

1 AN ACT concerning State government.

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

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

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

9 Section 10. The State Employees Group Insurance Act of 1971
10 is amended by changing Section 13.1 as follows:

11 (5 ILCS 375/13.1) (from Ch. 127, par. 533.1)

12 Sec. 13.1. (a) All contributions, appropriations,
13 interest, and dividend payments to fund the program of health
14 benefits and other employee benefits, and all other revenues
15 arising from the administration of any employee health benefits
16 program, shall be deposited in a trust fund outside the State
17 Treasury, with the State Treasurer as ex-officio custodian, to
18 be known as the Health Insurance Reserve Fund.

19 (b) Upon the adoption of a self-insurance health plan, any
20 monies attributable to the group health insurance program shall
21 be deposited in or transferred to the Health Insurance Reserve

1 Fund for use by the Department. As of the effective date of
2 this amendatory Act of 1986, the Department shall certify to
3 the Comptroller the amount of money in the Group Insurance
4 Premium Fund attributable to the State group health insurance
5 program and the Comptroller shall transfer such money from the
6 Group Insurance Premium Fund to the Health Insurance Reserve
7 Fund. Contributions by the State to the Health Insurance
8 Reserve Fund to meet the requirements of this Act, as
9 established by the Director, from the General Revenue Fund and
10 the Road Fund to the Health Insurance Reserve Fund shall be by
11 annual appropriations, and all other contributions to meet the
12 requirements of the programs of health benefits or other
13 employee benefits shall be deposited in the Health Insurance
14 Reserve Fund. The Department shall draw the appropriation from
15 the General Revenue Fund and the Road Fund from time to time as
16 necessary to make expenditures authorized under this Act.

17 The Director may employ such assistance and services and
18 may purchase such goods as may be necessary for the proper
19 development and administration of any of the benefit programs
20 authorized by this Act. The Director may promulgate rules and
21 regulations in regard to the administration of these programs.

22 All monies received by the Department for deposit in or
23 transfer to the Health Insurance Reserve Fund, through
24 appropriation or otherwise, shall be used to provide for the
25 making of payments to claimants and providers and to reimburse
26 the Department for all expenses directly incurred relating to

1 Department development and administration of the program of
2 health benefits and other employee benefits.

3 Any administrative service organization administering any
4 self-insurance health plan and paying claims and benefits under
5 authority of this Act may receive, pursuant to written
6 authorization and direction of the Director, an initial
7 transfer and periodic transfers of funds from the Health
8 Insurance Reserve Fund in amounts determined by the Director
9 who may consider the amount recommended by the administrative
10 service organization. Notwithstanding any other statute, such
11 transferred funds shall be retained by the administrative
12 service organization in a separate account provided by any bank
13 as defined by the Illinois Banking Act. The Department may
14 promulgate regulations further defining the banks authorized
15 to accept such funds and all methodology for transfer of such
16 funds. Any interest earned by monies in such account shall
17 inure to the Health Insurance Reserve Fund, shall remain in
18 such account and shall be used exclusively to pay claims and
19 benefits under this Act. Such transferred funds shall be used
20 exclusively for administrative service organization payment of
21 claims to claimants and providers under the self-insurance
22 health plan by the drawing of checks against such account. The
23 administrative service organization may not use such
24 transferred funds, or interest accrued thereon, for any other
25 purpose including, but not limited to, reimbursement of
26 administrative expenses or payments of administration fees due

1 the organization pursuant to its contract or contracts with the
2 Department of Central Management Services.

3 The account of the administrative service organization
4 established under this Section, any transfers from the Health
5 Insurance Reserve Fund to such account and the use of such
6 account and funds shall be subject to (1) audit by the
7 Department or private contractor authorized by the Department
8 to conduct audits, and (2) post audit pursuant to the Illinois
9 State Auditing Act.

10 The Department of Healthcare and Family Services, or any
11 successor agency designated to procure healthcare contracts
12 pursuant to this Act, is authorized to establish funds,
13 separate accounts provided by any bank or banks as defined by
14 the Illinois Banking Act, or separate accounts provided by any
15 savings and loan association or associations as defined by the
16 Illinois Savings and Loan Act of 1985 to be held by the
17 Director, outside the State treasury, for the purpose of
18 receiving the transfer of moneys from the Health Insurance
19 Reserve Fund. The Department may promulgate rules further
20 defining the methodology for the transfers. Any interest earned
21 by monies in the funds or accounts shall inure to the Health
22 Insurance Reserve Fund. The transferred moneys, and interest
23 accrued thereon, shall be used exclusively for transfers to
24 administrative service organizations or their financial
25 institutions for payments of claims to claimants and providers
26 under the self-insurance health plan. The transferred moneys,

1 and interest accrued thereon, shall not be used for any other
2 purpose including, but not limited to, reimbursement of
3 administration fees due the administrative service
4 organization pursuant to its contract or contracts with the
5 Department.

6 (c) The Director, with the advice and consent of the
7 Commission, shall establish premiums for optional coverage for
8 dependents of eligible members for the health plans. The
9 eligible members shall be responsible for their portion of such
10 optional premium. The State shall contribute an amount per
11 month for each eligible member who has enrolled one or more
12 dependents under the health plans. Such contribution shall be
13 made directly to the Health Insurance Reserve Fund. Those
14 employees described in subsection (b) of Section 9 of this Act
15 shall be allowed to continue in the health plan by making
16 personal payments with the premiums to be deposited in the
17 Health Insurance Reserve Fund.

18 (d) The Health Insurance Reserve Fund shall be a continuing
19 fund not subject to fiscal year limitations. All expenditures
20 from that fund shall be at the direction of the Director and
21 shall be only for the purpose of:

22 (1) the payment of administrative expenses incurred by
23 the Department for the program of health benefits or other
24 employee benefit programs, including but not limited to the
25 costs of audits or actuarial consultations, professional
26 and contractual services, electronic data processing

1 systems and services, and expenses in connection with the
2 development and administration of such programs;

3 (2) the payment of administrative expenses incurred by
4 the Administrative Service Organization;

5 (3) the payment of health benefits;

6 (3.5) the payment of medical expenses incurred by the
7 Department for the treatment of employees who suffer
8 accidental injury or death within the scope of their
9 employment;

10 (4) refunds to employees for erroneous payments of
11 their selected dependent coverage;

12 (5) payment of premium for stop-loss or re-insurance;

13 (6) payment of premium to health maintenance
14 organizations pursuant to Section 6.1 of this Act;

15 (7) payment of adoption program benefits; and

16 (8) payment of other benefits offered to members and
17 dependents under this Act.

18 (Source: P.A. 94-839, eff. 6-6-06; 95-632, eff. 9-25-07.)

19 Section 20. The Department of Public Health Powers and
20 Duties Law of the Civil Administrative Code of Illinois is
21 amended by changing Section 2310-315 and by adding Section
22 2310-394 as follows:

23 (20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

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

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

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

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

19 (3) (Blank).

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

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

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

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

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

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

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

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

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

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

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

26 (7) (Blank).

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

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

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

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

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

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

16 (14) In order to implement the provisions of Public Act
17 95-7, the Department must expand HIV testing in health care
18 settings where undiagnosed individuals are likely to be
19 identified. The Department must purchase rapid HIV kits and
20 make grants for technical assistance, staff to conduct HIV
21 testing and counseling, and related purposes. The Department
22 must make grants to (i) facilities serving patients that are
23 uninsured at high rates, (ii) facilities located in areas with
24 a high prevalence of HIV or AIDS, (iii) facilities that have a
25 high likelihood of identifying individuals who are undiagnosed
26 with HIV or AIDS, or (iv) any combination of items (i), (ii),

1 and (iii).

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

3 (20 ILCS 2310/2310-394 new)

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

5 (a) Subject to appropriation, the Department shall create a
6 program of services for persons with multiple sclerosis to help
7 those persons stay in their homes and out of institutions. The
8 Department shall collaborate with consumers to develop a
9 program of services that is consumer directed.

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

12 (2) A review committee shall be established, comprised
13 of consumers and other stakeholders. The committee shall
14 meet at least once a year to evaluate the program,
15 including quality assurance data, and shall submit program
16 recommendations to the Department.

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

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

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

23 (1) He or she must have a current diagnosis of multiple
24 sclerosis.

25 (2) He or she must have applied for benefits under the

1 Home Services Program operated by the Department of Human
2 Services and must have been determined not eligible for
3 benefits under that program because his or her retirement
4 assets or life insurance assets, or both, exceeded the
5 limits applicable to that program.

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

11 (c) This Section does not create any new entitlement to a
12 service, program, or benefit, but does not affect any
13 entitlement to a service, program, or benefit created by any
14 other law.

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

17 (20 ILCS 3958/25)

18 Sec. 25. I-FLY Program.

19 (a) The Department shall establish the I-FLY Program, in
20 cooperation with the Commission. The Program shall consist of
21 the following components:

22 (1) air carrier recruitment and retention grants as
23 described in subsection (c); and

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

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

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

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

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

9 (A) it is capable of supporting takeoffs and
10 landings by aircraft that have at least 19 passenger
11 seats or have made improvements or commitments to the
12 Department to provide this capability; and

13 (B) it has a commitment from an air carrier to
14 start or continue air service to the community that the
15 airport serves subject to financial support from the
16 State and from the airport or unit of local government
17 that the airport serves. The commitment must specify
18 that the air carrier would not provide or continue to
19 provide service to the community if financial
20 assistance were not available.

21 (2) An application for an air carrier recruitment and
22 retention program grant must contain commitments from the
23 airport or the unit of local government in which the
24 airport is located as to the amount of the total project
25 cost, the contribution from the unit of local government or
26 airport, the method in which the contribution from the

1 airport or unit of local government will be generated, and
2 the requested State contribution.

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

8 (A) A grant may be used to guarantee that an air
9 carrier shall receive an agreed amount of revenue per
10 flight.

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

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

15 (4) During the first year of a grant under this
16 subsection (c), the grant shall pay 80% of the total cost
17 of the guarantee and the airport or unit of local
18 government in which the airport is located shall pay 20% of
19 the total cost of the guarantee. During the second year of
20 a grant under this subsection (c), the grant shall pay 80%
21 ~~50%~~ of the total cost of the guarantee and the airport or
22 the unit of local government in which the airport is
23 located shall pay 20% ~~50%~~ of the total cost of the
24 guarantee.

25 (5) The total State funding for a grant under this
26 subsection (c) to a particular airport may not exceed

1 \$1,000,000 in any year.

2 (6) An airport that has received a 2-year grant under
3 this subsection (c) may apply for another grant for an
4 additional 2-year period; however, the Department shall,
5 in determining whether to make a grant for an additional
6 2-year period, give priority to other airports that have
7 not previously received a grant under this subsection (c).
8 The Department shall also give priority in making grants
9 under this subsection (c) to airports at which the
10 Department determines that a 2-year grant may result in the
11 creation of stable and reliable commercial air service
12 without an additional grant.

13 (d) Planning grants. An airport may apply for and receive a
14 planning grant to conduct feasibility studies or business plans
15 designed to study the recruitment, retention, or expansion of
16 an air carrier at the airport. To be eligible for a grant under
17 this subsection (d), the airport must have the potential for
18 initial or expanded air service as the Department determines
19 through its evaluation process. The grant shall pay 70% of the
20 total cost of the feasibility studies or business plans and the
21 airport or the unit of local government in which the airport is
22 located shall pay 30% of the total cost of the feasibility
23 studies or business plans. An airport may receive only one
24 planning grant.

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

1 Section 40. The State Finance Act is amended by changing
2 Sections 6z-30, 6z-64, 6z-70, 8.3, 8g, and 8h, by renumbering
3 and changing Section 6z-69 as added by Public Act 95-707, and
4 by adding Section 5.710 as follows:

5 (30 ILCS 105/5.710 new)

6 Sec. 5.710. The Money Follows the Person Budget Transfer
7 Fund.

8 (30 ILCS 105/6z-30)

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

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

13 (1) As soon as possible after the beginning of each
14 fiscal year (starting in fiscal year 1995), and in no event
15 later than July 30, the State Comptroller and the State
16 Treasurer shall automatically transfer \$44,700,000 from
17 the General Revenue Fund to the University of Illinois
18 Hospital Services Fund.

19 (2) All intergovernmental transfer payments to the
20 Department of Healthcare and Family Services (formerly
21 Illinois Department of Public Aid) by the University of
22 Illinois made pursuant to an intergovernmental agreement
23 under subsection (b) or (c) of Section 5A-3 of the Illinois
24 Public Aid Code.

1 (3) All federal matching funds received by the
2 Department of Healthcare and Family Services (formerly
3 Illinois Department of Public Aid) as a result of
4 expenditures made by the Department that are attributable
5 to moneys that were deposited in the Fund.

6 (b) Moneys in the fund may be used by the Department of
7 Healthcare and Family Services (formerly Illinois Department
8 of Public Aid), subject to appropriation, to reimburse the
9 University of Illinois Hospital for hospital and pharmacy
10 services, and to reimburse practitioners as defined in Section
11 5-8 of the Illinois Public Aid Code (305 ILCS 5/5-8) who are
12 employed by the University of Illinois Hospital. The fund may
13 also be used to make monthly transfers to the General Revenue
14 Fund as provided in subsection (c).

15 (c) The State Comptroller and State Treasurer shall
16 automatically transfer on the last day of each month except
17 June, beginning August 31, 1994, from the University of
18 Illinois Hospital Services Fund to the General Revenue Fund, an
19 amount determined and certified to the State Comptroller by the
20 Director of Healthcare and Family Services (formerly Director
21 of Public Aid), equal to the amount by which the balance in the
22 Fund exceeds the amount necessary to ensure timely payments to
23 the University of Illinois Hospital.

24 On June 30, 1995 and each June 30 thereafter, the State
25 Comptroller and State Treasurer shall automatically transfer
26 the entire balance in the University of Illinois Hospital

1 Services Fund to the General Revenue Fund.

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

3 (30 ILCS 105/6z-64)

4 Sec. 6z-64. The Workers' Compensation Revolving Fund.

5 (a) The Workers' Compensation Revolving Fund is created as
6 a revolving fund, not subject to fiscal year limitations, in
7 the State treasury. The following moneys shall be deposited
8 into the Fund:

9 (1) amounts authorized for transfer to the Fund from
10 the General Revenue Fund and other State funds (except for
11 funds classified by the Comptroller as federal trust funds
12 or State trust funds) pursuant to State law or Executive
13 Order;

14 (2) federal funds received by the Department of Central
15 Management Services (the "Department") as a result of
16 expenditures from the Fund;

17 (3) interest earned on moneys in the Fund;

18 (4) receipts or inter-fund transfers resulting from
19 billings issued by the Department to State agencies and
20 universities for the cost of workers' compensation
21 services rendered by the Department that are not
22 compensated through the specific fund transfers authorized
23 by this Section, if any;

24 (5) amounts received from a State agency or university
25 for workers' compensation payments for temporary total

1 disability, as provided in Section 405-105 of the
2 Department of Central Management Services Law of the Civil
3 Administrative Code of Illinois; and

4 (6) amounts recovered through subrogation in workers'
5 compensation and workers' occupational disease cases.

6 (b) Moneys in the Fund may be used by the Department for
7 reimbursement or payment for:

8 (1) providing workers' compensation services to State
9 agencies and State universities; or

10 (2) providing for payment of administrative and other
11 expenses incurred by the Department in providing workers'
12 compensation services.

13 (c) State agencies may direct the Comptroller to process
14 inter-fund transfers or make payment through the voucher and
15 warrant process to the Workers' Compensation Revolving Fund in
16 satisfaction of billings issued under subsection (a) of this
17 Section.

18 (d) Reconciliation. For the fiscal year beginning on July
19 1, 2004 only, the Director of Central Management Services (the
20 "Director") shall order that each State agency's payments and
21 transfers made to the Fund be reconciled with actual Fund costs
22 for workers' compensation services provided by the Department
23 and attributable to the State agency and relevant fund on no
24 less than an annual basis. The Director may require reports
25 from State agencies as deemed necessary to perform this
26 reconciliation.

1 (d-5) Notwithstanding any other provision of State law to
 2 the contrary, on or after July 1, 2005 and until June 30, 2006,
 3 in addition to any other transfers that may be provided for by
 4 law, at the direction of and upon notification of the Director
 5 of Central Management Services, the State Comptroller shall
 6 direct and the State Treasurer shall transfer amounts into the
 7 Workers' Compensation Revolving Fund from the designated funds
 8 not exceeding the following totals:

9	Mental Health Fund	\$17,694,000
10	Statistical Services Revolving Fund	\$1,252,600
11	Department of Corrections Reimbursement	
12	and Education Fund	\$1,198,600
13	Communications Revolving Fund	\$535,400
14	Child Support Administrative Fund	\$441,900
15	Health Insurance Reserve Fund	\$238,900
16	Fire Prevention Fund	\$234,100
17	Park and Conservation Fund	\$142,000
18	Motor Fuel Tax Fund	\$132,800
19	Illinois Workers' Compensation	
20	Commission Operations Fund	\$123,900
21	State Boating Act Fund	\$112,300
22	Public Utility Fund	\$106,500
23	State Lottery Fund	\$101,300
24	Traffic and Criminal Conviction	
25	Surcharge Fund	\$88,500
26	State Surplus Property Revolving Fund	\$82,700

1	Natural Areas Acquisition Fund	\$65,600
2	Securities Audit and Enforcement Fund	\$65,200
3	Agricultural Premium Fund	\$63,400
4	Capital Development Fund	\$57,500
5	State Gaming Fund	\$54,300
6	Underground Storage Tank Fund	\$53,700
7	Illinois State Medical Disciplinary Fund	\$53,000
8	Personal Property Tax Replacement Fund	\$53,000
9	General Professions Dedicated Fund	\$51,900
10	Total	\$23,003,100

11 (d-10) Notwithstanding any other provision of State law to
 12 the contrary and in addition to any other transfers that may be
 13 provided for by law, on the first day of each calendar quarter
 14 of the fiscal year beginning July 1, 2005, or as soon as may be
 15 practical thereafter, the State Comptroller shall direct and
 16 the State Treasurer shall transfer from each designated fund
 17 into the Workers' Compensation Revolving Fund amounts equal to
 18 one-fourth of each of the following totals:

19	General Revenue Fund	\$34,000,000
20	Road Fund	\$25,987,000
21	Total	\$59,987,000

22 (d-12) Notwithstanding any other provision of State law to
 23 the contrary and in addition to any other transfers that may be
 24 provided for by law, on the effective date of this amendatory
 25 Act of the 94th General Assembly, or as soon as may be
 26 practical thereafter, the State Comptroller shall direct and

1 the State Treasurer shall transfer from each designated fund
2 into the Workers' Compensation Revolving Fund the following
3 amounts:

4	General Revenue Fund	\$10,000,000
5	Road Fund	\$5,000,000
6	Total	\$15,000,000

7 (d-15) Notwithstanding any other provision of State law to
8 the contrary and in addition to any other transfers that may be
9 provided for by law, on July 1, 2006, or as soon as may be
10 practical thereafter, the State Comptroller shall direct and
11 the State Treasurer shall transfer from each designated fund
12 into the Workers' Compensation Revolving Fund the following
13 amounts:

14	General Revenue Fund	\$44,028,200
15	Road Fund	\$28,084,000
16	Total	\$72,112,200

17 (d-20) Notwithstanding any other provision of State law to
18 the contrary, on or after July 1, 2006 and until June 30, 2007,
19 in addition to any other transfers that may be provided for by
20 law, at the direction of and upon notification of the Director
21 of Central Management Services, the State Comptroller shall
22 direct and the State Treasurer shall transfer amounts into the
23 Workers' Compensation Revolving Fund from the designated funds
24 not exceeding the following totals:

25	Mental Health Fund	\$19,121,800
26	Statistical Services Revolving Fund	\$1,353,700

1	Department of Corrections Reimbursement	
2	and Education Fund	\$1,295,300
3	Communications Revolving Fund	\$578,600
4	Child Support Administrative Fund	\$477,600
5	Health Insurance Reserve Fund	\$258,200
6	Fire Prevention Fund	\$253,000
7	Park and Conservation Fund	\$153,500
8	Motor Fuel Tax Fund	\$143,500
9	Illinois Workers' Compensation	
10	Commission Operations Fund	\$133,900
11	State Boating Act Fund	\$121,400
12	Public Utility Fund	\$115,100
13	State Lottery Fund	\$109,500
14	Traffic and Criminal Conviction Surcharge Fund ..	\$95,700
15	State Surplus Property Revolving Fund	\$89,400
16	Natural Areas Acquisition Fund	\$70,800
17	Securities Audit and Enforcement Fund	\$70,400
18	Agricultural Premium Fund	\$68,500
19	State Gaming Fund	\$58,600
20	Underground Storage Tank Fund	\$58,000
21	Illinois State Medical Disciplinary Fund	\$57,200
22	Personal Property Tax Replacement Fund	\$57,200
23	General Professions Dedicated Fund	\$56,100
24	Total	\$24,797,000

25 (e) The term "workers' compensation services" means
 26 services, claims expenses, and related administrative costs

1 incurred in performing the duties under Sections 405-105 and
2 405-411 of the Department of Central Management Services Law of
3 the Civil Administrative Code of Illinois.

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

6 (30 ILCS 105/6z-70)

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

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

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

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

1 Lobbyist Registration Administration Fund \$100,000
 2 Registered Limited Liability Partnership Fund \$75,000
 3 Securities Investors Education Fund \$500,000
 4 Securities Audit and Enforcement Fund \$5,725,000
 5 Department of Business Services
 6 Special Operations Fund \$3,000,000
 7 Corporate Franchise Tax Refund Fund \$3,000,000.

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

16 Lobbyist Registration Administration Fund \$100,000
 17 Registered Limited Liability Partnership Fund \$75,000
 18 Securities Investors Education Fund \$500,000
 19 Securities Audit and Enforcement Fund \$5,725,000
 20 Department of Business Services
 21 Special Operations Fund \$3,000,000
 22 Corporate Franchise Tax Refund Fund \$3,000,000
 23 State Parking Facility Maintenance Fund \$100,000

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

1 Sec. 6z-71 ~~6z-69~~. Human Services Priority Capital Program
2 Fund. The Human Services Priority Capital Program Fund is
3 created as a special fund in the State treasury. Subject to
4 appropriation, the Department of Human Services shall use
5 moneys in the Human Services Priority Capital Program Fund to
6 make grants to the Illinois Facilities Fund, a not-for-profit
7 corporation, to make long term below market rate loans to
8 nonprofit human service providers working under contract to the
9 State of Illinois to assist those providers in meeting their
10 capital needs. The loans shall be for the purpose of such
11 capital needs, including but not limited to special use
12 facilities, requirements for serving the disabled, mentally
13 ill, or substance abusers, and medical and technology
14 equipment. Loan repayments shall be deposited into the Human
15 Services Priority Capital Program Fund. Interest income may be
16 used to cover expenses of the program. The Illinois Facilities
17 Fund shall report to the Department of Human Services and the
18 General Assembly by April 1, 2008, and again by April 1, 2009,
19 as to the use and earnings of the program.

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

21 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

22 Sec. 8.3. Money in the Road Fund shall, if and when the
23 State of Illinois incurs any bonded indebtedness for the
24 construction of permanent highways, be set aside and used for
25 the purpose of paying and discharging annually the principal

1 and interest on that bonded indebtedness then due and payable,
2 and for no other purpose. The surplus, if any, in the Road Fund
3 after the payment of principal and interest on that bonded
4 indebtedness then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters
6 2 through 10 of the Illinois Vehicle Code, except the cost
7 of administration of Articles I and II of Chapter 3 of that
8 Code; and

9 secondly -- for expenses of the Department of
10 Transportation for construction, reconstruction,
11 improvement, repair, maintenance, operation, and
12 administration of highways in accordance with the
13 provisions of laws relating thereto, or for any purpose
14 related or incident to and connected therewith, including
15 the separation of grades of those highways with railroads
16 and with highways and including the payment of awards made
17 by the Illinois Workers' Compensation Commission under the
18 terms of the Workers' Compensation Act or Workers'
19 Occupational Diseases Act for injury or death of an
20 employee of the Division of Highways in the Department of
21 Transportation; or for the acquisition of land and the
22 erection of buildings for highway purposes, including the
23 acquisition of highway right-of-way or for investigations
24 to determine the reasonably anticipated future highway
25 needs; or for making of surveys, plans, specifications and
26 estimates for and in the construction and maintenance of

1 flight strips and of highways necessary to provide access
2 to military and naval reservations, to defense industries
3 and defense-industry sites, and to the sources of raw
4 materials and for replacing existing highways and highway
5 connections shut off from general public use at military
6 and naval reservations and defense-industry sites, or for
7 the purchase of right-of-way, except that the State shall
8 be reimbursed in full for any expense incurred in building
9 the flight strips; or for the operating and maintaining of
10 highway garages; or for patrolling and policing the public
11 highways and conserving the peace; or for the operating
12 expenses of the Department relating to the administration
13 of public transportation programs; or for any of those
14 purposes or any other purpose that may be provided by law.

15 Appropriations for any of those purposes are payable from
16 the Road Fund. Appropriations may also be made from the Road
17 Fund for the administrative expenses of any State agency that
18 are related to motor vehicles or arise from the use of motor
19 vehicles.

20 Beginning with fiscal year 1980 and thereafter, no Road
21 Fund monies shall be appropriated to the following Departments
22 or agencies of State government for administration, grants, or
23 operations; but this limitation is not a restriction upon
24 appropriating for those purposes any Road Fund monies that are
25 eligible for federal reimbursement;

26 1. Department of Public Health;

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

4 3. Department of Central Management Services, except
5 for expenditures incurred for group insurance premiums of
6 appropriate personnel;

7 4. Judicial Systems and Agencies.

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

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

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

18 Beginning with fiscal year 1982 and thereafter, no Road
19 Fund monies shall be appropriated to the following Departments
20 or agencies of State government for administration, grants, or
21 operations; but this limitation is not a restriction upon
22 appropriating for those purposes any Road Fund monies that are
23 eligible for federal reimbursement: Department of Central
24 Management Services, except for awards made by the Illinois
25 Workers' Compensation Commission under the terms of the
26 Workers' Compensation Act or Workers' Occupational Diseases

1 Act for injury or death of an employee of the Division of
2 Highways in the Department of Transportation.

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

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

11 2. State Officers.

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

22 Money in the Road Fund shall, if and when the State of
23 Illinois incurs any bonded indebtedness for the construction of
24 permanent highways, be set aside and used for the purpose of
25 paying and discharging during each fiscal year the principal
26 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no
2 other purpose. The surplus, if any, in the Road Fund after the
3 payment of principal and interest on that bonded indebtedness
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters
6 2 through 10 of the Illinois Vehicle Code; and

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

1 money) for enforcement of traffic laws. The separation of
2 grades of such highways with railroads and costs associated
3 with protection of at-grade highway and railroad crossing
4 shall also be permissible.

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

8 Except as provided in this paragraph, beginning with fiscal
9 year 1991 and thereafter, no Road Fund monies shall be
10 appropriated to the Department of State Police for the purposes
11 of this Section in excess of its total fiscal year 1990 Road
12 Fund appropriations for those purposes unless otherwise
13 provided in Section 5g of this Act. For fiscal years 2003,
14 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be
15 appropriated to the Department of State Police for the purposes
16 of this Section in excess of \$97,310,000. For fiscal year 2008
17 only, no Road Fund monies shall be appropriated to the
18 Department of State Police for the purposes of this Section in
19 excess of \$106,100,000. For fiscal year 2009 only, no Road Fund
20 monies shall be appropriated to the Department of State Police
21 for the purposes of this Section in excess of \$114,700,000. It
22 shall not be lawful to circumvent this limitation on
23 appropriations by governmental reorganization or other methods
24 unless otherwise provided in Section 5g of this Act.

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

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

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

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

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

1 Fiscal Year 2010 and each year thereafter \$30,500,000.

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

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

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

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

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

1 government.

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

4 (30 ILCS 105/8g)

5 Sec. 8g. Fund transfers.

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

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

20 (c) In addition to any other transfers that may be provided
21 for by law, on August 30 of each fiscal year's license period,
22 the Illinois Liquor Control Commission shall direct and the
23 State Comptroller and State Treasurer shall transfer from the
24 General Revenue Fund to the Youth Alcoholism and Substance
25 Abuse Prevention Fund an amount equal to the number of retail

1 liquor licenses issued for that fiscal year multiplied by \$50.

2 (d) The payments to programs required under subsection (d)
3 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
4 pursuant to appropriation, from the special funds referred to
5 in the statutes cited in that subsection, rather than directly
6 from the General Revenue Fund.

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

22 (e) In addition to any other transfers that may be provided
23 for by law, as soon as may be practical after the effective
24 date of this amendatory Act of the 91st General Assembly, but
25 in no event later than June 30, 2000, the State Comptroller
26 shall direct and the State Treasurer shall transfer the sum of

1 \$15,000,000 from the General Revenue Fund to the Fund for
2 Illinois' Future.

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

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

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

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

26 (i) On or after July 1, 2001 and until May 1, 2002, in

1 addition to any other transfers that may be provided for by
2 law, at the direction of and upon notification from the
3 Governor, the State Comptroller shall direct and the State
4 Treasurer shall transfer amounts not exceeding a total of
5 \$80,000,000 from the General Revenue Fund to the Tobacco
6 Settlement Recovery Fund. Any amounts so transferred shall be
7 re-transferred by the State Comptroller and the State Treasurer
8 from the Tobacco Settlement Recovery Fund to the General
9 Revenue Fund at the direction of and upon notification from the
10 Governor, but in any event on or before June 30, 2002.

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

22 (j) On or after July 1, 2001 and no later than June 30,
23 2002, in addition to any other transfers that may be provided
24 for by law, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not to exceed the following

1 sums into the Statistical Services Revolving Fund:

2	From the General Revenue Fund	\$8,450,000
3	From the Public Utility Fund	1,700,000
4	From the Transportation Regulatory Fund	2,650,000
5	From the Title III Social Security and	
6	Employment Fund	3,700,000
7	From the Professions Indirect Cost Fund	4,050,000
8	From the Underground Storage Tank Fund	550,000
9	From the Agricultural Premium Fund	750,000
10	From the State Pensions Fund	200,000
11	From the Road Fund	2,000,000
12	From the Health Facilities	
13	Planning Fund	1,000,000
14	From the Savings and Residential Finance	
15	Regulatory Fund	130,800
16	From the Appraisal Administration Fund	28,600
17	From the Pawnbroker Regulation Fund	3,600
18	From the Auction Regulation	
19	Administration Fund	35,800
20	From the Bank and Trust Company Fund.....	634,800
21	From the Real Estate License	
22	Administration Fund	313,600

23 (k) In addition to any other transfers that may be provided
 24 for by law, as soon as may be practical after the effective
 25 date of this amendatory Act of the 92nd General Assembly, the
 26 State Comptroller shall direct and the State Treasurer shall

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

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

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

15 (k-3) On or after July 1, 2002 and no later than June 30,
16 2003, in addition to any other transfers that may be provided
17 for by law, at the direction of and upon notification from the
18 Governor, the State Comptroller shall direct and the State
19 Treasurer shall transfer amounts not to exceed the following
20 sums into the Statistical Services Revolving Fund:

21	Appraisal Administration Fund	\$150,000
22	General Revenue Fund	10,440,000
23	Savings and Residential Finance	
24	Regulatory Fund	200,000
25	State Pensions Fund	100,000
26	Bank and Trust Company Fund	100,000

1	Professions Indirect Cost Fund	3,400,000
2	Public Utility Fund	2,081,200
3	Real Estate License Administration Fund	150,000
4	Title III Social Security and	
5	Employment Fund	1,000,000
6	Transportation Regulatory Fund	3,052,100
7	Underground Storage Tank Fund	50,000

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

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

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

26 (o) On or after July 1, 2003, and no later than June 30,

1 2004, in addition to any other transfers that may be provided
2 for by law, at the direction of and upon notification from the
3 Governor, the State Comptroller shall direct and the State
4 Treasurer shall transfer amounts not to exceed the following
5 sums into the Vehicle Inspection Fund:

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

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

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

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

1 Fund.

2 (s) In addition to any other transfers that may be provided
3 for by law, on or after July 1, 2003, the State Comptroller
4 shall direct and the State Treasurer shall transfer the sum of
5 \$4,800,000 from the Statewide Economic Development Fund to the
6 General Revenue Fund.

7 (t) In addition to any other transfers that may be provided
8 for by law, on or after July 1, 2003, the State Comptroller
9 shall direct and the State Treasurer shall transfer the sum of
10 \$50,000,000 from the General Revenue Fund to the Budget
11 Stabilization Fund.

12 (u) On or after July 1, 2004 and until May 1, 2005, in
13 addition to any other transfers that may be provided for by
14 law, at the direction of and upon notification from the
15 Governor, the State Comptroller shall direct and the State
16 Treasurer shall transfer amounts not exceeding a total of
17 \$80,000,000 from the General Revenue Fund to the Tobacco
18 Settlement Recovery Fund. Any amounts so transferred shall be
19 retransferred by the State Comptroller and the State Treasurer
20 from the Tobacco Settlement Recovery Fund to the General
21 Revenue Fund at the direction of and upon notification from the
22 Governor, but in any event on or before June 30, 2005.

23 (v) In addition to any other transfers that may be provided
24 for by law, on July 1, 2004, or as soon thereafter as may be
25 practical, the State Comptroller shall direct and the State
26 Treasurer shall transfer the sum of \$1,200,000 from the General

1 Revenue Fund to the Violence Prevention Fund.

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

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

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

14 From the State Police Wireless Service Emergency Fund,
15 \$200,000;

16 From the State Offender DNA Identification System
17 Fund, \$800,000; and

18 From the State Police Whistleblower Reward and
19 Protection Fund, \$500,000.

20 (y) Notwithstanding any other provision of law to the
21 contrary, in addition to any other transfers that may be
22 provided for by law on June 30, 2005, or as soon as may be
23 practical thereafter, the State Comptroller shall direct and
24 the State Treasurer shall transfer the remaining balance from
25 the designated funds into the General Revenue Fund and any
26 future deposits that would otherwise be made into these funds

1 must instead be made into the General Revenue Fund:

2 (1) the Keep Illinois Beautiful Fund;

3 (2) the Metropolitan Fair and Exposition Authority
4 Reconstruction Fund;

5 (3) the New Technology Recovery Fund;

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

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

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

9 (7) the State Postsecondary Review Program Fund;

10 (8) the Tourism Attraction Development Matching Grant
11 Fund;

12 (9) the Patent and Copyright Fund;

13 (10) the Credit Enhancement Development Fund;

14 (11) the Community Mental Health and Developmental
15 Disabilities Services Provider Participation Fee Trust
16 Fund;

17 (12) the Nursing Home Grant Assistance Fund;

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

19 (14) the Illinois Student Assistance Commission Higher
20 EdNet Fund;

21 (15) the DORS State Project Fund;

22 (16) the School Technology Revolving Fund;

23 (17) the Energy Assistance Contribution Fund;

24 (18) the Illinois Building Commission Revolving Fund;

25 (19) the Illinois Aquaculture Development Fund;

26 (20) the Homelessness Prevention Fund;

1 (21) the DCFS Refugee Assistance Fund;

2 (22) the Illinois Century Network Special Purposes
3 Fund; and

4 (23) the Build Illinois Purposes Fund.

5 (z) In addition to any other transfers that may be provided
6 for by law, on July 1, 2005, or as soon as may be practical
7 thereafter, the State Comptroller shall direct and the State
8 Treasurer shall transfer the sum of \$1,200,000 from the General
9 Revenue Fund to the Violence Prevention Fund.

10 (aa) In addition to any other transfers that may be
11 provided for by law, on July 1, 2005, or as soon as may be
12 practical thereafter, the State Comptroller shall direct and
13 the State Treasurer shall transfer the sum of \$9,000,000 from
14 the General Revenue Fund to the Presidential Library and Museum
15 Operating Fund.

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

22 (cc) In addition to any other transfers that may be
23 provided for by law, on or after July 1, 2005 and until May 1,
24 2006, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not exceeding a total of

1 \$80,000,000 from the General Revenue Fund to the Tobacco
2 Settlement Recovery Fund. Any amounts so transferred shall be
3 re-transferred by the State Comptroller and the State Treasurer
4 from the Tobacco Settlement Recovery Fund to the General
5 Revenue Fund at the direction of and upon notification from the
6 Governor, but in any event on or before June 30, 2006.

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

14 (ee) Notwithstanding any other provision of law, on July 1,
15 2006, or as soon thereafter as practical, the State Comptroller
16 shall direct and the State Treasurer shall transfer the
17 remaining balance from the Illinois Civic Center Bond Fund to
18 the Illinois Civic Center Bond Retirement and Interest Fund.

19 (ff) In addition to any other transfers that may be
20 provided for by law, on and after July 1, 2006 and until June
21 30, 2007, at the direction of and upon notification from the
22 Director of the Governor's Office of Management and Budget, the
23 State Comptroller shall direct and the State Treasurer shall
24 transfer amounts not exceeding a total of \$1,900,000 from the
25 General Revenue Fund to the Illinois Capital Revolving Loan
26 Fund.

1 (gg) In addition to any other transfers that may be
 2 provided for by law, on and after July 1, 2006 and until May 1,
 3 2007, at the direction of and upon notification from the
 4 Governor, the State Comptroller shall direct and the State
 5 Treasurer shall transfer amounts not exceeding a total of
 6 \$80,000,000 from the General Revenue Fund to the Tobacco
 7 Settlement Recovery Fund. Any amounts so transferred shall be
 8 retransferred by the State Comptroller and the State Treasurer
 9 from the Tobacco Settlement Recovery Fund to the General
 10 Revenue Fund at the direction of and upon notification from the
 11 Governor, but in any event on or before June 30, 2007.

12 (hh) In addition to any other transfers that may be
 13 provided for by law, on and after July 1, 2006 and until June
 14 30, 2007, at the direction of and upon notification from the
 15 Governor, the State Comptroller shall direct and the State
 16 Treasurer shall transfer amounts from the Illinois Affordable
 17 Housing Trust Fund to the designated funds not exceeding the
 18 following amounts:

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

24 (ii) In addition to any other transfers that may be
 25 provided for by law, on or before August 31, 2006, the Governor
 26 and the State Comptroller may agree to transfer the surplus

1 cash balance from the General Revenue Fund to the Budget
2 Stabilization Fund and the Pension Stabilization Fund in equal
3 proportions. The determination of the amount of the surplus
4 cash balance shall be made by the Governor, with the
5 concurrence of the State Comptroller, after taking into account
6 the June 30, 2006 balances in the general funds and the actual
7 or estimated spending from the general funds during the lapse
8 period. Notwithstanding the foregoing, the maximum amount that
9 may be transferred under this subsection (ii) is \$50,000,000.

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

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

21 (ll) In addition to any other transfers that may be
22 provided for by law, on the first day of each calendar quarter
23 of the fiscal year beginning July 1, 2006, or as soon
24 thereafter as practical, the State Comptroller shall direct and
25 the State Treasurer shall transfer from the General Revenue
26 Fund amounts equal to one-fourth of \$20,000,000 to the

1 Renewable Energy Resources Trust Fund.

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

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

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

1 the amounts designated under this Section as soon as may be
2 practical after receiving the direction to transfer from the
3 Governor.

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

9 (qq) In addition to any other transfers that may be
10 provided for by law, on and after July 1, 2007 and until May 1,
11 2008, at the direction of and upon notification from the
12 Governor, the State Comptroller shall direct and the State
13 Treasurer shall transfer amounts not exceeding a total of
14 \$80,000,000 from the General Revenue Fund to the Tobacco
15 Settlement Recovery Fund. Any amounts so transferred shall be
16 retransferred by the State Comptroller and the State Treasurer
17 from the Tobacco Settlement Recovery Fund to the General
18 Revenue Fund at the direction of and upon notification from the
19 Governor, but in any event on or before June 30, 2008.

20 (rr) In addition to any other transfers that may be
21 provided for by law, on and after July 1, 2007 and until June
22 30, 2008, at the direction of and upon notification from the
23 Governor, the State Comptroller shall direct and the State
24 Treasurer shall transfer amounts from the Illinois Affordable
25 Housing Trust Fund to the designated funds not exceeding the
26 following amounts:

1 DCFS Children's Services Fund \$2,200,000
 2 Department of Corrections Reimbursement
 3 and Education Fund \$1,500,000
 4 Supplemental Low-Income Energy
 5 Assistance Fund..... \$75,000

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

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

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

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

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

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

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

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

22 (aaa) In addition to any other transfers that may be
23 provided for by law, on and after July 1, 2008 and until May 1,
24 2009, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not exceeding a total of

1 \$80,000,000 from the General Revenue Fund to the Tobacco
 2 Settlement Recovery Fund. Any amounts so transferred shall be
 3 retransferred by the State Comptroller and the State Treasurer
 4 from the Tobacco Settlement Recovery Fund to the General
 5 Revenue Fund at the direction of and upon notification from the
 6 Governor, but in any event on or before June 30, 2009.

7 (bbb) In addition to any other transfers that may be
 8 provided for by law, on and after July 1, 2008 and until June
 9 30, 2009, at the direction of and upon notification from the
 10 Governor, the State Comptroller shall direct and the State
 11 Treasurer shall transfer amounts from the Illinois Affordable
 12 Housing Trust Fund to the designated funds not exceeding the
 13 following amounts:

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

19 (ccc) In addition to any other transfers that may be
 20 provided for by law, on July 1, 2008, or as soon thereafter as
 21 practical, the State Comptroller shall direct and the State
 22 Treasurer shall transfer the sum of \$7,450,000 from the General
 23 Revenue Fund to the Presidential Library and Museum Operating
 24 Fund.

25 (ddd) In addition to any other transfers that may be
 26 provided for by law, on July 1, 2008, or as soon thereafter as

1 practical, the State Comptroller shall direct and the State
2 Treasurer shall transfer the sum of \$1,400,000 from the General
3 Revenue Fund to the Violence Prevention Fund.

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

7 (30 ILCS 105/8h)

8 Sec. 8h. Transfers to General Revenue Fund.

9 (a) Except as otherwise provided in this Section and
10 Section 8n of this Act, and notwithstanding any other State law
11 to the contrary, the Governor may, through June 30, 2007, from
12 time to time direct the State Treasurer and Comptroller to
13 transfer a specified sum from any fund held by the State
14 Treasurer to the General Revenue Fund in order to help defray
15 the State's operating costs for the fiscal year. The total
16 transfer under this Section from any fund in any fiscal year
17 shall not exceed the lesser of (i) 8% of the revenues to be
18 deposited into the fund during that fiscal year or (ii) an
19 amount that leaves a remaining fund balance of 25% of the July
20 1 fund balance of that fiscal year. In fiscal year 2005 only,
21 prior to calculating the July 1, 2004 final balances, the
22 Governor may calculate and direct the State Treasurer with the
23 Comptroller to transfer additional amounts determined by
24 applying the formula authorized in Public Act 93-839 to the
25 funds balances on July 1, 2003. No transfer may be made from a

1 fund under this Section that would have the effect of reducing
2 the available balance in the fund to an amount less than the
3 amount remaining unexpended and unreserved from the total
4 appropriation from that fund estimated to be expended for that
5 fiscal year. This Section does not apply to any funds that are
6 restricted by federal law to a specific use, to any funds in
7 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
8 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
9 Teacher Health Insurance Security Fund, the Reviewing Court
10 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
11 the Foreign Language Interpreter Fund, the Lawyers' Assistance
12 Program Fund, the Supreme Court Federal Projects Fund, the
13 Supreme Court Special State Projects Fund, the Supplemental
14 Low-Income Energy Assistance Fund, the Good Samaritan Energy
15 Trust Fund, the Low-Level Radioactive Waste Facility
16 Development and Operation Fund, the Horse Racing Equity Trust
17 Fund, the Metabolic Screening and Treatment Fund, or the
18 Hospital Basic Services Preservation Fund, or to any funds to
19 which Section 70-50 of the Nurse Practice Act applies. No
20 transfers may be made under this Section from the Pet
21 Population Control Fund. Notwithstanding any other provision
22 of this Section, for fiscal year 2004, the total transfer under
23 this Section from the Road Fund or the State Construction
24 Account Fund shall not exceed the lesser of (i) 5% of the
25 revenues to be deposited into the fund during that fiscal year
26 or (ii) 25% of the beginning balance in the fund. For fiscal

1 year 2005 through fiscal year 2007, no amounts may be
2 transferred under this Section from the Road Fund, the State
3 Construction Account Fund, the Criminal Justice Information
4 Systems Trust Fund, the Wireless Service Emergency Fund, or the
5 Mandatory Arbitration Fund.

6 In determining the available balance in a fund, the
7 Governor may include receipts, transfers into the fund, and
8 other resources anticipated to be available in the fund in that
9 fiscal year.

10 The State Treasurer and Comptroller shall transfer the
11 amounts designated under this Section as soon as may be
12 practicable after receiving the direction to transfer from the
13 Governor.

14 (a-5) Transfers directed to be made under this Section on
15 or before February 28, 2006 that are still pending on May 19,
16 2006 (the effective date of Public Act 94-774) shall be
17 redirected as provided in Section 8n of this Act.

18 (b) This Section does not apply to: (i) the Ticket For The
19 Cure Fund; (ii) any fund established under the Community Senior
20 Services and Resources Act; or (iii) on or after January 1,
21 2006 (the effective date of Public Act 94-511), the Child Labor
22 and Day and Temporary Labor Enforcement Fund.

23 (c) This Section does not apply to the Demutualization
24 Trust Fund established under the Uniform Disposition of
25 Unclaimed Property Act.

26 (d) This Section does not apply to moneys set aside in the

1 Illinois State Podiatric Disciplinary Fund for podiatric
2 scholarships and residency programs under the Podiatric
3 Scholarship and Residency Act.

4 (e) Subsection (a) does not apply to, and no transfer may
5 be made under this Section from, the Pension Stabilization
6 Fund.

7 (f) Subsection (a) does not apply to, and no transfer may
8 be made under this Section from, the Illinois Power Agency
9 Operations Fund, the Illinois Power Agency Facilities Fund, the
10 Illinois Power Agency Debt Service Fund, and the Illinois Power
11 Agency Trust Fund.

12 (g) ~~(f)~~ This Section does not apply to the Veterans Service
13 Organization Reimbursement Fund.

14 (h) ~~(f)~~ This Section does not apply to the Supreme Court
15 Historic Preservation Fund.

16 (i) This Section does not apply to, and no transfer may be
17 made under this Section from, the Money Follows the Person
18 Budget Transfer Fund.

19 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
20 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
21 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
22 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
23 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
24 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
25 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
26 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

1 Section 43. The Excellence in Academic Medicine Act is
2 amended by changing Sections 20, 25, and 30 as follows:

3 (30 ILCS 775/20)

4 Sec. 20. Establishment of Funds.

5 (a) The Medical Research and Development Fund is created in
6 the State Treasury to which the General Assembly may from time
7 to time appropriate funds and from which the Comptroller shall
8 pay amounts as authorized by law. The amount appropriated for
9 any fiscal year after 2008 shall not be less than the amount
10 appropriated for fiscal year 2002.

11 (i) The following accounts are created in the Medical
12 Research and Development Fund: The National Institutes of
13 Health Account; the Philanthropic Medical Research
14 Account; and the Market Medical Research Account.

15 (ii) Funds appropriated to the Medical Research and
16 Development Fund shall be assigned in equal amounts to each
17 account within the Fund, subject to transferability of
18 funds under subsection (c) of Section 25.

19 (b) The Post-Tertiary Clinical Services Fund is created in
20 the State Treasury to which the General Assembly may from time
21 to time appropriate funds and from which the Comptroller shall
22 pay amounts as authorized by law. The amount appropriated for
23 any fiscal year after 2008 shall not be less than the amount
24 appropriated for fiscal year 2002.

1 (c) The Independent Academic Medical Center Fund is created
2 as a special fund in the State Treasury, to which the General
3 Assembly shall from time to time appropriate funds for the
4 purposes of the Independent Academic Medical Center Program.
5 The amount appropriated for any fiscal year after 2002 shall
6 not be less than the amount appropriated for fiscal year 2002.
7 The State Comptroller shall pay amounts from the Fund as
8 authorized by law.

9 (Source: P.A. 92-10, eff. 6-11-01.)

10 (30 ILCS 775/25)

11 Sec. 25. Medical research and development challenge
12 program.

13 (a) The State shall provide the following financial
14 incentives to draw private and federal funding for biomedical
15 research, technology and programmatic development:

16 (1) Each qualified Chicago Medicare Metropolitan
17 Statistical Area academic medical center hospital shall
18 receive a percentage of the amount available for
19 distribution from the National Institutes of Health
20 Account, equal to that hospital's percentage of the total
21 contracts and grants from the National Institutes of Health
22 awarded to qualified Chicago Medicare Metropolitan
23 Statistical Area academic medical center hospitals and
24 their affiliated medical schools during the preceding
25 calendar year. These amounts shall be paid from the

1 National Institutes of Health Account.

2 (2) Each qualified Chicago Medicare Metropolitan
3 Statistical Area academic medical center hospital shall
4 receive a payment from the State equal to 25% of all funded
5 grants (other than grants funded by the State of Illinois
6 or the National Institutes of Health) for biomedical
7 research, technology, or programmatic development received
8 by that qualified Chicago Medicare Metropolitan
9 Statistical Area academic medical center hospital during
10 the preceding calendar year. These amounts shall be paid
11 from the Philanthropic Medical Research Account.

12 (3) Each qualified Chicago Medicare Metropolitan
13 Statistical Area academic medical center hospital that (i)
14 contributes 40% of the funding for a biomedical research or
15 technology project or a programmatic development project
16 and (ii) obtains contributions from the private sector
17 equal to 40% of the funding for the project shall receive
18 from the State an amount equal to 20% of the funding for
19 the project upon submission of documentation demonstrating
20 those facts to the Comptroller; however, the State shall
21 not be required to make the payment unless the contribution
22 of the qualified Chicago Medicare Metropolitan Statistical
23 Area academic medical center hospital exceeds \$100,000.
24 The documentation must be submitted within 180 days of the
25 beginning of the fiscal year. These amounts shall be paid
26 from the Market Medical Research Account.

1 (b) No hospital under the Medical Research and Development
2 Challenge Program shall receive more than 20% of the total
3 amount appropriated to the Medical Research and Development
4 Fund.

5 The amounts received under the Medical Research and
6 Development Challenge Program by the Southern Illinois
7 University School of Medicine in Springfield and its affiliated
8 primary teaching hospitals, considered as a single entity,
9 shall not exceed an amount equal to one-sixth of the total
10 amount available for distribution from the Medical Research and
11 Development Fund, multiplied by a fraction, the numerator of
12 which is the amount awarded the Southern Illinois University
13 School of Medicine and its affiliated teaching hospitals in
14 grants or contracts by the National Institutes of Health and
15 the denominator of which is \$8,000,000.

16 (c) On or after the 180th day of the fiscal year the
17 Comptroller may transfer unexpended funds in any account of the
18 Medical Research and Development Fund to pay appropriate claims
19 against another account.

20 (d) The amounts due each qualified Chicago Medicare
21 Metropolitan Statistical Area academic medical center hospital
22 under the Medical Research and Development Fund from the
23 National Institutes of Health Account, the Philanthropic
24 Medical Research Account, and the Market Medical Research
25 Account shall be combined and one quarter of the amount payable
26 to each qualified Chicago Medicare Metropolitan Statistical

1 Area academic medical center hospital shall be paid on the
2 fifteenth working day after July 1, October 1, January 1, and
3 March 1.

4 (e) The Southern Illinois University School of Medicine in
5 Springfield and its affiliated primary teaching hospitals,
6 considered as a single entity, shall be deemed to be a
7 qualified Chicago Medicare Metropolitan Statistical Area
8 academic medical center hospital for the purposes of this
9 Section.

10 (f) In each State fiscal year, beginning in fiscal year
11 2008, the full amount appropriated for the Medical research and
12 development challenge program for that fiscal year shall be
13 distributed as described in this Section.

14 (Source: P.A. 89-506, eff. 7-3-96.)

15 (30 ILCS 775/30)

16 Sec. 30. Post-Tertiary Clinical Services Program. The
17 State shall provide incentives to develop and enhance
18 post-tertiary clinical services. Qualified academic medical
19 center hospitals as defined in Section 15 may receive funding
20 under the Post-Tertiary Clinical Services Program for up to 3
21 qualified programs as defined in Section 15 in any given year;
22 however, qualified academic medical center hospitals may
23 receive continued funding for previously funded qualified
24 programs rather than receive funding for a new program so long
25 as the number of qualified programs receiving funding does not

1 exceed 3. Each qualified academic medical center hospital as
2 defined in Section 15 shall receive an equal percentage of the
3 Post-Tertiary Clinical Services Fund to be used in the funding
4 of qualified programs. In each State fiscal year, beginning in
5 fiscal year 2008, the full amount appropriated for the
6 Post-Tertiary Clinical Services Program for that fiscal year
7 shall be distributed as described in this Section. One quarter
8 of the amount payable to each qualified academic medical center
9 hospital shall be paid on the fifteenth working day after July
10 1, October 1, January 1, and March 1.

11 (Source: P.A. 89-506, eff. 7-3-96.)

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

14 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

15 Sec. 901. Collection Authority.

16 (a) In general.

17 The Department shall collect the taxes imposed by this Act.
18 The Department shall collect certified past due child support
19 amounts under Section 2505-650 of the Department of Revenue Law
20 (20 ILCS 2505/2505-650). Except as provided in subsections (c)
21 and (e) of this Section, money collected pursuant to
22 subsections (a) and (b) of Section 201 of this Act shall be
23 paid into the General Revenue Fund in the State treasury; money
24 collected pursuant to subsections (c) and (d) of Section 201 of

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

10 (b) Local Governmental Distributive Fund.

11 Beginning August 1, 1969, and continuing through June 30,
12 1994, the Treasurer shall transfer each month from the General
13 Revenue Fund to a special fund in the State treasury, to be
14 known as the "Local Government Distributive Fund", an amount
15 equal to 1/12 of the net revenue realized from the tax imposed
16 by subsections (a) and (b) of Section 201 of this Act during
17 the preceding month. Beginning July 1, 1994, and continuing
18 through June 30, 1995, the Treasurer shall transfer each month
19 from the General Revenue Fund to the Local Government
20 Distributive Fund an amount equal to 1/11 of the net revenue
21 realized from the tax imposed by subsections (a) and (b) of
22 Section 201 of this Act during the preceding month. Beginning
23 July 1, 1995, the Treasurer shall transfer each month from the
24 General Revenue Fund to the Local Government Distributive Fund
25 an amount equal to the net of (i) 1/10 of the net revenue
26 realized from the tax imposed by subsections (a) and (b) of

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

13 (c) Deposits Into Income Tax Refund Fund.

14 (1) Beginning on January 1, 1989 and thereafter, the
15 Department shall deposit a percentage of the amounts
16 collected pursuant to subsections (a) and (b)(1), (2), and
17 (3), of Section 201 of this Act into a fund in the State
18 treasury known as the Income Tax Refund Fund. The
19 Department shall deposit 6% of such amounts during the
20 period beginning January 1, 1989 and ending on June 30,
21 1989. Beginning with State fiscal year 1990 and for each
22 fiscal year thereafter, the percentage deposited into the
23 Income Tax Refund Fund during a fiscal year shall be the
24 Annual Percentage. For fiscal years 1999 through 2001, the
25 Annual Percentage shall be 7.1%. For fiscal year 2003, the
26 Annual Percentage shall be 8%. For fiscal year 2004, the

1 Annual Percentage shall be 11.7%. Upon the effective date
2 of this amendatory Act of the 93rd General Assembly, the
3 Annual Percentage shall be 10% for fiscal year 2005. For
4 fiscal year 2006, the Annual Percentage shall be 9.75%. For
5 fiscal year 2007, the Annual Percentage shall be 9.75%. For
6 fiscal year 2008, the Annual Percentage shall be 7.75%. For
7 fiscal year 2009, the Annual Percentage shall be 9.75%. For
8 all other fiscal years, the Annual Percentage shall be
9 calculated as a fraction, the numerator of which shall be
10 the amount of refunds approved for payment by the
11 Department during the preceding fiscal year as a result of
12 overpayment of tax liability under subsections (a) and
13 (b) (1), (2), and (3) of Section 201 of this Act plus the
14 amount of such refunds remaining approved but unpaid at the
15 end of the preceding fiscal year, minus the amounts
16 transferred into the Income Tax Refund Fund from the
17 Tobacco Settlement Recovery Fund, and the denominator of
18 which shall be the amounts which will be collected pursuant
19 to subsections (a) and (b) (1), (2), and (3) of Section 201
20 of this Act during the preceding fiscal year; except that
21 in State fiscal year 2002, the Annual Percentage shall in
22 no event exceed 7.6%. The Director of Revenue shall certify
23 the Annual Percentage to the Comptroller on the last
24 business day of the fiscal year immediately preceding the
25 fiscal year for which it is to be effective.

26 (2) Beginning on January 1, 1989 and thereafter, the

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

1 unpaid at the end of the preceding fiscal year, and the
2 denominator of which shall be the amounts which will be
3 collected pursuant to subsections (a) and (b)(6), (7), and
4 (8), (c) and (d) of Section 201 of this Act during the
5 preceding fiscal year; except that in State fiscal year
6 2002, the Annual Percentage shall in no event exceed 23%.
7 The Director of Revenue shall certify the Annual Percentage
8 to the Comptroller on the last business day of the fiscal
9 year immediately preceding the fiscal year for which it is
10 to be effective.

11 (3) The Comptroller shall order transferred and the
12 Treasurer shall transfer from the Tobacco Settlement
13 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
14 in January, 2001, (ii) \$35,000,000 in January, 2002, and
15 (iii) \$35,000,000 in January, 2003.

16 (d) Expenditures from Income Tax Refund Fund.

17 (1) Beginning January 1, 1989, money in the Income Tax
18 Refund Fund shall be expended exclusively for the purpose
19 of paying refunds resulting from overpayment of tax
20 liability under Section 201 of this Act, for paying rebates
21 under Section 208.1 in the event that the amounts in the
22 Homeowners' Tax Relief Fund are insufficient for that
23 purpose, and for making transfers pursuant to this
24 subsection (d).

25 (2) The Director shall order payment of refunds
26 resulting from overpayment of tax liability under Section

1 201 of this Act from the Income Tax Refund Fund only to the
2 extent that amounts collected pursuant to Section 201 of
3 this Act and transfers pursuant to this subsection (d) and
4 item (3) of subsection (c) have been deposited and retained
5 in the Fund.

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

18 (4) As soon as possible after the end of each fiscal
19 year, the Director shall order transferred and the State
20 Treasurer and State Comptroller shall transfer from the
21 Personal Property Tax Replacement Fund to the Income Tax
22 Refund Fund an amount, certified by the Director to the
23 Comptroller, equal to the excess of the amount of refunds
24 resulting from overpayment of tax liability under
25 subsections (c) and (d) of Section 201 of this Act paid
26 from the Income Tax Refund Fund during the fiscal year over

1 the amount collected pursuant to subsections (c) and (d) of
2 Section 201 of this Act deposited into the Income Tax
3 Refund Fund during the fiscal year.

4 (4.5) As soon as possible after the end of fiscal year
5 1999 and of each fiscal year thereafter, the Director shall
6 order transferred and the State Treasurer and State
7 Comptroller shall transfer from the Income Tax Refund Fund
8 to the General Revenue Fund any surplus remaining in the
9 Income Tax Refund Fund as of the end of such fiscal year;
10 excluding for fiscal years 2000, 2001, and 2002 amounts
11 attributable to transfers under item (3) of subsection (c)
12 less refunds resulting from the earned income tax credit.

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

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

19 On July 1, 1991, and thereafter, of the amounts collected
20 pursuant to subsections (a) and (b) of Section 201 of this Act,
21 minus deposits into the Income Tax Refund Fund, the Department
22 shall deposit 7.3% into the Education Assistance Fund in the
23 State Treasury. Beginning July 1, 1991, and continuing through
24 January 31, 1993, of the amounts collected pursuant to
25 subsections (a) and (b) of Section 201 of the Illinois Income
26 Tax Act, minus deposits into the Income Tax Refund Fund, the

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

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

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

18 (35 ILCS 505/8) (from Ch. 120, par. 424)

19 Sec. 8. Except as provided in Section 8a, subdivision
20 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
21 16 of Section 15, all money received by the Department under
22 this Act, including payments made to the Department by member
23 jurisdictions participating in the International Fuel Tax
24 Agreement, shall be deposited in a special fund in the State

1 treasury, to be known as the "Motor Fuel Tax Fund", and shall
2 be used as follows:

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

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

11 (c) \$2,250,000 shall be transferred each month to the Grade
12 Crossing Protection Fund to be used as follows: not less than
13 \$6,000,000 each fiscal year shall be used for the construction
14 or reconstruction of rail highway grade separation structures;
15 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter
16 shall be transferred to the Transportation Regulatory Fund and
17 shall be accounted for as part of the rail carrier portion of
18 such funds and shall be used to pay the cost of administration
19 of the Illinois Commerce Commission's railroad safety program
20 in connection with its duties under subsection (3) of Section
21 18c-7401 of the Illinois Vehicle Code, with the remainder to be
22 used by the Department of Transportation upon order of the
23 Illinois Commerce Commission, to pay that part of the cost
24 apportioned by such Commission to the State to cover the
25 interest of the public in the use of highways, roads, streets,
26 or pedestrian walkways in the county highway system, township

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

1 annual project plan shall identify projects for the succeeding
2 fiscal year and the 5-year project plan shall identify projects
3 for the 5 directly succeeding fiscal years. The Commission
4 shall submit the annual and 5-year project plans for this Fund
5 to the Governor, the President of the Senate, the Senate
6 Minority Leader, the Speaker of the House of Representatives,
7 and the Minority Leader of the House of Representatives on the
8 first Wednesday in April of each year;

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

12 (1) the costs of the Department of Revenue in
13 administering this Act;

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

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

21 (4) from October 1, 1985 until June 30, 1994, the
22 administration of the Vehicle Emissions Inspection Law,
23 which amount shall be certified monthly by the
24 Environmental Protection Agency to the State Comptroller
25 and shall promptly be transferred by the State Comptroller
26 and Treasurer from the Motor Fuel Tax Fund to the Vehicle

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

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

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

20 (e) after allocations for the purposes set forth in
21 subsections (a), (b), (c) and (d), the remaining amount shall
22 be apportioned as follows:

23 (1) Until January 1, 2000, 58.4%, and beginning January
24 1, 2000, 45.6% shall be deposited as follows:

25 (A) 37% into the State Construction Account Fund,

26 and

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

6 (2) Until January 1, 2000, 41.6%, and beginning January
7 1, 2000, 54.4% shall be transferred to the Department of
8 Transportation to be distributed as follows:

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

10 (B) 16.74% to the counties of the State having
11 1,000,000 or more inhabitants,

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

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

15 As soon as may be after the first day of each month the
16 Department of Transportation shall allot to each municipality
17 its share of the amount apportioned to the several
18 municipalities which shall be in proportion to the population
19 of such municipalities as determined by the last preceding
20 municipal census if conducted by the Federal Government or
21 Federal census. If territory is annexed to any municipality
22 subsequent to the time of the last preceding census the
23 corporate authorities of such municipality may cause a census
24 to be taken of such annexed territory and the population so
25 ascertained for such territory shall be added to the population
26 of the municipality as determined by the last preceding census

1 for the purpose of determining the allotment for that
2 municipality. If the population of any municipality was not
3 determined by the last Federal census preceding any
4 apportionment, the apportionment to such municipality shall be
5 in accordance with any census taken by such municipality. Any
6 municipal census used in accordance with this Section shall be
7 certified to the Department of Transportation by the clerk of
8 such municipality, and the accuracy thereof shall be subject to
9 approval of the Department which may make such corrections as
10 it ascertains to be necessary.

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

26 As soon as may be after the first day of each month, the

1 Department of Transportation shall allot to the several
2 counties their share of the amount apportioned for the use of
3 road districts. The allotment shall be apportioned among the
4 several counties in the State in the proportion which the total
5 mileage of township or district roads in the respective
6 counties bears to the total mileage of all township and
7 district roads in the State. Funds allotted to the respective
8 counties for the use of road districts therein shall be
9 allocated to the several road districts in the county in the
10 proportion which the total mileage of such township or district
11 roads in the respective road districts bears to the total
12 mileage of all such township or district roads in the county.
13 After July 1 of any year, no allocation shall be made for any
14 road district unless it levied a tax for road and bridge
15 purposes in an amount which will require the extension of such
16 tax against the taxable property in any such road district at a
17 rate of not less than either .08% of the value thereof, based
18 upon the assessment for the year immediately prior to the year
19 in which such tax was levied and as equalized by the Department
20 of Revenue or, in DuPage County, an amount equal to or greater
21 than \$12,000 per mile of road under the jurisdiction of the
22 road district, whichever is less. If any road district has
23 levied a special tax for road purposes pursuant to Sections
24 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such
25 tax was levied in an amount which would require extension at a
26 rate of not less than .08% of the value of the taxable property

1 thereof, as equalized or assessed by the Department of Revenue,
2 or, in DuPage County, an amount equal to or greater than
3 \$12,000 per mile of road under the jurisdiction of the road
4 district, whichever is less, such levy shall, however, be
5 deemed a proper compliance with this Section and shall qualify
6 such road district for an allotment under this Section. If a
7 township has transferred to the road and bridge fund money
8 which, when added to the amount of any tax levy of the road
9 district would be the equivalent of a tax levy requiring
10 extension at a rate of at least .08%, or, in DuPage County, an
11 amount equal to or greater than \$12,000 per mile of road under
12 the jurisdiction of the road district, whichever is less, such
13 transfer, together with any such tax levy, shall be deemed a
14 proper compliance with this Section and shall qualify the road
15 district for an allotment under this Section.

16 In counties in which a property tax extension limitation is
17 imposed under the Property Tax Extension Limitation Law, road
18 districts may retain their entitlement to a motor fuel tax
19 allotment if, at the time the property tax extension limitation
20 was imposed, the road district was levying a road and bridge
21 tax at a rate sufficient to entitle it to a motor fuel tax
22 allotment and continues to levy the maximum allowable amount
23 after the imposition of the property tax extension limitation.
24 Any road district may in all circumstances retain its
25 entitlement to a motor fuel tax allotment if it levied a road
26 and bridge tax in an amount that will require the extension of

1 the tax against the taxable property in the road district at a
2 rate of not less than 0.08% of the assessed value of the
3 property, based upon the assessment for the year immediately
4 preceding the year in which the tax was levied and as equalized
5 by the Department of Revenue or, in DuPage County, an amount
6 equal to or greater than \$12,000 per mile of road under the
7 jurisdiction of the road district, whichever is less.

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

22 Payment of motor fuel tax moneys to municipalities and
23 counties shall be made as soon as possible after the allotment
24 is made. The treasurer of the municipality or county may invest
25 these funds until their use is required and the interest earned
26 by these investments shall be limited to the same uses as the

1 principal funds.

2 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04;
3 94-839, eff. 6-6-06; revised 1-30-08.)

4 Section 50. The School Code is amended by changing Sections
5 2-3.131 and 18-8.05 as follows:

6 (105 ILCS 5/2-3.131)

7 Sec. 2-3.131. Transitional assistance payments.

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

19 (b) If the amount that the State Board of Education will
20 pay to a school district from fiscal year 2005 appropriations,
21 as estimated by the State Board of Education on April 1, 2005,
22 is less than the amount that the State Board of Education paid
23 to the school district from fiscal year 2004 appropriations,
24 then the State Board of Education shall make a fiscal year 2005

1 transitional assistance payment to the school district in an
2 amount equal to the difference between the estimated amount to
3 be paid from fiscal year 2005 appropriations and the amount
4 paid from fiscal year 2004 appropriations.

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

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

26 (e) Subject to appropriation, beginning on July 1, 2007,

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

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

22 (g) If the amount that the State Board of Education will
23 pay to a school district from fiscal year 2009 appropriations,
24 as estimated by the State Board of Education on April 1, 2009,
25 is less than the amount that the State Board of Education paid
26 to the school district from fiscal year 2008 appropriations,

1 then the State Board of Education, subject to appropriation,
2 shall make a fiscal year 2009 transitional assistance payment
3 to the school district in an amount equal to the difference
4 between the estimated amount to be paid from fiscal year 2009
5 appropriations and the amount paid from fiscal year 2008
6 appropriations.

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

9 (105 ILCS 5/18-8.05)

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

13 (A) General Provisions.

14 (1) The provisions of this Section apply to the 1998-1999
15 and subsequent school years. The system of general State
16 financial aid provided for in this Section is designed to
17 assure that, through a combination of State financial aid and
18 required local resources, the financial support provided each
19 pupil in Average Daily Attendance equals or exceeds a
20 prescribed per pupil Foundation Level. This formula approach
21 imputes a level of per pupil Available Local Resources and
22 provides for the basis to calculate a per pupil level of
23 general State financial aid that, when added to Available Local
24 Resources, equals or exceeds the Foundation Level. The amount

1 of per pupil general State financial aid for school districts,
2 in general, varies in inverse relation to Available Local
3 Resources. Per pupil amounts are based upon each school
4 district's Average Daily Attendance as that term is defined in
5 this Section.

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

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

18 (a) Any school district which fails for any given
19 school year to maintain school as required by law, or to
20 maintain a recognized school is not eligible to file for
21 such school year any claim upon the Common School Fund. In
22 case of nonrecognition of one or more attendance centers in
23 a school district otherwise operating recognized schools,
24 the claim of the district shall be reduced in the
25 proportion which the Average Daily Attendance in the
26 attendance center or centers bear to the Average Daily

1 Attendance in the school district. A "recognized school"
2 means any public school which meets the standards as
3 established for recognition by the State Board of
4 Education. A school district or attendance center not
5 having recognition status at the end of a school term is
6 entitled to receive State aid payments due upon a legal
7 claim which was filed while it was recognized.

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

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

16 (d) (Blank).

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

21 School districts are not required to exert a minimum
22 Operating Tax Rate in order to qualify for assistance under
23 this Section.

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

26 (a) "Average Daily Attendance": A count of pupil

1 attendance in school, averaged as provided for in
2 subsection (C) and utilized in deriving per pupil financial
3 support levels.

4 (b) "Available Local Resources": A computation of
5 local financial support, calculated on the basis of Average
6 Daily Attendance and derived as provided pursuant to
7 subsection (D).

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

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

17 (e) "Operating Tax Rate": All school district property
18 taxes extended for all purposes, except Bond and Interest,
19 Summer School, Rent, Capital Improvement, and Vocational
20 Education Building purposes.

21 (B) Foundation Level.

22 (1) The Foundation Level is a figure established by the
23 State representing the minimum level of per pupil financial
24 support that should be available to provide for the basic
25 education of each pupil in Average Daily Attendance. As set

1 forth in this Section, each school district is assumed to exert
2 a sufficient local taxing effort such that, in combination with
3 the aggregate of general State financial aid provided the
4 district, an aggregate of State and local resources are
5 available to meet the basic education needs of pupils in the
6 district.

7 (2) For the 1998-1999 school year, the Foundation Level of
8 support is \$4,225. For the 1999-2000 school year, the
9 Foundation Level of support is \$4,325. For the 2000-2001 school
10 year, the Foundation Level of support is \$4,425. For the
11 2001-2002 school year and 2002-2003 school year, the Foundation
12 Level of support is \$4,560. For the 2003-2004 school year, the
13 Foundation Level of support is \$4,810. For the 2004-2005 school
14 year, the Foundation Level of support is \$4,964. For the
15 2005-2006 school year, the Foundation Level of support is
16 \$5,164. For the 2006-2007 school year, the Foundation Level of
17 support is \$5,334. For the 2007-2008 school year, the
18 Foundation Level of support is \$5,734.

19 (3) For the 2008-2009 ~~2007-2008~~ school year and each school
20 year thereafter, the Foundation Level of support is \$5,959
21 ~~\$5,734~~ or such greater amount as may be established by law by
22 the General Assembly.

23 (C) Average Daily Attendance.

24 (1) For purposes of calculating general State aid pursuant
25 to subsection (E), an Average Daily Attendance figure shall be

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

10 (2) The Average Daily Attendance figures utilized in
11 subsection (E) shall be the requisite attendance data for the
12 school year immediately preceding the school year for which
13 general State aid is being calculated or the average of the
14 attendance data for the 3 preceding school years, whichever is
15 greater. The Average Daily Attendance figures utilized in
16 subsection (H) shall be the requisite attendance data for the
17 school year immediately preceding the school year for which
18 general State aid is being calculated.

19 (D) Available Local Resources.

20 (1) For purposes of calculating general State aid pursuant
21 to subsection (E), a representation of Available Local
22 Resources per pupil, as that term is defined and determined in
23 this subsection, shall be utilized. Available Local Resources
24 per pupil shall include a calculated dollar amount representing
25 local school district revenues from local property taxes and

1 from Corporate Personal Property Replacement Taxes, expressed
2 on the basis of pupils in Average Daily Attendance. Calculation
3 of Available Local Resources shall exclude any tax amnesty
4 funds received as a result of Public Act 93-26.

5 (2) In determining a school district's revenue from local
6 property taxes, the State Board of Education shall utilize the
7 equalized assessed valuation of all taxable property of each
8 school district as of September 30 of the previous year. The
9 equalized assessed valuation utilized shall be obtained and
10 determined as provided in subsection (G).

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

25 For partial elementary unit districts created pursuant to
26 Article 11E of this Code, local property tax revenues per pupil

1 shall be calculated as the product of the equalized assessed
2 valuation for property within the elementary and high school
3 classification of the partial elementary unit district
4 multiplied by 2.06% and divided by the Average Daily Attendance
5 figure for grades kindergarten through 8, plus the product of
6 the equalized assessed valuation for property within the high
7 school only classification of the partial elementary unit
8 district multiplied by 0.94% and divided by the Average Daily
9 Attendance figure for grades 9 through 12.

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

20 (E) Computation of General State Aid.

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

24 (2) For any school district for which Available Local
25 Resources per pupil is less than the product of 0.93 times the

1 Foundation Level, general State aid for that district shall be
2 calculated as an amount equal to the Foundation Level minus
3 Available Local Resources, multiplied by the Average Daily
4 Attendance of the school district.

5 (3) For any school district for which Available Local
6 Resources per pupil is equal to or greater than the product of
7 0.93 times the Foundation Level and less than the product of
8 1.75 times the Foundation Level, the general State aid per
9 pupil shall be a decimal proportion of the Foundation Level
10 derived using a linear algorithm. Under this linear algorithm,
11 the calculated general State aid per pupil shall decline in
12 direct linear fashion from 0.07 times the Foundation Level for
13 a school district with Available Local Resources equal to the
14 product of 0.93 times the Foundation Level, to 0.05 times the
15 Foundation Level for a school district with Available Local
16 Resources equal to the product of 1.75 times the Foundation
17 Level. The allocation of general State aid for school districts
18 subject to this paragraph 3 shall be the calculated general
19 State aid per pupil figure multiplied by the Average Daily
20 Attendance of the school district.

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

26 (5) The amount of general State aid allocated to a school

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

10 (F) Compilation of Average Daily Attendance.

11 (1) Each school district shall, by July 1 of each year,
12 submit to the State Board of Education, on forms prescribed by
13 the State Board of Education, attendance figures for the school
14 year that began in the preceding calendar year. The attendance
15 information so transmitted shall identify the average daily
16 attendance figures for each month of the school year. Beginning
17 with the general State aid claim form for the 2002-2003 school
18 year, districts shall calculate Average Daily Attendance as
19 provided in subdivisions (a), (b), and (c) of this paragraph
20 (1).

21 (a) In districts that do not hold year-round classes,
22 days of attendance in August shall be added to the month of
23 September and any days of attendance in June shall be added
24 to the month of May.

25 (b) In districts in which all buildings hold year-round

1 classes, days of attendance in July and August shall be
2 added to the month of September and any days of attendance
3 in June shall be added to the month of May.

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

16 Except as otherwise provided in this Section, days of
17 attendance by pupils shall be counted only for sessions of not
18 less than 5 clock hours of school work per day under direct
19 supervision of: (i) teachers, or (ii) non-teaching personnel or
20 volunteer personnel when engaging in non-teaching duties and
21 supervising in those instances specified in subsection (a) of
22 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
23 of legal school age and in kindergarten and grades 1 through
24 12.

25 Days of attendance by tuition pupils shall be accredited
26 only to the districts that pay the tuition to a recognized

1 school.

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

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

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

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

23 (d) A session of 3 or more clock hours may be counted
24 as a day of attendance (1) when the remainder of the school
25 day or at least 2 hours in the evening of that day is
26 utilized for an in-service training program for teachers,

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

1 different attendance centers of the district.

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

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

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

20 (h) A recognized kindergarten which provides for only
21 1/2 day of attendance by each pupil shall not have more
22 than 1/2 day of attendance counted in any one day. However,
23 kindergartens may count 2 1/2 days of attendance in any 5
24 consecutive school days. When a pupil attends such a
25 kindergarten for 2 half days on any one school day, the
26 pupil shall have the following day as a day absent from

1 school, unless the school district obtains permission in
2 writing from the State Superintendent of Education.
3 Attendance at kindergartens which provide for a full day of
4 attendance by each pupil shall be counted the same as
5 attendance by first grade pupils. Only the first year of
6 attendance in one kindergarten shall be counted, except in
7 case of children who entered the kindergarten in their
8 fifth year whose educational development requires a second
9 year of kindergarten as determined under the rules and
10 regulations of the State Board of Education.

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

22 (G) Equalized Assessed Valuation Data.

23 (1) For purposes of the calculation of Available Local
24 Resources required pursuant to subsection (D), the State Board
25 of Education shall secure from the Department of Revenue the

1 value as equalized or assessed by the Department of Revenue of
2 all taxable property of every school district, together with
3 (i) the applicable tax rate used in extending taxes for the
4 funds of the district as of September 30 of the previous year
5 and (ii) the limiting rate for all school districts subject to
6 property tax extension limitations as imposed under the
7 Property Tax Extension Limitation Law.

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

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

20 This equalized assessed valuation, as adjusted further by
21 the requirements of this subsection, shall be utilized in the
22 calculation of Available Local Resources.

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

25 (a) For the purposes of calculating State aid under
26 this Section, with respect to any part of a school district

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

22 (b) The real property equalized assessed valuation for
23 a school district shall be adjusted by subtracting from the
24 real property value as equalized or assessed by the
25 Department of Revenue for the district an amount computed
26 by dividing the amount of any abatement of taxes under

1 Section 18-170 of the Property Tax Code by 3.00% for a
2 district maintaining grades kindergarten through 12, by
3 2.30% for a district maintaining grades kindergarten
4 through 8, or by 1.05% for a district maintaining grades 9
5 through 12 and adjusted by an amount computed by dividing
6 the amount of any abatement of taxes under subsection (a)
7 of Section 18-165 of the Property Tax Code by the same
8 percentage rates for district type as specified in this
9 subparagraph (b).

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

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

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

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

22 "Preceding Tax Year": The property tax levy year
23 immediately preceding the Base Tax Year.

24 "Base Tax Year's Tax Extension": The product of the
25 equalized assessed valuation utilized by the County Clerk
26 in the Base Tax Year multiplied by the limiting rate as

1 calculated by the County Clerk and defined in the Property
2 Tax Extension Limitation Law.

3 "Preceding Tax Year's Tax Extension": The product of
4 the equalized assessed valuation utilized by the County
5 Clerk in the Preceding Tax Year multiplied by the Operating
6 Tax Rate as defined in subsection (A).

7 "Extension Limitation Ratio": A numerical ratio,
8 certified by the County Clerk, in which the numerator is
9 the Base Tax Year's Tax Extension and the denominator is
10 the Preceding Tax Year's Tax Extension.

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

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

1 Extension Limitation Ratio. If the Extension Limitation
2 Equalized Assessed Valuation of a school district as calculated
3 under this subsection (G)(3) is less than the district's
4 equalized assessed valuation as calculated pursuant to
5 subsections (G)(1) and (G)(2), then for purposes of calculating
6 the district's general State aid for the Budget Year pursuant
7 to subsection (E), that Extension Limitation Equalized
8 Assessed Valuation shall be utilized to calculate the
9 district's Available Local Resources under subsection (D).

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

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

1 district's equalized assessed valuation utilized in
2 calculating the district's 1998-1999 general State aid
3 allocation, then for purposes of calculating the district's
4 general State aid pursuant to paragraph (5) of subsection (E),
5 that Extension Limitation Equalized Assessed Valuation shall
6 be utilized to calculate the district's Available Local
7 Resources.

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

20 (H) Supplemental General State Aid.

21 (1) In addition to the general State aid a school district
22 is allotted pursuant to subsection (E), qualifying school
23 districts shall receive a grant, paid in conjunction with a
24 district's payments of general State aid, for supplemental
25 general State aid based upon the concentration level of

1 children from low-income households within the school
2 district. Supplemental State aid grants provided for school
3 districts under this subsection shall be appropriated for
4 distribution to school districts as part of the same line item
5 in which the general State financial aid of school districts is
6 appropriated under this Section. If the appropriation in any
7 fiscal year for general State aid and supplemental general
8 State aid is insufficient to pay the amounts required under the
9 general State aid and supplemental general State aid
10 calculations, then the State Board of Education shall ensure
11 that each school district receives the full amount due for
12 general State aid and the remainder of the appropriation shall
13 be used for supplemental general State aid, which the State
14 Board of Education shall calculate and pay to eligible
15 districts on a prorated basis.

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

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

24 (1.10) This paragraph (1.10) applies to the 2003-2004
25 school year and each school year thereafter. For purposes of
26 this subsection (H), the term "Low-Income Concentration Level"

1 shall, for each fiscal year, be the low-income eligible pupil
2 count as of July 1 of the immediately preceding fiscal year (as
3 determined by the Department of Human Services based on the
4 number of pupils who are eligible for at least one of the
5 following low income programs: Medicaid, KidCare, TANF, or Food
6 Stamps, excluding pupils who are eligible for services provided
7 by the Department of Children and Family Services, averaged
8 over the 2 immediately preceding fiscal years for fiscal year
9 2004 and over the 3 immediately preceding fiscal years for each
10 fiscal year thereafter) divided by the Average Daily Attendance
11 of the school district.

12 (2) Supplemental general State aid pursuant to this
13 subsection (H) shall be provided as follows for the 1998-1999,
14 1999-2000, and 2000-2001 school years only:

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

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

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

1 (d) For any school district with a Low Income
2 Concentration Level of 60% or more, the grant for the
3 1998-99 school year shall be \$1,900 multiplied by the low
4 income eligible pupil count.

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

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

13 (2.5) Supplemental general State aid pursuant to this
14 subsection (H) shall be provided as follows for the 2002-2003
15 school year:

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

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

24 (c) For any school district with a Low Income
25 Concentration Level of at least 20% and less than 35%, the
26 grant for each school year shall be \$1,330 multiplied by

1 the low income eligible pupil count.

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

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

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

14 (2.10) Except as otherwise provided, supplemental general
15 State aid pursuant to this subsection (H) shall be provided as
16 follows for the 2003-2004 school year and each school year
17 thereafter:

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

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

1 For the 2003-2004 school year and each school year
2 thereafter through the 2008-2009 ~~2007-2008~~ school year only,
3 the grant shall be no less than the grant for the 2002-2003
4 school year. For the 2009-2010 ~~2008-2009~~ school year only, the
5 grant shall be no less than the grant for the 2002-2003 school
6 year multiplied by 0.66. For the 2010-2011 ~~2009-2010~~ school
7 year only, the grant shall be no less than the grant for the
8 2002-2003 school year multiplied by 0.33. Notwithstanding the
9 provisions of this paragraph to the contrary, if for any school
10 year supplemental general State aid grants are prorated as
11 provided in paragraph (1) of this subsection (H), then the
12 grants under this paragraph shall be prorated.

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

1 of 0.75 multiplied by the difference between the grant amount
2 calculated under subsection (a) or (b) of this paragraph
3 (2.10), whichever is applicable, and the grant received during
4 the 2002-2003 school year.

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

15 (4) School districts with an Average Daily Attendance of
16 50,000 or more that qualify for supplemental general State aid
17 pursuant to this subsection shall be required to distribute
18 from funds available pursuant to this Section, no less than
19 \$261,000,000 in accordance with the following requirements:

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

1 (b) The distribution of these portions of supplemental
2 and general State aid among attendance centers according to
3 these requirements shall not be compensated for or
4 contravened by adjustments of the total of other funds
5 appropriated to any attendance centers, and the Board of
6 Education shall utilize funding from one or several sources
7 in order to fully implement this provision annually prior
8 to the opening of school.

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

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

22 (e) Funds received by an attendance center pursuant to
23 this subsection shall be used by the attendance center at
24 the discretion of the principal and local school council
25 for programs to improve educational opportunities at
26 qualifying schools through the following programs and

1 services: early childhood education, reduced class size or
2 improved adult to student classroom ratio, enrichment
3 programs, remedial assistance, attendance improvement, and
4 other educationally beneficial expenditures which
5 supplement the regular and basic programs as determined by
6 the State Board of Education. Funds provided shall not be
7 expended for any political or lobbying purposes as defined
8 by board rule.

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

25 Upon notification by the State Board of Education that
26 the district has not submitted a plan prior to July 15 or a

1 modified plan within the time period specified herein, the
2 State aid funds affected by that plan or modified plan
3 shall be withheld by the State Board of Education until a
4 plan or modified plan is submitted.

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

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

1 plan, if feasible, or by adjustment in the plan for the
2 following year. Failure to provide the expenditure report
3 or the notification of remedial or corrective action in a
4 timely manner shall result in a withholding of the affected
5 funds.

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

12 (I) (Blank).

13 (J) Supplementary Grants in Aid.

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

1 general State aid in combination with supplemental general
2 State aid under this Section which that district is eligible to
3 receive for each school year shall be no less than the amount
4 of the aggregate general State aid entitlement that was
5 received by the district under Section 18-8 (exclusive of
6 amounts received under subsections 5(p) and 5(p-5) of that
7 Section) for the 1997-1998 school year, pursuant to the
8 provisions of that Section as it was then in effect.

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

20 (3) (Blank).

21 (K) Grants to Laboratory and Alternative Schools.

22 In calculating the amount to be paid to the governing board
23 of a public university that operates a laboratory school under
24 this Section or to any alternative school that is operated by a
25 regional superintendent of schools, the State Board of

1 Education shall require by rule such reporting requirements as
2 it deems necessary.

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

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

1 educational service regions. An alternative school serving
2 more than one educational service region may be operated under
3 such terms as the regional superintendents of schools of those
4 educational service regions may agree.

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

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

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

1 Article.

2 (2) (Blank).

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

5 (M) Education Funding Advisory Board.

6 The Education Funding Advisory Board, hereinafter in this
7 subsection (M) referred to as the "Board", is hereby created.
8 The Board shall consist of 5 members who are appointed by the
9 Governor, by and with the advice and consent of the Senate. The
10 members appointed shall include representatives of education,
11 business, and the general public. One of the members so
12 appointed shall be designated by the Governor at the time the
13 appointment is made as the chairperson of the Board. The
14 initial members of the Board may be appointed any time after
15 the effective date of this amendatory Act of 1997. The regular
16 term of each member of the Board shall be for 4 years from the
17 third Monday of January of the year in which the term of the
18 member's appointment is to commence, except that of the 5
19 initial members appointed to serve on the Board, the member who
20 is appointed as the chairperson shall serve for a term that
21 commences on the date of his or her appointment and expires on
22 the third Monday of January, 2002, and the remaining 4 members,
23 by lots drawn at the first meeting of the Board that is held
24 after all 5 members are appointed, shall determine 2 of their
25 number to serve for terms that commence on the date of their

1 respective appointments and expire on the third Monday of
2 January, 2001, and 2 of their number to serve for terms that
3 commence on the date of their respective appointments and
4 expire on the third Monday of January, 2000. All members
5 appointed to serve on the Board shall serve until their
6 respective successors are appointed and confirmed. Vacancies
7 shall be filled in the same manner as original appointments. If
8 a vacancy in membership occurs at a time when the Senate is not
9 in session, the Governor shall make a temporary appointment
10 until the next meeting of the Senate, when he or she shall
11 appoint, by and with the advice and consent of the Senate, a
12 person to fill that membership for the unexpired term. If the
13 Senate is not in session when the initial appointments are
14 made, those appointments shall be made as in the case of
15 vacancies.

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

24 The State Board of Education shall provide such staff
25 assistance to the Education Funding Advisory Board as is
26 reasonably required for the proper performance by the Board of

1 its responsibilities.

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

16 (N) (Blank).

17 (O) References.

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

23 (2) References in other laws to State Chapter 1 funds shall
24 be deemed to refer to the supplemental general State aid

1 provided under subsection (H) of this Section.

2 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
3 changes to this Section. Under Section 6 of the Statute on
4 Statutes there is an irreconcilable conflict between Public Act
5 93-808 and Public Act 93-838. Public Act 93-838, being the last
6 acted upon, is controlling. The text of Public Act 93-838 is
7 the law regardless of the text of Public Act 93-808.

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

12 Section 60. The Illinois Public Aid Code is amended by
13 changing Sections 4-2, 5-5.4, 12-4.11, and 12-10.7 and by
14 adding Sections 5-5.26, 12-10.7a, and 12-10.9 as follows:

15 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

16 Sec. 4-2. Amount of aid.

17 (a) The amount and nature of financial aid shall be
18 determined in accordance with the grant amounts, rules and
19 regulations of the Illinois Department. Due regard shall be
20 given to the self-sufficiency requirements of the family and to
21 the income, money contributions and other support and resources
22 available, from whatever source. However, the amount and nature
23 of any financial aid is not affected by the payment of any

1 grant under the "Senior Citizens and Disabled Persons Property
2 Tax Relief and Pharmaceutical Assistance Act" or any
3 distributions or items of income described under subparagraph
4 (X) of paragraph (2) of subsection (a) of Section 203 of the
5 Illinois Income Tax Act. The aid shall be sufficient, when
6 added to all other income, money contributions and support to
7 provide the family with a grant in the amount established by
8 Department regulation. Beginning July 1, 2008, the Department
9 of Human Services shall increase TANF grant amounts in effect
10 on June 30, 2008 by 9%.

11 (b) The Illinois Department may conduct special projects,
12 which may be known as Grant Diversion Projects, under which
13 recipients of financial aid under this Article are placed in
14 jobs and their grants are diverted to the employer who in turn
15 makes payments to the recipients in the form of salary or other
16 employment benefits. The Illinois Department shall by rule
17 specify the terms and conditions of such Grant Diversion
18 Projects. Such projects shall take into consideration and be
19 coordinated with the programs administered under the Illinois
20 Emergency Employment Development Act.

21 (c) The amount and nature of the financial aid for a child
22 requiring care outside his own home shall be determined in
23 accordance with the rules and regulations of the Illinois
24 Department, with due regard to the needs and requirements of
25 the child in the foster home or institution in which he has
26 been placed.

1 (d) If the Department establishes grants for family units
2 consisting exclusively of a pregnant woman with no dependent
3 child or including her husband if living with her, the grant
4 amount for such a unit shall be equal to the grant amount for
5 an assistance unit consisting of one adult, or 2 persons if the
6 husband is included. Other than as herein described, an unborn
7 child shall not be counted in determining the size of an
8 assistance unit or for calculating grants.

9 Payments for basic maintenance requirements of a child or
10 children and the relative with whom the child or children are
11 living shall be prescribed, by rule, by the Illinois
12 Department.

13 Grants under this Article shall not be supplemented by
14 General Assistance provided under Article VI.

15 (e) Grants shall be paid to the parent or other person with
16 whom the child or children are living, except for such amount
17 as is paid in behalf of the child or his parent or other
18 relative to other persons or agencies pursuant to this Code or
19 the rules and regulations of the Illinois Department.

20 (f) Subject to subsection (f-5), an assistance unit,
21 receiving financial aid under this Article or temporarily
22 ineligible to receive aid under this Article under a penalty
23 imposed by the Illinois Department for failure to comply with
24 the eligibility requirements or that voluntarily requests
25 termination of financial assistance under this Article and
26 becomes subsequently eligible for assistance within 9 months,

1 shall not receive any increase in the amount of aid solely on
2 account of the birth of a child; except that an increase is not
3 prohibited when the birth is (i) of a child of a pregnant woman
4 who became eligible for aid under this Article during the
5 pregnancy, or (ii) of a child born within 10 months after the
6 date of implementation of this subsection, or (iii) of a child
7 conceived after a family became ineligible for assistance due
8 to income or marriage and at least 3 months of ineligibility
9 expired before any reapplication for assistance. This
10 subsection does not, however, prevent a unit from receiving a
11 general increase in the amount of aid that is provided to all
12 recipients of aid under this Article.

13 The Illinois Department is authorized to transfer funds,
14 and shall use any budgetary savings attributable to not
15 increasing the grants due to the births of additional children,
16 to supplement existing funding for employment and training
17 services for recipients of aid under this Article IV. The
18 Illinois Department shall target, to the extent the
19 supplemental funding allows, employment and training services
20 to the families who do not receive a grant increase after the
21 birth of a child. In addition, the Illinois Department shall
22 provide, to the extent the supplemental funding allows, such
23 families with up to 24 months of transitional child care
24 pursuant to Illinois Department rules. All remaining
25 supplemental funds shall be used for employment and training
26 services or transitional child care support.

1 In making the transfers authorized by this subsection, the
2 Illinois Department shall first determine, pursuant to
3 regulations adopted by the Illinois Department for this
4 purpose, the amount of savings attributable to not increasing
5 the grants due to the births of additional children. Transfers
6 may be made from General Revenue Fund appropriations for
7 distributive purposes authorized by Article IV of this Code
8 only to General Revenue Fund appropriations for employability
9 development services including operating and administrative
10 costs and related distributive purposes under Article IXA of
11 this Code. The Director, with the approval of the Governor,
12 shall certify the amount and affected line item appropriations
13 to the State Comptroller.

14 Nothing in this subsection shall be construed to prohibit
15 the Illinois Department from using funds under this Article IV
16 to provide assistance in the form of vouchers that may be used
17 to pay for goods and services deemed by the Illinois
18 Department, by rule, as suitable for the care of the child such
19 as diapers, clothing, school supplies, and cribs.

20 (f-5) Subsection (f) shall not apply to affect the monthly
21 assistance amount of any family as a result of the birth of a
22 child on or after January 1, 2004. As resources permit after
23 January 1, 2004, the Department may cease applying subsection
24 (f) to limit assistance to families receiving assistance under
25 this Article on January 1, 2004, with respect to children born
26 prior to that date. In any event, subsection (f) shall be

1 completely inoperative on and after July 1, 2007.

2 (g) (Blank).

3 (h) Notwithstanding any other provision of this Code, the
4 Illinois Department is authorized to reduce payment levels used
5 to determine cash grants under this Article after December 31
6 of any fiscal year if the Illinois Department determines that
7 the caseload upon which the appropriations for the current
8 fiscal year are based have increased by more than 5% and the
9 appropriation is not sufficient to ensure that cash benefits
10 under this Article do not exceed the amounts appropriated for
11 those cash benefits. Reductions in payment levels may be
12 accomplished by emergency rule under Section 5-45 of the
13 Illinois Administrative Procedure Act, except that the
14 limitation on the number of emergency rules that may be adopted
15 in a 24-month period shall not apply and the provisions of
16 Sections 5-115 and 5-125 of the Illinois Administrative
17 Procedure Act shall not apply. Increases in payment levels
18 shall be accomplished only in accordance with Section 5-40 of
19 the Illinois Administrative Procedure Act. Before any rule to
20 increase payment levels promulgated under this Section shall
21 become effective, a joint resolution approving the rule must be
22 adopted by a roll call vote by a majority of the members
23 elected to each chamber of the General Assembly.

24 (Source: P.A. 92-111, eff. 1-1-02; 93-598, eff. 8-26-03.)

25 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

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

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

1 For facilities licensed by the Department of Public Health
2 under the Nursing Home Care Act as Intermediate Care for the
3 Developmentally Disabled facilities or Long Term Care for Under
4 Age 22 facilities, the rates taking effect on July 1, 1998
5 shall include an increase of 3%. For facilities licensed by the
6 Department of Public Health under the Nursing Home Care Act as
7 Skilled Nursing facilities or Intermediate Care facilities,
8 the rates taking effect on July 1, 1998 shall include an
9 increase of 3% plus \$1.10 per resident-day, as defined by the
10 Department. For facilities licensed by the Department of Public
11 Health under the Nursing Home Care Act as Intermediate Care
12 Facilities for the Developmentally Disabled or Long Term Care
13 for Under Age 22 facilities, the rates taking effect on January
14 1, 2006 shall include an increase of 3%. For facilities
15 licensed by the Department of Public Health under the Nursing
16 Home Care Act as Intermediate Care Facilities for the
17 Developmentally Disabled or Long Term Care for Under Age 22
18 facilities, the rates taking effect on January 1, 2009 shall
19 include an increase sufficient to provide a \$0.50 per hour wage
20 increase for non-executive staff.

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

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

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

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

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

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

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

24 (C) Notwithstanding paragraphs (A) and (B), the
25 nursing component rate per patient day for the facility
26 shall be adjusted subject to appropriations provided by the

1 General Assembly.

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

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

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

21 (ii) For rates taking effect January 1, 2008,
22 \$110,000,000.

23 (iii) For rates taking effect January 1, 2009,
24 \$194,000,000.

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

1 the Nursing Home Care Act as skilled nursing facilities or
2 intermediate care facilities, the support component of the
3 rates taking effect on January 1, 2008 shall be computed using
4 the most recent cost reports on file with the Department of
5 Healthcare and Family Services no later than April 1, 2005,
6 updated for inflation to January 1, 2006.

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

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

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

1 intermediate care facilities, the Illinois Department shall
2 determine by rule the rates taking effect on July 1, 2002,
3 which shall be 5.9% less than the rates in effect on June 30,
4 2002.

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

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

22 Notwithstanding any other provision of this Section, for
23 facilities licensed by the Department of Public Health under
24 the Nursing Home Care Act as skilled nursing facilities or
25 intermediate care facilities, effective January 1, 2009, the
26 per diem support component of the rates effective on January 1,

1 2008, computed using the most recent cost reports on file with
2 the Department of Healthcare and Family Services no later than
3 April 1, 2005, updated for inflation to January 1, 2006, shall
4 be increased to the amount that would have been derived using
5 standard Department of Healthcare and Family Services methods,
6 procedures, and inflators.

7 Notwithstanding any other provisions of this Section, for
8 facilities licensed by the Department of Public Health under
9 the Nursing Home Care Act as intermediate care facilities that
10 are federally defined as Institutions for Mental Disease, a
11 socio-development component rate equal to 6.6% of the
12 facility's nursing component rate as of January 1, 2006 shall
13 be established and paid effective July 1, 2006. The
14 socio-development component of the rate shall be increased by a
15 factor of 2.53 on the first day of the month that begins at
16 least 45 days after January 11, 2008 (the effective date of
17 Public Act 95-707). As of August 1, 2008, the socio-development
18 component rate shall be equal to 6.6% of the facility's nursing
19 component rate as of January 1, 2006, multiplied by a factor of
20 3.53 ~~the effective date of this amendatory Act of the 95th~~
21 ~~General Assembly~~. The Illinois Department may by rule adjust
22 these socio-development component rates, but in no case may
23 such rates be diminished.

24 For facilities licensed by the Department of Public Health
25 under the Nursing Home Care Act as Intermediate Care for the
26 Developmentally Disabled facilities or as long-term care

1 facilities for residents under 22 years of age, the rates
2 taking effect on July 1, 2003 shall include a statewide
3 increase of 4%, as defined by the Department.

4 For facilities licensed by the Department of Public Health
5 under the Nursing Home Care Act as Intermediate Care for the
6 Developmentally Disabled facilities or Long Term Care for Under
7 Age 22 facilities, the rates taking effect on the first day of
8 the month that begins at least 45 days after the effective date
9 of this amendatory Act of the 95th General Assembly shall
10 include a statewide increase of 2.5%, as defined by the
11 Department.

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

24 Rates established effective each July 1 shall govern
25 payment for services rendered throughout that fiscal year,
26 except that rates established on July 1, 1996 shall be

1 increased by 6.8% for services provided on or after January 1,
2 1997. Such rates will be based upon the rates calculated for
3 the year beginning July 1, 1990, and for subsequent years
4 thereafter until June 30, 2001 shall be based on the facility
5 cost reports for the facility fiscal year ending at any point
6 in time during the previous calendar year, updated to the
7 midpoint of the rate year. The cost report shall be on file
8 with the Department no later than April 1 of the current rate
9 year. Should the cost report not be on file by April 1, the
10 Department shall base the rate on the latest cost report filed
11 by each skilled care facility and intermediate care facility,
12 updated to the midpoint of the current rate year. In
13 determining rates for services rendered on and after July 1,
14 1985, fixed time shall not be computed at less than zero. The
15 Department shall not make any alterations of regulations which
16 would reduce any component of the Medicaid rate to a level
17 below what that component would have been utilizing in the rate
18 effective on July 1, 1984.

19 (2) Shall take into account the actual costs incurred by
20 facilities in providing services for recipients of skilled
21 nursing and intermediate care services under the medical
22 assistance program.

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

25 (4) Shall take into account the actual costs incurred by
26 facilities in meeting licensing and certification standards

1 imposed and prescribed by the State of Illinois, any of its
2 political subdivisions or municipalities and by the U.S.
3 Department of Health and Human Services pursuant to Title XIX
4 of the Social Security Act.

5 The Department of Healthcare and Family Services shall
6 develop precise standards for payments to reimburse nursing
7 facilities for any utilization of appropriate rehabilitative
8 personnel for the provision of rehabilitative services which is
9 authorized by federal regulations, including reimbursement for
10 services provided by qualified therapists or qualified
11 assistants, and which is in accordance with accepted
12 professional practices. Reimbursement also may be made for
13 utilization of other supportive personnel under appropriate
14 supervision.

15 (Source: P.A. 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697,
16 eff. 11-21-05; 94-838, eff. 6-6-06; 94-964, eff. 6-28-06;
17 95-12, eff. 7-2-07; 95-331, eff. 8-21-07; 95-707, eff.
18 1-11-08.)

19 (305 ILCS 5/5-5.26 new)

20 Sec. 5-5.26. Multiple sclerosis; home services; waiver.
21 The Department of Healthcare and Family Services shall apply
22 for a waiver of federal law and regulations to the extent
23 necessary to claim federal financial participation for medical
24 assistance for services provided under the Department of Human
25 Services' Home Services Program for persons with multiple

1 sclerosis who are (i) over 60 years of age, and (ii) have
2 assets not exceeding \$17,500. In determining whether a person's
3 assets meet this requirement, the Department must disregard
4 retirement assets up to a total of \$500,000 and disregard all
5 life insurance assets.

6 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

7 Sec. 12-4.11. Grant amounts. The Department, with due
8 regard for and subject to budgetary limitations, shall
9 establish grant amounts for each of the programs, by
10 regulation. The grant amounts may vary by program, size of
11 assistance unit and geographic area.

12 Aid payments shall not be reduced except: (1) for changes
13 in the cost of items included in the grant amounts, or (2) for
14 changes in the expenses of the recipient, or (3) for changes in
15 the income or resources available to the recipient, or (4) for
16 changes in grants resulting from adoption of a consolidated
17 grant amount. Beginning July 1, 2008, the Department of Human
18 Services shall increase TANF grant amounts in effect on June
19 30, 2008 by 9%.

20 In fixing standards to govern payments or reimbursements
21 for funeral and burial expenses, the Department shall establish
22 a minimum allowable amount of not less than \$1,000 for
23 Department payment of funeral services and not less than \$500
24 for Department payment of burial or cremation services. On
25 January 1, 2006, July 1, 2006, and July 1, 2007, the Department

1 shall increase the minimum reimbursement amount for funeral and
2 burial expenses under this Section by a percentage equal to the
3 percentage increase in the Consumer Price Index for All Urban
4 Consumers, if any, during the 12 months immediately preceding
5 that January 1 or July 1. In establishing the minimum allowable
6 amount, the Department shall take into account the services
7 essential to a dignified, low-cost (i) funeral and (ii) burial
8 or cremation, including reasonable amounts that may be
9 necessary for burial space and cemetery charges, and any
10 applicable taxes or other required governmental fees or
11 charges. If no person has agreed to pay the total cost of the
12 (i) funeral and (ii) burial or cremation charges, the
13 Department shall pay the vendor the actual costs of the (i)
14 funeral and (ii) burial or cremation, or the minimum allowable
15 amount for each service as established by the Department,
16 whichever is less, provided that the Department reduces its
17 payments by the amount available from the following sources:
18 the decedent's assets and available resources and the
19 anticipated amounts of any death benefits available to the
20 decedent's estate, and amounts paid and arranged to be paid by
21 the decedent's legally responsible relatives. A legally
22 responsible relative is expected to pay (i) funeral and (ii)
23 burial or cremation expenses unless financially unable to do
24 so.

25 Nothing contained in this Section or in any other Section
26 of this Code shall be construed to prohibit the Illinois

1 Department (1) from consolidating existing standards on the
2 basis of any standards which are or were in effect on, or
3 subsequent to July 1, 1969, or (2) from employing any
4 consolidated standards in determining need for public aid and
5 the amount of money payment or grant for individual recipients
6 or recipient families.

7 (Source: P.A. 94-669, eff. 8-23-05.)

8 (305 ILCS 5/12-10.7)

9 Sec. 12-10.7. The Health and Human Services Medicaid Trust
10 Fund.

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

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

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

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

1 for by law, on July 1, 2008, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$3,500,000 from the Health
4 and Human Services Medicaid Trust Fund to the Human Services
5 Priority Capital Program Fund.

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

7 (305 ILCS 5/12-10.7a new)

8 Sec. 12-10.7a. The Money Follows the Person Budget Transfer
9 Fund is hereby created as a special fund in the State treasury.

10 (a) Notwithstanding any State law to the contrary, the
11 following moneys shall be deposited into the Fund:

12 (1) enhanced federal financial participation funds
13 related to any spending under a Money Follows the Person
14 demonstration project as approved by the federal Centers
15 for Medicare and Medicaid Services on May 14, 2007, and as
16 codified at 20 ILCS 2407/51 et seq., regardless of whether
17 such spending occurred from the Money Follows the Person
18 Budget Transfer Fund;

19 (2) federal financial participation funds related to
20 any spending under a Money Follows the Person demonstration
21 project as approved by the federal Centers for Medicare and
22 Medicaid Services on May 14, 2007, and as codified at 20
23 ILCS 2407/51 et seq., that occurred from the Money Follows
24 the Person Budget Transfer Fund;

25 (3) deposits made via the voucher-warrant process from

1 institutional long-term care appropriations to the
2 Department of Healthcare and Family Services and
3 institutional developmentally disabled long-term care
4 appropriations to the Department of Human Services;

5 (4) deposits made via the voucher-warrant process from
6 appropriation lines used to fund community-based services
7 for individuals eligible for nursing facility level of care
8 to the Department of Human Services, the Department on
9 Aging, or the Department of Healthcare and Family Services;

10 (5) interest earned on moneys in the Fund; and

11 (6) all other moneys received by the Fund from any
12 source.

13 (b) Subject to appropriation, moneys in the Fund may be
14 used by the Department of Healthcare and Family Services for
15 reimbursement or payment for:

16 (1) expenses related to rebalancing long-term care
17 services between institutional and community-based
18 settings as authorized under a Money Follows the Person
19 demonstration project as approved by the federal Centers
20 for Medicare and Medicaid Services on May 14, 2007, and as
21 codified at 20 ILCS 2407/51 et seq.;

22 (2) expenses for community-based services for
23 individuals eligible for nursing facility level of care in
24 the Department of Human Services, the Department on Aging,
25 or the Department of Healthcare and Family Services to the
26 extent the expenses reimbursed or paid are in excess of the

1 amounts budgeted to those Departments each fiscal year for
2 persons transitioning out of institutional long-term care
3 settings under a Money Follows the Person demonstration
4 project as approved by the federal Centers for Medicare and
5 Medicaid Services on May 14, 2007, and as codified at 20
6 ILCS 2407/51 et seq.;

7 (3) expenses for institutional long-term care services
8 at the Department of Healthcare and Family Services to the
9 extent that the expenses reimbursed or paid are for
10 services in excess of the amount budgeted to the Department
11 each fiscal year for persons who had or otherwise were
12 expected to transition out of institutional long-term care
13 settings under a Money Follows the Person demonstration
14 project as approved by the federal Centers for Medicare and
15 Medicaid Services on May 14, 2007, and as codified at 20
16 ILCS 2407/51 et seq.; and

17 (4) expenses, including operational, administrative,
18 and refund expenses, necessary to implement and operate a
19 Money Follows the Person demonstration project as approved
20 by the federal Centers for Medicare and Medicaid Services
21 on May 14, 2007, and as codified at 20 ILCS 2407/51 et seq.
22 Expenses reimbursed or paid on behalf of other agencies by
23 the Department of Healthcare and Family Services under this
24 subsection shall be pursuant to an interagency agreement and
25 allowable under a Money Follows the Person demonstration
26 project as approved by the federal Centers for Medicare and

1 Medicaid Services on May 14, 2007, and as codified at 20 ILCS
2 2407/51 et seq.

3 (305 ILCS 5/12-10.9 new)

4 Sec. 12-10.9. Mental health services. The Department of
5 Healthcare and Family Services shall utilize up to \$2,000,000
6 of the Fiscal Year 2009 appropriations for federally defined
7 Institutions for Mental Disease to pay providers of community
8 mental health services that are certified by the Department of
9 Human Services (DHS) and are located in DHS Division of Mental
10 Health Region 1 North, for the provision of Resident Review
11 Services, Targeted Case Management Services, Community
12 Transition Services, Community Support Services, Assertive
13 Community Treatment, Psychosocial Rehabilitation Services, and
14 individually required ancillary mental health services, in an
15 initiative parallel to the Money Follows the Person Rebalancing
16 Demonstration targeting residents of federally defined
17 Institutions for Mental Disease.

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

20 (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

21 Sec. 8. Uses of Trust Fund.

22 (a) Subject to annual appropriation to the Funding Agent
23 and subject to the prior dedication, allocation, transfer and

1 use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and
2 9 of this Act, the Trust Fund may be used to make grants,
3 mortgages, or other loans to acquire, construct, rehabilitate,
4 develop, operate, insure, and retain affordable single-family
5 and multi-family housing in this State for low-income and very
6 low-income households. The majority of monies appropriated to
7 the Trust Fund in any given year are to be used for affordable
8 housing for very low-income households. For the fiscal years
9 2007, ~~and 2008,~~ and 2009 only, the Department of Human Services
10 is authorized to receive appropriations and spend moneys from
11 the Illinois Affordable Housing Trust Fund for the purpose of
12 developing and coordinating public and private resources
13 targeted to meet the affordable housing needs of low-income,
14 very low-income, and special needs households in the State of
15 Illinois.

16 (b) For each fiscal year commencing with fiscal year 1994,
17 the Program Administrator shall certify from time to time to
18 the Funding Agent, the Comptroller and the State Treasurer
19 amounts, up to an aggregate in any fiscal year of \$10,000,000,
20 of Trust Fund Moneys expected to be used or pledged by the
21 Program Administrator during the fiscal year for the purposes
22 and uses specified in Sections 8(c) and 9 of this Act. Subject
23 to annual appropriation, upon receipt of such certification,
24 the Funding Agent and the Comptroller shall dedicate and the
25 State Treasurer shall transfer not less often than monthly to
26 the Program Administrator or its designated payee, without

1 requisition or further request therefor, all amounts
2 accumulated in the Trust Fund within the State Treasury and not
3 already transferred to the Loan Commitment Account prior to the
4 Funding Agent's receipt of such certification, until the
5 Program Administrator has received the aggregate amount
6 certified by the Program Administrator, to be used solely for
7 the purposes and uses authorized and provided in Sections 8(c)
8 and 9 of this Act. Neither the Comptroller nor the Treasurer
9 shall transfer, dedicate or allocate any of the Trust Fund
10 Moneys transferred or certified for transfer by the Program
11 Administrator as provided above to any other fund, nor shall
12 the Governor authorize any such transfer, dedication or
13 allocation, nor shall any of the Trust Fund Moneys so
14 dedicated, allocated or transferred be used, temporarily or
15 otherwise, for interfund borrowing, or be otherwise used or
16 appropriated, except as expressly authorized and provided in
17 Sections 8(c) and 9 of this Act for the purposes and subject to
18 the priorities, limitations and conditions provided for
19 therein until such obligations, uses and dedications as therein
20 provided, have been satisfied.

21 (c) Notwithstanding Section 5(b) of this Act, any Trust
22 Fund Moneys transferred to the Program Administrator pursuant
23 to Section 8(b) of this Act, or otherwise obtained, paid to or
24 held by or for the Program Administrator, or pledged pursuant
25 to resolution of the Program Administrator, for Affordable
26 Housing Program Trust Fund Bonds or Notes under the Illinois

1 Housing Development Act, and all proceeds, payments and
2 receipts from investments or use of such moneys, including any
3 residual or additional funds or moneys generated or obtained in
4 connection with any of the foregoing, may be held, pledged,
5 applied or dedicated by the Program Administrator as follows:

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

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

1 (3) to or for costs of issuance and administration and
2 the payments of principal, interest, premium, loan fees,
3 and other amounts or other obligations of the Program
4 Administrator, including rate protection contracts and
5 credit support arrangements pertaining thereto, for loans,
6 commercial paper or other notes or bonds issued by the
7 Program Administrator pursuant to the Illinois Housing
8 Development Act, provided that the proceeds of such loans,
9 commercial paper or other notes or bonds are paid or
10 expended in connection with, or refund or repay, loans,
11 commercial paper or other notes or bonds issued or made in
12 connection with bridge loans or loans for the construction,
13 renovation, redevelopment, restructuring, reorganization
14 of Affordable Housing and related expenses, including
15 development costs, technical assistance, or other amounts
16 to construct, preserve, improve, renovate, rehabilitate,
17 refinance, or assist Affordable Housing, including
18 financially troubled Affordable Housing, permanent or
19 other financing for which has been funded or financed or is
20 expected to be funded or financed in whole or in part by
21 the Program Administrator through the issuance of or use of
22 proceeds from Affordable Housing Program Trust Fund Bonds
23 or Notes;

24 (4) to or for direct expenditures or reimbursement for
25 development costs, technical assistance, or other amounts
26 to construct, preserve, improve, renovate, rehabilitate,

1 refinance, or assist Affordable Housing, including
2 financially troubled Affordable Housing, permanent or
3 other financing for which has been funded or financed or is
4 expected to be funded or financed in whole or in part by
5 the Program Administrator through the issuance of or use of
6 proceeds from Affordable Housing Program Trust Fund Bonds
7 or Notes; and

8 (5) for deposit into any residual, sinking, reserve or
9 revolving fund or pool established by the Program
10 Administrator, whether or not pledged to secure Affordable
11 Housing Program Trust Fund Bonds or Notes, to support or be
12 utilized for the issuance, redemption, or payment of the
13 principal, interest, premium or other amounts payable on or
14 with respect to any existing, additional or future
15 Affordable Housing Program Trust Fund Bonds or Notes, or to
16 or for any other expenditure authorized by this Section
17 8(c).

18 (d) All or a portion of the Trust Fund Moneys on deposit or
19 to be deposited in the Trust Fund not already certified for
20 transfer or transferred to the Program Administrator pursuant
21 to Section 8(b) of this Act may be used to secure the repayment
22 of Affordable Housing Program Trust Fund Bonds or Notes, or
23 otherwise to supplement or support Affordable Housing funded or
24 financed or intended to be funded or financed, in whole or in
25 part, by Affordable Housing Program Trust Fund Bonds or Notes.

26 (e) Assisted housing may include housing for special needs

1 populations such as the homeless, single-parent families, the
2 elderly, or the physically and mentally disabled. The Trust
3 Fund shall be used to implement a demonstration congregate
4 housing project for any such special needs population.

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

8 (g) The Trust Fund may be used to pay actual and reasonable
9 costs for Commission members to attend Commission meetings, and
10 any litigation costs and expenses, including legal fees,
11 incurred by the Program Administrator in any litigation related
12 to this Act or its action as Program Administrator.

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

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

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

24 Section 999. Effective date. This Act takes effect July 1,
25 2008.