Household income", as used in this Section, means the
15 combined income of the members of a household for the calendar
16 year preceding the taxable year.

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

21 In a cooperative where a homestead exemption has been
22 granted, the cooperative association or its management firm
23 shall credit the savings resulting from that exemption only to
24 the apportioned tax liability of the owner who qualified for
25 the exemption. Any person who willfully refuses to so credit
26 the savings shall be guilty of a Class B misdemeanor.

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

5 In all counties, the assessor or chief county assessment
6 officer may determine the eligibility of residential property
7 to receive the homestead exemption and the amount of the
8 exemption by application, visual inspection, questionnaire or
9 other reasonable methods. The determination shall be made in
10 accordance with guidelines established by the Department,
11 provided that the taxpayer applying for an additional general
12 exemption under this Section shall submit to the chief county
13 assessment officer an application with an affidavit of the
14 applicant's total household income, age, marital status (and,
15 if married, the name and address of the applicant's spouse, if
16 known), and principal dwelling place of members of the
17 household on January 1 of the taxable year. The Department
18 shall issue guidelines establishing a method for verifying the
19 accuracy of the affidavits filed by applicants under this
20 paragraph. The applications shall be clearly marked as
21 applications for the Additional General Homestead Exemption.

22 In counties with fewer than 3,000,000 inhabitants, in the
23 event of a sale of homestead property the homestead exemption
24 shall remain in effect for the remainder of the assessment year
25 of the sale. The assessor or chief county assessment officer
26 may require the new owner of the property to apply for the

1 homestead exemption for the following assessment year.

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

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

6 (35 ILCS 200/15-176)

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

8 (a) For the assessment years as determined under subsection
9 (j), in any county that has elected, by an ordinance in
10 accordance with subsection (k), to be subject to the provisions
11 of this Section in lieu of the provisions of Section 15-175,
12 homestead property is entitled to an annual homestead exemption
13 equal to a reduction in the property's equalized assessed value
14 calculated as provided in this Section.

15 (b) As used in this Section:

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

18 (2) "Adjusted homestead value" means the lesser of the
19 following values:

20 (A) The property's base homestead value increased
21 by 7% for each tax year after the base year through and
22 including the current tax year, or, if the property is
23 sold or ownership is otherwise transferred, the
24 property's base homestead value increased by 7% for
25 each tax year after the year of the sale or transfer

1 through and including the current tax year. The
2 increase by 7% each year is an increase by 7% over the
3 prior year.

4 (B) The property's equalized assessed value for
5 the current tax year minus: (i) \$4,500 in Cook County
6 or \$3,500 in all other counties in tax year 2003; ~~or~~
7 (ii) \$5,000 in all counties in tax years ~~year~~ 2004 and
8 2005; and (iii) the lesser of the amount of the general
9 homestead exemption under Section 15-175 or an amount
10 equal to the increase in the equalized assessed value
11 for the current tax year above the equalized assessed
12 value for 1977 in tax year 2006 and thereafter.

13 (3) "Base homestead value".

14 (A) Except as provided in subdivision (b) (3) (A-5)
15 or (b) (3) (B), "base homestead value" means the
16 equalized assessed value of the property for the base
17 year prior to exemptions, minus (i) \$4,500 in Cook
18 County or \$3,500 in all other counties in tax year
19 2003, ~~or~~ (ii) \$5,000 in all counties in tax years ~~year~~
20 2004 and 2005, or (iii) the lesser of the amount of the
21 general homestead exemption under Section 15-175 or an
22 amount equal to the increase in the equalized assessed
23 value for the current tax year above the equalized
24 assessed value for 1977 in tax year 2006 and
25 thereafter, provided that it was assessed for that year
26 as residential property qualified for any of the

1 homestead exemptions under Sections 15-170 through
2 15-175 of this Code, then in force, and further
3 provided that the property's assessment was not based
4 on a reduced assessed value resulting from a temporary
5 irregularity in the property for that year. Except as
6 provided in subdivision (b) (3) (B), if the property did
7 not have a residential equalized assessed value for the
8 base year, then "base homestead value" means the base
9 homestead value established by the assessor under
10 subsection (c).

11 (A-5) On or before September 1, 2007, in Cook
12 County, the base homestead value, as set forth under
13 subdivision (b) (3) (A) and except as provided under
14 subdivision (b) (3) (B), must be recalculated as the
15 equalized assessed value of the property for the base
16 year, prior to exemptions, minus:

17 (1) if the general assessment year for the
18 property was 2003, the lesser of (i) \$4,500 or (ii)
19 the amount equal to the increase in equalized
20 assessed value for the 2002 tax year above the
21 equalized assessed value for 1977;

22 (2) if the general assessment year for the
23 property was 2004, the lesser of (i) \$4,500 or (ii)
24 the amount equal to the increase in equalized
25 assessed value for the 2003 tax year above the
26 equalized assessed value for 1977;

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

6 (B) If the property is sold or ownership is
7 otherwise transferred, other than sales or transfers
8 between spouses or between a parent and a child, "base
9 homestead value" means the equalized assessed value of
10 the property at the time of the sale or transfer prior
11 to exemptions, minus: (i) \$4,500 in Cook County or
12 \$3,500 in all other counties in tax year 2003; ~~or~~ (ii)
13 \$5,000 in all counties in tax years ~~year~~ 2004 and 2005;
14 and (iii) the lesser of the amount of the general
15 homestead exemption under Section 15-175 or an amount
16 equal to the increase in the equalized assessed value
17 for the current tax year above the equalized assessed
18 value for 1977 in tax year 2006 and thereafter,
19 provided that it was assessed as residential property
20 qualified for any of the homestead exemptions under
21 Sections 15-170 through 15-175 of this Code, then in
22 force, and further provided that the property's
23 assessment was not based on a reduced assessed value
24 resulting from a temporary irregularity in the
25 property.

26 (3.5) "Base year" means (i) tax year 2002 in Cook

1 County or (ii) tax year 2005 or 2006 ~~2002 or 2003~~ in all
2 other counties in accordance with the designation made by
3 the county as provided in subsection (k).

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

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

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

9 (A) Residential property that as of January 1 of
10 the tax year is occupied by its owner or owners as his,
11 her, or their principal dwelling place, or that is a
12 leasehold interest on which a single family residence
13 is situated, that is occupied as a residence by a
14 person who has a legal or equitable interest therein
15 evidenced by a written instrument, as an owner or as a
16 lessee, and on which the person is liable for the
17 payment of property taxes. Residential units in an
18 apartment building owned and operated as a
19 cooperative, or as a life care facility, which are
20 occupied by persons who hold a legal or equitable
21 interest in the cooperative apartment building or life
22 care facility as owners or lessees, and who are liable
23 by contract for the payment of property taxes, shall be
24 included within this definition of homestead property.

25 (B) A homestead includes the dwelling place,
26 appurtenant structures, and so much of the surrounding

1 land constituting the parcel on which the dwelling
2 place is situated as is used for residential purposes.
3 If the assessor has established a specific legal
4 description for a portion of property constituting the
5 homestead, then the homestead shall be limited to the
6 property within that description.

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

9 (c) If the property did not have a residential equalized
10 assessed value for the base year as provided in subdivision
11 (b) (3) (A) of this Section, then the assessor shall first
12 determine an initial value for the property by comparison with
13 assessed values for the base year of other properties having
14 physical and economic characteristics similar to those of the
15 subject property, so that the initial value is uniform in
16 relation to assessed values of those other properties for the
17 base year. The product of the initial value multiplied by the
18 equalized factor for the base year for homestead properties in
19 that county, less: (i) \$4,500 in Cook County or \$3,500 in all
20 other counties in tax years ~~year~~ 2003; ~~or~~ (ii) \$5,000 in all
21 counties in tax year 2004 and 2005; and (iii) the lesser of the
22 amount of the general homestead exemption under Section 15-175
23 or an amount equal to the increase in the equalized assessed
24 value for the current tax year above the equalized assessed
25 value for 1977 in tax year 2006 and thereafter, is the base
26 homestead value.

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

6 (d) The base homestead value shall remain constant, except
7 that the assessor may revise it under the following
8 circumstances:

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

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

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

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

3 (e) The amount of the exemption under this Section is the
4 equalized assessed value of the homestead property for the
5 current tax year, minus the adjusted homestead value, with the
6 following exceptions:

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

10 (i) 2005, if the general assessment year for the
11 property is 2003;

12 (ii) 2006, if the general assessment year for the
13 property is 2004; or

14 (iii) 2007, if the general assessment year for the
15 property is 2005.

16 (1.1) Thereafter, in Cook County, and in all other
17 counties, the exemption is as follows:

18 (i) if the general assessment year for the property
19 is 2006, then the exemption may not exceed: \$30,000 for
20 taxable year 2006; \$24,000 for taxable year 2007; and
21 \$18,000 for taxable year 2008;

22 (ii) if the general assessment year for the
23 property is 2007, then the exemption may not exceed:
24 \$30,000 for taxable year 2007; \$24,000 for taxable year
25 2008; and \$18,000 for taxable year 2009; and

26 (iii) if the general assessment year for the

1 property is 2008, then the exemption may not exceed:
2 \$30,000 for taxable year 2008; \$24,000 for taxable year
3 2009; and \$18,000 for taxable year 2010.

4 (1.5) In Cook County, for the 2006 taxable year only, the
5 maximum amount of the exemption set forth under subsection
6 (e)(1.1)(i) of this Section may be increased: (i) by \$10,000 if
7 the equalized assessed value of the property in that taxable
8 year exceeds the equalized assessed value of that property in
9 2002 by 100% or more; or (ii) by \$5,000 if the equalized
10 assessed value of the property in that taxable year exceeds the
11 equalized assessed value of that property in 2002 by more than
12 80% but less than 100%.

13 (2) In the case of homestead property that also
14 qualifies for the exemption under Section 15-172, the
15 property is entitled to the exemption under this Section,
16 limited to the amount of (i) \$4,500 in Cook County or
17 \$3,500 in all other counties in tax year 2003, ~~or~~ (ii)
18 \$5,000 in all counties in tax ~~years~~ ~~year~~ 2004 and 2005, or
19 (iii) the lesser of the amount of the general homestead
20 exemption under Section 15-175 or an amount equal to the
21 increase in the equalized assessed value for the current
22 tax year above the equalized assessed value for 1977 in tax
23 year 2006 and thereafter.

24 (f) In the case of an apartment building owned and operated
25 as a cooperative, or as a life care facility, that contains
26 residential units that qualify as homestead property under this

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

12 (g) When married persons maintain separate residences, the
13 exemption provided under this Section shall be claimed by only
14 one such person and for only one residence.

15 (h) In the event of a sale or other transfer in ownership
16 of the homestead property, the exemption under this Section
17 shall remain in effect for the remainder of the tax year and be
18 calculated using the same base homestead value in which the
19 sale or transfer occurs, but (other than for sales or transfers
20 between spouses or between a parent and a child) shall be
21 calculated for any subsequent tax year using the new base
22 homestead value as provided in subdivision (b)(3)(B). The
23 assessor may require the new owner of the property to apply for
24 the exemption in the following year.

25 (i) The assessor may determine whether property qualifies
26 as a homestead under this Section by application, visual

1 inspection, questionnaire, or other reasonable methods. Each
2 year, at the time the assessment books are certified to the
3 county clerk by the board of review, the assessor shall furnish
4 to the county clerk a list of the properties qualified for the
5 homestead exemption under this Section. The list shall note the
6 base homestead value of each property to be used in the
7 calculation of the exemption for the current tax year.

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

10 (1) If the general assessment year for the property is
11 2003, this Section applies for assessment years 2003, 2004,
12 ~~and 2005~~, 2006, 2007, and 2008. Thereafter, the provisions
13 of Section 15-175 apply.

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

18 (3) If the general assessment year for the property is
19 2005, this Section applies for assessment years 2005, 2006,
20 ~~and 2007~~, 2008, 2009, and 2010. Thereafter, the provisions
21 of Section 15-175 apply.

22 In counties with less than 3,000,000 inhabitants, this
23 Section applies for assessment years (i) 2006, 2007, and 2008,
24 and 2009 if tax year 2005 ~~2003, 2004, and 2005 if 2002~~ is the
25 designated base year or (ii) 2007, 2008, 2009, and 2010 if tax
26 year 2006 ~~2004, 2005, and 2006 if 2003~~ is the designated base

1 year. Thereafter, the provisions of Section 15-175 apply.

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

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

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

13 (35 ILCS 200/15-177 new)

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

15 (a) If the county has elected, under Section 15-176, to be
16 subject to the provisions of the alternative general homestead
17 exemption, then, for taxable years 2007 and thereafter,
18 regardless of whether the exemption under Section 15-176
19 applies, qualified homestead property is entitled to an annual
20 homestead exemption equal to a reduction in the property's
21 equalized assessed value calculated as provided in this
22 Section.

23 (b) As used in this Section:

24 "Adjusted homestead value" means the lesser of the
25 following values:

1 (1) The property's base homestead value increased by:
2 (i) 10% for each taxable year after the base year through
3 and including the current tax year for qualified taxpayers
4 with a household income of more than \$75,000 but not
5 exceeding \$100,000; or (ii) 7% for each taxable year after
6 the base year through and including the current tax year
7 for qualified taxpayers with a household income of \$75,000
8 or less. The increase each year is an increase over the
9 prior year; or

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

12 "Base homestead value" means:

13 (1) if the property did not have an adjusted homestead
14 value under Section 15-176 for the base year, then an
15 amount equal to the equalized assessed value of the
16 property for the base year prior to exemptions, minus the
17 general homestead deduction, provided that the property's
18 assessment was not based on a reduced assessed value
19 resulting from a temporary irregularity in the property for
20 that year; or

21 (2) if the property had an adjusted homestead value
22 under Section 15-176 for the base year, then an amount
23 equal to the adjusted homestead value of the property under
24 Section 15-176 for the base year.

25 "Base year" means the taxable year prior to the taxable
26 year in which the taxpayer first qualifies for the exemption

1 under this Section.

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

4 "Equalized assessed value" means the property's assessed
5 value as equalized by the Department.

6 "Homestead" or "homestead property" means residential
7 property that as of January 1 of the tax year is occupied by a
8 qualified taxpayer as his or her principal dwelling place, or
9 that is a leasehold interest on which a single family residence
10 is situated, that is occupied as a residence by a qualified
11 taxpayer who has a legal or equitable interest therein
12 evidenced by a written instrument, as an owner or as a lessee,
13 and on which the person is liable for the payment of property
14 taxes. Residential units in an apartment building owned and
15 operated as a cooperative, or as a life care facility, which
16 are occupied by persons who hold a legal or equitable interest
17 in the cooperative apartment building or life care facility as
18 owners or lessees, and who are liable by contract for the
19 payment of property taxes, are included within this definition
20 of homestead property. A homestead includes the dwelling place,
21 appurtenant structures, and so much of the surrounding land
22 constituting the parcel on which the dwelling place is situated
23 as is used for residential purposes. If the assessor has
24 established a specific legal description for a portion of
25 property constituting the homestead, then the homestead is
26 limited to the property within that description.

1 "Household income" has the meaning set forth under Section
2 15-172 of this Code.

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

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

7 "Qualified homestead property" means homestead property
8 owned by a qualified taxpayer.

9 "Qualified taxpayer" means any individual:

10 (1) who, for at least 10 continuous years as of January
11 1 of the taxable year, has occupied the same homestead
12 property as a principal residence and domicile or who, for
13 at least 5 continuous years as of January 1 of the taxable
14 year, has occupied the same homestead property as a
15 principal residence and domicile if that person received
16 assistance in the acquisition of the property as part of a
17 government or nonprofit housing program; and

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

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

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

1 irregularity in the property) becomes the base homestead
2 value in subsequent tax years.

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

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

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

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

1 exemption provided under this Section may be claimed by only
2 one such person and for only one residence. No person who
3 receives an exemption under Section 15-172 of this Code may
4 receive an exemption under this Section. No person who receives
5 an exemption under this Section may receive an exemption under
6 Section 15-175 or 15-176 of this Code.

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

11 (h) In the event of a sale or other transfer in ownership
12 of the homestead property other than subsection (g) of this
13 Section, the exemption under this Section shall remain in
14 effect for the remainder of the tax year and be calculated
15 using the same base homestead value in which the sale or
16 transfer occurs.

17 (i) To receive the exemption, a person must submit an
18 application to the county assessor during the period specified
19 by the county assessor.

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

22 The taxpayer must submit, with the application, an
23 affidavit of the taxpayer's total household income, marital
24 status (and if married the name and address of the applicant's
25 spouse, if known), and principal dwelling place of members of
26 the household on January 1 of the taxable year. The Department

1 shall establish, by rule, a method for verifying the accuracy
2 of affidavits filed by applicants under this Section, and the
3 Chief County Assessment Officer may conduct audits of any
4 taxpayer claiming an exemption under this Section to verify
5 that the taxpayer is eligible to receive the exemption. Each
6 application shall contain or be verified by a written
7 declaration that it is made under the penalties of perjury. A
8 taxpayer's signing a fraudulent application under this Act is
9 perjury, as defined in Section 32-2 of the Criminal Code of
10 1961. The applications shall be clearly marked as applications
11 for the Long-time Occupant Homestead Exemption and must contain
12 a notice that any taxpayer who receives the exemption is
13 subject to an audit by the Chief County Assessment Officer.

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

17 (35 ILCS 200/18-178 new)

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

20 (a) The governing body of any county or municipality may,
21 by ordinance, order the county clerk to abate any percentage of
22 the taxes levied by the county or municipality on each parcel
23 of qualified property within the boundaries of the county or
24 municipality that is owned by the surviving spouse of a fallen
25 police officer or rescue worker.

1 (b) The governing body may provide, by ordinance, for the
2 percentage amount and duration of an abatement under this
3 Section and for any other provision necessary to carry out the
4 provisions of this Section. Upon passing an ordinance under
5 this Section, the county or municipality must deliver a
6 certified copy of the ordinance to the county clerk.

7 (c) As used in this Section:

8 "Fallen police officer or rescue worker" means an
9 individual who dies:

10 (1) as a result of or in the course of employment as a
11 police officer; or

12 (2) while in the active service of a fire, rescue, or
13 emergency medical service.

14 "Fallen police officer or rescue worker", however, does not
15 include any individual whose death was the result of that
16 individual's own willful misconduct or abuse of alcohol or
17 drugs.

18 "Qualified property" means a parcel of real property that
19 is occupied by not more than 2 families, that is used as the
20 principle residence by a surviving spouse, and that:

21 (1) was owned by the fallen police officer or rescue
22 worker or surviving spouse at the time of the police
23 officer's or rescue worker's death;

24 (2) was acquired by the surviving spouse within 2 years
25 after the police officer's or rescue worker's death if the
26 surviving spouse was domiciled in the State at the time of

1 that death; or

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

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

8 (35 ILCS 200/20-15)

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

12 (a) a statement itemizing the rate at which taxes have
13 been extended for each of the taxing districts in the
14 county in whose district the property is located, and in
15 those counties utilizing electronic data processing
16 equipment the dollar amount of tax due from the person
17 assessed allocable to each of those taxing districts,
18 including a separate statement of the dollar amount of tax
19 due which is allocable to a tax levied under the Illinois
20 Local Library Act or to any other tax levied by a
21 municipality or township for public library purposes,

22 (b) a separate statement for each of the taxing
23 districts of the dollar amount of tax due which is
24 allocable to a tax levied under the Illinois Pension Code
25 or to any other tax levied by a municipality or township

1 for public pension or retirement purposes,

2 (c) the total tax rate,

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

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

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

10 In all counties the statement shall also provide:

11 (1) the property index number or other suitable
12 description,

13 (2) the assessment of the property,

14 (3) the equalization factors imposed by the county and
15 by the Department, and

16 (4) the equalized assessment resulting from the
17 application of the equalization factors to the basic
18 assessment.

19 In all counties which do not classify property for purposes
20 of taxation, for property on which a single family residence is
21 situated the statement shall also include a statement to
22 reflect the fair cash value determined for the property. In all
23 counties which classify property for purposes of taxation in
24 accordance with Section 4 of Article IX of the Illinois
25 Constitution, for parcels of residential property in the lowest
26 assessment classification the statement shall also include a

1 statement to reflect the fair cash value determined for the
2 property.

3 In all counties, the statement must include information
4 that certain taxpayers may be eligible for tax exemptions,
5 abatements, and other assistance programs and that, for more
6 information, taxpayers should consult with the office of their
7 township or county assessor and with the Illinois Department of
8 Revenue.

9 In all counties, the statement shall include information
10 that certain taxpayers may be eligible for the Senior Citizens
11 and Disabled Persons Property Tax Relief and Pharmaceutical
12 Assistance Act and that applications are available from the
13 Illinois Department on Aging ~~of Revenue~~.

14 In counties which use the estimated or accelerated billing
15 methods, these statements shall only be provided with the final
16 installment of taxes due. The provisions of this Section create
17 a mandatory statutory duty. They are not merely directory or
18 discretionary. The failure or neglect of the collector to mail
19 the bill, or the failure of the taxpayer to receive the bill,
20 shall not affect the validity of any tax, or the liability for
21 the payment of any tax.

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

23 (35 ILCS 200/20-178)

24 Sec. 20-178. Certificate of error; refund; interest. When
25 the county collector makes any refunds due on certificates of

1 error issued under Sections 14-15 through 14-25 that have been
2 either certified or adjudicated, the county collector shall pay
3 the taxpayer interest on the amount of the refund at the rate
4 of 0.5% per month.

5 No interest shall be due under this Section for any time
6 prior to 60 days after the effective date of this amendatory
7 Act of the 91st General Assembly. For certificates of error
8 issued prior to the effective date of this amendatory Act of
9 the 91st General Assembly, the county collector shall pay the
10 taxpayer interest from 60 days after the effective date of this
11 amendatory Act of the 91st General Assembly until the date the
12 refund is paid. For certificates of error issued on or after
13 the effective date of this amendatory Act of the 91st General
14 Assembly, interest shall be paid from 60 days after the
15 certificate of error is issued by the chief county assessment
16 officer to the date the refund is made. To cover the cost of
17 interest, the county collector shall proportionately reduce
18 the distribution of taxes collected for each taxing district in
19 which the property is situated.

20 This Section shall not apply to any certificate of error
21 granting a homestead exemption under Section 15-170, 15-172,
22 15-175, ~~or~~ 15-176, or 15-177.

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

24 (35 ILCS 200/21-27)

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

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

7 (1) The person is determined eligible for a grant under
8 the Senior Citizens and Disabled Persons Property Tax
9 Relief and Pharmaceutical Assistance Act with respect to
10 the taxes for that year.

11 (2) The person requests, in writing, on a form approved
12 by the county treasurer, a waiver of the interest penalty,
13 and the request is filed with the county treasurer on or
14 before the first day of the month that an installment of
15 taxes is due.

16 (3) The person pays the installment of taxes due, in
17 full, on or before the third day of the month that the
18 installment is due.

19 (4) The county treasurer approves the request for a
20 waiver.

21 (b) With respect to property that qualifies as a brownfield
22 site under Section 58.2 of the Environmental Protection Act,
23 the county board, upon the recommendation of the county
24 treasurer, may, within 60 days after the effective date of this
25 amendatory Act of the 95th General Assembly, adopt a resolution
26 to waive an interest penalty for the delinquent payment of

1 taxes for any year prior to the 2008 taxable year that
2 otherwise would be imposed under Section 21-15, 21-20, or 21-25
3 if all of the following criteria are met:

4 (1) the property has delinquent taxes and an
5 outstanding interest penalty and the amount of that
6 interest penalty is so large as to, possibly, result in all
7 of the taxes becoming uncollectible;

8 (2) the property is part of a redevelopment plan of a
9 unit of local government and that unit of local government
10 does not oppose the waiver of the interest penalty;

11 (3) the redevelopment of the property will benefit the
12 public interest by remediating the brownfield
13 contamination;

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

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

23 (6) the county treasurer approves the request for a
24 waiver.

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

1 (35 ILCS 200/24-35 new)

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

3 (a) There is created the Property Tax Reform and Relief
4 Task Force consisting of 9 members appointed as follows: 3
5 members appointed by the President of the Senate, one of whom
6 shall be designated as the chair of the Task Force upon
7 appointment; 2 members appointed by the Minority Leader of the
8 Senate; 2 members appointed by the Speaker of the House of
9 Representatives; and 2 members appointed by the Minority Leader
10 of the House of Representatives.

11 (b) The Task Force shall conduct a study of the property
12 tax system in Illinois and investigate methods of reducing the
13 reliance on property taxes and alternative methods of funding.

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

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

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

22 Section 15. The County Economic Development Project Area
23 Property Tax Allocation Act is amended by changing Section 6 as
24 follows:

1 (55 ILCS 85/6) (from Ch. 34, par. 7006)

2 Sec. 6. Filing with county clerk; certification of initial
3 equalized assessed value.

4 (a) The county shall file a certified copy of any ordinance
5 authorizing property tax allocation financing for an economic
6 development project area with the county clerk, and the county
7 clerk shall immediately thereafter determine (1) the most
8 recently ascertained equalized assessed value of each lot,
9 block, tract or parcel of real property within the economic
10 development project area from which shall be deducted the
11 homestead exemptions under Article 15 ~~provided by Sections~~
12 ~~15-170, 15-175, and 15-176~~ of the Property Tax Code, which
13 value shall be the "initial equalized assessed value" of each
14 such piece of property, and (2) the total equalized assessed
15 value of all taxable real property within the economic
16 development project area by adding together the most recently
17 ascertained equalized assessed value of each taxable lot,
18 block, tract, or parcel of real property within such economic
19 development project area, from which shall be deducted the
20 homestead exemptions provided by Sections 15-170, 15-175, and
21 15-176 of the Property Tax Code. Upon receiving written notice
22 from the Department of its approval and certification of such
23 economic development project area, the county clerk shall
24 immediately certify such amount as the "total initial equalized
25 assessed value" of the taxable property within the economic
26 development project area.

1 (b) After the county clerk has certified the "total initial
2 equalized assessed value" of the taxable real property in the
3 economic development project area, then in respect to every
4 taxing district containing an economic development project
5 area, the county clerk or any other official required by law to
6 ascertain the amount of the equalized assessed value of all
7 taxable property within that taxing district for the purpose of
8 computing the rate percent of tax to be extended upon taxable
9 property within the taxing district, shall in every year that
10 property tax allocation financing is in effect ascertain the
11 amount of value of taxable property in an economic development
12 project area by including in that amount the lower of the
13 current equalized assessed value or the certified "total
14 initial equalized assessed value" of all taxable real property
15 in such area. The rate percent of tax determined shall be
16 extended to the current equalized assessed value of all
17 property in the economic development project area in the same
18 manner as the rate percent of tax is extended to all other
19 taxable property in the taxing district. The method of
20 allocating taxes established under this Section shall
21 terminate when the county adopts an ordinance dissolving the
22 special tax allocation fund for the economic development
23 project area. This Act shall not be construed as relieving
24 property owners within an economic development project area
25 from paying a uniform rate of taxes upon the current equalized
26 assessed value of their taxable property as provided in the

1 Property Tax Code.

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

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

6 (55 ILCS 90/45) (from Ch. 34, par. 8045)

7 Sec. 45. Filing with county clerk; certification of initial
8 equalized assessed value.

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

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

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

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

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

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

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

12 Sec. 11-74.4-8. Tax increment allocation financing. A
13 municipality may not adopt tax increment financing in a
14 redevelopment project area after the effective date of this
15 amendatory Act of 1997 that will encompass an area that is
16 currently included in an enterprise zone created under the
17 Illinois Enterprise Zone Act unless that municipality,
18 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
19 amends the enterprise zone designating ordinance to limit the
20 eligibility for tax abatements as provided in Section 5.4.1 of
21 the Illinois Enterprise Zone Act. A municipality, at the time a
22 redevelopment project area is designated, may adopt tax
23 increment allocation financing by passing an ordinance
24 providing that the ad valorem taxes, if any, arising from the

1 levies upon taxable real property in such redevelopment project
2 area by taxing districts and tax rates determined in the manner
3 provided in paragraph (c) of Section 11-74.4-9 each year after
4 the effective date of the ordinance until redevelopment project
5 costs and all municipal obligations financing redevelopment
6 project costs incurred under this Division have been paid shall
7 be divided as follows:

8 (a) That portion of taxes levied upon each taxable lot,
9 block, tract or parcel of real property which is attributable
10 to the lower of the current equalized assessed value or the
11 initial equalized assessed value of each such taxable lot,
12 block, tract or parcel of real property in the redevelopment
13 project area shall be allocated to and when collected shall be
14 paid by the county collector to the respective affected taxing
15 districts in the manner required by law in the absence of the
16 adoption of tax increment allocation financing.

17 (b) Except from a tax levied by a township to retire bonds
18 issued to satisfy court-ordered damages, that portion, if any,
19 of such taxes which is attributable to the increase in the
20 current equalized assessed valuation of each taxable lot,
21 block, tract or parcel of real property in the redevelopment
22 project area over and above the initial equalized assessed
23 value of each property in the project area shall be allocated
24 to and when collected shall be paid to the municipal treasurer
25 who shall deposit said taxes into a special fund called the
26 special tax allocation fund of the municipality for the purpose

1 of paying redevelopment project costs and obligations incurred
2 in the payment thereof. In any county with a population of
3 3,000,000 or more that has adopted a procedure for collecting
4 taxes that provides for one or more of the installments of the
5 taxes to be billed and collected on an estimated basis, the
6 municipal treasurer shall be paid for deposit in the special
7 tax allocation fund of the municipality, from the taxes
8 collected from estimated bills issued for property in the
9 redevelopment project area, the difference between the amount
10 actually collected from each taxable lot, block, tract, or
11 parcel of real property within the redevelopment project area
12 and an amount determined by multiplying the rate at which taxes
13 were last extended against the taxable lot, block, track, or
14 parcel of real property in the manner provided in subsection
15 (c) of Section 11-74.4-9 by the initial equalized assessed
16 value of the property divided by the number of installments in
17 which real estate taxes are billed and collected within the
18 county; provided that the payments on or before December 31,
19 1999 to a municipal treasurer shall be made only if each of the
20 following conditions are met:

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

24 (2) Not more than 50% of the total equalized assessed
25 value of the redevelopment project area as last determined
26 is attributable to a piece of property assigned a single

1 real estate index number.

2 (3) The municipal clerk has certified to the county
3 clerk that the municipality has issued its obligations to
4 which there has been pledged the incremental property taxes
5 of the redevelopment project area or taxes levied and
6 collected on any or all property in the municipality or the
7 full faith and credit of the municipality to pay or secure
8 payment for all or a portion of the redevelopment project
9 costs. The certification shall be filed annually no later
10 than September 1 for the estimated taxes to be distributed
11 in the following year; however, for the year 1992 the
12 certification shall be made at any time on or before March
13 31, 1992.

14 (4) The municipality has not requested that the total
15 initial equalized assessed value of real property be
16 adjusted as provided in subsection (b) of Section
17 11-74.4-9.

18 The conditions of paragraphs (1) through (4) do not apply
19 after December 31, 1999 to payments to a municipal treasurer
20 made by a county with 3,000,000 or more inhabitants that has
21 adopted an estimated billing procedure for collecting taxes. If
22 a county that has adopted the estimated billing procedure makes
23 an erroneous overpayment of tax revenue to the municipal
24 treasurer, then the county may seek a refund of that
25 overpayment. The county shall send the municipal treasurer a
26 notice of liability for the overpayment on or before the

1 mailing date of the next real estate tax bill within the
2 county. The refund shall be limited to the amount of the
3 overpayment.

4 It is the intent of this Division that after the effective
5 date of this amendatory Act of 1988 a municipality's own ad
6 valorem tax arising from levies on taxable real property be
7 included in the determination of incremental revenue in the
8 manner provided in paragraph (c) of Section 11-74.4-9. If the
9 municipality does not extend such a tax, it shall annually
10 deposit in the municipality's Special Tax Increment Fund an
11 amount equal to 10% of the total contributions to the fund from
12 all other taxing districts in that year. The annual 10% deposit
13 required by this paragraph shall be limited to the actual
14 amount of municipally produced incremental tax revenues
15 available to the municipality from taxpayers located in the
16 redevelopment project area in that year if: (a) the plan for
17 the area restricts the use of the property primarily to
18 industrial purposes, (b) the municipality establishing the
19 redevelopment project area is a home-rule community with a 1990
20 population of between 25,000 and 50,000, (c) the municipality
21 is wholly located within a county with a 1990 population of
22 over 750,000 and (d) the redevelopment project area was
23 established by the municipality prior to June 1, 1990. This
24 payment shall be in lieu of a contribution of ad valorem taxes
25 on real property. If no such payment is made, any redevelopment
26 project area of the municipality shall be dissolved.

1 If a municipality has adopted tax increment allocation
2 financing by ordinance and the County Clerk thereafter
3 certifies the "total initial equalized assessed value as
4 adjusted" of the taxable real property within such
5 redevelopment project area in the manner provided in paragraph
6 (b) of Section 11-74.4-9, each year after the date of the
7 certification of the total initial equalized assessed value as
8 adjusted until redevelopment project costs and all municipal
9 obligations financing redevelopment project costs have been
10 paid the ad valorem taxes, if any, arising from the levies upon
11 the taxable real property in such redevelopment project area by
12 taxing districts and tax rates determined in the manner
13 provided in paragraph (c) of Section 11-74.4-9 shall be divided
14 as follows:

15 (1) That portion of the taxes levied upon each taxable
16 lot, block, tract or parcel of real property which is
17 attributable to the lower of the current equalized assessed
18 value or "current equalized assessed value as adjusted" or
19 the initial equalized assessed value of each such taxable
20 lot, block, tract, or parcel of real property existing at
21 the time tax increment financing was adopted, minus the
22 total current homestead exemptions under Article 15
23 ~~provided by Sections 15-170, 15-175, and 15-176~~ of the
24 Property Tax Code in the redevelopment project area shall
25 be allocated to and when collected shall be paid by the
26 county collector to the respective affected taxing

1 districts in the manner required by law in the absence of
2 the adoption of tax increment allocation financing.

3 (2) That portion, if any, of such taxes which is
4 attributable to the increase in the current equalized
5 assessed valuation of each taxable lot, block, tract, or
6 parcel of real property in the redevelopment project area,
7 over and above the initial equalized assessed value of each
8 property existing at the time tax increment financing was
9 adopted, minus the total current homestead exemptions
10 pertaining to each piece of property provided by Article 15
11 ~~Sections 15-170, 15-175, and 15-176~~ of the Property Tax
12 Code in the redevelopment project area, shall be allocated
13 to and when collected shall be paid to the municipal
14 Treasurer, who shall deposit said taxes into a special fund
15 called the special tax allocation fund of the municipality
16 for the purpose of paying redevelopment project costs and
17 obligations incurred in the payment thereof.

18 The municipality may pledge in the ordinance the funds in
19 and to be deposited in the special tax allocation fund for the
20 payment of such costs and obligations. No part of the current
21 equalized assessed valuation of each property in the
22 redevelopment project area attributable to any increase above
23 the total initial equalized assessed value, or the total
24 initial equalized assessed value as adjusted, of such
25 properties shall be used in calculating the general State
26 school aid formula, provided for in Section 18-8 of the School

1 Code, until such time as all redevelopment project costs have
2 been paid as provided for in this Section.

3 Whenever a municipality issues bonds for the purpose of
4 financing redevelopment project costs, such municipality may
5 provide by ordinance for the appointment of a trustee, which
6 may be any trust company within the State, and for the
7 establishment of such funds or accounts to be maintained by
8 such trustee as the municipality shall deem necessary to
9 provide for the security and payment of the bonds. If such
10 municipality provides for the appointment of a trustee, such
11 trustee shall be considered the assignee of any payments
12 assigned by the municipality pursuant to such ordinance and
13 this Section. Any amounts paid to such trustee as assignee
14 shall be deposited in the funds or accounts established
15 pursuant to such trust agreement, and shall be held by such
16 trustee in trust for the benefit of the holders of the bonds,
17 and such holders shall have a lien on and a security interest
18 in such funds or accounts so long as the bonds remain
19 outstanding and unpaid. Upon retirement of the bonds, the
20 trustee shall pay over any excess amounts held to the
21 municipality for deposit in the special tax allocation fund.

22 When such redevelopment projects costs, including without
23 limitation all municipal obligations financing redevelopment
24 project costs incurred under this Division, have been paid, all
25 surplus funds then remaining in the special tax allocation fund
26 shall be distributed by being paid by the municipal treasurer

1 to the Department of Revenue, the municipality and the county
2 collector; first to the Department of Revenue and the
3 municipality in direct proportion to the tax incremental
4 revenue received from the State and the municipality, but not
5 to exceed the total incremental revenue received from the State
6 or the municipality less any annual surplus distribution of
7 incremental revenue previously made; with any remaining funds
8 to be paid to the County Collector who shall immediately
9 thereafter pay said funds to the taxing districts in the
10 redevelopment project area in the same manner and proportion as
11 the most recent distribution by the county collector to the
12 affected districts of real property taxes from real property in
13 the redevelopment project area.

14 Upon the payment of all redevelopment project costs, the
15 retirement of obligations, the distribution of any excess
16 monies pursuant to this Section, and final closing of the books
17 and records of the redevelopment project area, the municipality
18 shall adopt an ordinance dissolving the special tax allocation
19 fund for the redevelopment project area and terminating the
20 designation of the redevelopment project area as a
21 redevelopment project area. Title to real or personal property
22 and public improvements acquired by or for the municipality as
23 a result of the redevelopment project and plan shall vest in
24 the municipality when acquired and shall continue to be held by
25 the municipality after the redevelopment project area has been
26 terminated. Municipalities shall notify affected taxing

1 districts prior to November 1 if the redevelopment project area
2 is to be terminated by December 31 of that same year. If a
3 municipality extends estimated dates of completion of a
4 redevelopment project and retirement of obligations to finance
5 a redevelopment project, as allowed by this amendatory Act of
6 1993, that extension shall not extend the property tax
7 increment allocation financing authorized by this Section.
8 Thereafter the rates of the taxing districts shall be extended
9 and taxes levied, collected and distributed in the manner
10 applicable in the absence of the adoption of tax increment
11 allocation financing.

12 Nothing in this Section shall be construed as relieving
13 property in such redevelopment project areas from being
14 assessed as provided in the Property Tax Code or as relieving
15 owners of such property from paying a uniform rate of taxes, as
16 required by Section 4 of Article 9 of the Illinois
17 Constitution.

18 (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03;
19 93-715, eff. 7-12-04.)

20 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

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

22 (a) If a municipality by ordinance provides for tax
23 increment allocation financing pursuant to Section 11-74.4-8,
24 the county clerk immediately thereafter shall determine (1) the
25 most recently ascertained equalized assessed value of each lot,

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

15 (b) In reference to any municipality which has adopted tax
16 increment financing after January 1, 1978, and in respect to
17 which the county clerk has certified the "total initial
18 equalized assessed value" of the property in the redevelopment
19 area, the municipality may thereafter request the clerk in
20 writing to adjust the initial equalized value of all taxable
21 real property within the redevelopment project area by
22 deducting therefrom the exemptions under Article 15 ~~provided~~
23 ~~for by Sections 15-170, 15-175, and 15-176~~ of the Property Tax
24 Code applicable to each lot, block, tract or parcel of real
25 property within such redevelopment project area. The county
26 clerk shall immediately after the written request to adjust the

1 total initial equalized value is received determine the total
2 homestead exemptions in the redevelopment project area
3 provided by Sections 15-170, 15-175, and 15-176 of the Property
4 Tax Code by adding together the homestead exemptions provided
5 by said Sections on each lot, block, tract or parcel of real
6 property within such redevelopment project area and then shall
7 deduct the total of said exemptions from the total initial
8 equalized assessed value. The county clerk shall then promptly
9 certify such amount as the "total initial equalized assessed
10 value as adjusted" of the taxable real property within such
11 redevelopment project area.

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

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

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

21 (65 ILCS 5/11-74.6-40)

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

24 (a) If a municipality by ordinance provides for tax
25 increment allocation financing under Section 11-74.6-35, the

1 county clerk immediately thereafter:

2 (1) shall determine the initial equalized assessed
3 value of each parcel of real property in the redevelopment
4 project area, which is the most recently established
5 equalized assessed value of each lot, block, tract or
6 parcel of taxable real property within the redevelopment
7 project area, minus the homestead exemptions under Article
8 15 provided by Sections 15 170, 15 175, and 15 176 of the
9 Property Tax Code; and

10 (2) shall certify to the municipality the total initial
11 equalized assessed value of all taxable real property
12 within the redevelopment project area.

13 (b) Any municipality that has established a vacant
14 industrial buildings conservation area may, by ordinance
15 passed after the adoption of tax increment allocation
16 financing, provide that the county clerk immediately
17 thereafter shall again determine:

18 (1) the updated initial equalized assessed value of
19 each lot, block, tract or parcel of real property, which is
20 the most recently ascertained equalized assessed value of
21 each lot, block, tract or parcel of real property within
22 the vacant industrial buildings conservation area; and

23 (2) the total updated initial equalized assessed value
24 of all taxable real property within the redevelopment
25 project area, which is the total of the updated initial
26 equalized assessed value of all taxable real property

1 within the vacant industrial buildings conservation area.

2 The county clerk shall certify to the municipality the
3 total updated initial equalized assessed value of all taxable
4 real property within the industrial buildings conservation
5 area.

6 (c) After the county clerk has certified the total initial
7 equalized assessed value or the total updated initial equalized
8 assessed value of the taxable real property in the area, for
9 each taxing district in which a redevelopment project area is
10 situated, the county clerk or any other official required by
11 law to determine the amount of the equalized assessed value of
12 all taxable property within the district for the purpose of
13 computing the percentage rate of tax to be extended upon
14 taxable property within the district, shall in every year that
15 tax increment allocation financing is in effect determine the
16 total equalized assessed value of taxable property in a
17 redevelopment project area by including in that amount the
18 lower of the current equalized assessed value or the certified
19 total initial equalized assessed value or, if the total of
20 updated equalized assessed value has been certified, the total
21 updated initial equalized assessed value of all taxable real
22 property in the redevelopment project area. After he has
23 certified the total initial equalized assessed value he shall
24 in the year of that certification, if tax rates have not been
25 extended, and in every subsequent year that tax increment
26 allocation financing is in effect, determine the amount of

1 equalized assessed value of taxable property in a redevelopment
2 project area by including in that amount the lower of the
3 current total equalized assessed value or the certified total
4 initial equalized assessed value or, if the total of updated
5 initial equalized assessed values have been certified, the
6 total updated initial equalized assessed value of all taxable
7 real property in the redevelopment project area.

8 (d) The percentage rate of tax determined shall be extended
9 on the current equalized assessed value of all property in the
10 redevelopment project area in the same manner as the rate per
11 cent of tax is extended to all other taxable property in the
12 taxing district. The method of extending taxes established
13 under this Section shall terminate when the municipality adopts
14 an ordinance dissolving the special tax allocation fund for the
15 redevelopment project area. This Law shall not be construed as
16 relieving property owners within a redevelopment project area
17 from paying a uniform rate of taxes upon the current equalized
18 assessed value of their taxable property as provided in the
19 Property Tax Code.

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

21 Section 25. The Economic Development Project Area Tax
22 Increment Allocation Act of 1995 is amended by changing Section
23 45 as follows:

24 (65 ILCS 110/45)

1 Sec. 45. Filing with county clerk; certification of initial
2 equalized assessed value.

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

25 (b) After the county clerk has certified the "total initial
26 equalized assessed value" of the taxable real property in the

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

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

1 Section 30. The School Code is amended by changing Section
2 18-8.05 as follows:

3 (105 ILCS 5/18-8.05)

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

7 (A) General Provisions.

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

1 (2) In addition to general State financial aid, school
2 districts with specified levels or concentrations of pupils
3 from low income households are eligible to receive supplemental
4 general State financial aid grants as provided pursuant to
5 subsection (H). The supplemental State aid grants provided for
6 school districts under subsection (H) shall be appropriated for
7 distribution to school districts as part of the same line item
8 in which the general State financial aid of school districts is
9 appropriated under this Section.

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

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

1 entitled to receive State aid payments due upon a legal
2 claim which was filed while it was recognized.

3 (b) School district claims filed under this Section are
4 subject to Sections 18-9, 18-10, and 18-12, except as
5 otherwise provided in this Section.

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

11 (d) (Blank).

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

16 School districts are not required to exert a minimum
17 Operating Tax Rate in order to qualify for assistance under
18 this Section.

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

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

25 (b) "Available Local Resources": A computation of
26 local financial support, calculated on the basis of Average

1 Daily Attendance and derived as provided pursuant to
2 subsection (D).

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

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

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

16 (B) Foundation Level.

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

1 district.

2 (2) For the 1998-1999 school year, the Foundation Level of
3 support is \$4,225. For the 1999-2000 school year, the
4 Foundation Level of support is \$4,325. For the 2000-2001 school
5 year, the Foundation Level of support is \$4,425. For the
6 2001-2002 school year and 2002-2003 school year, the Foundation
7 Level of support is \$4,560. For the 2003-2004 school year, the
8 Foundation Level of support is \$4,810. For the 2004-2005 school
9 year, the Foundation Level of support is \$4,964. For the
10 2005-2006 school year, the Foundation Level of support is
11 \$5,164.

12 (3) For the 2006-2007 school year and each school year
13 thereafter, the Foundation Level of support is \$5,334 or such
14 greater amount as may be established by law by the General
15 Assembly.

16 (C) Average Daily Attendance.

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

1 conform attendance figures to the requirements of subsection
2 (F).

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

12 (D) Available Local Resources.

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

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

1 school district as of September 30 of the previous year. The
2 equalized assessed valuation utilized shall be obtained and
3 determined as provided in subsection (G).

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

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

1 district multiplied by 0.94% and divided by the Average Daily
2 Attendance figure for grades 9 through 12.

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

13 (E) Computation of General State Aid.

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

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

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

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

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

19 (5) The amount of general State aid allocated to a school
20 district for the 1999-2000 school year meeting the requirements
21 set forth in paragraph (4) of subsection (G) shall be increased
22 by an amount equal to the general State aid that would have
23 been received by the district for the 1998-1999 school year by
24 utilizing the Extension Limitation Equalized Assessed
25 Valuation as calculated in paragraph (4) of subsection (G) less
26 the general State aid allotted for the 1998-1999 school year.

1 This amount shall be deemed a one time increase, and shall not
2 affect any future general State aid allocations.

3 (F) Compilation of Average Daily Attendance.

4 (1) Each school district shall, by July 1 of each year,
5 submit to the State Board of Education, on forms prescribed by
6 the State Board of Education, attendance figures for the school
7 year that began in the preceding calendar year. The attendance
8 information so transmitted shall identify the average daily
9 attendance figures for each month of the school year. Beginning
10 with the general State aid claim form for the 2002-2003 school
11 year, districts shall calculate Average Daily Attendance as
12 provided in subdivisions (a), (b), and (c) of this paragraph
13 (1).

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

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

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

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

9 Except as otherwise provided in this Section, days of
10 attendance by pupils shall be counted only for sessions of not
11 less than 5 clock hours of school work per day under direct
12 supervision of: (i) teachers, or (ii) non-teaching personnel or
13 volunteer personnel when engaging in non-teaching duties and
14 supervising in those instances specified in subsection (a) of
15 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
16 of legal school age and in kindergarten and grades 1 through
17 12.

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

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

24 (a) Pupils regularly enrolled in a public school for
25 only a part of the school day may be counted on the basis
26 of 1/6 day for every class hour of instruction of 40

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

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

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

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

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

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

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

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

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

1 fifth year whose educational development requires a second
2 year of kindergarten as determined under the rules and
3 regulations of the State Board of Education.

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

15 (G) Equalized Assessed Valuation Data.

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

1 The Department of Revenue shall add to the equalized
2 assessed value of all taxable property of each school district
3 situated entirely or partially within a county that is or was
4 subject to the ~~alternative general homestead exemption~~
5 provisions of Sections 15-176 or 15-177 ~~Section 15-176~~ of the
6 Property Tax Code (a) an amount equal to the total amount by
7 which the homestead exemption allowed under Sections 15-176 or
8 15-177 ~~Section 15-176~~ of the Property Tax Code for real
9 property situated in that school district exceeds the total
10 amount that would have been allowed in that school district if
11 the maximum reduction under Section 15-176 was (i) \$4,500 in
12 Cook County or \$3,500 in all other counties in tax year 2003 or
13 (ii) \$5,000 in all counties in tax year 2004 and thereafter and
14 (b) an amount equal to the aggregate amount for the taxable
15 year of all additional exemptions under Section 15-175 of the
16 Property Tax Code for owners with a household income of \$30,000
17 or less. The county clerk of any county that is or was subject
18 to the ~~alternative general homestead exemption~~ provisions of
19 Section 15-176 or 15-177 ~~Section 15-176~~ of the Property Tax
20 Code shall annually calculate and certify to the Department of
21 Revenue for each school district all homestead exemption
22 amounts under Section 15-176 or 15-177 ~~Section 15-176~~ of the
23 Property Tax Code and all amounts of additional exemptions
24 under Section 15-175 of the Property Tax Code for owners with a
25 household income of \$30,000 or less. It is the intent of this
26 paragraph that if the general homestead exemption for a parcel

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

16 This equalized assessed valuation, as adjusted further by
17 the requirements of this subsection, shall be utilized in the
18 calculation of Available Local Resources.

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

21 (a) For the purposes of calculating State aid under
22 this Section, with respect to any part of a school district
23 within a redevelopment project area in respect to which a
24 municipality has adopted tax increment allocation
25 financing pursuant to the Tax Increment Allocation
26 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11

1 of the Illinois Municipal Code or the Industrial Jobs
2 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
3 Illinois Municipal Code, no part of the current equalized
4 assessed valuation of real property located in any such
5 project area which is attributable to an increase above the
6 total initial equalized assessed valuation of such
7 property shall be used as part of the equalized assessed
8 valuation of the district, until such time as all
9 redevelopment project costs have been paid, as provided in
10 Section 11-74.4-8 of the Tax Increment Allocation
11 Redevelopment Act or in Section 11-74.6-35 of the
12 Industrial Jobs Recovery Law. For the purpose of the
13 equalized assessed valuation of the district, the total
14 initial equalized assessed valuation or the current
15 equalized assessed valuation, whichever is lower, shall be
16 used until such time as all redevelopment project costs
17 have been paid.

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

1 through 12 and adjusted by an amount computed by dividing
2 the amount of any abatement of taxes under subsection (a)
3 of Section 18-165 of the Property Tax Code by the same
4 percentage rates for district type as specified in this
5 subparagraph (b).

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

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

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

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

18 "Preceding Tax Year": The property tax levy year
19 immediately preceding the Base Tax Year.

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

25 "Preceding Tax Year's Tax Extension": The product of
26 the equalized assessed valuation utilized by the County

1 Clerk in the Preceding Tax Year multiplied by the Operating
2 Tax Rate as defined in subsection (A).

3 "Extension Limitation Ratio": A numerical ratio,
4 certified by the County Clerk, in which the numerator is
5 the Base Tax Year's Tax Extension and the denominator is
6 the Preceding Tax Year's Tax Extension.

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

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

1 subsections (G) (1) and (G) (2), then for purposes of calculating
2 the district's general State aid for the Budget Year pursuant
3 to subsection (E), that Extension Limitation Equalized
4 Assessed Valuation shall be utilized to calculate the
5 district's Available Local Resources under subsection (D).

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

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

1 that Extension Limitation Equalized Assessed Valuation shall
2 be utilized to calculate the district's Available Local
3 Resources.

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

16 (H) Supplemental General State Aid.

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

1 in which the general State financial aid of school districts is
2 appropriated under this Section. If the appropriation in any
3 fiscal year for general State aid and supplemental general
4 State aid is insufficient to pay the amounts required under the
5 general State aid and supplemental general State aid
6 calculations, then the State Board of Education shall ensure
7 that each school district receives the full amount due for
8 general State aid and the remainder of the appropriation shall
9 be used for supplemental general State aid, which the State
10 Board of Education shall calculate and pay to eligible
11 districts on a prorated basis.

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

1 recent federal censuses in the low-income eligible pupil count
2 and there is a percentage increase in the total low-income
3 eligible pupil count of a majority of the elementary school
4 districts in excess of 50% from the 2 most recent federal
5 censuses, then the high school district's low-income eligible
6 pupil count from the earlier federal census shall be the number
7 used as the low-income eligible pupil count for the high school
8 district, for purposes of this subsection (H). The changes made
9 to this paragraph (1) by Public Act 92-28 shall apply to
10 supplemental general State aid grants for school years
11 preceding the 2003-2004 school year that are paid in fiscal
12 year 1999 or thereafter and to any State aid payments made in
13 fiscal year 1994 through fiscal year 1998 pursuant to
14 subsection 1(n) of Section 18-8 of this Code (which was
15 repealed on July 1, 1998), and any high school district that is
16 affected by Public Act 92-28 is entitled to a recomputation of
17 its supplemental general State aid grant or State aid paid in
18 any of those fiscal years. This recomputation shall not be
19 affected by any other funding.

20 (1.10) This paragraph (1.10) applies to the 2003-2004
21 school year and each school year thereafter. For purposes of
22 this subsection (H), the term "Low-Income Concentration Level"
23 shall, for each fiscal year, be the low-income eligible pupil
24 count as of July 1 of the immediately preceding fiscal year (as
25 determined by the Department of Human Services based on the
26 number of pupils who are eligible for at least one of the

1 following low income programs: Medicaid, KidCare, TANF, or Food
2 Stamps, excluding pupils who are eligible for services provided
3 by the Department of Children and Family Services, averaged
4 over the 2 immediately preceding fiscal years for fiscal year
5 2004 and over the 3 immediately preceding fiscal years for each
6 fiscal year thereafter) divided by the Average Daily Attendance
7 of the school district.

8 (2) Supplemental general State aid pursuant to this
9 subsection (H) shall be provided as follows for the 1998-1999,
10 1999-2000, and 2000-2001 school years only:

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

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

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

23 (d) For any school district with a Low Income
24 Concentration Level of 60% or more, the grant for the
25 1998-99 school year shall be \$1,900 multiplied by the low
26 income eligible pupil count.

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

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

9 (2.5) Supplemental general State aid pursuant to this
10 subsection (H) shall be provided as follows for the 2002-2003
11 school year:

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

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

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

24 (d) For any school district with a Low Income
25 Concentration Level of at least 35% and less than 50%, the
26 grant for each school year shall be \$1,362 multiplied by

1 the low income eligible pupil count.

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

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

10 (2.10) Except as otherwise provided, supplemental general
11 State aid pursuant to this subsection (H) shall be provided as
12 follows for the 2003-2004 school year and each school year
13 thereafter:

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

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

23 For the 2003-2004 school year, 2004-2005 school year,
24 2005-2006 school year, and 2006-2007 school year only, the
25 grant shall be no less than the grant for the 2002-2003 school
26 year. For the 2007-2008 school year only, the grant shall be no

1 less than the grant for the 2002-2003 school year multiplied by
2 0.66. For the 2008-2009 school year only, the grant shall be no
3 less than the grant for the 2002-2003 school year multiplied by
4 0.33. Notwithstanding the provisions of this paragraph to the
5 contrary, if for any school year supplemental general State aid
6 grants are prorated as provided in paragraph (1) of this
7 subsection (H), then the grants under this paragraph shall be
8 prorated.

9 For the 2003-2004 school year only, the grant shall be no
10 greater than the grant received during the 2002-2003 school
11 year added to the product of 0.25 multiplied by the difference
12 between the grant amount calculated under subsection (a) or (b)
13 of this paragraph (2.10), whichever is applicable, and the
14 grant received during the 2002-2003 school year. For the
15 2004-2005 school year only, the grant shall be no greater than
16 the grant received during the 2002-2003 school year added to
17 the product of 0.50 multiplied by the difference between the
18 grant amount calculated under subsection (a) or (b) of this
19 paragraph (2.10), whichever is applicable, and the grant
20 received during the 2002-2003 school year. For the 2005-2006
21 school year only, the grant shall be no greater than the grant
22 received during the 2002-2003 school year added to the product
23 of 0.75 multiplied by the difference between the grant amount
24 calculated under subsection (a) or (b) of this paragraph
25 (2.10), whichever is applicable, and the grant received during
26 the 2002-2003 school year.

1 (3) School districts with an Average Daily Attendance of
2 more than 1,000 and less than 50,000 that qualify for
3 supplemental general State aid pursuant to this subsection
4 shall submit a plan to the State Board of Education prior to
5 October 30 of each year for the use of the funds resulting from
6 this grant of supplemental general State aid for the
7 improvement of instruction in which priority is given to
8 meeting the education needs of disadvantaged children. Such
9 plan shall be submitted in accordance with rules and
10 regulations promulgated by the State Board of Education.

11 (4) School districts with an Average Daily Attendance of
12 50,000 or more that qualify for supplemental general State aid
13 pursuant to this subsection shall be required to distribute
14 from funds available pursuant to this Section, no less than
15 \$261,000,000 in accordance with the following requirements:

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

23 (b) The distribution of these portions of supplemental
24 and general State aid among attendance centers according to
25 these requirements shall not be compensated for or
26 contravened by adjustments of the total of other funds

1 appropriated to any attendance centers, and the Board of
2 Education shall utilize funding from one or several sources
3 in order to fully implement this provision annually prior
4 to the opening of school.

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

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

18 (e) Funds received by an attendance center pursuant to
19 this subsection shall be used by the attendance center at
20 the discretion of the principal and local school council
21 for programs to improve educational opportunities at
22 qualifying schools through the following programs and
23 services: early childhood education, reduced class size or
24 improved adult to student classroom ratio, enrichment
25 programs, remedial assistance, attendance improvement, and
26 other educationally beneficial expenditures which

1 supplement the regular and basic programs as determined by
2 the State Board of Education. Funds provided shall not be
3 expended for any political or lobbying purposes as defined
4 by board rule.

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

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

1 If the district fails to distribute State aid to
2 attendance centers in accordance with an approved plan, the
3 plan for the following year shall allocate funds, in
4 addition to the funds otherwise required by this
5 subsection, to those attendance centers which were
6 underfunded during the previous year in amounts equal to
7 such underfunding.

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

1 funds.

2 The State Board of Education shall promulgate rules and
3 regulations to implement the provisions of this
4 subsection. No funds shall be released under this
5 subdivision (H) (4) to any district that has not submitted a
6 plan that has been approved by the State Board of
7 Education.

8 (I) (Blank).

9 (J) Supplementary Grants in Aid.

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

1 received by the district under Section 18-8 (exclusive of
2 amounts received under subsections 5(p) and 5(p-5) of that
3 Section) for the 1997-1998 school year, pursuant to the
4 provisions of that Section as it was then in effect.

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

16 (3) (Blank).

17 (K) Grants to Laboratory and Alternative Schools.

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

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

1 approved by the State Board of Education. The governing board
2 of a public university which receives funds from the State
3 Board under this subsection (K) may not increase the number of
4 students enrolled in its laboratory school from a single
5 district, if that district is already sending 50 or more
6 students, except under a mutual agreement between the school
7 board of a student's district of residence and the university
8 which operates the laboratory school. A laboratory school may
9 not have more than 1,000 students, excluding students with
10 disabilities in a special education program.

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

1 Each laboratory and alternative school shall file, on forms
2 provided by the State Superintendent of Education, an annual
3 State aid claim which states the Average Daily Attendance of
4 the school's students by month. The best 3 months' Average
5 Daily Attendance shall be computed for each school. The general
6 State aid entitlement shall be computed by multiplying the
7 applicable Average Daily Attendance by the Foundation Level as
8 determined under this Section.

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

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

23 (2) (Blank).

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

1 (M) Education Funding Advisory Board.

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

4 The Board shall consist of 5 members who are appointed by the
5 Governor, by and with the advice and consent of the Senate. The

6 members appointed shall include representatives of education,

7 business, and the general public. One of the members so

8 appointed shall be designated by the Governor at the time the

9 appointment is made as the chairperson of the Board. The

10 initial members of the Board may be appointed any time after

11 the effective date of this amendatory Act of 1997. The regular

12 term of each member of the Board shall be for 4 years from the

13 third Monday of January of the year in which the term of the

14 member's appointment is to commence, except that of the 5

15 initial members appointed to serve on the Board, the member who

16 is appointed as the chairperson shall serve for a term that

17 commences on the date of his or her appointment and expires on

18 the third Monday of January, 2002, and the remaining 4 members,

19 by lots drawn at the first meeting of the Board that is held

20 after all 5 members are appointed, shall determine 2 of their

21 number to serve for terms that commence on the date of their

22 respective appointments and expire on the third Monday of

23 January, 2001, and 2 of their number to serve for terms that

24 commence on the date of their respective appointments and

25 expire on the third Monday of January, 2000. All members

1 appointed to serve on the Board shall serve until their
2 respective successors are appointed and confirmed. Vacancies
3 shall be filled in the same manner as original appointments. If
4 a vacancy in membership occurs at a time when the Senate is not
5 in session, the Governor shall make a temporary appointment
6 until the next meeting of the Senate, when he or she shall
7 appoint, by and with the advice and consent of the Senate, a
8 person to fill that membership for the unexpired term. If the
9 Senate is not in session when the initial appointments are
10 made, those appointments shall be made as in the case of
11 vacancies.

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

20 The State Board of Education shall provide such staff
21 assistance to the Education Funding Advisory Board as is
22 reasonably required for the proper performance by the Board of
23 its responsibilities.

24 For school years after the 2000-2001 school year, the
25 Education Funding Advisory Board, in consultation with the
26 State Board of Education, shall make recommendations as

1 provided in this subsection (M) to the General Assembly for the
2 foundation level under subdivision (B)(3) of this Section and
3 for the supplemental general State aid grant level under
4 subsection (H) of this Section for districts with high
5 concentrations of children from poverty. The recommended
6 foundation level shall be determined based on a methodology
7 which incorporates the basic education expenditures of
8 low-spending schools exhibiting high academic performance. The
9 Education Funding Advisory Board shall make such
10 recommendations to the General Assembly on January 1 of odd
11 numbered years, beginning January 1, 2001.

12 (N) (Blank).

13 (O) References.

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

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

22 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
23 changes to this Section. Under Section 6 of the Statute on

1 Statutes there is an irreconcilable conflict between Public Act
2 93-808 and Public Act 93-838. Public Act 93-838, being the last
3 acted upon, is controlling. The text of Public Act 93-838 is
4 the law regardless of the text of Public Act 93-808.

5 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,
6 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
7 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,
8 eff. 7-10-06; revised 8-3-06.)

9 Section 33. The Senior Citizens and Disabled Persons
10 Property Tax Relief and Pharmaceutical Assistance Act is
11 amended by changing Section 4 as follows:

12 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

13 Sec. 4. Amount of Grant.

14 (a) In general. Any individual 65 years or older or any
15 individual who will become 65 years old during the calendar
16 year in which a claim is filed, and any surviving spouse of
17 such a claimant, who at the time of death received or was
18 entitled to receive a grant pursuant to this Section, which
19 surviving spouse will become 65 years of age within the 24
20 months immediately following the death of such claimant and
21 which surviving spouse but for his or her age is otherwise
22 qualified to receive a grant pursuant to this Section, and any
23 disabled person whose annual household income is less than the
24 income eligibility limitation, as defined in subsection (a-5)

1 ~~\$14,000 for grant years before the 1998 grant year, less than~~
2 ~~\$16,000 for the 1998 and 1999 grant years, and less than (i)~~
3 ~~\$21,218 for a household containing one person, (ii) \$28,480 for~~
4 ~~a household containing 2 persons, or (iii) \$35,740 for a~~
5 ~~household containing 3 or more persons for the 2000 grant year~~
6 ~~and thereafter~~ and whose household is liable for payment of
7 property taxes accrued or has paid rent constituting property
8 taxes accrued and is domiciled in this State at the time he or
9 she files his or her claim is entitled to claim a grant under
10 this Act. With respect to claims filed by individuals who will
11 become 65 years old during the calendar year in which a claim
12 is filed, the amount of any grant to which that household is
13 entitled shall be an amount equal to 1/12 of the amount to
14 which the claimant would otherwise be entitled as provided in
15 this Section, multiplied by the number of months in which the
16 claimant was 65 in the calendar year in which the claim is
17 filed.

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

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

22 (ii) for the 1998 and 1999 grant year, less than
23 \$16,000;

24 (iii) for grant years 2000 through 2007:

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

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

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

5 (iv) for grant years 2008 and thereafter:

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

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

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

12 (b) Limitation. Except as otherwise provided in
13 subsections (a) and (f) of this Section, the maximum amount of
14 grant which a claimant is entitled to claim is the amount by
15 which the property taxes accrued which were paid or payable
16 during the last preceding tax year or rent constituting
17 property taxes accrued upon the claimant's residence for the
18 last preceding taxable year exceeds 3 1/2% of the claimant's
19 household income for that year but in no event is the grant to
20 exceed (i) \$700 less 4.5% of household income for that year for
21 those with a household income of \$14,000 or less or (ii) \$70 if
22 household income for that year is more than \$14,000.

23 (c) Public aid recipients. If household income in one or
24 more months during a year includes cash assistance in excess of
25 \$55 per month from the Department of Healthcare and Family
26 Services or the Department of Human Services (acting as

1 successor to the Department of Public Aid under the Department
2 of Human Services Act) which was determined under regulations
3 of that Department on a measure of need that included an
4 allowance for actual rent or property taxes paid by the
5 recipient of that assistance, the amount of grant to which that
6 household is entitled, except as otherwise provided in
7 subsection (a), shall be the product of (1) the maximum amount
8 computed as specified in subsection (b) of this Section and (2)
9 the ratio of the number of months in which household income did
10 not include such cash assistance over \$55 to the number twelve.
11 If household income did not include such cash assistance over
12 \$55 for any months during the year, the amount of the grant to
13 which the household is entitled shall be the maximum amount
14 computed as specified in subsection (b) of this Section. For
15 purposes of this paragraph (c), "cash assistance" does not
16 include any amount received under the federal Supplemental
17 Security Income (SSI) program.

18 (d) Joint ownership. If title to the residence is held
19 jointly by the claimant with a person who is not a member of
20 his or her household, the amount of property taxes accrued used
21 in computing the amount of grant to which he or she is entitled
22 shall be the same percentage of property taxes accrued as is
23 the percentage of ownership held by the claimant in the
24 residence.

25 (e) More than one residence. If a claimant has occupied
26 more than one residence in the taxable year, he or she may

1 claim only one residence for any part of a month. In the case
2 of property taxes accrued, he or she shall prorate 1/12 of the
3 total property taxes accrued on his or her residence to each
4 month that he or she owned and occupied that residence; and, in
5 the case of rent constituting property taxes accrued, shall
6 prorate each month's rent payments to the residence actually
7 occupied during that month.

8 (f) There is hereby established a program of pharmaceutical
9 assistance to the aged and disabled which shall be administered
10 by the Department in accordance with this Act, to consist of
11 payments to authorized pharmacies, on behalf of beneficiaries
12 of the program, for the reasonable costs of covered
13 prescription drugs. Each beneficiary who pays \$5 for an
14 identification card shall pay no additional prescription
15 costs. Each beneficiary who pays \$25 for an identification card
16 shall pay \$3 per prescription. In addition, after a beneficiary
17 receives \$2,000 in benefits during a State fiscal year, that
18 beneficiary shall also be charged 20% of the cost of each
19 prescription for which payments are made by the program during
20 the remainder of the fiscal year. To become a beneficiary under
21 this program a person must: (1) be (i) 65 years of age or
22 older, or (ii) the surviving spouse of such a claimant, who at
23 the time of death received or was entitled to receive benefits
24 pursuant to this subsection, which surviving spouse will become
25 65 years of age within the 24 months immediately following the
26 death of such claimant and which surviving spouse but for his

1 or her age is otherwise qualified to receive benefits pursuant
2 to this subsection, or (iii) disabled, and (2) be domiciled in
3 this State at the time he or she files his or her claim, and (3)
4 have a maximum household income of less than the income
5 eligibility limitation, as defined in subsection (a-5) \$14,000
6 for grant years before the 1998 grant year, less than \$16,000
7 for the 1998 and 1999 grant years, and less than (i) \$21,218
8 for a household containing one person, (ii) \$28,480 for a
9 household containing 2 persons, or (iii) \$35,740 for a
10 household containing 3 more persons for the 2000 grant year and
11 thereafter. In addition, each eligible person must (1) obtain
12 an identification card from the Department, (2) at the time the
13 card is obtained, sign a statement assigning to the State of
14 Illinois benefits which may be otherwise claimed under any
15 private insurance plans, and (3) present the identification
16 card to the dispensing pharmacist.

17 The Department may adopt rules specifying participation
18 requirements for the pharmaceutical assistance program,
19 including copayment amounts, identification card fees,
20 expenditure limits, and the benefit threshold after which a 20%
21 charge is imposed on the cost of each prescription, to be in
22 effect on and after July 1, 2004. Notwithstanding any other
23 provision of this paragraph, however, the Department may not
24 increase the identification card fee above the amount in effect
25 on May 1, 2003 without the express consent of the General
26 Assembly. To the extent practicable, those requirements shall

1 be commensurate with the requirements provided in rules adopted
2 by the Department of Healthcare and Family Services to
3 implement the pharmacy assistance program under Section
4 5-5.12a of the Illinois Public Aid Code.

5 Whenever a generic equivalent for a covered prescription
6 drug is available, the Department shall reimburse only for the
7 reasonable costs of the generic equivalent, less the co-pay
8 established in this Section, unless (i) the covered
9 prescription drug contains one or more ingredients defined as a
10 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
11 prescriber indicates on the face of the prescription "brand
12 medically necessary", and (iii) the prescriber specifies that a
13 substitution is not permitted. When issuing an oral
14 prescription for covered prescription medication described in
15 item (i) of this paragraph, the prescriber shall stipulate
16 "brand medically necessary" and that a substitution is not
17 permitted. If the covered prescription drug and its authorizing
18 prescription do not meet the criteria listed above, the
19 beneficiary may purchase the non-generic equivalent of the
20 covered prescription drug by paying the difference between the
21 generic cost and the non-generic cost plus the beneficiary
22 co-pay.

23 Any person otherwise eligible for pharmaceutical
24 assistance under this Act whose covered drugs are covered by
25 any public program for assistance in purchasing any covered
26 prescription drugs shall be ineligible for assistance under

1 this Act to the extent such costs are covered by such other
2 plan.

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

8 In the event that 2 or more persons are eligible for any
9 benefit under this Act, and are members of the same household,
10 (1) each such person shall be entitled to participate in the
11 pharmaceutical assistance program, provided that he or she
12 meets all other requirements imposed by this subsection and (2)
13 each participating household member contributes the fee
14 required for that person by the preceding paragraph for the
15 purpose of obtaining an identification card.

16 The provisions of this subsection (f), other than this
17 paragraph, are inoperative after December 31, 2005.
18 Beneficiaries who received benefits under the program
19 established by this subsection (f) are not entitled, at the
20 termination of the program, to any refund of the identification
21 card fee paid under this subsection.

22 (g) Effective January 1, 2006, there is hereby established
23 a program of pharmaceutical assistance to the aged and
24 disabled, entitled the Illinois Seniors and Disabled Drug
25 Coverage Program, which shall be administered by the Department
26 of Healthcare and Family Services and the Department on Aging

1 in accordance with this subsection, to consist of coverage of
2 specified prescription drugs on behalf of beneficiaries of the
3 program as set forth in this subsection. The program under this
4 subsection replaces and supersedes the program established
5 under subsection (f), which shall end at midnight on December
6 31, 2005.

7 To become a beneficiary under the program established under
8 this subsection, a person must:

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

10 and

11 (2) be domiciled in this State; and

12 (3) enroll with a qualified Medicare Part D
13 Prescription Drug Plan if eligible and apply for all
14 available subsidies under Medicare Part D; and

15 (4) have a maximum household income of (i) less than
16 \$21,218 for a household containing one person, (ii) less
17 than \$28,480 for a household containing 2 persons, or (iii)
18 less than \$35,740 for a household containing 3 or more
19 persons. If any income eligibility limit set forth in items
20 (i) through (iii) is less than 200% of the Federal Poverty
21 Level for any year, the income eligibility limit for that
22 year for households of that size shall be income equal to
23 or less than 200% of the Federal Poverty Level.

24 All individuals enrolled as of December 31, 2005, in the
25 pharmaceutical assistance program operated pursuant to
26 subsection (f) of this Section and all individuals enrolled as

1 of December 31, 2005, in the SeniorCare Medicaid waiver program
2 operated pursuant to Section 5-5.12a of the Illinois Public Aid
3 Code shall be automatically enrolled in the program established
4 by this subsection for the first year of operation without the
5 need for further application, except that they must apply for
6 Medicare Part D and the Low Income Subsidy under Medicare Part
7 D. A person enrolled in the pharmaceutical assistance program
8 operated pursuant to subsection (f) of this Section as of
9 December 31, 2005, shall not lose eligibility in future years
10 due only to the fact that they have not reached the age of 65.

11 To the extent permitted by federal law, the Department may
12 act as an authorized representative of a beneficiary in order
13 to enroll the beneficiary in a Medicare Part D Prescription
14 Drug Plan if the beneficiary has failed to choose a plan and,
15 where possible, to enroll beneficiaries in the low-income
16 subsidy program under Medicare Part D or assist them in
17 enrolling in that program.

18 Beneficiaries under the program established under this
19 subsection shall be divided into the following 5 eligibility
20 groups:

21 (A) Eligibility Group 1 shall consist of beneficiaries
22 who are not eligible for Medicare Part D coverage and who
23 are:

24 (i) disabled and under age 65; or

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

1 (iii) age 65 or older, with incomes at or below
2 200% of the Federal Poverty Level and not eligible for
3 federally funded means-tested benefits due to
4 immigration status.

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

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

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

18 If the State applies and receives federal approval for
19 a waiver under Title XIX of the Social Security Act,
20 persons in Eligibility Group 4 shall continue to receive
21 benefits through the approved waiver, and Eligibility
22 Group 4 may be expanded to include disabled persons under
23 age 65 with incomes under 200% of the Federal Poverty Level
24 who are not eligible for Medicare and who are not barred
25 from receiving federally funded means-tested benefits due
26 to immigration status.

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

5 The program established under this subsection shall cover
6 the cost of covered prescription drugs in excess of the
7 beneficiary cost-sharing amounts set forth in this paragraph
8 that are not covered by Medicare. In 2006, beneficiaries shall
9 pay a co-payment of \$2 for each prescription of a generic drug
10 and \$5 for each prescription of a brand-name drug. In future
11 years, beneficiaries shall pay co-payments equal to the
12 co-payments required under Medicare Part D for "other
13 low-income subsidy eligible individuals" pursuant to 42 CFR
14 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and
15 4, once the program established under this subsection and
16 Medicare combined have paid \$1,750 in a year for covered
17 prescription drugs, the beneficiary shall pay 20% of the cost
18 of each prescription in addition to the co-payments set forth
19 in this paragraph. For individuals in Eligibility Group 5, once
20 the program established under this subsection and Medicare
21 combined have paid \$1,750 in a year for covered prescription
22 drugs, the beneficiary shall pay 20% of the cost of each
23 prescription in addition to the co-payments set forth in this
24 paragraph unless the drug is included in the formulary of the
25 Illinois AIDS Drug Assistance Program operated by the Illinois
26 Department of Public Health. If the drug is included in the

1 formulary of the Illinois AIDS Drug Assistance Program,
2 individuals in Eligibility Group 5 shall continue to pay the
3 co-payments set forth in this paragraph after the program
4 established under this subsection and Medicare combined have
5 paid \$1,750 in a year for covered prescription drugs.

6 For beneficiaries eligible for Medicare Part D coverage,
7 the program established under this subsection shall pay 100% of
8 the premiums charged by a qualified Medicare Part D
9 Prescription Drug Plan for Medicare Part D basic prescription
10 drug coverage, not including any late enrollment penalties.
11 Qualified Medicare Part D Prescription Drug Plans may be
12 limited by the Department of Healthcare and Family Services to
13 those plans that sign a coordination agreement with the
14 Department.

15 Notwithstanding Section 3.15, for purposes of the program
16 established under this subsection, the term "covered
17 prescription drug" has the following meanings:

18 For Eligibility Group 1, "covered prescription drug"
19 means: (1) any cardiovascular agent or drug; (2) any
20 insulin or other prescription drug used in the treatment of
21 diabetes, including syringe and needles used to administer
22 the insulin; (3) any prescription drug used in the
23 treatment of arthritis; (4) any prescription drug used in
24 the treatment of cancer; (5) any prescription drug used in
25 the treatment of Alzheimer's disease; (6) any prescription
26 drug used in the treatment of Parkinson's disease; (7) any

1 prescription drug used in the treatment of glaucoma; (8)
2 any prescription drug used in the treatment of lung disease
3 and smoking-related illnesses; (9) any prescription drug
4 used in the treatment of osteoporosis; and (10) any
5 prescription drug used in the treatment of multiple
6 sclerosis. The Department may add additional therapeutic
7 classes by rule. The Department may adopt a preferred drug
8 list within any of the classes of drugs described in items
9 (1) through (10) of this paragraph. The specific drugs or
10 therapeutic classes of covered prescription drugs shall be
11 indicated by rule.

12 For Eligibility Group 2, "covered prescription drug"
13 means those drugs covered for Eligibility Group 1 that are
14 also covered by the Medicare Part D Prescription Drug Plan
15 in which the beneficiary is enrolled.

16 For Eligibility Group 3, "covered prescription drug"
17 means those drugs covered by the Medicare Part D
18 Prescription Drug Plan in which the beneficiary is
19 enrolled.

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

23 For Eligibility Group 5, "covered prescription drug"
24 means: (1) those drugs covered for Eligibility Group 1 that
25 are also covered by the Medicare Part D Prescription Drug
26 Plan in which the beneficiary is enrolled; and (2) those

1 drugs included in the formulary of the Illinois AIDS Drug
2 Assistance Program operated by the Illinois Department of
3 Public Health that are also covered by the Medicare Part D
4 Prescription Drug Plan in which the beneficiary is
5 enrolled.

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

9 Any person otherwise eligible for pharmaceutical
10 assistance under this subsection whose covered drugs are
11 covered by any public program is ineligible for assistance
12 under this subsection to the extent that the cost of those
13 drugs is covered by the other program.

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

19 For a pharmacy to be reimbursed under the program
20 established under this subsection, it must comply with rules
21 adopted by the Department of Healthcare and Family Services
22 regarding coordination of benefits with Medicare Part D
23 Prescription Drug Plans. A pharmacy may not charge a
24 Medicare-enrolled beneficiary of the program established under
25 this subsection more for a covered prescription drug than the
26 appropriate Medicare cost-sharing less any payment from or on

1 behalf of the Department of Healthcare and Family Services.

2 The Department of Healthcare and Family Services or the
3 Department on Aging, as appropriate, may adopt rules regarding
4 applications, counting of income, proof of Medicare status,
5 mandatory generic policies, and pharmacy reimbursement rates
6 and any other rules necessary for the cost-efficient operation
7 of the program established under this subsection.

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

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

12 (720 ILCS 5/17A-1) (from Ch. 38, par. 17A-1)

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

24 (a) The homestead exemptions and homestead improvement

1 exemption under under Article 15 Sections 15-170, 15-175,
2 ~~15-176, and 15-180~~ of the Property Tax Code.

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

5 (c) The double income tax exemption conferred upon persons
6 65 years of age or older by Section 204 of the Illinois Income
7 Tax Act.

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

9 (e) Reductions in vehicle registration fees under Section
10 3-806.3 of the Illinois Vehicle Code.

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

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

15 (h) Any benefits under the Illinois Public Aid Code.

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

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

19 (30 ILCS 805/8.31 new)

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".