



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3678

by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-65  
35 ILCS 200/18-71 new  
35 ILCS 200/18-80  
35 ILCS 200/18-90

Amends the Property Tax Code. Provides that if in any levy year (1) the tax rate for the sum of all of the funds that are included in a taxing district's aggregate levy exceeds the district's tax rate for those funds in the previous levy year, and (2) the district is not otherwise required to hold a Truth in Taxation hearing, then the corporate authorities of the taxing district must approve, by ordinance or resolution, the total tax rate and hold a public hearing. Contains provisions concerning notice. Effective immediately.

LRB098 13760 HLH 48424 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing  
5 Sections 18-65, 18-80, and 18-90 and by adding Section 18-71 as  
6 follows:

7 (35 ILCS 200/18-65)

8 Sec. 18-65. Restriction on extension. Until it has complied  
9 with the notice and hearing provisions of this Article, no  
10 taxing district shall levy an amount of ad valorem tax which is  
11 more than the lesser of (i) 105% of the amount, exclusive of  
12 election costs, which has been extended or is estimated will be  
13 extended, plus any amount abated by the taxing district before  
14 extension, upon the final aggregate levy of the preceding year  
15 or (ii) an amount that will result in a final tax rate for the  
16 aggregate of all funds of the district that is higher than the  
17 final tax rate for the aggregate of all funds of the district  
18 for the preceding levy year.

19 (Source: P.A. 86-957; 88-455.)

20 (35 ILCS 200/18-71 new)

21 Sec. 18-71. Increased tax rate; notice and hearing.  
22 Notwithstanding any other provision of law, if in any levy

1 year: (1) a taxing district's aggregate levy will result in a  
2 tax rate for the sum of all of the funds that are included in  
3 the district's aggregate levy that is higher than the  
4 district's tax rate for those funds in the previous levy year,  
5 and (2) the district is not otherwise required to hold a public  
6 hearing pursuant to Section 18-70, then, not less than 30 days  
7 prior to extension, the corporate authorities of the taxing  
8 district must approve, by ordinance or resolution, the total  
9 tax rate for all of the funds that are included in the  
10 district's aggregate levy, and must certify that rate to the  
11 county clerk. If the taxing district is subject to the Property  
12 Tax Extension Limitation Law, then the tax rate set forth in  
13 the ordinance or resolution may not exceed the district's  
14 limiting rate; however, if an increased limiting rate is  
15 approved by referendum, as provided in Section 18-190, then the  
16 tax rate set forth in the ordinance or resolution may not  
17 exceed the limiting rate approved by the voters. In addition,  
18 if a taxing district is required to approve a tax rate under  
19 this Section, then the taxing district must hold a public  
20 hearing prior to approving the tax rate and must give notice of  
21 that public hearing in the form and manner provided in Sections  
22 18-75 and 18-80.

23 (35 ILCS 200/18-80)

24 Sec. 18-80. Time and form of notice. The notice shall  
25 appear not more than 14 days nor less than 7 days prior to the

1 date of the public hearing. The notice shall be no less than  
2 1/8 page in size, and the smallest type used shall be 12 point  
3 and shall be enclosed in a black border no less than 1/4 inch  
4 wide. The notice shall not be placed in that portion of the  
5 newspaper where legal notices and classified advertisements  
6 appear. The notice shall be published in substantially the  
7 following form:

8 Notice of Proposed Property Tax Increase for ... (commonly  
9 known name of taxing district).

10 I. A public hearing to approve a proposed property tax levy  
11 increase for ... (legal name of the taxing district)... for ...  
12 (year) ... will be held on ... (date) ... at ... (time) ... at  
13 ... (location).

14 Any person desiring to appear at the public hearing and  
15 present testimony to the taxing district may contact ... (name,  
16 title, address and telephone number of an appropriate  
17 official).

18 II. The corporate and special purpose property taxes  
19 extended or abated for ... (preceding year) ... were ...  
20 (dollar amount of the final aggregate levy as extended, plus  
21 the amount abated by the taxing district prior to extension).

22 The proposed corporate and special purpose property taxes  
23 to be levied for ... (current year) ... are ... (dollar amount  
24 of the proposed aggregate levy). This represents a ...  
25 (percentage) ... increase over the previous year.

26 III. The property taxes extended for debt service and

1 public building commission leases for ... (preceding year) ...  
2 were ... (dollar amount).

3 The estimated property taxes to be levied for debt service  
4 and public building commission leases for ... (current year)  
5 ... are ... (dollar amount). This represents a ... (percentage  
6 increase or decrease) ... over the previous year.

7 IV. The total property taxes extended or abated for ...  
8 (preceding year) ... were ... (dollar amount).

9 The estimated total property taxes to be levied for ...  
10 (current year) ... are ... (dollar amount). This represents a  
11 ... (percentage increase or decrease) ... over the previous  
12 year.

13 V. The additional tax extendable against property  
14 containing a single family residence and having a fair market  
15 value at the time of this notice of \$100,000 is estimated to be  
16 \$...

17 Any notice which includes any information not specified and  
18 required by this Article shall be an invalid notice.

19 All hearings shall be open to the public. The corporate  
20 authority of the taxing district shall explain the reasons for  
21 the proposed increase and shall permit persons desiring to be  
22 heard an opportunity to present testimony within reasonable  
23 time limits as it determines.

24 (Source: P.A. 92-382, eff. 8-16-01.)

1           Sec. 18-90. Limitation on extension of county clerk. The  
2 tax levy resolution or ordinance approved in the manner  
3 provided for in this Article shall be filed with the county  
4 clerk in the manner and at the time otherwise provided by law.  
5 No amount that exceeds the amount set forth in Section 18-65  
6 ~~more than 105% of the amount, exclusive of election costs,~~  
7 ~~which has been extended or is estimated to be extended, plus~~  
8 ~~any amount abated by the taxing district prior to extension,~~  
9 ~~upon the final aggregate levy of the preceding year~~ shall be  
10 extended unless the tax levy ordinance or resolution is  
11 accompanied by a certification by the presiding officer of the  
12 corporate authority certifying compliance with or  
13 inapplicability of the provisions of Sections 18-60 through  
14 18-85. An amount extended under Section 18-107 in 1994 for a  
15 multi-township assessment district that did not file a  
16 certification of compliance with the Truth in Taxation Law may  
17 not exceed 105% of the amount, exclusive of election costs,  
18 that was extended in 1993, plus a proportional amount abated  
19 before extension, upon the levy or portion of a levy that is  
20 allocable to assessment purposes in each township that is a  
21 member of that multi-township assessment district.

22           (Source: P.A. 88-455; 88-660, eff. 9-16-94.)

23           Section 99. Effective date. This Act takes effect upon  
24 becoming law.