



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4128

Introduced 1/15/2004, by Mark H. Beaubien Jr.

SYNOPSIS AS INTRODUCED:

- 30 ILCS 350/3 from Ch. 17, par. 6903
- 30 ILCS 350/15.01
- 35 ILCS 200/18-185
- 50 ILCS 20/3 from Ch. 85, par. 1033
- 50 ILCS 20/18 from Ch. 85, par. 1048
- 55 ILCS 5/5-1024 from Ch. 34, par. 5-1024

Amends the Local Government Debt Reform Act. Defines "revenue source" to include any public building commission (PBC) lease rental base alternate tax levy. Defines "limited bonds" to include PBC leases and excludes other leases. Defines "public building commission rental base" as an amount equal to that portion of the extension for a taxing district for the 1999 levy year constituting an extension for payment of lease rentals under a PBC lease allocable to the retirement of bonds issued by the commission. Defines "public building commission lease rental base alternate tax levy" as a special purpose levy available to a unit of local government and authorized for the payment of limited bonds as a revenue source, which shall equal the PBC lease rental base less the amount of that base allocable to the payment of lease rentals under a PBC lease. Provides that a governmental unit is authorized to issue limited bonds payable from the debt service extension base or the PBC lease rental base, or both (now, payable from the debt service extension base only). Amends the Property Tax Extension Limitation Law in the Property Code. With respect to limited bonds and double-barrelled bonds issued under the Local Government Debt Reform Act, exempts from the tax caps in the taxing districts to which the law applied before the 1995 levy year special purpose extensions made for payment of principal and interest on bonds issued concerning PBC leases. Amends the Public Building Commission Act. In provisions concerning tax levies for PBC lease rental payments, provides that the tax levied may relate to the amount necessary to pay the annual rent under the lease or the PBC lease rental base (now, related only to the amount necessary to pay the annual rent under the lease). Provides that taxes are not required to be levied or extended in excess of the allocated portion of a PBC lease rental base. Amends the Counties Code. Includes within the exception for taxes levied to pay annual rent payments due under a lease entered into by the county with a Public Building Commission, payments made from the PBC lease rental base. Excludes taxes levied allocable to the PBC lease rental base tax levy and taxes levied to pay principal of and interest on limited bonds. Effective immediately.

LRB093 14684 MKM 40226 b

1 AN ACT in relation to local government.

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

4 Section 5. The Local Government Debt Reform Act is amended
5 by changing Sections 3 and 15.01 as follows:

6 (30 ILCS 350/3) (from Ch. 17, par. 6903)

7 Sec. 3. Definitions. In this Act words or terms shall have
8 the following meanings unless the context or usage clearly
9 indicates that another meaning is intended.

10 (a) "Alternate bonds" means bonds issued in lieu of revenue
11 bonds or payable from a revenue source as provided in Section
12 15.

13 (b) "Applicable law" means any provision of law, including
14 this Act, authorizing governmental units to issue bonds.

15 (c) "Backdoor referendum" means the submission of a public
16 question to the voters of a governmental unit, initiated by a
17 petition of voters, residents or property owners of such
18 governmental unit, to determine whether an action by the
19 governing body of such governmental unit shall be effective,
20 adopted or rejected.

21 (d) "Bond" means any instrument evidencing the obligation
22 to pay money authorized or issued by or on behalf of a
23 governmental unit under applicable law, including without
24 limitation, bonds, notes, installment or financing contracts,
25 leases, certificates, tax anticipation warrants or notes,
26 vouchers, and any other evidences of indebtedness.

27 (e) "Debt service" on bonds means the amount of principal,
28 interest and premium, if any, when due either at stated
29 maturity or upon mandatory redemption.

30 (f) "Enterprise revenues" means the revenues of a utility
31 or revenue producing enterprise from which revenue bonds may be
32 payable.

1 (g) "General obligation bonds" means bonds of a
2 governmental unit for the payment of which the governmental
3 unit is empowered to levy ad valorem property taxes upon all
4 taxable property in a governmental unit without limitation as
5 to rate or amount.

6 (h) "Governing body" means the legislative body, council,
7 board, commission, trustees, or any other body, by whatever
8 name it is known, having charge of the corporate affairs of a
9 governmental unit.

10 (h-5) "Governmental revenue source" means a revenue source
11 that is either (1) federal or State funds that the governmental
12 unit has received in some amount during each of the 3 fiscal
13 years preceding the issuance of alternate bonds or (2) revenues
14 to be received from another governmental unit under an
15 intergovernmental cooperation agreement.

16 (i) "Governmental unit" means a county, township,
17 municipality, municipal corporation, unit of local government,
18 school district, special district, public corporation, body
19 corporate and politic, forest preserve district, fire
20 protection district, conservation district, park district,
21 sanitary district, and all other local governmental agencies,
22 including any entity created by intergovernmental agreement
23 among any of the foregoing governmental units, but does not
24 include any office, officer, department, division, bureau,
25 board, commission, university, or similar agency of the State.

26 (j) "Ordinance" means an ordinance duly adopted by a
27 governing body or, if appropriate under applicable law, a
28 resolution so adopted.

29 (k) "Revenue bonds" means any bonds of a governmental unit
30 other than general obligation bonds, but "revenue bonds" does
31 include any debt authorized under Section 11-29.3-1 of the
32 Illinois Municipal Code.

33 (l) "Revenue source" means a source of funds, other than
34 enterprise revenues, received or available to be received by a
35 governmental unit and available for any one or more of its
36 corporate purposes, including any public building commission

1 lease rental base alternate tax levy.

2 (m) "Limited bonds" means bonds, including public building
3 commission leases, but excluding other leases, notes,
4 installment or financing contracts, certificates, tax
5 anticipation warrants or notes, vouchers, and any other
6 evidences of indebtedness, issued under Section 15.01 of this
7 Act.

8 (n) "Public building commission lease rental base" means an
9 amount equal to that portion of the extension for a taxing
10 district for the 1999 levy year constituting an extension for
11 payment of lease rentals under a public building commission
12 lease allocable to the retirement of bonds issued by the
13 commission.

14 (o) "Public building commission lease rental base
15 alternate tax levy" means a special purpose levy available to a
16 unit of local government and authorized for the payment of
17 limited bonds as a revenue source, which shall equal the public
18 building commission lease rental base less the amount of such
19 base allocable to payment of lease rentals under a public
20 building commission lease.

21 (Source: P.A. 92-879, eff. 1-13-03.)

22 (30 ILCS 350/15.01)

23 Sec. 15.01. Limited bonds. A governmental unit is
24 authorized to issue limited bonds payable from (i) the debt
25 service extension base, as defined in the Property Tax
26 Extension Limitation Law, as provided in this amendatory Act of
27 1995, (ii) the public building commission lease rental base, or
28 (iii) both the debt service extension base and the public
29 building commission lease rental base. Bonds authorized by
30 Public Act 88-503 and issued under Section 20a of the Chicago
31 Park District Act for aquarium or museum projects shall not be
32 issued as limited bonds. A governmental unit issuing limited
33 bonds authorized by this Section shall provide in the bond
34 ordinance that the bonds are issued as limited bonds and are
35 also issued pursuant to applicable law, other than this

1 amendatory Act of 1995, enabling the governmental unit to issue
2 bonds. This amendatory Act of 1995 shall not change the rate,
3 amount, purposes, limitations, source of funds for payment of
4 principal or interest, or method of payment or defeasance of
5 the bonds that a governmental unit may issue under any
6 applicable law; provided, that limited bonds that are otherwise
7 to be issued as general obligation bonds may be payable solely
8 from the debt service extension base. This amendatory Act of
9 1995 provides no additional authority to any governmental unit
10 to issue bonds that the governmental unit is not otherwise
11 authorized to issue by a law other than this amendatory Act of
12 1995.

13 (Source: P.A. 89-385, eff. 8-18-95; 89-449, eff. 6-1-96.)

14 Section 10. The Property Tax Code is amended by changing
15 Section 18-185 as follows:

16 (35 ILCS 200/18-185)

17 Sec. 18-185. Short title; definitions. This Division 5 may
18 be cited as the Property Tax Extension Limitation Law. As used
19 in this Division 5:

20 "Consumer Price Index" means the Consumer Price Index for
21 All Urban Consumers for all items published by the United
22 States Department of Labor.

23 "Extension limitation" means (a) the lesser of 5% or the
24 percentage increase in the Consumer Price Index during the
25 12-month calendar year preceding the levy year or (b) the rate
26 of increase approved by voters under Section 18-205.

27 "Affected county" means a county of 3,000,000 or more
28 inhabitants or a county contiguous to a county of 3,000,000 or
29 more inhabitants.

30 "Taxing district" has the same meaning provided in Section
31 1-150, except as otherwise provided in this Section. For the
32 1991 through 1994 levy years only, "taxing district" includes
33 only each non-home rule taxing district having the majority of
34 its 1990 equalized assessed value within any county or counties

1 contiguous to a county with 3,000,000 or more inhabitants.
2 Beginning with the 1995 levy year, "taxing district" includes
3 only each non-home rule taxing district subject to this Law
4 before the 1995 levy year and each non-home rule taxing
5 district not subject to this Law before the 1995 levy year
6 having the majority of its 1994 equalized assessed value in an
7 affected county or counties. Beginning with the levy year in
8 which this Law becomes applicable to a taxing district as
9 provided in Section 18-213, "taxing district" also includes
10 those taxing districts made subject to this Law as provided in
11 Section 18-213.

12 "Aggregate extension" for taxing districts to which this
13 Law applied before the 1995 levy year means the annual
14 corporate extension for the taxing district and those special
15 purpose extensions that are made annually for the taxing
16 district, excluding special purpose extensions: (a) made for
17 the taxing district to pay interest or principal on general
18 obligation bonds that were approved by referendum; (b) made for
19 any taxing district to pay interest or principal on general
20 obligation bonds issued before October 1, 1991; (c) made for
21 any taxing district to pay interest or principal on bonds
22 issued to refund or continue to refund those bonds issued
23 before October 1, 1991; (d) made for any taxing district to pay
24 interest or principal on bonds issued to refund or continue to
25 refund bonds issued after October 1, 1991 that were approved by
26 referendum; (e) made for any taxing district to pay interest or
27 principal on revenue bonds issued before October 1, 1991 for
28 payment of which a property tax levy or the full faith and
29 credit of the unit of local government is pledged; however, a
30 tax for the payment of interest or principal on those bonds
31 shall be made only after the governing body of the unit of
32 local government finds that all other sources for payment are
33 insufficient to make those payments; (f) made for payments
34 under a building commission lease when the lease payments are
35 for the retirement of bonds issued by the commission before
36 October 1, 1991, to pay for the building project; (g) made for

1 payments due under installment contracts entered into before
2 October 1, 1991; (h) made for payments of principal and
3 interest on bonds issued under the Metropolitan Water
4 Reclamation District Act to finance construction projects
5 initiated before October 1, 1991; (i) made for payments of
6 principal and interest on limited bonds, as defined in Section
7 3 of the Local Government Debt Reform Act, in an amount not to
8 exceed the sum of the debt service extension base and the
9 allocated portion of the public building commission lease
10 rental base less the amount in items (b), (c), (e), (f), and
11 (h) of this definition for non-referendum obligations, except
12 obligations initially issued pursuant to referendum; (j) made
13 for payments of principal and interest on bonds issued under
14 Section 15 of the Local Government Debt Reform Act including
15 the public building commission lease rental base alternate tax
16 levy allocable to those payments; (k) made by a school district
17 that participates in the Special Education District of Lake
18 County, created by special education joint agreement under
19 Section 10-22.31 of the School Code, for payment of the school
20 district's share of the amounts required to be contributed by
21 the Special Education District of Lake County to the Illinois
22 Municipal Retirement Fund under Article 7 of the Illinois
23 Pension Code; the amount of any extension under this item (k)
24 shall be certified by the school district to the county clerk;
25 and (l) made to fund expenses of providing joint recreational
26 programs for the handicapped under Section 5-8 of the Park
27 District Code or Section 11-95-14 of the Illinois Municipal
28 Code.

29 "Aggregate extension" for the taxing districts to which
30 this Law did not apply before the 1995 levy year (except taxing
31 districts subject to this Law in accordance with Section
32 18-213) means the annual corporate extension for the taxing
33 district and those special purpose extensions that are made
34 annually for the taxing district, excluding special purpose
35 extensions: (a) made for the taxing district to pay interest or
36 principal on general obligation bonds that were approved by

1 referendum; (b) made for any taxing district to pay interest or
2 principal on general obligation bonds issued before March 1,
3 1995; (c) made for any taxing district to pay interest or
4 principal on bonds issued to refund or continue to refund those
5 bonds issued before March 1, 1995; (d) made for any taxing
6 district to pay interest or principal on bonds issued to refund
7 or continue to refund bonds issued after March 1, 1995 that
8 were approved by referendum; (e) made for any taxing district
9 to pay interest or principal on revenue bonds issued before
10 March 1, 1995 for payment of which a property tax levy or the
11 full faith and credit of the unit of local government is
12 pledged; however, a tax for the payment of interest or
13 principal on those bonds shall be made only after the governing
14 body of the unit of local government finds that all other
15 sources for payment are insufficient to make those payments;
16 (f) made for payments under a building commission lease when
17 the lease payments are for the retirement of bonds issued by
18 the commission before March 1, 1995 to pay for the building
19 project; (g) made for payments due under installment contracts
20 entered into before March 1, 1995; (h) made for payments of
21 principal and interest on bonds issued under the Metropolitan
22 Water Reclamation District Act to finance construction
23 projects initiated before October 1, 1991; (i) made for
24 payments of principal and interest on limited bonds, as defined
25 in Section 3 of the Local Government Debt Reform Act, in an
26 amount not to exceed the debt service extension base less the
27 amount in items (b), (c), and (e) of this definition for
28 non-referendum obligations, except obligations initially
29 issued pursuant to referendum and bonds described in subsection
30 (h) of this definition; (j) made for payments of principal and
31 interest on bonds issued under Section 15 of the Local
32 Government Debt Reform Act; (k) made for payments of principal
33 and interest on bonds authorized by Public Act 88-503 and
34 issued under Section 20a of the Chicago Park District Act for
35 aquarium or museum projects; (l) made for payments of principal
36 and interest on bonds authorized by Public Act 87-1191 or

1 ~~93-601 this amendatory Act of the 93rd General Assembly~~ and (i)
2 issued pursuant to Section 21.2 of the Cook County Forest
3 Preserve District Act, (ii) issued under Section 42 of the Cook
4 County Forest Preserve District Act for zoological park
5 projects, or (iii) issued under Section 44.1 of the Cook County
6 Forest Preserve District Act for botanical gardens projects;
7 (m) made pursuant to Section 34-53.5 of the School Code,
8 whether levied annually or not; (n) made to fund expenses of
9 providing joint recreational programs for the handicapped
10 under Section 5-8 of the Park District Code or Section 11-95-14
11 of the Illinois Municipal Code; and (o) made by the Chicago
12 Park District for recreational programs for the handicapped
13 under subsection (c) of Section 7.06 of the Chicago Park
14 District Act.

15 "Aggregate extension" for all taxing districts to which
16 this Law applies in accordance with Section 18-213, except for
17 those taxing districts subject to paragraph (2) of subsection
18 (e) of Section 18-213, means the annual corporate extension for
19 the taxing district and those special purpose extensions that
20 are made annually for the taxing district, excluding special
21 purpose extensions: (a) made for the taxing district to pay
22 interest or principal on general obligation bonds that were
23 approved by referendum; (b) made for any taxing district to pay
24 interest or principal on general obligation bonds issued before
25 the date on which the referendum making this Law applicable to
26 the taxing district is held; (c) made for any taxing district
27 to pay interest or principal on bonds issued to refund or
28 continue to refund those bonds issued before the date on which
29 the referendum making this Law applicable to the taxing
30 district is held; (d) made for any taxing district to pay
31 interest or principal on bonds issued to refund or continue to
32 refund bonds issued after the date on which the referendum
33 making this Law applicable to the taxing district is held if
34 the bonds were approved by referendum after the date on which
35 the referendum making this Law applicable to the taxing
36 district is held; (e) made for any taxing district to pay

1 interest or principal on revenue bonds issued before the date
2 on which the referendum making this Law applicable to the
3 taxing district is held for payment of which a property tax
4 levy or the full faith and credit of the unit of local
5 government is pledged; however, a tax for the payment of
6 interest or principal on those bonds shall be made only after
7 the governing body of the unit of local government finds that
8 all other sources for payment are insufficient to make those
9 payments; (f) made for payments under a building commission
10 lease when the lease payments are for the retirement of bonds
11 issued by the commission before the date on which the
12 referendum making this Law applicable to the taxing district is
13 held to pay for the building project; (g) made for payments due
14 under installment contracts entered into before the date on
15 which the referendum making this Law applicable to the taxing
16 district is held; (h) made for payments of principal and
17 interest on limited bonds, as defined in Section 3 of the Local
18 Government Debt Reform Act, in an amount not to exceed the debt
19 service extension base less the amount in items (b), (c), and
20 (e) of this definition for non-referendum obligations, except
21 obligations initially issued pursuant to referendum; (i) made
22 for payments of principal and interest on bonds issued under
23 Section 15 of the Local Government Debt Reform Act; (j) made
24 for a qualified airport authority to pay interest or principal
25 on general obligation bonds issued for the purpose of paying
26 obligations due under, or financing airport facilities
27 required to be acquired, constructed, installed or equipped
28 pursuant to, contracts entered into before March 1, 1996 (but
29 not including any amendments to such a contract taking effect
30 on or after that date); and (k) made to fund expenses of
31 providing joint recreational programs for the handicapped
32 under Section 5-8 of the Park District Code or Section 11-95-14
33 of the Illinois Municipal Code.

34 "Aggregate extension" for all taxing districts to which
35 this Law applies in accordance with paragraph (2) of subsection
36 (e) of Section 18-213 means the annual corporate extension for

1 the taxing district and those special purpose extensions that
2 are made annually for the taxing district, excluding special
3 purpose extensions: (a) made for the taxing district to pay
4 interest or principal on general obligation bonds that were
5 approved by referendum; (b) made for any taxing district to pay
6 interest or principal on general obligation bonds issued before
7 the effective date of this amendatory Act of 1997; (c) made for
8 any taxing district to pay interest or principal on bonds
9 issued to refund or continue to refund those bonds issued
10 before the effective date of this amendatory Act of 1997; (d)
11 made for any taxing district to pay interest or principal on
12 bonds issued to refund or continue to refund bonds issued after
13 the effective date of this amendatory Act of 1997 if the bonds
14 were approved by referendum after the effective date of this
15 amendatory Act of 1997; (e) made for any taxing district to pay
16 interest or principal on revenue bonds issued before the
17 effective date of this amendatory Act of 1997 for payment of
18 which a property tax levy or the full faith and credit of the
19 unit of local government is pledged; however, a tax for the
20 payment of interest or principal on those bonds shall be made
21 only after the governing body of the unit of local government
22 finds that all other sources for payment are insufficient to
23 make those payments; (f) made for payments under a building
24 commission lease when the lease payments are for the retirement
25 of bonds issued by the commission before the effective date of
26 this amendatory Act of 1997 to pay for the building project;
27 (g) made for payments due under installment contracts entered
28 into before the effective date of this amendatory Act of 1997;
29 (h) made for payments of principal and interest on limited
30 bonds, as defined in Section 3 of the Local Government Debt
31 Reform Act, in an amount not to exceed the debt service
32 extension base less the amount in items (b), (c), and (e) of
33 this definition for non-referendum obligations, except
34 obligations initially issued pursuant to referendum; (i) made
35 for payments of principal and interest on bonds issued under
36 Section 15 of the Local Government Debt Reform Act; (j) made

1 for a qualified airport authority to pay interest or principal
2 on general obligation bonds issued for the purpose of paying
3 obligations due under, or financing airport facilities
4 required to be acquired, constructed, installed or equipped
5 pursuant to, contracts entered into before March 1, 1996 (but
6 not including any amendments to such a contract taking effect
7 on or after that date); and (k) made to fund expenses of
8 providing joint recreational programs for the handicapped
9 under Section 5-8 of the Park District Code or Section 11-95-14
10 of the Illinois Municipal Code.

11 "Debt service extension base" means an amount equal to that
12 portion of the extension for a taxing district for the 1994
13 levy year, or for those taxing districts subject to this Law in
14 accordance with Section 18-213, except for those subject to
15 paragraph (2) of subsection (e) of Section 18-213, for the levy
16 year in which the referendum making this Law applicable to the
17 taxing district is held, or for those taxing districts subject
18 to this Law in accordance with paragraph (2) of subsection (e)
19 of Section 18-213 for the 1996 levy year, constituting an
20 extension for payment of principal and interest on bonds issued
21 by the taxing district without referendum, but not including
22 excluded non-referendum bonds. For park districts (i) that were
23 first subject to this Law in 1991 or 1995 and (ii) whose
24 extension for the 1994 levy year for the payment of principal
25 and interest on bonds issued by the park district without
26 referendum (but not including excluded non-referendum bonds)
27 was less than 51% of the amount for the 1991 levy year
28 constituting an extension for payment of principal and interest
29 on bonds issued by the park district without referendum (but
30 not including excluded non-referendum bonds), "debt service
31 extension base" means an amount equal to that portion of the
32 extension for the 1991 levy year constituting an extension for
33 payment of principal and interest on bonds issued by the park
34 district without referendum (but not including excluded
35 non-referendum bonds). The debt service extension base may be
36 established or increased as provided under Section 18-212.

1 "Excluded non-referendum bonds" means (i) bonds authorized by
2 Public Act 88-503 and issued under Section 20a of the Chicago
3 Park District Act for aquarium and museum projects; (ii) bonds
4 issued under Section 15 of the Local Government Debt Reform
5 Act; or (iii) refunding obligations issued to refund or to
6 continue to refund obligations initially issued pursuant to
7 referendum.

8 "Special purpose extensions" include, but are not limited
9 to, extensions for levies made on an annual basis for
10 unemployment and workers' compensation, self-insurance,
11 contributions to pension plans, and extensions made pursuant to
12 Section 6-601 of the Illinois Highway Code for a road
13 district's permanent road fund whether levied annually or not.
14 The extension for a special service area is not included in the
15 aggregate extension.

16 "Aggregate extension base" means the taxing district's
17 last preceding aggregate extension as adjusted under Sections
18 18-215 through 18-230.

19 "Levy year" has the same meaning as "year" under Section
20 1-155.

21 "New property" means (i) the assessed value, after final
22 board of review or board of appeals action, of new improvements
23 or additions to existing improvements on any parcel of real
24 property that increase the assessed value of that real property
25 during the levy year multiplied by the equalization factor
26 issued by the Department under Section 17-30, (ii) the assessed
27 value, after final board of review or board of appeals action,
28 of real property not exempt from real estate taxation, which
29 real property was exempt from real estate taxation for any
30 portion of the immediately preceding levy year, multiplied by
31 the equalization factor issued by the Department under Section
32 17-30, and (iii) in counties that classify in accordance with
33 Section 4 of Article IX of the Illinois Constitution, an
34 incentive property's additional assessed value resulting from
35 a scheduled increase in the level of assessment as applied to
36 the first year final board of review market value. In addition,

1 the county clerk in a county containing a population of
2 3,000,000 or more shall include in the 1997 recovered tax
3 increment value for any school district, any recovered tax
4 increment value that was applicable to the 1995 tax year
5 calculations.

6 "Qualified airport authority" means an airport authority
7 organized under the Airport Authorities Act and located in a
8 county bordering on the State of Wisconsin and having a
9 population in excess of 200,000 and not greater than 500,000.

10 "Recovered tax increment value" means, except as otherwise
11 provided in this paragraph, the amount of the current year's
12 equalized assessed value, in the first year after a
13 municipality terminates the designation of an area as a
14 redevelopment project area previously established under the
15 Tax Increment Allocation Development Act in the Illinois
16 Municipal Code, previously established under the Industrial
17 Jobs Recovery Law in the Illinois Municipal Code, or previously
18 established under the Economic Development Area Tax Increment
19 Allocation Act, of each taxable lot, block, tract, or parcel of
20 real property in the redevelopment project area over and above
21 the initial equalized assessed value of each property in the
22 redevelopment project area. For the taxes which are extended
23 for the 1997 levy year, the recovered tax increment value for a
24 non-home rule taxing district that first became subject to this
25 Law for the 1995 levy year because a majority of its 1994
26 equalized assessed value was in an affected county or counties
27 shall be increased if a municipality terminated the designation
28 of an area in 1993 as a redevelopment project area previously
29 established under the Tax Increment Allocation Development Act
30 in the Illinois Municipal Code, previously established under
31 the Industrial Jobs Recovery Law in the Illinois Municipal
32 Code, or previously established under the Economic Development
33 Area Tax Increment Allocation Act, by an amount equal to the
34 1994 equalized assessed value of each taxable lot, block,
35 tract, or parcel of real property in the redevelopment project
36 area over and above the initial equalized assessed value of

1 each property in the redevelopment project area. In the first
2 year after a municipality removes a taxable lot, block, tract,
3 or parcel of real property from a redevelopment project area
4 established under the Tax Increment Allocation Development Act
5 in the Illinois Municipal Code, the Industrial Jobs Recovery
6 Law in the Illinois Municipal Code, or the Economic Development
7 Area Tax Increment Allocation Act, "recovered tax increment
8 value" means the amount of the current year's equalized
9 assessed value of each taxable lot, block, tract, or parcel of
10 real property removed from the redevelopment project area over
11 and above the initial equalized assessed value of that real
12 property before removal from the redevelopment project area.

13 Except as otherwise provided in this Section, "limiting
14 rate" means a fraction the numerator of which is the last
15 preceding aggregate extension base times an amount equal to one
16 plus the extension limitation defined in this Section and the
17 denominator of which is the current year's equalized assessed
18 value of all real property in the territory under the
19 jurisdiction of the taxing district during the prior levy year.
20 For those taxing districts that reduced their aggregate
21 extension for the last preceding levy year, the highest
22 aggregate extension in any of the last 3 preceding levy years
23 shall be used for the purpose of computing the limiting rate.
24 The denominator shall not include new property. The denominator
25 shall not include the recovered tax increment value.

26 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
27 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised
28 12-10-03.)

29 Section 15. The Public Building Commission Act is amended
30 by changing Sections 3 and 18 as follows:

31 (50 ILCS 20/3) (from Ch. 85, par. 1033)

32 Sec. 3. The following terms, wherever used, or referred to
33 in this Act, mean unless the context clearly requires a
34 different meaning:

1 (a) "Commission" means a Public Building Commission
2 created pursuant to this Act.

3 (b) "Commissioner" or "Commissioners" means a Commissioner
4 or Commissioners of a Public Building Commission.

5 (c) "County seat" means a city, village or town which is
6 the county seat of a county.

7 (d) "Municipality" means any city, village or incorporated
8 town of the State of Illinois.

9 (e) "Municipal corporation" includes a county, city,
10 village, town, (including a county seat), park district, school
11 district in a county of 3,000,000 or more population, board of
12 education of a school district in a county of 3,000,000 or more
13 population, sanitary district, airport authority contiguous
14 with the County Seat as of July 1, 1969 and any other municipal
15 body or governmental agency of the State but does not include a
16 school district in a county of less than 3,000,000 population,
17 a board of education of a school district in a county of less
18 than 3,000,000 population, or a community college district in a
19 county of less than 3,000,000 population.

20 (f) "Governing body" includes a city council, county board,
21 or any other body or board, by whatever name it may be known,
22 charged with the governing of a municipal corporation.

23 (g) "Presiding officer" includes the mayor or president of
24 a city, village or town, the presiding officer of a county
25 board, or the presiding officer of any other board or
26 commission, as the case may be.

27 (h) "Oath" means oath or affirmation.

28 (i) "Building" means an improvement to real estate to be
29 made available for use by a municipal corporation for the
30 furnishing of governmental services to its citizens, together
31 with any land or interest in land necessary or useful in
32 connection with the improvement.

33 (j) "Public building commission lease rental base" means
34 that term as it is defined in the Local Government Debt Reform
35 Act.

36 (Source: P.A. 88-304.)

1 (50 ILCS 20/18) (from Ch. 85, par. 1048)

2 Sec. 18. Whenever, and as often as, a municipal corporation
3 having taxing power enters into a lease with a Public Building
4 Commission, the governing body of such municipal corporation
5 shall provide by ordinance or resolution, as the case may be,
6 for the levy and collection of a direct annual tax (i)
7 sufficient to pay the annual rent payable under such lease as
8 and when it becomes due and payable or (ii), if applicable, in
9 the amount of the public building commission lease rental base
10 allocated to the lease. A certified copy of the lease of such
11 municipal corporation and a certified copy of the tax levying
12 ordinance or resolution, as the case may be, of such municipal
13 corporation shall be filed in the office of the county clerk in
14 each county in which any portion of the territory of such
15 municipal corporation is situated, which certified copies
16 shall constitute the authority for the county clerk or clerks,
17 in each case, to extend the taxes annually (i) necessary to pay
18 the annual rent payable under such lease as and when it becomes
19 due and payable or (ii), if applicable, in the amount of the
20 public building commission lease rental base allocated to the
21 lease. No taxes shall be extended for any lease entered into
22 after the effective date of this amendatory Act of 1993,
23 however, until after a public hearing on the lease. The clerk
24 or secretary of the governing body of the municipal corporation
25 shall cause notice of the time and place of the hearing to be
26 published at least once, at least 15 days before the hearing,
27 in a newspaper published or having general circulation within
28 the municipal corporation. If no such newspaper exists, the
29 clerk or secretary shall cause the notice to be posted, at
30 least 15 days before the hearing, in at least 10 conspicuous
31 places within the municipal corporation. The notice shall be in
32 the following form:

33 NOTICE OF PUBLIC HEARING ON LEASE between (name of the
34 municipal corporation) and (name of the public building
35 commission).

1 the allocated amount of the public building commission lease
2 rental base, if applicable, this tax shall not be included
3 within any statutory limitation of rate or amount for that
4 municipal corporation but shall be excluded therefrom and be in
5 addition thereto and in excess thereof. The fund realized from
6 such tax levy shall be set aside for the payment of the annual
7 rent and shall not be disbursed for any other purpose until the
8 annual rental has been paid in full. This Section shall not be
9 construed to limit the power of the Commission to enter into
10 leases with any municipal corporation whether or not the
11 municipal corporation has the power of taxation. This Section
12 shall not be construed to require taxes to be levied or
13 extended in excess of the allocated portion of a public
14 building commission lease rental base, if applicable.

15 (Source: P.A. 92-16, eff. 6-28-01.)

16 Section 20. The Counties Code is amended by changing
17 Section 5-1024 as follows:

18 (55 ILCS 5/5-1024) (from Ch. 34, par. 5-1024)

19 Sec. 5-1024. Taxes. A county board may cause to be levied
20 and collected annually, except as hereinafter provided, taxes
21 for county purposes, including all purposes for which money may
22 be raised by the county by taxation, in counties having 80,000
23 or more but less than 3,000,000 inhabitants at a rate not
24 exceeding .25%, of the value as equalized or assessed by the
25 Department of Revenue; in counties with less than 80,000 but
26 more than 15,000 inhabitants at a rate not exceeding .27%, of
27 the value as equalized or assessed by the Department of
28 Revenue; in counties with less than 80,000 inhabitants which
29 have authorized a tax by referendum under Section 7-2 of the
30 Juvenile Court Act prior to the effective date of this
31 amendatory Act of 1985, at a rate not exceeding .32%, of the
32 value as equalized or assessed by the Department of Revenue;
33 and in counties with 15,000 or fewer inhabitants at a rate not
34 exceeding .37%, of the value as equalized or assessed by the

1 Department of Revenue; and in counties having 3,000,000 or more
2 inhabitants for each even numbered year, subject to the
3 abatement requirements hereinafter provided, at a rate not
4 exceeding .39% of the value, as equalized or assessed by the
5 Department of Revenue, and for each odd numbered year, subject
6 to the abatement requirements hereinafter provided, at a rate
7 not exceeding .35% of the value as equalized or assessed by the
8 Department of Revenue, except taxes for the payment of interest
9 on and principal of bonded indebtedness heretofore duly
10 authorized for the construction of State aid roads in the
11 county as defined in "An Act to revise the law in relation to
12 roads and bridges", approved June 27, 1913, or for the
13 construction of county highways as defined in the Illinois
14 Highway Code, and except taxes for the payment of interest on
15 and principal of bonded indebtedness duly authorized without a
16 vote of the people of the county, and except taxes authorized
17 as additional by a vote of the people of the county, and except
18 taxes for working cash fund purposes, and except taxes as
19 authorized by Sections 5-601, 5-602, 5-603, 5-604 and 6-512 of
20 the Illinois Highway Code, and except taxes authorized under
21 Section 7 of the Village Library Act, and except taxes levied
22 to pay the annual rent payments due under a lease entered into
23 by the county with a Public Building Commission as authorized
24 by Section 18 of the Public Building Commission Act, including
25 payments to be made from the public building commission lease
26 rental base as defined in the Local Government Debt Reform Act,
27 and except taxes levied allocable to the public building
28 commission lease rental base alternate tax levy as defined in
29 the Local Government Debt Reform Act, and except taxes levied
30 to pay principal of and interest on limited bonds as defined in
31 the Local Government Debt Reform Act, and except taxes levied
32 under Division 6-3, and except taxes levied for general
33 assistance for needy persons in counties under commission form
34 of government and except taxes levied under the County Care for
35 Persons with Developmental Disabilities Act, and except taxes
36 levied under the Community Mental Health Act, and except taxes

1 levied under Section 5-1025 to pay the expenses of elections
2 and except taxes levied under "An Act to provide the manner of
3 levying or imposing taxes for the provision of special services
4 to areas within the boundaries of home rule units and non-home
5 rule municipalities and counties", approved September 21,
6 1973, and except taxes levied under Section 3a of the Revenue
7 Act of 1939 for the purposes of helping to pay for the expenses
8 of the assessor's office, and except taxes levied under
9 Division 5-21, and except taxes levied pursuant to Section 19
10 of "The Illinois Emergency Services and Disaster Agency Act of
11 1975", as now or hereafter amended, and except taxes levied
12 pursuant to Division 5-23, and except taxes levied under
13 Section 5 of the County Shelter Care and Detention Home Act,
14 and except taxes levied under the Children's Advocacy Center
15 Act, and except taxes levied under Section 9-107 of the Local
16 Governmental and Governmental Employees Tort Immunity Act.

17 Those taxes a county has levied and excepted from the rate
18 limitation imposed by this Section or Section 25.05 of "An Act
19 to revise the law in relation to counties", approved March 31,
20 1874, in reliance on this amendatory Act of 1994 are not
21 invalid because of any provision of this Section that may be
22 construed to or may have been construed to restrict or limit
23 those taxes levied and those taxes are hereby validated. This
24 validation of taxes levied applies to all cases pending on or
25 after the effective date of this amendatory Act of 1994.

26 Nothing contained in this amendatory Act of 1994 shall be
27 construed to affect the application of the Property Tax
28 Extension Limitation Law.

29 Any tax levied for general assistance for needy persons in
30 any county in addition to and in excess of the maximum levy
31 permitted by this Section for general county purposes shall be
32 paid into a special fund in the county treasury and used only
33 for the purposes for which it is levied except that any excess
34 in such fund over the amount needed for general assistance may
35 be used for County Nursing Home purposes and shall not exceed
36 .10% of the value, as equalized or assessed by the Department

1 of Revenue. Any taxes levied for general assistance pursuant to
2 this Section may also be used for the payment of warrants
3 issued against and in anticipation of such taxes and accrued
4 interest thereon and may also be used for the payment of costs
5 of administering such general assistance.

6 In counties having 3,000,000 or more inhabitants, taxes
7 levied for any year for any purpose or purposes, except amounts
8 levied for the payment of bonded indebtedness or interest
9 thereon and for pension fund purpose, and except taxes levied
10 to pay the annual rent payments due under a lease entered into
11 by the county with a Public Building Commission as authorized
12 by Section 18 of the Public Building Commission Act, are
13 subject to the limitation that they shall not exceed the
14 estimated amount of taxes to be levied for the year for the
15 purpose or purposes as determined in accordance with Section
16 6-24001 and set forth in the annual appropriation bill of the
17 county and in ascertaining the rate per cent that will produce
18 the amount of any tax levied in any county, the county clerk
19 shall not add to the tax or rate any sum or amount to cover the
20 loss and cost of collecting the tax, except in the case of
21 amounts levied for the payment of bonded indebtedness or
22 interest thereon, and in the case of amounts levied for pension
23 fund purposes, and except taxes levied to pay the annual rent
24 payments due under a lease entered into by the county with a
25 Public Building Commission as authorized by Section 18 of the
26 Public Building Commission Act.

27 In counties having a population of 3,000,000 or more
28 inhabitants, the county clerk shall in each even numbered year,
29 before extending the county tax for the year, reduce the levy
30 for county purposes for the year (exclusive of levies for
31 payment of indebtedness and payment of interest on and
32 principal of bonded indebtedness as aforesaid, and exclusive of
33 county highway taxes as aforesaid, and exclusive of pension
34 fund taxes, and except taxes levied to pay the annual rent
35 payments due under a lease entered into by the county with a
36 Public Building Commission as authorized by Section 18 of the

1 Public Building Commission Act) in the manner described and in
2 an amount to be determined as follows: If the amount received
3 from the collection of the tax levied in the last preceding
4 even numbered year for county purposes as aforesaid, as shown
5 by the county treasurer's final settlement for the last
6 preceding even numbered year and also by subsequent receipts of
7 delinquent taxes for the county purposes fund levied for the
8 last preceding even numbered year, equals or exceeds the amount
9 produced by multiplying the rate extended for the county
10 purposes for the last preceding even numbered year by the total
11 assessed valuation of all property in the county used in the
12 year for purposes of state and county taxes, and by deducting
13 therefrom the amount appropriated to cover the loss and cost of
14 collecting taxes to be levied for the county purposes fund for
15 the last preceding even numbered year, the clerk in determining
16 the rate per cent to be extended for the county purposes fund
17 shall deduct from the amount of the levy certified to him for
18 county purposes as aforesaid for even numbered years the amount
19 received by the county clerk or withheld by the county
20 treasurer from other municipal corporations within the county
21 as their pro rata share of election expenses for the last
22 preceding even numbered year, as authorized in Sections 13-11,
23 13-12, 13-13 and 16-2 of the Election Code, and the clerk in
24 these counties shall extend only the net amount remaining after
25 such deductions.

26 The foregoing limitations upon tax rates, insofar as they
27 are applicable to counties having less than 3,000,000
28 inhabitants, may be increased or decreased under the referendum
29 provisions of the General Revenue Law of Illinois and there
30 shall be no limit on the rate of tax for county purposes that
31 may be levied by a county so long as any increase in the rate is
32 authorized by referendum in that county.

33 Any county having a population of less than 3,000,000
34 inhabitants that has determined to change its fiscal year may,
35 as a means of effectuating a change, instead of levying taxes
36 for a one-year period, levy taxes for a period greater or less

1 than a year as may be necessary.

2 In counties having less than 3,000,000 inhabitants, in
3 ascertaining the rate per cent that will produce the amount of
4 any tax levied in that county, the County Clerk shall not add
5 to the tax or rate any sum or amount to cover the loss and cost
6 of collecting the tax except in the case of amounts levied for
7 the payment of bonded indebtedness or interest thereon and in
8 the case of amounts levied for pension fund purposes and except
9 taxes levied to pay the annual rent payments due under a lease
10 entered into by the county with a Public Building Commission as
11 authorized by Section 18 of the Public Building Commission Act.

12 A county shall not have its maximum tax rate reduced as a
13 result of a population increase indicated by the 1980 federal
14 census.

15 (Source: P.A. 91-51, eff. 6-30-99.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.