



Sen. Jim Oberweis

Filed: 5/30/2019

10100SB1061sam002

LRB101 06377 AXK 61453 a

1 AMENDMENT TO SENATE BILL 1061

2 AMENDMENT NO. _____. Amend Senate Bill 1061 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Section 3 as follows:

6 (5 ILCS 120/3) (from Ch. 102, par. 43)

7 Sec. 3. (a) Where the provisions of this Act are not
8 complied with, or where there is probable cause to believe that
9 the provisions of this Act will not be complied with, any
10 person, including the State's Attorney of the county in which
11 such noncompliance may occur, may bring a civil action in the
12 circuit court for the judicial circuit in which the alleged
13 noncompliance has occurred or is about to occur, or in which
14 the affected public body has its principal office, prior to or
15 within 60 days of the meeting alleged to be in violation of
16 this Act or, if facts concerning the meeting are not discovered

1 within the 60-day period, within 60 days of the discovery of a
2 violation by the State's Attorney or, if the person timely
3 files a request for review under Section 3.5, within 60 days of
4 the decision by the Attorney General to resolve a request for
5 review by a means other than the issuance of a binding opinion
6 under subsection (e) of Section 3.5.

7 Records that are obtained by a State's Attorney from a
8 public body for purposes of reviewing whether the public body
9 has complied with this Act may not be disclosed to the public.
10 Those records, while in the possession of the State's Attorney,
11 are exempt from disclosure under the Freedom of Information
12 Act.

13 (b) In deciding such a case the court may examine in camera
14 any portion of the minutes of a meeting at which a violation of
15 the Act is alleged to have occurred, and may take such
16 additional evidence as it deems necessary.

17 (c) The court, having due regard for orderly administration
18 and the public interest, as well as for the interests of the
19 parties, may grant such relief as it deems appropriate,
20 including granting a relief by mandamus requiring that a
21 meeting be open to the public, granting an injunction against
22 future violations of this Act, ordering the public body to make
23 available to the public such portion of the minutes of a
24 meeting as is not authorized to be kept confidential under this
25 Act, or declaring null and void any final action taken at a
26 closed meeting in violation of this Act.

1 (c-5) If the court determines that a public body has
2 willfully and intentionally failed to comply with this Act or
3 has otherwise acted in bad faith, the court may also impose
4 upon the public body a civil penalty of not less than \$200 for
5 the first violation, \$500 for the second violation, and \$1,000
6 for each subsequent violation. In assessing the civil penalty
7 under this subsection, the court may consider in aggravation or
8 mitigation the budget of the public body and whether the public
9 body has previously been assessed penalties for a violation of
10 this Act.

11 (d) The court may assess against any party, except a
12 State's Attorney, reasonable attorney's fees and other
13 litigation costs reasonably incurred by any other party who
14 substantially prevails in any action brought in accordance with
15 this Section, provided that costs may be assessed against any
16 private party or parties bringing an action pursuant to this
17 Section only upon the court's determination that the action is
18 malicious or frivolous in nature.

19 (Source: P.A. 99-714, eff. 8-5-16.)

20 Section 10. The Property Tax Code is amended by changing
21 Sections 12-10, 12-30, 18-75, and 27-30 as follows:

22 (35 ILCS 200/12-10)

23 Sec. 12-10. Publication of assessments; counties of less
24 than 3,000,000.

1 (a) In counties with less than 3,000,000 inhabitants, as
2 soon as the chief county assessment officer has completed the
3 assessment in the county or in the assessment district, he or
4 she shall, in each year of a general assessment, publish for
5 the county or assessment district a complete list of the
6 assessment, by townships if so organized. In years other than
7 years of a general assessment, the chief county assessment
8 officer shall publish a list of property for which assessments
9 have been added or changed since the preceding assessment,
10 together with the amounts of the assessments, except that
11 publication of individual assessment changes shall not be
12 required if the changes result from equalization by the
13 supervisor of assessments under Section 9-210, or Section
14 10-200, in which case the list shall include a general
15 statement indicating that assessments have been changed
16 because of the application of an equalization factor and shall
17 set forth the percentage of increase or decrease represented by
18 the factor. The publication shall be made on or before December
19 31 of that year, and shall be printed in some public newspaper
20 or newspapers published in the county. In every township or
21 assessment district in which there is published one or more
22 newspapers of general circulation, the list of that township
23 shall be published in one of the newspapers.

24 (b) Notwithstanding any other provision of law, for each
25 parcel for which an individual notification meeting the
26 requirements of Section 12-30 was mailed to the taxpayer,

1 publication of an individual listing of assessment in a
2 newspaper of general circulation is not required beginning with
3 the 2020 valuation year, so long as the list as described in
4 subsection (a) above is published on a county-controlled
5 website.

6 (c) At the top of the list of assessments there shall be a
7 notice in substantially the following form printed in type no
8 smaller than eleven point:

9 "NOTICE TO TAXPAYERS

10 Median Level of Assessment--(insert here the median level
11 of assessment for the assessment district)

12 Your property is to be assessed at the above listed median
13 level of assessment for the assessment district. You may check
14 the accuracy of your assessment by dividing your assessment by
15 the median level of assessment. The resulting value should
16 equal the estimated fair cash value of your property. If the
17 resulting value is greater than the estimated fair cash value
18 of your property, you may be over-assessed. If the resulting
19 value is less than the fair cash value of your property, you
20 may be under-assessed. You may appeal your assessment to the
21 Board of Review."

22 (d) The notice published under this Section shall also
23 include the following:

24 (1) A statement advising the taxpayer that assessments
25 of property, other than farm land and coal, are required by
26 law to be assessed at 33 1/3% of fair market value.

1 (2) The name, address, phone number, office hours, and,
2 if one exists, the website address of the assessor.

3 (3) A statement advising the taxpayer of the steps to
4 follow if the taxpayer believes the full fair market value
5 of the property is incorrect or believes the assessment is
6 not uniform with other comparable properties in the same
7 neighborhood. The statement shall also (i) advise all
8 taxpayers to contact the township assessor's office, in
9 those counties under township organization, first to
10 review the assessment, (ii) advise all taxpayers to file an
11 appeal with the board of review if not satisfied with the
12 assessor review, and (iii) give the phone number to call
13 for a copy of the board of review rules; if the Board of
14 Review maintains a web site, the notice must also include
15 the address of the website where the Board of Review rules
16 can be viewed.

17 (4) A statement advising the taxpayer that there is a
18 deadline date for filing an appeal with the board of review
19 and indicating that deadline date (30 days following the
20 scheduled publication date).

21 (5) A brief explanation of the relationship between the
22 assessment and the tax bill.

23 (6) In bold type, a notice of possible eligibility for
24 the various homestead exemptions as provided in Section
25 15-165 through Section 15-175 and Section 15-180.

26 (e) The newspaper shall furnish to the local assessment

1 officers as many copies of the paper containing the assessment
2 list as they may require.

3 (Source: P.A. 97-146, eff. 7-14-11.)

4 (35 ILCS 200/12-30)

5 Sec. 12-30. Mailed notice of changed assessments; counties
6 of less than 3,000,000.

7 (a) In every county with less than 3,000,000 inhabitants,
8 ~~in addition to the publication of the list of assessments in~~
9 ~~each year of a general assessment and of the list of property~~
10 ~~for which assessments have been added or changed, as provided~~
11 ~~above,~~ a notice shall be mailed by the chief county assessment
12 officer to each taxpayer whose assessment has been changed
13 since the last preceding assessment, using the address as it
14 appears on the assessor's records, except in the case of
15 changes caused by a change in the county equalization factor by
16 the Department or in the case of changes resulting from
17 equalization by the chief county assessment officer under
18 Section 9-210, during any year such change is made. The notice
19 may, but need not be, sent by a township assessor.

20 (b) The notice sent under this Section shall include the
21 following:

22 (1) The previous year's assessed value after board of
23 review equalization.

24 (2) Current assessed value and the date of that
25 valuation.

1 (3) The percentage change from the previous assessed
2 value to the current assessed value.

3 (4) The full fair market value (as indicated by
4 dividing the current assessed value by the median level of
5 assessment in the assessment district as determined by the
6 most recent 3 year assessment to sales ratio study adjusted
7 to take into account any changes in assessment levels since
8 the data for the studies were collected).

9 (5) A statement advising the taxpayer that assessments
10 of property, other than farm land and coal, are required by
11 law to be assessed at 33 1/3% of fair market value.

12 (6) The name, address, phone number, office hours, and,
13 if one exists, the website address of the assessor.

14 (7) Where practicable, the notice shall include the
15 reason for any increase in the property's valuation.

16 (8) The name and price per copy by mail of the
17 newspaper in which the list of assessments will be
18 published and the scheduled publication date.

19 (9) A statement advising the taxpayer of the steps to
20 follow if the taxpayer believes the full fair market value
21 of the property is incorrect or believes the assessment is
22 not uniform with other comparable properties in the same
23 neighborhood. The statement shall also (i) advise all
24 taxpayers to contact the township assessor's office, in
25 those counties under township organization, first to
26 review the assessment, (ii) advise all taxpayers to file an

1 appeal with the board of review if not satisfied with the
2 assessor review, and (iii) give the phone number to call
3 for a copy of the board of review rules.

4 (10) A statement advising the taxpayer that there is a
5 deadline date for filing an appeal with the board of review
6 and indicating that deadline date (30 days following the
7 scheduled publication date).

8 (11) A brief explanation of the relationship between
9 the assessment and the tax bill (including an explanation
10 of the equalization factors) and an explanation that the
11 assessment stated for the preceding year is the assessment
12 after equalization by the board of review in the preceding
13 year.

14 (12) In bold type, a notice of possible eligibility for
15 the various homestead exemptions as provided in Section
16 15-165 through Section 15-175 and Section 15-180.

17 (c) In addition to the requirements of subsection (b) of
18 this Section, in every county with less than 3,000,000
19 inhabitants, where the chief county assessment officer
20 maintains and controls an electronic database containing the
21 physical characteristics of the property, the notice shall
22 include the following:

23 (1) The physical characteristics of the taxpayer's
24 property that are available from that database; or

25 (2) A statement advising the taxpayer that detailed
26 property characteristics are available on the county

1 website and the URL address of that website.

2 (d) In addition to the requirements of subsection (b) of
3 this Section, in every county with less than 3,000,000
4 inhabitants, where the chief county assessment officer does not
5 maintain and control an electronic database containing the
6 physical characteristics of the property, and where one or more
7 townships in the county maintain and control an electronic
8 database containing the physical characteristics of the
9 property and some or all of the database is available on a
10 website that is maintained and controlled by the township, the
11 notice shall include a statement advising the taxpayer that
12 detailed property characteristics are available on the
13 township website and the URL address of that website.

14 (e) Except as provided in this Section, the form and manner
15 of providing the information and explanations required to be in
16 the notice shall be prescribed by the Department.

17 (Source: P.A. 96-122, eff. 1-1-10.)

18 (35 ILCS 200/18-75)

19 Sec. 18-75. Notice; place of publication. If the taxing
20 district is located entirely in one county, the notice shall be
21 published in an English language newspaper of general
22 circulation published in the taxing district, or if there is no
23 such newspaper, in an English language newspaper of general
24 circulation published in the county and having circulation in
25 the taxing district.

1 If the taxing district is located primarily in one county
2 but extends into smaller portions of adjoining counties, the
3 notice shall be published in a newspaper of general circulation
4 published in the taxing district, or if there is no such
5 newspaper, in a newspaper of general circulation published in
6 each county in which any part of the district is located.

7 If the taxing district includes all or a large portion of 2
8 or more counties, the notice shall be published in a newspaper
9 of general circulation published in each county in which any
10 part of the district is located.

11 If a taxing district has a website maintained by the
12 full-time staff of the taxing district, then the notice may
13 ~~shall~~ be posted on the website in fulfillment of ~~in addition to~~
14 the other notice requirements of this Section. The failure of a
15 taxing district to post the notice on its website shall not
16 invalidate the notice or any action taken on the tax levy.

17 (Source: P.A. 99-367, eff. 1-1-16.)

18 (35 ILCS 200/27-30)

19 Sec. 27-30. Manner of notice. Prior to or within 60 days
20 after the adoption of the ordinance proposing the establishment
21 of a special service area the municipality or county shall fix
22 a time and a place for a public hearing. The public hearing
23 shall be held not less than 60 days after the adoption of the
24 ordinance proposing the establishment of a special service
25 area. Notice of the hearing shall be given by publication and

1 mailing, except that notice of a public hearing to propose the
2 establishment of a special service area for weather
3 modification purposes may be given by publication only. Notice
4 by publication shall be given by publication at least once not
5 less than 15 days prior to the hearing in a newspaper of
6 general circulation within the municipality or county or on the
7 municipality's or county's website. Notice by mailing shall be
8 given by depositing the notice in the United States mails
9 addressed to the person or persons in whose name the general
10 taxes for the last preceding year were paid on each property
11 lying within the special service area. A notice shall be mailed
12 not less than 10 days prior to the time set for the public
13 hearing. In the event taxes for the last preceding year were
14 not paid, the notice shall be sent to the person last listed on
15 the tax rolls prior to that year as the owner of the property.
16 (Source: P.A. 97-1053, eff. 1-1-13.)".