



Sen. Christine Radogno

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LRB100 06355 HLH 18733 a

1 AMENDMENT TO SENATE BILL 13

2 AMENDMENT NO. _____. Amend Senate Bill 13 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 18-185, 18-205, 18-213, and 18-214 and by adding
6 Section 18-242 as follows:

7 (35 ILCS 200/18-185)

8 (Text of Section before amendment by P.A. 99-521)

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

12 "Consumer Price Index" means the Consumer Price Index for
13 All Urban Consumers for all items published by the United
14 States Department of Labor.

15 "Extension limitation", except as otherwise provided in
16 this paragraph, means (a) the lesser of 5% or the percentage

1 increase in the Consumer Price Index during the 12-month
2 calendar year preceding the levy year or (b) the rate of
3 increase approved by voters under Section 18-205. For the 2017
4 and 2018 levy years only, for taxing districts other than the
5 City of Chicago School District #299, "extension limitation"
6 means 0% or the rate of increase approved by the voters under
7 Section 18-205. For the 2017 and 2018 levy years, if a special
8 purpose extension (i) made for the payment of principal and
9 interest on bonds or other evidences of indebtedness issued by
10 the taxing district, (ii) made for contributions to a pension
11 fund created under the Illinois Pension Code (other than
12 extensions made by the City of Chicago for public safety
13 pension contributions under the Illinois Pension Code), or
14 (iii) made for public safety purposes (other than extensions
15 made by the City of Chicago for public safety pension
16 contributions under the Illinois Pension Code) was required to
17 be included in a taxing district's aggregate extension for the
18 2016 levy year, then the extension limitation for those
19 extensions for the 2017 and 2018 levy years shall be (1) the
20 lesser of 5% or the percentage increase in the Consumer Price
21 Index during the 12-month calendar year preceding the levy year
22 or (2) the rate of increase approved by voters under Section
23 18-205. For the 2017 and 2018 levy years, for the City of
24 Chicago School District #299, "extension limitation" means (1)
25 the lesser of 5% or the percentage increase in the Consumer
26 Price Index during the 12-month calendar year preceding the

1 levy year or (2) the rate of increase approved by voters under
2 Section 18-205.

3 "Affected county" means a county of 3,000,000 or more
4 inhabitants or a county contiguous to a county of 3,000,000 or
5 more inhabitants.

6 "Taxing district" has the same meaning provided in Section
7 1-150, except as otherwise provided in this Section. For the
8 1991 through 1994 levy years only, "taxing district" includes
9 only each non-home rule taxing district having the majority of
10 its 1990 equalized assessed value within any county or counties
11 contiguous to a county with 3,000,000 or more inhabitants.
12 Beginning with the 1995 levy year, "taxing district" includes
13 only each non-home rule taxing district subject to this Law
14 before the 1995 levy year and each non-home rule taxing
15 district not subject to this Law before the 1995 levy year
16 having the majority of its 1994 equalized assessed value in an
17 affected county or counties. Beginning with the levy year in
18 which this Law becomes applicable to a taxing district as
19 provided in Section 18-213, "taxing district" also includes
20 those taxing districts made subject to this Law as provided in
21 Section 18-213. For the 2017 and 2018 levy years, "taxing
22 district" has the same meaning provided in Section 1-150 and
23 includes home rule units.

24 "Aggregate extension" for taxing districts to which this
25 Law applied before the 1995 levy year means, except with
26 respect to the 2017 and 2018 levy years, the annual corporate

1 extension for the taxing district and those special purpose
2 extensions that are made annually for the taxing district,
3 excluding special purpose extensions: (a) made for the taxing
4 district to pay interest or principal on general obligation
5 bonds that were approved by referendum; (b) made for any taxing
6 district to pay interest or principal on general obligation
7 bonds issued before October 1, 1991; (c) made for any taxing
8 district to pay interest or principal on bonds issued to refund
9 or continue to refund those bonds issued before October 1,
10 1991; (d) made for any taxing district to pay interest or
11 principal on bonds issued to refund or continue to refund bonds
12 issued after October 1, 1991 that were approved by referendum;
13 (e) made for any taxing district to pay interest or principal
14 on revenue bonds issued before October 1, 1991 for payment of
15 which a property tax levy or the full faith and credit of the
16 unit of local government is pledged; however, a tax for the
17 payment of interest or principal on those bonds shall be made
18 only after the governing body of the unit of local government
19 finds that all other sources for payment are insufficient to
20 make those payments; (f) made for payments under a building
21 commission lease when the lease payments are for the retirement
22 of bonds issued by the commission before October 1, 1991, to
23 pay for the building project; (g) made for payments due under
24 installment contracts entered into before October 1, 1991; (h)
25 made for payments of principal and interest on bonds issued
26 under the Metropolitan Water Reclamation District Act to

1 finance construction projects initiated before October 1,
2 1991; (i) made for payments of principal and interest on
3 limited bonds, as defined in Section 3 of the Local Government
4 Debt Reform Act, in an amount not to exceed the debt service
5 extension base less the amount in items (b), (c), (e), and (h)
6 of this definition for non-referendum obligations, except
7 obligations initially issued pursuant to referendum; (j) made
8 for payments of principal and interest on bonds issued under
9 Section 15 of the Local Government Debt Reform Act; (k) made by
10 a school district that participates in the Special Education
11 District of Lake County, created by special education joint
12 agreement under Section 10-22.31 of the School Code, for
13 payment of the school district's share of the amounts required
14 to be contributed by the Special Education District of Lake
15 County to the Illinois Municipal Retirement Fund under Article
16 7 of the Illinois Pension Code; the amount of any extension
17 under this item (k) shall be certified by the school district
18 to the county clerk; (l) made to fund expenses of providing
19 joint recreational programs for persons with disabilities
20 under Section 5-8 of the Park District Code or Section 11-95-14
21 of the Illinois Municipal Code; (m) made for temporary
22 relocation loan repayment purposes pursuant to Sections 2-3.77
23 and 17-2.2d of the School Code; (n) made for payment of
24 principal and interest on any bonds issued under the authority
25 of Section 17-2.2d of the School Code; (o) made for
26 contributions to a firefighter's pension fund created under

1 Article 4 of the Illinois Pension Code, to the extent of the
2 amount certified under item (5) of Section 4-134 of the
3 Illinois Pension Code; and (p) made for road purposes in the
4 first year after a township assumes the rights, powers, duties,
5 assets, property, liabilities, obligations, and
6 responsibilities of a road district abolished under the
7 provisions of Section 6-133 of the Illinois Highway Code.

8 "Aggregate extension" for the taxing districts to which
9 this Law did not apply before the 1995 levy year (except taxing
10 districts subject to this Law in accordance with Section
11 18-213) means, except with respect to the 2017 and 2018 levy
12 years, the annual corporate extension for the taxing district
13 and those special purpose extensions that are made annually for
14 the taxing district, excluding special purpose extensions: (a)
15 made for the taxing district to pay interest or principal on
16 general obligation bonds that were approved by referendum; (b)
17 made for any taxing district to pay interest or principal on
18 general obligation bonds issued before March 1, 1995; (c) made
19 for any taxing district to pay interest or principal on bonds
20 issued to refund or continue to refund those bonds issued
21 before March 1, 1995; (d) made for any taxing district to pay
22 interest or principal on bonds issued to refund or continue to
23 refund bonds issued after March 1, 1995 that were approved by
24 referendum; (e) made for any taxing district to pay interest or
25 principal on revenue bonds issued before March 1, 1995 for
26 payment of which a property tax levy or the full faith and

1 credit of the unit of local government is pledged; however, a
2 tax for the payment of interest or principal on those bonds
3 shall be made only after the governing body of the unit of
4 local government finds that all other sources for payment are
5 insufficient to make those payments; (f) made for payments
6 under a building commission lease when the lease payments are
7 for the retirement of bonds issued by the commission before
8 March 1, 1995 to pay for the building project; (g) made for
9 payments due under installment contracts entered into before
10 March 1, 1995; (h) made for payments of principal and interest
11 on bonds issued under the Metropolitan Water Reclamation
12 District Act to finance construction projects initiated before
13 October 1, 1991; (h-4) made for stormwater management purposes
14 by the Metropolitan Water Reclamation District of Greater
15 Chicago under Section 12 of the Metropolitan Water Reclamation
16 District Act; (i) made for payments of principal and interest
17 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 and bonds
22 described in subsection (h) of this definition; (j) made for
23 payments of principal and interest on bonds issued under
24 Section 15 of the Local Government Debt Reform Act; (k) made
25 for payments of principal and interest on bonds authorized by
26 Public Act 88-503 and issued under Section 20a of the Chicago

1 Park District Act for aquarium or museum projects; (l) made for
2 payments of principal and interest on bonds authorized by
3 Public Act 87-1191 or 93-601 and (i) issued pursuant to Section
4 21.2 of the Cook County Forest Preserve District Act, (ii)
5 issued under Section 42 of the Cook County Forest Preserve
6 District Act for zoological park projects, or (iii) issued
7 under Section 44.1 of the Cook County Forest Preserve District
8 Act for botanical gardens projects; (m) made pursuant to
9 Section 34-53.5 of the School Code, whether levied annually or
10 not; (n) made to fund expenses of providing joint recreational
11 programs for persons with disabilities under Section 5-8 of the
12 Park District Code or Section 11-95-14 of the Illinois
13 Municipal Code; (o) made by the Chicago Park District for
14 recreational programs for persons with disabilities under
15 subsection (c) of Section 7.06 of the Chicago Park District
16 Act; (p) made for contributions to a firefighter's pension fund
17 created under Article 4 of the Illinois Pension Code, to the
18 extent of the amount certified under item (5) of Section 4-134
19 of the Illinois Pension Code; and (q) made by Ford Heights
20 School District 169 under Section 17-9.02 of the School Code.
21 Notwithstanding the provisions of this amendatory Act of the
22 100th General Assembly, this definition of "aggregate
23 extension" applies to the City of Chicago School District #299
24 for the 2017 and 2018 levy years.

25 "Aggregate extension" for all taxing districts to which
26 this Law applies in accordance with Section 18-213, except for

1 those taxing districts subject to paragraph (2) of subsection
2 (e) of Section 18-213, means, except with respect to the 2017
3 and 2018 levy years, the annual corporate extension for the
4 taxing district and those special purpose extensions that are
5 made annually for the taxing district, excluding special
6 purpose extensions: (a) made for the taxing district to pay
7 interest or principal on general obligation bonds that were
8 approved by referendum; (b) made for any taxing district to pay
9 interest or principal on general obligation bonds issued before
10 the date on which the referendum making this Law applicable to
11 the taxing district is held; (c) made for any taxing district
12 to pay interest or principal on bonds issued to refund or
13 continue to refund those bonds issued before the date on which
14 the referendum making this Law applicable to the taxing
15 district is held; (d) made for any taxing district to pay
16 interest or principal on bonds issued to refund or continue to
17 refund bonds issued after the date on which the referendum
18 making this Law applicable to the taxing district is held if
19 the bonds were approved by referendum after the date on which
20 the referendum making this Law applicable to the taxing
21 district is held; (e) made for any taxing district to pay
22 interest or principal on revenue bonds issued before the date
23 on which the referendum making this Law applicable to the
24 taxing district is held for payment of which a property tax
25 levy or the full faith and credit of the unit of local
26 government is pledged; however, a tax for the payment of

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

1 under Section 5-8 of the Park District Code or Section 11-95-14
2 of the Illinois Municipal Code; (l) made for contributions to a
3 firefighter's pension fund created under Article 4 of the
4 Illinois Pension Code, to the extent of the amount certified
5 under item (5) of Section 4-134 of the Illinois Pension Code;
6 and (m) made for the taxing district to pay interest or
7 principal on general obligation bonds issued pursuant to
8 Section 19-3.10 of the School Code.

9 "Aggregate extension" for all taxing districts to which
10 this Law applies in accordance with paragraph (2) of subsection
11 (e) of Section 18-213 means, except with respect to the 2017
12 and 2018 levy years, the annual corporate extension for the
13 taxing district and those special purpose extensions that are
14 made annually for the taxing district, excluding special
15 purpose extensions: (a) made for the taxing district to pay
16 interest or principal on general obligation bonds that were
17 approved by referendum; (b) made for any taxing district to pay
18 interest or principal on general obligation bonds issued before
19 the effective date of this amendatory Act of 1997; (c) made for
20 any taxing district to pay interest or principal on bonds
21 issued to refund or continue to refund those bonds issued
22 before the effective date of this amendatory Act of 1997; (d)
23 made for any taxing district to pay interest or principal on
24 bonds issued to refund or continue to refund bonds issued after
25 the effective date of this amendatory Act of 1997 if the bonds
26 were approved by referendum after the effective date of this

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

1 pursuant to, contracts entered into before March 1, 1996 (but
2 not including any amendments to such a contract taking effect
3 on or after that date); (k) made to fund expenses of providing
4 joint recreational programs for persons with disabilities
5 under Section 5-8 of the Park District Code or Section 11-95-14
6 of the Illinois Municipal Code; and (l) made for contributions
7 to a firefighter's pension fund created under Article 4 of the
8 Illinois Pension Code, to the extent of the amount certified
9 under item (5) of Section 4-134 of the Illinois Pension Code.

10 "Aggregate extension", except with respect to the City of
11 Chicago School District #299, for the 2017 and 2018 levy years,
12 means the annual corporate extension for the taxing district
13 and those special purpose extensions that are made annually for
14 the taxing district, excluding special purpose extensions: (a)
15 made for the payment of principal and interest on bonds or
16 other evidences of indebtedness issued by the taxing district;
17 (b) made for contributions to a pension fund created under the
18 Illinois Pension Code; and (c) made for public safety purposes.
19 Notwithstanding the provisions of this definition of
20 "aggregate extension", if a special purpose extension (i) made
21 for the payment of principal and interest on bonds or other
22 evidences of indebtedness issued by the taxing district, (ii)
23 made for contributions to a pension fund created under the
24 Illinois Pension Code (other than extensions made by the City
25 of Chicago for public safety pension contributions required
26 under the Illinois Pension Code), or (iii) made for public

1 safety purposes (other than extensions made by the City of
2 Chicago for public safety pension contributions required under
3 the Illinois Pension Code) was required to be included in a
4 taxing district's aggregate extension for the 2016 levy year,
5 then that special purpose extension is also included in the
6 taxing district's aggregate extension for the 2017 and 2018
7 levy years; provided that the extension limitation for those
8 extensions for the 2017 and 2018 levy years shall be (1) the
9 lesser of 5% or the percentage increase in the Consumer Price
10 Index during the 12-month calendar year preceding the levy year
11 or (2) the rate of increase approved by voters under Section
12 18-205. For the purpose of this definition of "aggregate
13 extension", the term "public safety" means detention,
14 firefighting, police, or ambulance services.

15 "Debt service extension base" means an amount equal to that
16 portion of the extension for a taxing district for the 1994
17 levy year, or for those taxing districts subject to this Law in
18 accordance with Section 18-213, except for those subject to
19 paragraph (2) of subsection (e) of Section 18-213, for the levy
20 year in which the referendum making this Law applicable to the
21 taxing district is held, or for those taxing districts subject
22 to this Law in accordance with paragraph (2) of subsection (e)
23 of Section 18-213 for the 1996 levy year, or for those taxing
24 districts that become subject to this Law as a result of this
25 amendatory Act of the 100th General Assembly for the 2016 levy
26 year, constituting an extension for payment of principal and

1 interest on bonds issued by the taxing district without
2 referendum, but not including excluded non-referendum bonds.
3 For park districts (i) that were first subject to this Law in
4 1991 or 1995 and (ii) whose extension for the 1994 levy year
5 for the payment of principal and interest on bonds issued by
6 the park district without referendum (but not including
7 excluded non-referendum bonds) was less than 51% of the amount
8 for the 1991 levy year constituting an extension for payment of
9 principal and interest on bonds issued by the park district
10 without referendum (but not including excluded non-referendum
11 bonds), "debt service extension base" means an amount equal to
12 that portion of the extension for the 1991 levy year
13 constituting an extension for payment of principal and interest
14 on bonds issued by the park district without referendum (but
15 not including excluded non-referendum bonds). A debt service
16 extension base established or increased at any time pursuant to
17 any provision of this Law, except Section 18-212, shall be
18 increased each year commencing with the later of (i) the 2009
19 levy year or (ii) the first levy year in which this Law becomes
20 applicable to the taxing district, by the lesser of 5% or the
21 percentage increase in the Consumer Price Index during the
22 12-month calendar year preceding the levy year. The debt
23 service extension base may be established or increased as
24 provided under Section 18-212. "Excluded non-referendum bonds"
25 means (i) bonds authorized by Public Act 88-503 and issued
26 under Section 20a of the Chicago Park District Act for aquarium

1 and museum projects; (ii) bonds issued under Section 15 of the
2 Local Government Debt Reform Act; or (iii) refunding
3 obligations issued to refund or to continue to refund
4 obligations initially issued pursuant to referendum.

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

13 "Aggregate extension base" means the taxing district's
14 last preceding aggregate extension as adjusted under Sections
15 18-135, 18-215, and 18-230. An adjustment under Section 18-135
16 shall be made for the 2007 levy year and all subsequent levy
17 years whenever one or more counties within which a taxing
18 district is located (i) used estimated valuations or rates when
19 extending taxes in the taxing district for the last preceding
20 levy year that resulted in the over or under extension of
21 taxes, or (ii) increased or decreased the tax extension for the
22 last preceding levy year as required by Section 18-135(c).
23 Whenever an adjustment is required under Section 18-135, the
24 aggregate extension base of the taxing district shall be equal
25 to the amount that the aggregate extension of the taxing
26 district would have been for the last preceding levy year if

1 either or both (i) actual, rather than estimated, valuations or
2 rates had been used to calculate the extension of taxes for the
3 last levy year, or (ii) the tax extension for the last
4 preceding levy year had not been adjusted as required by
5 subsection (c) of Section 18-135.

6 Notwithstanding any other provision of law, for levy year
7 2012, the aggregate extension base for West Northfield School
8 District No. 31 in Cook County shall be \$12,654,592.

9 "Levy year" has the same meaning as "year" under Section
10 1-155.

11 "New property" means (i) the assessed value, after final
12 board of review or board of appeals action, of new improvements
13 or additions to existing improvements on any parcel of real
14 property that increase the assessed value of that real property
15 during the levy year multiplied by the equalization factor
16 issued by the Department under Section 17-30, (ii) the assessed
17 value, after final board of review or board of appeals action,
18 of real property not exempt from real estate taxation, which
19 real property was exempt from real estate taxation for any
20 portion of the immediately preceding levy year, multiplied by
21 the equalization factor issued by the Department under Section
22 17-30, including the assessed value, upon final stabilization
23 of occupancy after new construction is complete, of any real
24 property located within the boundaries of an otherwise or
25 previously exempt military reservation that is intended for
26 residential use and owned by or leased to a private corporation

1 or other entity, (iii) in counties that classify in accordance
2 with Section 4 of Article IX of the Illinois Constitution, an
3 incentive property's additional assessed value resulting from
4 a scheduled increase in the level of assessment as applied to
5 the first year final board of review market value, and (iv) any
6 increase in assessed value due to oil or gas production from an
7 oil or gas well required to be permitted under the Hydraulic
8 Fracturing Regulatory Act that was not produced in or accounted
9 for during the previous levy year. In addition, the county
10 clerk in a county containing a population of 3,000,000 or more
11 shall include in the 1997 recovered tax increment value for any
12 school district, any recovered tax increment value that was
13 applicable to the 1995 tax year calculations.

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

18 "Recovered tax increment value" means, except as otherwise
19 provided in this paragraph, the amount of the current year's
20 equalized assessed value, in the first year after a
21 municipality terminates the designation of an area as a
22 redevelopment project area previously established under the
23 Tax Increment Allocation Development Act in the Illinois
24 Municipal Code, previously established under the Industrial
25 Jobs Recovery Law in the Illinois Municipal Code, previously
26 established under the Economic Development Project Area Tax

1 Increment Act of 1995, or previously established under the
2 Economic Development Area Tax Increment Allocation Act, of each
3 taxable lot, block, tract, or parcel of real property in the
4 redevelopment project area over and above the initial equalized
5 assessed value of each property in the redevelopment project
6 area. For the taxes which are extended for the 1997 levy year,
7 the recovered tax increment value for a non-home rule taxing
8 district that first became subject to this Law for the 1995
9 levy year because a majority of its 1994 equalized assessed
10 value was in an affected county or counties shall be increased
11 if a municipality terminated the designation of an area in 1993
12 as a redevelopment project area previously established under
13 the Tax Increment Allocation Development Act in the Illinois
14 Municipal Code, previously established under the Industrial
15 Jobs Recovery Law in the Illinois Municipal Code, or previously
16 established under the Economic Development Area Tax Increment
17 Allocation Act, by an amount equal to the 1994 equalized
18 assessed value of each taxable lot, block, tract, or parcel of
19 real property in the redevelopment project area over and above
20 the initial equalized assessed value of each property in the
21 redevelopment project area. In the first year after a
22 municipality removes a taxable lot, block, tract, or parcel of
23 real property from a redevelopment project area established
24 under the Tax Increment Allocation Development Act in the
25 Illinois Municipal Code, the Industrial Jobs Recovery Law in
26 the Illinois Municipal Code, or the Economic Development Area

1 Tax Increment Allocation Act, "recovered tax increment value"
2 means the amount of the current year's equalized assessed value
3 of each taxable lot, block, tract, or parcel of real property
4 removed from the redevelopment project area over and above the
5 initial equalized assessed value of that real property before
6 removal from the redevelopment project area.

7 Except as otherwise provided in this Section, "limiting
8 rate" means a fraction the numerator of which is the last
9 preceding aggregate extension base times an amount equal to one
10 plus the extension limitation defined in this Section and the
11 denominator of which is the current year's equalized assessed
12 value of all real property in the territory under the
13 jurisdiction of the taxing district during the prior levy year.
14 For those taxing districts that reduced their aggregate
15 extension for the last preceding levy year, the highest
16 aggregate extension in any of the last 3 preceding levy years
17 shall be used for the purpose of computing the limiting rate.
18 The denominator shall not include new property or the recovered
19 tax increment value. If a new rate, a rate decrease, or a
20 limiting rate increase has been approved at an election held
21 after March 21, 2006, then (i) the otherwise applicable
22 limiting rate shall be increased by the amount of the new rate
23 or shall be reduced by the amount of the rate decrease, as the
24 case may be, or (ii) in the case of a limiting rate increase,
25 the limiting rate shall be equal to the rate set forth in the
26 proposition approved by the voters for each of the years

1 specified in the proposition, after which the limiting rate of
2 the taxing district shall be calculated as otherwise provided.
3 In the case of a taxing district that obtained referendum
4 approval for an increased limiting rate on March 20, 2012, the
5 limiting rate for tax year 2012 shall be the rate that
6 generates the approximate total amount of taxes extendable for
7 that tax year, as set forth in the proposition approved by the
8 voters; this rate shall be the final rate applied by the county
9 clerk for the aggregate of all capped funds of the district for
10 tax year 2012.

11 (Source: P.A. 98-6, eff. 3-29-13; 98-23, eff. 6-17-13; 99-143,
12 eff. 7-27-15.)

13 (Text of Section after amendment by P.A. 99-521)

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

17 "Consumer Price Index" means the Consumer Price Index for
18 All Urban Consumers for all items published by the United
19 States Department of Labor.

20 "Extension limitation", except as otherwise provided in
21 this paragraph, means (a) the lesser of 5% or the percentage
22 increase in the Consumer Price Index during the 12-month
23 calendar year preceding the levy year or (b) the rate of
24 increase approved by voters under Section 18-205. For the 2017
25 and 2018 levy years only, for taxing districts other than the

1 City of Chicago School District #299, "extension limitation"
2 means 0% or the rate of increase approved by the voters under
3 Section 18-205. For the 2017 and 2018 levy years, if a special
4 purpose extension (i) made for the payment of principal and
5 interest on bonds or other evidences of indebtedness issued by
6 the taxing district, (ii) made for contributions to a pension
7 fund created under the Illinois Pension Code (other than
8 extensions made by the City of Chicago for public safety
9 pension contributions under the Illinois Pension Code), or
10 (iii) made for public safety purposes (other than extensions
11 made by the City of Chicago for public safety pension
12 contributions under the Illinois Pension Code) was required to
13 be included in a taxing district's aggregate extension for the
14 2016 levy year, then the extension limitation for those
15 extensions for the 2017 and 2018 levy years shall be (1) the
16 lesser of 5% or the percentage increase in the Consumer Price
17 Index during the 12-month calendar year preceding the levy year
18 or (2) the rate of increase approved by voters under Section
19 18-205. For the 2017 and 2018 levy years, for the City of
20 Chicago School District #299, "extension limitation" means (1)
21 the lesser of 5% or the percentage increase in the Consumer
22 Price Index during the 12-month calendar year preceding the
23 levy year or (2) the rate of increase approved by voters under
24 Section 18-205.

25 "Affected county" means a county of 3,000,000 or more
26 inhabitants or a county contiguous to a county of 3,000,000 or

1 more inhabitants.

2 "Taxing district" has the same meaning provided in Section
3 1-150, except as otherwise provided in this Section. For the
4 1991 through 1994 levy years only, "taxing district" includes
5 only each non-home rule taxing district having the majority of
6 its 1990 equalized assessed value within any county or counties
7 contiguous to a county with 3,000,000 or more inhabitants.
8 Beginning with the 1995 levy year, "taxing district" includes
9 only each non-home rule taxing district subject to this Law
10 before the 1995 levy year and each non-home rule taxing
11 district not subject to this Law before the 1995 levy year
12 having the majority of its 1994 equalized assessed value in an
13 affected county or counties. Beginning with the levy year in
14 which this Law becomes applicable to a taxing district as
15 provided in Section 18-213, "taxing district" also includes
16 those taxing districts made subject to this Law as provided in
17 Section 18-213. For the 2017 and 2018 levy years, "taxing
18 district" has the same meaning provided in Section 1-150 and
19 includes home rule units.

20 "Aggregate extension" for taxing districts to which this
21 Law applied before the 1995 levy year means, except with
22 respect to the 2017 and 2018 levy years, the annual corporate
23 extension for the taxing district and those special purpose
24 extensions that are made annually for the taxing district,
25 excluding special purpose extensions: (a) made for the taxing
26 district to pay interest or principal on general obligation

1 bonds that were approved by referendum; (b) made for any taxing
2 district to pay interest or principal on general obligation
3 bonds issued before October 1, 1991; (c) made for any taxing
4 district to pay interest or principal on bonds issued to refund
5 or continue to refund those bonds issued before October 1,
6 1991; (d) made for any taxing district to pay interest or
7 principal on bonds issued to refund or continue to refund bonds
8 issued after October 1, 1991 that were approved by referendum;
9 (e) made for any taxing district to pay interest or principal
10 on revenue bonds issued before October 1, 1991 for payment of
11 which a property tax levy or the full faith and credit of the
12 unit of local government is pledged; however, a tax for the
13 payment of interest or principal on those bonds shall be made
14 only after the governing body of the unit of local government
15 finds that all other sources for payment are insufficient to
16 make those payments; (f) made for payments under a building
17 commission lease when the lease payments are for the retirement
18 of bonds issued by the commission before October 1, 1991, to
19 pay for the building project; (g) made for payments due under
20 installment contracts entered into before October 1, 1991; (h)
21 made for payments of principal and interest on bonds issued
22 under the Metropolitan Water Reclamation District Act to
23 finance construction projects initiated before October 1,
24 1991; (i) made for payments of principal and interest on
25 limited bonds, as defined in Section 3 of the Local Government
26 Debt Reform Act, in an amount not to exceed the debt service

1 extension base less the amount in items (b), (c), (e), and (h)
2 of this definition for non-referendum obligations, except
3 obligations initially issued pursuant to referendum; (j) made
4 for payments of principal and interest on bonds issued under
5 Section 15 of the Local Government Debt Reform Act; (k) made by
6 a school district that participates in the Special Education
7 District of Lake County, created by special education joint
8 agreement under Section 10-22.31 of the School Code, for
9 payment of the school district's share of the amounts required
10 to be contributed by the Special Education District of Lake
11 County to the Illinois Municipal Retirement Fund under Article
12 7 of the Illinois Pension Code; the amount of any extension
13 under this item (k) shall be certified by the school district
14 to the county clerk; (l) made to fund expenses of providing
15 joint recreational programs for persons with disabilities
16 under Section 5-8 of the Park District Code or Section 11-95-14
17 of the Illinois Municipal Code; (m) made for temporary
18 relocation loan repayment purposes pursuant to Sections 2-3.77
19 and 17-2.2d of the School Code; (n) made for payment of
20 principal and interest on any bonds issued under the authority
21 of Section 17-2.2d of the School Code; (o) made for
22 contributions to a firefighter's pension fund created under
23 Article 4 of the Illinois Pension Code, to the extent of the
24 amount certified under item (5) of Section 4-134 of the
25 Illinois Pension Code; and (p) made for road purposes in the
26 first year after a township assumes the rights, powers, duties,

1 assets, property, liabilities, obligations, and
2 responsibilities of a road district abolished under the
3 provisions of Section 6-133 of the Illinois Highway Code.

4 "Aggregate extension" for the taxing districts to which
5 this Law did not apply before the 1995 levy year (except taxing
6 districts subject to this Law in accordance with Section
7 18-213) means, except with respect to the 2017 and 2018 levy
8 years, the annual corporate extension for the taxing district
9 and those special purpose extensions that are made annually for
10 the taxing district, excluding special purpose extensions: (a)
11 made for the taxing district to pay interest or principal on
12 general obligation bonds that were approved by referendum; (b)
13 made for any taxing district to pay interest or principal on
14 general obligation bonds issued before March 1, 1995; (c) made
15 for any taxing district to pay interest or principal on bonds
16 issued to refund or continue to refund those bonds issued
17 before March 1, 1995; (d) made for any taxing district to pay
18 interest or principal on bonds issued to refund or continue to
19 refund bonds issued after March 1, 1995 that were approved by
20 referendum; (e) made for any taxing district to pay interest or
21 principal on revenue bonds issued before March 1, 1995 for
22 payment of which a property tax levy or the full faith and
23 credit of the unit of local government is pledged; however, a
24 tax for the payment of interest or principal on those bonds
25 shall be made only after the governing body of the unit of
26 local government finds that all other sources for payment are

1 insufficient to make those payments; (f) made for payments
2 under a building commission lease when the lease payments are
3 for the retirement of bonds issued by the commission before
4 March 1, 1995 to pay for the building project; (g) made for
5 payments due under installment contracts entered into before
6 March 1, 1995; (h) made for payments of principal and interest
7 on bonds issued under the Metropolitan Water Reclamation
8 District Act to finance construction projects initiated before
9 October 1, 1991; (h-4) made for stormwater management purposes
10 by the Metropolitan Water Reclamation District of Greater
11 Chicago under Section 12 of the Metropolitan Water Reclamation
12 District Act; (i) made for payments of principal and interest
13 on limited bonds, as defined in Section 3 of the Local
14 Government Debt Reform Act, in an amount not to exceed the debt
15 service extension base less the amount in items (b), (c), and
16 (e) of this definition for non-referendum obligations, except
17 obligations initially issued pursuant to referendum and bonds
18 described in subsection (h) of this definition; (j) made for
19 payments of principal and interest on bonds issued under
20 Section 15 of the Local Government Debt Reform Act; (k) made
21 for payments of principal and interest on bonds authorized by
22 Public Act 88-503 and issued under Section 20a of the Chicago
23 Park District Act for aquarium or museum projects; (l) made for
24 payments of principal and interest on bonds authorized by
25 Public Act 87-1191 or 93-601 and (i) issued pursuant to Section
26 21.2 of the Cook County Forest Preserve District Act, (ii)

1 issued under Section 42 of the Cook County Forest Preserve
2 District Act for zoological park projects, or (iii) issued
3 under Section 44.1 of the Cook County Forest Preserve District
4 Act for botanical gardens projects; (m) made pursuant to
5 Section 34-53.5 of the School Code, whether levied annually or
6 not; (n) made to fund expenses of providing joint recreational
7 programs for persons with disabilities under Section 5-8 of the
8 Park District Code or Section 11-95-14 of the Illinois
9 Municipal Code; (o) made by the Chicago Park District for
10 recreational programs for persons with disabilities under
11 subsection (c) of Section 7.06 of the Chicago Park District
12 Act; (p) made for contributions to a firefighter's pension fund
13 created under Article 4 of the Illinois Pension Code, to the
14 extent of the amount certified under item (5) of Section 4-134
15 of the Illinois Pension Code; (q) made by Ford Heights School
16 District 169 under Section 17-9.02 of the School Code; and (r)
17 made for the purpose of making employer contributions to the
18 Public School Teachers' Pension and Retirement Fund of Chicago
19 under Section 34-53 of the School Code. Notwithstanding the
20 provisions of this amendatory Act of the 100th General
21 Assembly, this definition of "aggregate extension" applies to
22 the City of Chicago School District #299 for the 2017 and 2018
23 levy years.

24 "Aggregate extension" for all taxing districts to which
25 this Law applies in accordance with Section 18-213, except for
26 those taxing districts subject to paragraph (2) of subsection

1 (e) of Section 18-213, means, except with respect to the 2017
2 and 2018 levy years, the annual corporate extension for the
3 taxing district and those special purpose extensions that are
4 made annually for the taxing district, excluding special
5 purpose extensions: (a) made for the taxing district to pay
6 interest or principal on general obligation bonds that were
7 approved by referendum; (b) made for any taxing district to pay
8 interest or principal on general obligation bonds issued before
9 the date on which the referendum making this Law applicable to
10 the taxing district is held; (c) made for any taxing district
11 to pay interest or principal on bonds issued to refund or
12 continue to refund those bonds issued before the date on which
13 the referendum making this Law applicable to the taxing
14 district is held; (d) made for any taxing district to pay
15 interest or principal on bonds issued to refund or continue to
16 refund bonds issued after the date on which the referendum
17 making this Law applicable to the taxing district is held if
18 the bonds were approved by referendum after the date on which
19 the referendum making this Law applicable to the taxing
20 district is held; (e) made for any taxing district to pay
21 interest or principal on revenue bonds issued before the date
22 on which the referendum making this Law applicable to the
23 taxing district is held for payment of which a property tax
24 levy or the full faith and credit of the unit of local
25 government is pledged; however, a tax for the payment of
26 interest or principal on those bonds shall be made only after

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

1 of the Illinois Municipal Code; (l) made for contributions to a
2 firefighter's pension fund created under Article 4 of the
3 Illinois Pension Code, to the extent of the amount certified
4 under item (5) of Section 4-134 of the Illinois Pension Code;
5 and (m) made for the taxing district to pay interest or
6 principal on general obligation bonds issued pursuant to
7 Section 19-3.10 of the School Code.

8 "Aggregate extension" for all taxing districts to which
9 this Law applies in accordance with paragraph (2) of subsection
10 (e) of Section 18-213 means, except with respect to the 2017
11 and 2018 levy years, the annual corporate extension for the
12 taxing district and those special purpose extensions that are
13 made annually for the taxing district, excluding special
14 purpose extensions: (a) made for the taxing district to pay
15 interest or principal on general obligation bonds that were
16 approved by referendum; (b) made for any taxing district to pay
17 interest or principal on general obligation bonds issued before
18 the effective date of this amendatory Act of 1997; (c) made for
19 any taxing district to pay interest or principal on bonds
20 issued to refund or continue to refund those bonds issued
21 before the effective date of this amendatory Act of 1997; (d)
22 made for any taxing district to pay interest or principal on
23 bonds issued to refund or continue to refund bonds issued after
24 the effective date of this amendatory Act of 1997 if the bonds
25 were approved by referendum after the effective date of this
26 amendatory Act of 1997; (e) made for any taxing district to pay

1 interest or principal on revenue bonds issued before the
2 effective date of this amendatory Act of 1997 for payment of
3 which a property tax levy or the full faith and credit of the
4 unit of local government is pledged; however, a tax for the
5 payment of interest or principal on those bonds shall be made
6 only after the governing body of the unit of local government
7 finds that all other sources for payment are insufficient to
8 make those payments; (f) made for payments under a building
9 commission lease when the lease payments are for the retirement
10 of bonds issued by the commission before the effective date of
11 this amendatory Act of 1997 to pay for the building project;
12 (g) made for payments due under installment contracts entered
13 into before the effective date of this amendatory Act of 1997;
14 (h) made for payments of principal and interest on limited
15 bonds, as defined in Section 3 of the Local Government Debt
16 Reform Act, in an amount not to exceed the debt service
17 extension base less the amount in items (b), (c), and (e) of
18 this definition for non-referendum obligations, except
19 obligations initially issued pursuant to referendum; (i) made
20 for payments of principal and interest on bonds issued under
21 Section 15 of the Local Government Debt Reform Act; (j) made
22 for a qualified airport authority to pay interest or principal
23 on general obligation bonds issued for the purpose of paying
24 obligations due under, or financing airport facilities
25 required to be acquired, constructed, installed or equipped
26 pursuant to, contracts entered into before March 1, 1996 (but

1 not including any amendments to such a contract taking effect
2 on or after that date); (k) made to fund expenses of providing
3 joint recreational programs for persons with disabilities
4 under Section 5-8 of the Park District Code or Section 11-95-14
5 of the Illinois Municipal Code; and (l) made for contributions
6 to a firefighter's pension fund created under Article 4 of the
7 Illinois Pension Code, to the extent of the amount certified
8 under item (5) of Section 4-134 of the Illinois Pension Code.

9 "Aggregate extension", except with respect to the City of
10 Chicago School District #299, for the 2017 and 2018 levy years,
11 means the annual corporate extension for the taxing district
12 and those special purpose extensions that are made annually for
13 the taxing district, excluding special purpose extensions: (a)
14 made for the payment of principal and interest on bonds or
15 other evidences of indebtedness issued by the taxing district;
16 (b) made for contributions to a pension fund created under the
17 Illinois Pension Code; and (c) made for public safety purposes.
18 Notwithstanding the provisions of this definition of
19 "aggregate extension", if a special purpose extension (i) made
20 for the payment of principal and interest on bonds or other
21 evidences of indebtedness issued by the taxing district, (ii)
22 made for contributions to a pension fund created under the
23 Illinois Pension Code (other than extensions made by the City
24 of Chicago for public safety pension contributions required
25 under the Illinois Pension Code), or (iii) made for public
26 safety purposes (other than extensions made by the City of

1 Chicago for public safety pension contributions required under
2 the Illinois Pension Code) was required to be included in a
3 taxing district's aggregate extension for the 2016 levy year,
4 then that special purpose extension is also included in the
5 taxing district's aggregate extension for the 2017 and 2018
6 levy years; provided that the extension limitation for those
7 extensions for the 2017 and 2018 levy years shall be (1) the
8 lesser of 5% or the percentage increase in the Consumer Price
9 Index during the 12-month calendar year preceding the levy year
10 or (2) the rate of increase approved by voters under Section
11 18-205. For the purpose of this definition of "aggregate
12 extension", the term "public safety" means detention,
13 firefighting, police, or ambulance services.

14 "Debt service extension base" means an amount equal to that
15 portion of the extension for a taxing district for the 1994
16 levy year, or for those taxing districts subject to this Law in
17 accordance with Section 18-213, except for those subject to
18 paragraph (2) of subsection (e) of Section 18-213, for the levy
19 year in which the referendum making this Law applicable to the
20 taxing district is held, or for those taxing districts subject
21 to this Law in accordance with paragraph (2) of subsection (e)
22 of Section 18-213 for the 1996 levy year, or for those taxing
23 districts that become subject to this Law as a result of this
24 amendatory Act of the 100th General Assembly for the 2016 levy
25 year, constituting an extension for payment of principal and
26 interest on bonds issued by the taxing district without

1 referendum, but not including excluded non-referendum bonds.
2 For park districts (i) that were first subject to this Law in
3 1991 or 1995 and (ii) whose extension for the 1994 levy year
4 for the payment of principal and interest on bonds issued by
5 the park district without referendum (but not including
6 excluded non-referendum bonds) was less than 51% of the amount
7 for the 1991 levy year constituting an extension for payment of
8 principal and interest on bonds issued by the park district
9 without referendum (but not including excluded non-referendum
10 bonds), "debt service extension base" means an amount equal to
11 that portion of the extension for the 1991 levy year
12 constituting an extension for payment of principal and interest
13 on bonds issued by the park district without referendum (but
14 not including excluded non-referendum bonds). A debt service
15 extension base established or increased at any time pursuant to
16 any provision of this Law, except Section 18-212, shall be
17 increased each year commencing with the later of (i) the 2009
18 levy year or (ii) the first levy year in which this Law becomes
19 applicable to the taxing district, by the lesser of 5% or the
20 percentage increase in the Consumer Price Index during the
21 12-month calendar year preceding the levy year. The debt
22 service extension base may be established or increased as
23 provided under Section 18-212. "Excluded non-referendum bonds"
24 means (i) bonds authorized by Public Act 88-503 and issued
25 under Section 20a of the Chicago Park District Act for aquarium
26 and museum projects; (ii) bonds issued under Section 15 of the

1 Local Government Debt Reform Act; or (iii) refunding
2 obligations issued to refund or to continue to refund
3 obligations initially issued pursuant to referendum.

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

12 "Aggregate extension base" means the taxing district's
13 last preceding aggregate extension as adjusted under Sections
14 18-135, 18-215, and 18-230. An adjustment under Section 18-135
15 shall be made for the 2007 levy year and all subsequent levy
16 years whenever one or more counties within which a taxing
17 district is located (i) used estimated valuations or rates when
18 extending taxes in the taxing district for the last preceding
19 levy year that resulted in the over or under extension of
20 taxes, or (ii) increased or decreased the tax extension for the
21 last preceding levy year as required by Section 18-135(c).
22 Whenever an adjustment is required under Section 18-135, the
23 aggregate extension base of the taxing district shall be equal
24 to the amount that the aggregate extension of the taxing
25 district would have been for the last preceding levy year if
26 either or both (i) actual, rather than estimated, valuations or

1 rates had been used to calculate the extension of taxes for the
2 last levy year, or (ii) the tax extension for the last
3 preceding levy year had not been adjusted as required by
4 subsection (c) of Section 18-135.

5 Notwithstanding any other provision of law, for levy year
6 2012, the aggregate extension base for West Northfield School
7 District No. 31 in Cook County shall be \$12,654,592.

8 "Levy year" has the same meaning as "year" under Section
9 1-155.

10 "New property" means (i) the assessed value, after final
11 board of review or board of appeals action, of new improvements
12 or additions to existing improvements on any parcel of real
13 property that increase the assessed value of that real property
14 during the levy year multiplied by the equalization factor
15 issued by the Department under Section 17-30, (ii) the assessed
16 value, after final board of review or board of appeals action,
17 of real property not exempt from real estate taxation, which
18 real property was exempt from real estate taxation for any
19 portion of the immediately preceding levy year, multiplied by
20 the equalization factor issued by the Department under Section
21 17-30, including the assessed value, upon final stabilization
22 of occupancy after new construction is complete, of any real
23 property located within the boundaries of an otherwise or
24 previously exempt military reservation that is intended for
25 residential use and owned by or leased to a private corporation
26 or other entity, (iii) in counties that classify in accordance

1 with Section 4 of Article IX of the Illinois Constitution, an
2 incentive property's additional assessed value resulting from
3 a scheduled increase in the level of assessment as applied to
4 the first year final board of review market value, and (iv) any
5 increase in assessed value due to oil or gas production from an
6 oil or gas well required to be permitted under the Hydraulic
7 Fracturing Regulatory Act that was not produced in or accounted
8 for during the previous levy year. In addition, the county
9 clerk in a county containing a population of 3,000,000 or more
10 shall include in the 1997 recovered tax increment value for any
11 school district, any recovered tax increment value that was
12 applicable to the 1995 tax year calculations.

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

17 "Recovered tax increment value" means, except as otherwise
18 provided in this paragraph, the amount of the current year's
19 equalized assessed value, in the first year after a
20 municipality terminates the designation of an area as a
21 redevelopment project area previously established under the
22 Tax Increment Allocation Development Act in the Illinois
23 Municipal Code, previously established under the Industrial
24 Jobs Recovery Law in the Illinois Municipal Code, previously
25 established under the Economic Development Project Area Tax
26 Increment Act of 1995, or previously established under the

1 Economic Development Area Tax Increment Allocation Act, of each
2 taxable lot, block, tract, or parcel of real property in the
3 redevelopment project area over and above the initial equalized
4 assessed value of each property in the redevelopment project
5 area. For the taxes which are extended for the 1997 levy year,
6 the recovered tax increment value for a non-home rule taxing
7 district that first became subject to this Law for the 1995
8 levy year because a majority of its 1994 equalized assessed
9 value was in an affected county or counties shall be increased
10 if a municipality terminated the designation of an area in 1993
11 as a redevelopment project area previously established under
12 the Tax Increment Allocation Development Act in the Illinois
13 Municipal Code, previously established under the Industrial
14 Jobs Recovery Law in the Illinois Municipal Code, or previously
15 established under the Economic Development Area Tax Increment
16 Allocation Act, by an amount equal to the 1994 equalized
17 assessed value of each taxable lot, block, tract, or parcel of
18 real property in the redevelopment project area over and above
19 the initial equalized assessed value of each property in the
20 redevelopment project area. In the first year after a
21 municipality removes a taxable lot, block, tract, or parcel of
22 real property from a redevelopment project area established
23 under the Tax Increment Allocation Development Act in the
24 Illinois Municipal Code, the Industrial Jobs Recovery Law in
25 the Illinois Municipal Code, or the Economic Development Area
26 Tax Increment Allocation Act, "recovered tax increment value"

1 means the amount of the current year's equalized assessed value
2 of each taxable lot, block, tract, or parcel of real property
3 removed from the redevelopment project area over and above the
4 initial equalized assessed value of that real property before
5 removal from the redevelopment project area.

6 Except as otherwise provided in this Section, "limiting
7 rate" means a fraction the numerator of which is the last
8 preceding aggregate extension base times an amount equal to one
9 plus the extension limitation defined in this Section and the
10 denominator of which is the current year's equalized assessed
11 value of all real property in the territory under the
12 jurisdiction of the taxing district during the prior levy year.
13 For those taxing districts that reduced their aggregate
14 extension for the last preceding levy year, the highest
15 aggregate extension in any of the last 3 preceding levy years
16 shall be used for the purpose of computing the limiting rate.
17 The denominator shall not include new property or the recovered
18 tax increment value. If a new rate, a rate decrease, or a
19 limiting rate increase has been approved at an election held
20 after March 21, 2006, then (i) the otherwise applicable
21 limiting rate shall be increased by the amount of the new rate
22 or shall be reduced by the amount of the rate decrease, as the
23 case may be, or (ii) in the case of a limiting rate increase,
24 the limiting rate shall be equal to the rate set forth in the
25 proposition approved by the voters for each of the years
26 specified in the proposition, after which the limiting rate of

1 the taxing district shall be calculated as otherwise provided.
2 In the case of a taxing district that obtained referendum
3 approval for an increased limiting rate on March 20, 2012, the
4 limiting rate for tax year 2012 shall be the rate that
5 generates the approximate total amount of taxes extendable for
6 that tax year, as set forth in the proposition approved by the
7 voters; this rate shall be the final rate applied by the county
8 clerk for the aggregate of all capped funds of the district for
9 tax year 2012.

10 (Source: P.A. 98-6, eff. 3-29-13; 98-23, eff. 6-17-13; 99-143,
11 eff. 7-27-15; 99-521, eff. 6-1-17.)

12 (35 ILCS 200/18-205)

13 Sec. 18-205. Referendum to increase the extension
14 limitation.

15 (a) A taxing district is limited to an extension limitation
16 as defined in Section 18-185 of 5% or the percentage increase
17 in the Consumer Price Index during the 12 month calendar year
18 preceding the levy year, whichever is less. A taxing district
19 may increase its extension limitation for one or more levy
20 years if that taxing district holds a referendum before the
21 levy date for the first levy year at which a majority of voters
22 voting on the issue approves adoption of a higher extension
23 limitation. Referenda shall be conducted at a regularly
24 scheduled election in accordance with the Election Code.

25 (b) The question shall be presented in substantially the

1 following manner ~~for all elections held after March 21, 2006:~~

2 Shall the extension limitation under the Property Tax
3 Extension Limitation Law for (insert the legal name,
4 number, if any, and county or counties of the taxing
5 district and geographic or other common name by which a
6 school or community college district is known and referred
7 to), Illinois, be increased from (applicable extension
8 limitation set forth in Section 18-185) ~~the lesser of 5% or~~
9 ~~the percentage increase in the Consumer Price Index over~~
10 ~~the prior levy year~~ to (insert the percentage of the
11 proposed increase)% per year for (insert each levy year for
12 which the increased extension limitation will apply)?

13 (c) The votes must be recorded as "Yes" or "No".

14 If a majority of voters voting on the issue approves the
15 adoption of the increase, the increase shall be applicable for
16 each levy year specified.

17 (d) The ballot for any question submitted pursuant to this
18 Section shall have printed thereon, but not as a part of the
19 question submitted, only the following supplemental
20 information (which shall be supplied to the election authority
21 by the taxing district) in substantially the following form:

22 (1) For the (insert the first levy year for which the
23 increased extension limitation will be applicable) levy
24 year the approximate amount of the additional tax
25 extendable against property containing a single family
26 residence and having a fair market value at the time of the

1 referendum of \$100,000 is estimated to be \$....

2 (2) Based upon an average annual percentage increase
3 (or decrease) in the market value of such property of ...%
4 (insert percentage equal to the average annual percentage
5 increase or decrease for the prior 3 levy years, at the
6 time the submission of the question is initiated by the
7 taxing district, in the amount of (A) the equalized
8 assessed value of the taxable property in the taxing
9 district less (B) the new property included in the
10 equalized assessed value), the approximate amount of the
11 additional tax extendable against such property for the ...
12 levy year is estimated to be \$... and for the ... levy year
13 is estimated to be \$....

14 Paragraph (2) shall be included only if the increased
15 extension limitation will be applicable for more than one year
16 and shall list each levy year for which the increased extension
17 limitation will be applicable. The additional tax shown for
18 each levy year shall be the approximate dollar amount of the
19 increase over the amount of the most recently completed
20 extension at the time the submission of the question is
21 initiated by the taxing district. The approximate amount of the
22 additional tax extendable shown in paragraphs (1) and (2) shall
23 be calculated by multiplying \$100,000 (the fair market value of
24 the property without regard to any property tax exemptions) by
25 (i) the percentage level of assessment prescribed for that
26 property by statute, or by ordinance of the county board in

1 counties that classify property for purposes of taxation in
2 accordance with Section 4 of Article IX of the Illinois
3 Constitution; (ii) the most recent final equalization factor
4 certified to the county clerk by the Department of Revenue at
5 the time the taxing district initiates the submission of the
6 proposition to the electors; (iii) the last known aggregate
7 extension base of the taxing district at the time the
8 submission of the question is initiated by the taxing district;
9 and (iv) the difference between the percentage increase
10 proposed in the question and the otherwise applicable extension
11 limitation under Section 18-185 ~~the lesser of 5% or the~~
12 ~~percentage increase in the Consumer Price Index for the prior~~
13 ~~levy year (or an estimate of the percentage increase for the~~
14 ~~prior levy year if the increase is unavailable at the time the~~
15 ~~submission of the question is initiated by the taxing~~
16 ~~district);~~ and dividing the result by the last known equalized
17 assessed value of the taxing district at the time the
18 submission of the question is initiated by the taxing district.
19 This amendatory Act of the 97th General Assembly is intended to
20 clarify the existing requirements of this Section, and shall
21 not be construed to validate any prior non-compliant referendum
22 language. Any notice required to be published in connection
23 with the submission of the question shall also contain this
24 supplemental information and shall not contain any other
25 supplemental information. Any error, miscalculation, or
26 inaccuracy in computing any amount set forth on the ballot or

1 in the notice that is not deliberate shall not invalidate or
2 affect the validity of any proposition approved. Notice of the
3 referendum shall be published and posted as otherwise required
4 by law, and the submission of the question shall be initiated
5 as provided by law.

6 (Source: P.A. 97-1087, eff. 8-24-12.)

7 (35 ILCS 200/18-213)

8 Sec. 18-213. Referenda on applicability of the Property Tax
9 Extension Limitation Law.

10 (a) The provisions of this Section do not apply to a taxing
11 district subject to this Law because a majority of its 1990
12 equalized assessed value is in a county or counties contiguous
13 to a county of 3,000,000 or more inhabitants, or because a
14 majority of its 1994 equalized assessed value is in an affected
15 county and the taxing district was not subject to this Law
16 before the 1995 levy year.

17 (b) The county board of a county that is not subject to
18 this Law may, by ordinance or resolution, submit to the voters
19 of the county the question of whether to make all non-home rule
20 taxing districts that have all or a portion of their equalized
21 assessed valuation situated in the county subject to this Law
22 in the manner set forth in this Section.

23 For purposes of this Section only:

24 "Taxing district" has the same meaning provided in Section
25 1-150.

1 "Equalized assessed valuation" means the equalized
2 assessed valuation for a taxing district for the immediately
3 preceding levy year.

4 (c) The ordinance or resolution shall request the
5 submission of the proposition at any election, except a
6 consolidated primary election, for the purpose of voting for or
7 against making the Property Tax Extension Limitation Law
8 applicable to all non-home rule taxing districts that have all
9 or a portion of their equalized assessed valuation situated in
10 the county.

11 The question shall be placed on a separate ballot and shall
12 be in substantially the following form:

13 Shall the Property Tax Extension Limitation Law (35
14 ILCS 200/18-185 through 18-245), which limits annual
15 property tax extension increases, apply to non-home rule
16 taxing districts with all or a portion of their equalized
17 assessed valuation located in (name of county)?

18 Votes on the question shall be recorded as "yes" or "no".

19 (d) The county clerk shall order the proposition submitted
20 to the electors of the county at the election specified in the
21 ordinance or resolution. If part of the county is under the
22 jurisdiction of a board or boards of election commissioners,
23 the county clerk shall submit a certified copy of the ordinance
24 or resolution to each board of election commissioners, which
25 shall order the proposition submitted to the electors of the
26 taxing district within its jurisdiction at the election

1 specified in the ordinance or resolution.

2 (e) (1) With respect to taxing districts having all of
3 their equalized assessed valuation located in the county,
4 if a majority of the votes cast on the proposition are in
5 favor of the proposition, then this Law becomes applicable
6 to the taxing district beginning on January 1 of the year
7 following the date of the referendum.

8 (2) With respect to taxing districts that meet all the
9 following conditions this Law shall become applicable to
10 the taxing district beginning on January 1, 1997. The
11 districts to which this paragraph (2) is applicable

12 (A) do not have all of their equalized assessed
13 valuation located in a single county,

14 (B) have equalized assessed valuation in an
15 affected county,

16 (C) meet the condition that each county, other than
17 an affected county, in which any of the equalized
18 assessed valuation of the taxing district is located
19 has held a referendum under this Section at any
20 election, except a consolidated primary election, held
21 prior to the effective date of this amendatory Act of
22 1997, and

23 (D) have a majority of the district's equalized
24 assessed valuation located in one or more counties in
25 each of which the voters have approved a referendum
26 under this Section prior to the effective date of this

1 amendatory Act of 1997. For purposes of this Section,
2 in determining whether a majority of the equalized
3 assessed valuation of the taxing district is located in
4 one or more counties in which the voters have approved
5 a referendum under this Section, the equalized
6 assessed valuation of the taxing district in any
7 affected county shall be included with the equalized
8 assessed value of the taxing district in counties in
9 which the voters have approved the referendum.

10 (3) With respect to taxing districts that do not have
11 all of their equalized assessed valuation located in a
12 single county and to which paragraph (2) of subsection (e)
13 is not applicable, if each county other than an affected
14 county in which any of the equalized assessed valuation of
15 the taxing district is located has held a referendum under
16 this Section at any election, except a consolidated primary
17 election, held in any year and if a majority of the
18 equalized assessed valuation of the taxing district is
19 located in one or more counties that have each approved a
20 referendum under this Section, then this Law shall become
21 applicable to the taxing district on January 1 of the year
22 following the year in which the last referendum in a county
23 in which the taxing district has any equalized assessed
24 valuation is held. For the purposes of this Law, the last
25 referendum shall be deemed to be the referendum making this
26 Law applicable to the taxing district. For purposes of this

1 Section, in determining whether a majority of the equalized
2 assessed valuation of the taxing district is located in one
3 or more counties that have approved a referendum under this
4 Section, the equalized assessed valuation of the taxing
5 district in any affected county shall be included with the
6 equalized assessed value of the taxing district in counties
7 that have approved the referendum.

8 (f) Immediately after a referendum is held under this
9 Section, the county clerk of the county holding the referendum
10 shall give notice of the referendum having been held and its
11 results to all taxing districts that have all or a portion of
12 their equalized assessed valuation located in the county, the
13 county clerk of any other county in which any of the equalized
14 assessed valuation of any taxing district is located, and the
15 Department of Revenue. After the last referendum affecting a
16 multi-county taxing district is held, the Department of Revenue
17 shall determine whether the taxing district is subject to this
18 Law and, if so, shall notify the taxing district and the county
19 clerks of all of the counties in which a portion of the
20 equalized assessed valuation of the taxing district is located
21 that, beginning the following January 1, the taxing district is
22 subject to this Law. For each taxing district subject to
23 paragraph (2) of subsection (e) of this Section, the Department
24 of Revenue shall notify the taxing district and the county
25 clerks of all of the counties in which a portion of the
26 equalized assessed valuation of the taxing district is located

1 that, beginning January 1, 1997, the taxing district is subject
2 to this Law.

3 (g) Referenda held under this Section shall be conducted in
4 accordance with the Election Code.

5 (h) Notwithstanding any other provision of law, no
6 referenda may be held under this Section with respect to levy
7 years 2017 and 2018.

8 (Source: P.A. 89-510, eff. 7-11-96; 89-718, eff. 3-7-97.)

9 (35 ILCS 200/18-214)

10 Sec. 18-214. Referenda on removal of the applicability of
11 the Property Tax Extension Limitation Law to non-home rule
12 taxing districts.

13 (a) The provisions of this Section do not apply to a taxing
14 district that is subject to this Law because a majority of its
15 1990 equalized assessed value is in a county or counties
16 contiguous to a county of 3,000,000 or more inhabitants, or
17 because a majority of its 1994 equalized assessed value is in
18 an affected county and the taxing district was not subject to
19 this Law before the 1995 levy year.

20 (b) For purposes of this Section only:

21 "Taxing district" means any non-home rule taxing district
22 that became subject to this Law under Section 18-213 of this
23 Law.

24 "Equalized assessed valuation" means the equalized
25 assessed valuation for a taxing district for the immediately

1 preceding levy year.

2 (c) The county board of a county that became subject to
3 this Law by a referendum approved by the voters of the county
4 under Section 18-213 may, by ordinance or resolution, in the
5 manner set forth in this Section, submit to the voters of the
6 county the question of whether this Law applies to all non-home
7 rule taxing districts that have all or a portion of their
8 equalized assessed valuation situated in the county in the
9 manner set forth in this Section.

10 (d) The ordinance or resolution shall request the
11 submission of the proposition at any election, except a
12 consolidated primary election, for the purpose of voting for or
13 against the continued application of the Property Tax Extension
14 Limitation Law to all non-home rule taxing districts that have
15 all or a portion of their equalized assessed valuation situated
16 in the county.

17 The question shall be placed on a separate ballot and shall
18 be in substantially the following form:

19 Shall the Property Tax Extension Limitation Law (35
20 ILCS 200/18-185 through 35 ILCS 200/18-245), which limits
21 annual property tax extension increases, apply to non-home
22 rule taxing districts with all or a portion of their
23 equalized assessed valuation located in (name of county)?

24 Votes on the question shall be recorded as "yes" or "no".

25 (e) The county clerk shall order the proposition submitted
26 to the electors of the county at the election specified in the

1 ordinance or resolution. If part of the county is under the
2 jurisdiction of a board or boards of election commissioners,
3 the county clerk shall submit a certified copy of the ordinance
4 or resolution to each board of election commissioners, which
5 shall order the proposition submitted to the electors of the
6 taxing district within its jurisdiction at the election
7 specified in the ordinance or resolution.

8 (f) With respect to taxing districts having all of their
9 equalized assessed valuation located in one county, if a
10 majority of the votes cast on the proposition are against the
11 proposition, then this Law shall not apply to the taxing
12 district beginning on January 1 of the year following the date
13 of the referendum.

14 (g) With respect to taxing districts that do not have all
15 of their equalized assessed valuation located in a single
16 county, if both of the following conditions are met, then this
17 Law shall no longer apply to the taxing district beginning on
18 January 1 of the year following the date of the referendum.

19 (1) Each county in which the district has any equalized
20 assessed valuation must either, (i) have held a referendum
21 under this Section, (ii) be an affected county, or (iii)
22 have held a referendum under Section 18-213 at which the
23 voters rejected the proposition at the most recent election
24 at which the question was on the ballot in the county.

25 (2) The majority of the equalized assessed valuation of
26 the taxing district, other than any equalized assessed

1 valuation in an affected county, is in one or more counties
2 in which the voters rejected the proposition. For purposes
3 of this Section, in determining whether a majority of the
4 equalized assessed valuation of the taxing district is
5 located in one or more counties in which the voters have
6 rejected the proposition under this Section, the equalized
7 assessed valuation of any taxing district in a county which
8 has held a referendum under Section 18-213 at which the
9 voters rejected that proposition, at the most recent
10 election at which the question was on the ballot in the
11 county, will be included with the equalized assessed value
12 of the taxing district in counties in which the voters have
13 rejected the referendum held under this Section.

14 (h) Immediately after a referendum is held under this
15 Section, the county clerk of the county holding the referendum
16 shall give notice of the referendum having been held and its
17 results to all taxing districts that have all or a portion of
18 their equalized assessed valuation located in the county, the
19 county clerk of any other county in which any of the equalized
20 assessed valuation of any such taxing district is located, and
21 the Department of Revenue. After the last referendum affecting
22 a multi-county taxing district is held, the Department of
23 Revenue shall determine whether the taxing district is no
24 longer subject to this Law and, if the taxing district is no
25 longer subject to this Law, the Department of Revenue shall
26 notify the taxing district and the county clerks of all of the

1 counties in which a portion of the equalized assessed valuation
2 of the taxing district is located that, beginning on January 1
3 of the year following the date of the last referendum, the
4 taxing district is no longer subject to this Law.

5 (i) Notwithstanding any other provision of law, no
6 referenda may be held under this Section with respect to levy
7 years 2017 and 2018.

8 (Source: P.A. 89-718, eff. 3-7-97.)

9 (35 ILCS 200/18-242 new)

10 Sec. 18-242. Home rule. This Division 5 is a limitation,
11 under subsection (g) of Section 6 of Article VII of the
12 Illinois Constitution, on the power of home rule units to tax.

13 Section 10. The School Code is amended by changing Sections
14 2-3.25g, 10-22.34c, 27-6, 27-7, and 27-24.2 and by adding
15 Section 22-62 as follows:

16 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

17 Sec. 2-3.25g. Waiver or modification of mandates within the
18 School Code and administrative rules and regulations.

19 (a) In this Section:

20 "Board" means a school board or the governing board or
21 administrative district, as the case may be, for a joint
22 agreement.

23 "Eligible applicant" means a school district, joint

1 agreement made up of school districts, or regional
2 superintendent of schools on behalf of schools and programs
3 operated by the regional office of education.

4 "Implementation date" has the meaning set forth in
5 Section 24A-2.5 of this Code.

6 "State Board" means the State Board of Education.

7 (b) Notwithstanding any other provisions of this School
8 Code or any other law of this State to the contrary, eligible
9 applicants may petition the State Board of Education for the
10 waiver or modification of the mandates of this School Code or
11 of the administrative rules and regulations promulgated by the
12 State Board of Education. Waivers or modifications of
13 administrative rules and regulations and modifications of
14 mandates of this School Code may be requested when an eligible
15 applicant demonstrates that it can address the intent of the
16 rule or mandate in a more effective, efficient, or economical
17 manner or when necessary to stimulate innovation or improve
18 student performance. Waivers of mandates of the School Code may
19 be requested when the waivers are necessary to stimulate
20 innovation or improve student performance. Waivers may not be
21 requested from laws, rules, and regulations pertaining to
22 special education, teacher educator licensure, teacher tenure
23 and seniority, or Section 5-2.1 of this Code or from compliance
24 with the No Child Left Behind Act of 2001 (Public Law 107-110).
25 Eligible applicants may not seek a waiver or seek a
26 modification of a mandate regarding the requirements for (i)

1 student performance data to be a significant factor in teacher
2 or principal evaluations or (ii) teachers and principals to be
3 rated using the 4 categories of "excellent", "proficient",
4 "needs improvement", or "unsatisfactory". On September 1,
5 2014, any previously authorized waiver or modification from
6 such requirements shall terminate.

7 (c) Eligible applicants, as a matter of inherent managerial
8 policy, and any Independent Authority established under
9 Section 2-3.25f-5 of this Code may submit an application for a
10 waiver or modification authorized under this Section. Each
11 application must include a written request by the eligible
12 applicant or Independent Authority and must demonstrate that
13 the intent of the mandate can be addressed in a more effective,
14 efficient, or economical manner or be based upon a specific
15 plan for improved student performance and school improvement.
16 Any eligible applicant requesting a waiver or modification for
17 the reason that intent of the mandate can be addressed in a
18 more economical manner shall include in the application a
19 fiscal analysis showing current expenditures on the mandate and
20 projected savings resulting from the waiver or modification.
21 Applications and plans developed by eligible applicants must be
22 approved by the board or regional superintendent of schools
23 applying on behalf of schools or programs operated by the
24 regional office of education following a public hearing on the
25 application and plan and the opportunity for the board or
26 regional superintendent to hear testimony from staff directly

1 involved in its implementation, parents, and students. The time
2 period for such testimony shall be separate from the time
3 period established by the eligible applicant for public comment
4 on other matters. If the applicant is a school district or
5 joint agreement requesting a waiver or modification of Section
6 27-6 of this Code, the public hearing shall be held on a day
7 other than the day on which a regular meeting of the board is
8 held.

9 (c-5) If the applicant is a school district, then the
10 district shall post information that sets forth the time, date,
11 place, and general subject matter of the public hearing on its
12 Internet website at least 14 days prior to the hearing. If the
13 district is requesting to increase the fee charged for driver
14 education authorized pursuant to Section 27-24.2 of this Code,
15 the website information shall include the proposed amount of
16 the fee the district will request. All school districts must
17 publish a notice of the public hearing at least 7 days prior to
18 the hearing in a newspaper of general circulation within the
19 school district that sets forth the time, date, place, and
20 general subject matter of the hearing. Districts requesting to
21 increase the fee charged for driver education shall include in
22 the published notice the proposed amount of the fee the
23 district will request. If the applicant is a joint agreement or
24 regional superintendent, then the joint agreement or regional
25 superintendent shall post information that sets forth the time,
26 date, place, and general subject matter of the public hearing

1 on its Internet website at least 14 days prior to the hearing.
2 If the joint agreement or regional superintendent is requesting
3 to increase the fee charged for driver education authorized
4 pursuant to Section 27-24.2 of this Code, the website
5 information shall include the proposed amount of the fee the
6 applicant will request. All joint agreements and regional
7 superintendents must publish a notice of the public hearing at
8 least 7 days prior to the hearing in a newspaper of general
9 circulation in each school district that is a member of the
10 joint agreement or that is served by the educational service
11 region that sets forth the time, date, place, and general
12 subject matter of the hearing, provided that a notice appearing
13 in a newspaper generally circulated in more than one school
14 district shall be deemed to fulfill this requirement with
15 respect to all of the affected districts. Joint agreements or
16 regional superintendents requesting to increase the fee
17 charged for driver education shall include in the published
18 notice the proposed amount of the fee the applicant will
19 request. The eligible applicant must notify in writing the
20 affected exclusive collective bargaining agent and those State
21 legislators representing the eligible applicant's territory of
22 its intent to seek approval of a waiver or modification and of
23 the hearing to be held to take testimony from staff. The
24 affected exclusive collective bargaining agents shall be
25 notified of such public hearing at least 7 days prior to the
26 date of the hearing and shall be allowed to attend such public

1 hearing. The eligible applicant shall attest to compliance with
2 all of the notification and procedural requirements set forth
3 in this Section.

4 (d) A request for a waiver or modification of
5 administrative rules and regulations or for a modification of
6 mandates contained in this School Code shall be submitted to
7 the State Board of Education within 15 days after approval by
8 the board or regional superintendent of schools. The
9 application as submitted to the State Board of Education shall
10 include a description of the public hearing. ~~Except with~~
11 ~~respect to contracting for adaptive driver education, an~~
12 ~~eligible applicant wishing to request a modification or waiver~~
13 ~~of administrative rules of the State Board of Education~~
14 ~~regarding contracting with a commercial driver training school~~
15 ~~to provide the course of study authorized under Section 27-24.2~~
16 ~~of this Code must provide evidence with its application that~~
17 ~~the commercial driver training school with which it will~~
18 ~~contract holds a license issued by the Secretary of State under~~
19 ~~Article IV of Chapter 6 of the Illinois Vehicle Code and that~~
20 ~~each instructor employed by the commercial driver training~~
21 ~~school to provide instruction to students served by the school~~
22 ~~district holds a valid teaching certificate or teaching~~
23 ~~license, as applicable, issued under the requirements of this~~
24 ~~Code and rules of the State Board of Education. Such evidence~~
25 ~~must include, but need not be limited to, a list of each~~
26 ~~instructor assigned to teach students served by the school~~

1 ~~district, which list shall include the instructor's name,~~
2 ~~personal identification number as required by the State Board~~
3 ~~of Education, birth date, and driver's license number. If the~~
4 ~~modification or waiver is granted, then the eligible applicant~~
5 ~~shall notify the State Board of Education of any changes in the~~
6 ~~personnel providing instruction within 15 calendar days after~~
7 ~~an instructor leaves the program or a new instructor is hired.~~
8 ~~Such notification shall include the instructor's name,~~
9 ~~personal identification number as required by the State Board~~
10 ~~of Education, birth date, and driver's license number. If a~~
11 ~~school district maintains an Internet website, then the~~
12 ~~district shall post a copy of the final contract between the~~
13 ~~district and the commercial driver training school on the~~
14 ~~district's Internet website. If no Internet website exists,~~
15 ~~then the district shall make available the contract upon~~
16 ~~request. A record of all materials in relation to the~~
17 ~~application for contracting must be maintained by the school~~
18 ~~district and made available to parents and guardians upon~~
19 ~~request. The instructor's date of birth and driver's license~~
20 ~~number and any other personally identifying information as~~
21 ~~deemed by the federal Driver's Privacy Protection Act of 1994~~
22 ~~must be redacted from any public materials. Following receipt~~
23 ~~of the waiver or modification request, the State Board shall~~
24 ~~have 45 days to review the application and request. If the~~
25 ~~State Board fails to disapprove the application within that 45~~
26 ~~day period, the waiver or modification shall be deemed granted.~~

1 The State Board may disapprove any request if it is not based
2 upon sound educational practices, endangers the health or
3 safety of students or staff, compromises equal opportunities
4 for learning, or fails to demonstrate that the intent of the
5 rule or mandate can be addressed in a more effective,
6 efficient, or economical manner or have improved student
7 performance as a primary goal. Any request disapproved by the
8 State Board may be appealed to the General Assembly by the
9 eligible applicant as outlined in this Section.

10 A request for a waiver from mandates contained in this
11 School Code shall be submitted to the State Board within 15
12 days after approval by the board or regional superintendent of
13 schools. The application as submitted to the State Board of
14 Education shall include a description of the public hearing.
15 The description shall include, but need not be limited to, the
16 means of notice, the number of people in attendance, the number
17 of people who spoke as proponents or opponents of the waiver, a
18 brief description of their comments, and whether there were any
19 written statements submitted. The State Board shall review the
20 applications and requests for completeness and shall compile
21 the requests in reports to be filed with the General Assembly.
22 The State Board shall file reports outlining the waivers
23 requested by eligible applicants and appeals by eligible
24 applicants of requests disapproved by the State Board with the
25 Senate and the House of Representatives before each March 1 and
26 October 1. The General Assembly may disapprove the report of

1 the State Board in whole or in part within 60 calendar days
2 after each house of the General Assembly next convenes after
3 the report is filed by adoption of a resolution by a record
4 vote of the majority of members elected in each house. If the
5 General Assembly fails to disapprove any waiver request or
6 appealed request within such 60 day period, the waiver or
7 modification shall be deemed granted. Any resolution adopted by
8 the General Assembly disapproving a report of the State Board
9 in whole or in part shall be binding on the State Board.

10 (e) An approved waiver or modification (except a waiver
11 from or modification to a physical education mandate) may
12 remain in effect for a period not to exceed 5 school years and
13 may be renewed upon application by the eligible applicant.
14 However, such waiver or modification may be changed within that
15 5-year period by a board or regional superintendent of schools
16 applying on behalf of schools or programs operated by the
17 regional office of education following the procedure as set
18 forth in this Section for the initial waiver or modification
19 request. If neither the State Board of Education nor the
20 General Assembly disapproves, the change is deemed granted.

21 An approved waiver from or modification to a physical
22 education mandate may remain in effect for a period not to
23 exceed 2 school years and may be renewed no more than 2 times
24 upon application by the eligible applicant. An approved waiver
25 from or modification to a physical education mandate may be
26 changed within the 2-year period by the board or regional

1 superintendent of schools, whichever is applicable, following
2 the procedure set forth in this Section for the initial waiver
3 or modification request. If neither the State Board of
4 Education nor the General Assembly disapproves, the change is
5 deemed granted.

6 (f) (Blank).

7 (Source: P.A. 98-513, eff. 1-1-14; 98-739, eff. 7-16-14;
8 98-1155, eff. 1-9-15; 99-78, eff. 7-20-15.)

9 (105 ILCS 5/10-22.34c)

10 Sec. 10-22.34c. Third party non-instructional services.

11 (a) A board of education may enter into a contract with a
12 third party for non-instructional services currently performed
13 by any employee or bargaining unit member or lay off those
14 educational support personnel employees upon 90 days written
15 notice to the affected employees, provided that:

16 (1) a contract must not be entered into and become
17 effective during the term of a collective bargaining
18 agreement, as that term is set forth in the agreement,
19 covering any employees who perform the non-instructional
20 services;

21 (2) a contract may only take effect upon the expiration
22 of an existing collective bargaining agreement;

23 (3) any third party that submits a bid to perform the
24 non-instructional services shall provide the following:

25 (A) evidence of liability insurance in scope and

1 amount equivalent to the liability insurance provided
2 by the school board pursuant to Section 10-22.3 of this
3 Code;

4 (B) salaries or wages for the third party's
5 employees who will perform the non-instructional
6 services comparable to the salaries or wages provided
7 to school board employees who perform those services ~~a~~
8 ~~benefits package for the third party's employees who~~
9 ~~will perform the non-instructional services comparable~~
10 ~~to the benefits package provided to school board~~
11 ~~employees who perform those services;~~

12 (C) a list of the number of employees who will
13 provide the non-instructional services, the job
14 classifications of those employees, and the wages the
15 third party will pay those employees;

16 (D) a minimum 3-year cost projection, using
17 generally accepted accounting principles and which the
18 third party is prohibited from increasing if the bid is
19 accepted by the school board, for each and every
20 expenditure category and account for performing the
21 non-instructional services; if the bid is accepted,
22 the school board shall file a copy of the cost
23 projection submitted with the bid to the State Board of
24 Education;

25 (E) composite information about the criminal and
26 disciplinary records, including alcohol or other

1 substance abuse, Department of Children and Family
2 Services complaints and investigations, traffic
3 violations, and license revocations or any other
4 licensure problems, of any employees who may perform
5 the non-instructional services, provided that the
6 individual names and other identifying information of
7 employees need not be provided with the submission of
8 the bid, but must be made available upon request of the
9 school board; and

10 (F) an affidavit, notarized by the president or
11 chief executive officer of the third party, that each
12 of its employees has completed a criminal background
13 check as required by Section 10-21.9 of this Code
14 within 3 months prior to submission of the bid,
15 provided that the results of such background checks
16 need not be provided with the submission of the bid,
17 but must be made available upon request of the school
18 board;

19 (4) a contract must not be entered into unless the
20 school board provides a cost comparison, using generally
21 accepted accounting principles, of each and every
22 expenditure category and account that the school board
23 projects it would incur over the term of the contract if it
24 continued to perform the non-instructional services using
25 its own employees with each and every expenditure category
26 and account that is projected a third party would incur if

1 a third party performed the non-instructional services;

2 (5) review and consideration of all bids by third
3 parties to perform the non-instructional services shall
4 take place in open session of a regularly scheduled school
5 board meeting, unless the exclusive bargaining
6 representative of the employees who perform the
7 non-instructional services, if any such exclusive
8 bargaining representative exists, agrees in writing that
9 such review and consideration can take place in open
10 session at a specially scheduled school board meeting;

11 (6) a minimum of one public hearing, conducted by the
12 school board prior to a regularly scheduled school board
13 meeting, to discuss the school board's proposal to contract
14 with a third party to perform the non-instructional
15 services must be held before the school board may enter
16 into such a contract; the school board must provide notice
17 to the public of the date, time, and location of the first
18 public hearing on or before the initial date that bids to
19 provide the non-instructional services are solicited or a
20 minimum of 30 days prior to entering into such a contract,
21 whichever provides a greater period of notice;

22 (7) a contract shall contain provisions requiring the
23 contractor to offer available employee positions pursuant
24 to the contract to qualified school district employees
25 whose employment is terminated because of the contract; and

26 (8) a contract shall contain provisions requiring the

1 contractor to comply with a policy of nondiscrimination and
2 equal employment opportunity for all persons and to take
3 affirmative steps to provide equal opportunity for all
4 persons.

5 (b) Notwithstanding subsection (a) of this Section, a board
6 of education may enter into a contract, of no longer than 3
7 months in duration, with a third party for non-instructional
8 services currently performed by an employee or bargaining unit
9 member for the purpose of augmenting the current workforce in
10 an emergency situation that threatens the safety or health of
11 the school district's students or staff, provided that the
12 school board meets all of its obligations under the Illinois
13 Educational Labor Relations Act.

14 (c) The changes to this Section made by this amendatory Act
15 of the 95th General Assembly are not applicable to
16 non-instructional services of a school district that on the
17 effective date of this amendatory Act of the 95th General
18 Assembly are performed for the school district by a third
19 party.

20 (d) Beginning July 1, 2022, the State Board of Education
21 shall review and analyze the cost projection information
22 provided by boards of education under subparagraph (D) of
23 paragraph (3) of subsection (a) of this Section and determine
24 the effects that the contracts had on school districts and the
25 State, including any cost savings and economic benefits. The
26 State Board of Education shall complete the review and report

1 its findings to the Governor and the General Assembly by
2 December 31, 2022.

3 From July 1, 2022 until January 1, 2023, no board of
4 education may enter into any new contract with a third party
5 for non-instructional services under this Section. However,
6 this prohibition shall not affect any contracts entered into
7 before July 1, 2022 or renewals of contracts entered into
8 before July 1, 2022.

9 Beginning January 1, 2023, boards of education are again
10 allowed to enter into contracts with third parties for
11 non-instructional services as provided under this Section.

12 (Source: P.A. 95-241, eff. 8-17-07; 96-328, eff. 8-11-09.)

13 (105 ILCS 5/22-62 new)

14 Sec. 22-62. Discharge of unfunded mandates.

15 (a) School districts need not comply with and may discharge
16 any mandate or requirement placed on school districts by this
17 Code or by administrative rules adopted by the State Board of
18 Education that is unfunded.

19 (b) Subsection (a) of this Section does not apply to any of
20 the following:

21 (1) Laws and rules pertaining to student health, life,
22 or safety.

23 (2) Federally required mandates, including without
24 limitation compliance with the federal Every Student
25 Succeeds Act.

1 (3) Laws and rules pertaining to civil rights and
2 protections.

3 (c) Before a school district may lawfully discharge an
4 unfunded mandate under subsection (a) of this Section, it must
5 hold a public hearing and referendum on the matter. The school
6 district must post information that sets forth the time, date,
7 place, and general subject matter of the public hearing on its
8 Internet website at least 14 days prior to the hearing. The
9 school district must publish a notice of the public hearing at
10 least 7 days prior to the hearing in a newspaper of general
11 circulation within the school district that sets forth the
12 time, date, place, and general subject matter of the hearing.
13 The school district must notify, in writing, the affected
14 exclusive collective bargaining agent and those State
15 legislators representing the affected territory of its intent
16 to discharge an unfunded mandate and of the hearing to be held
17 to take testimony from staff. The affected exclusive collective
18 bargaining agent must be notified of the public hearing at
19 least 7 days prior to the date of the hearing and must be
20 allowed to attend the hearing. The school district shall attest
21 to compliance with the requirements of this subsection (c).

22 After the public hearing, the question of whether a school
23 district may discharge an unfunded mandate must be submitted to
24 the electors of the school district at a regular election and
25 approved by a majority of the electors voting on the question.
26 The school board must certify the question to the proper

1 election authority. The election authority must submit the
2 question at an election in accordance with the Election Code,
3 which election must be at least 6 months after the public
4 hearing was held. The election authority must submit the
5 question in substantially the following form:

6 Shall the school board of (name of school district)
7 discharge the unfunded mandate or requirement placed on the
8 school district by the State concerning (description of the
9 mandate or requirement)?

10 The election authority must record the votes as "Yes" or "No".

11 If a majority of the electors voting on the question vote
12 in the affirmative, the school board may discharge the unfunded
13 mandate.

14 (d) A school board shall report each unfunded mandate it
15 has discharged under this Section to the State Board of
16 Education. The State Board shall compile and report this
17 information to the General Assembly each year.

18 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

19 Sec. 27-6. Courses in physical education required; special
20 activities.

21 (a) Pupils enrolled in the public schools and State
22 universities engaged in preparing teachers shall be required to
23 engage ~~daily~~ during the school day, except on block scheduled

1 days for those public schools engaged in block scheduling, in
2 courses of physical education for such periods as are
3 compatible with the optimum growth and developmental needs of
4 individuals at the various age levels except when appropriate
5 excuses are submitted to the school by a pupil's parent or
6 guardian or by a person licensed under the Medical Practice Act
7 of 1987 and except as provided in subsection (b) of this
8 Section. A school board may determine the schedule or frequency
9 of physical education courses, provided that a pupil engages in
10 a course of physical education for a minimum of 3 days per
11 week.

12 Special activities in physical education shall be provided
13 for pupils whose physical or emotional condition, as determined
14 by a person licensed under the Medical Practice Act of 1987,
15 prevents their participation in the courses provided for normal
16 children.

17 (b) A school board is authorized to excuse pupils enrolled
18 in grades 11 and 12 from engaging in physical education courses
19 if those pupils request to be excused for any of the following
20 reasons: (1) for ongoing participation in an interscholastic
21 athletic program; (2) to enroll in academic classes which are
22 required for admission to an institution of higher learning,
23 provided that failure to take such classes will result in the
24 pupil being denied admission to the institution of his or her
25 choice; or (3) to enroll in academic classes which are required
26 for graduation from high school, provided that failure to take

1 such classes will result in the pupil being unable to graduate.
2 A school board may also excuse pupils in grades 9 through 12
3 enrolled in a marching band program for credit from engaging in
4 physical education courses if those pupils request to be
5 excused for ongoing participation in such marching band
6 program. A school board may also, on a case-by-case basis,
7 excuse pupils in grades 9 through 12 who participate in an
8 interscholastic or extracurricular athletic program from
9 engaging in physical education courses. In addition, a pupil in
10 any of grades 3 through 12 who is eligible for special
11 education may be excused if the pupil's parent or guardian
12 agrees that the pupil must utilize the time set aside for
13 physical education to receive special education support and
14 services or, if there is no agreement, the individualized
15 education program team for the pupil determines that the pupil
16 must utilize the time set aside for physical education to
17 receive special education support and services, which
18 agreement or determination must be made a part of the
19 individualized education program. However, a pupil requiring
20 adapted physical education must receive that service in
21 accordance with the individualized education program developed
22 for the pupil. If requested, a school board is authorized to
23 excuse a pupil from engaging in a physical education course if
24 the pupil has an individualized educational program under
25 Article 14 of this Code, is participating in an adaptive
26 athletic program outside of the school setting, and documents

1 such participation as determined by the school board. A school
2 board may also excuse pupils in grades 9 through 12 enrolled in
3 a Reserve Officer's Training Corps (ROTC) program sponsored by
4 the school district from engaging in physical education
5 courses. School boards which choose to exercise this authority
6 shall establish a policy to excuse pupils on an individual
7 basis.

8 (c) The provisions of this Section are subject to the
9 provisions of Section 27-22.05.

10 (Source: P.A. 98-116, eff. 7-29-13.)

11 (105 ILCS 5/27-7) (from Ch. 122, par. 27-7)

12 Sec. 27-7. Physical education course of study. A physical
13 education course of study shall include a developmentally
14 planned and sequential curriculum that fosters the development
15 of movement skills, enhances health-related fitness, increases
16 students' knowledge, offers direct opportunities to learn how
17 to work cooperatively in a group setting, and encourages
18 healthy habits and attitudes for a healthy lifestyle. A
19 physical education course of study shall provide students with
20 an opportunity for an appropriate amount of ~~daily~~ physical
21 activity. A physical education course of study must be part of
22 the regular school curriculum and not extra-curricular in
23 nature or organization.

24 The State Board of Education shall prepare and make
25 available guidelines for the various grades and types of

1 schools in order to make effective the purposes set forth in
2 this section and the requirements provided in Section 27-6, and
3 shall see that the general provisions and intent of Sections
4 27-5 to 27-9, inclusive, are enforced.

5 (Source: P.A. 94-189, eff. 7-12-05; 94-200, eff. 7-12-05.)

6 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

7 Sec. 27-24.2. Safety education; driver education course.
8 Instruction shall be given in safety education in each of
9 grades one through 8, equivalent to one class period each week,
10 and any school district which maintains grades 9 through 12
11 shall offer a driver education course in any such school which
12 it operates. Its curriculum shall include content dealing with
13 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,
14 the rules adopted pursuant to those Chapters insofar as they
15 pertain to the operation of motor vehicles, and the portions of
16 the Litter Control Act relating to the operation of motor
17 vehicles. The course of instruction given in grades 10 through
18 12 shall include an emphasis on the development of knowledge,
19 attitudes, habits, and skills necessary for the safe operation
20 of motor vehicles, including motorcycles insofar as they can be
21 taught in the classroom, and instruction on distracted driving
22 as a major traffic safety issue. In addition, the course shall
23 include instruction on special hazards existing at and required
24 safety and driving precautions that must be observed at
25 emergency situations, highway construction and maintenance

1 zones, and railroad crossings and the approaches thereto.
2 Beginning with the 2017-2018 school year, the course shall also
3 include instruction concerning law enforcement procedures for
4 traffic stops, including a demonstration of the proper actions
5 to be taken during a traffic stop and appropriate interactions
6 with law enforcement. The course of instruction required of
7 each eligible student at the high school level shall consist of
8 a minimum of 30 clock hours of classroom instruction and a
9 minimum of 6 clock hours of individual behind-the-wheel
10 instruction in a dual control car on public roadways taught by
11 a driver education instructor endorsed by the State Board of
12 Education. Both the classroom instruction part and the practice
13 driving part of such driver education course shall be open to a
14 resident or non-resident student attending a non-public school
15 in the district wherein the course is offered. Each student
16 attending any public or non-public high school in the district
17 must receive a passing grade in at least 8 courses during the
18 previous 2 semesters prior to enrolling in a driver education
19 course, or the student shall not be permitted to enroll in the
20 course; provided that the local superintendent of schools (with
21 respect to a student attending a public high school in the
22 district) or chief school administrator (with respect to a
23 student attending a non-public high school in the district) may
24 waive the requirement if the superintendent or chief school
25 administrator, as the case may be, deems it to be in the best
26 interest of the student. A student may be allowed to commence

1 the classroom instruction part of such driver education course
2 prior to reaching age 15 if such student then will be eligible
3 to complete the entire course within 12 months after being
4 allowed to commence such classroom instruction.

5 A school district may offer a driver education course in a
6 school by contracting with a commercial driver training school
7 to provide both the classroom instruction part and the practice
8 driving part or either one without having to request a
9 modification or waiver of administrative rules of the State
10 Board of Education if a public hearing on whether to enter into
11 a contract with a commercial driver training school has been
12 held at a regular or special school board meeting prior to
13 entering into such a contract. If a school district chooses to
14 contract with a commercial driver training school, then the
15 district must provide evidence to the State Board of Education
16 that the commercial driver training school with which it will
17 contract holds a license issued by the Secretary of State under
18 Article IV of Chapter 6 of the Illinois Vehicle Code and that
19 each instructor employed by the commercial driver training
20 school to provide instruction to students served by the school
21 district holds a valid teaching license issued under the
22 requirements of this Code and rules of the State Board of
23 Education. Such evidence must include, but need not be limited
24 to, a list of each instructor assigned to teach students served
25 by the school district, which list shall include the
26 instructor's name, personal identification number as required

1 by the State Board of Education, birth date, and driver's
2 license number. Once the contract is entered into, the school
3 district shall notify the State Board of Education of any
4 changes in the personnel providing instruction within 15
5 calendar days after an instructor leaves the program or a new
6 instructor is hired. Such notification shall include the
7 instructor's name, personal identification number as required
8 by the State Board of Education, birth date, and driver's
9 license number. If the school district maintains an Internet
10 website, then the district shall post a copy of the final
11 contract between the district and the commercial driver
12 training school on the district's Internet website. If no
13 Internet website exists, then the school district shall make
14 available the contract upon request. A record of all materials
15 in relation to the contract must be maintained by the school
16 district and made available to parents and guardians upon
17 request. The instructor's date of birth and driver's license
18 number and any other personally identifying information as
19 deemed by the federal Driver's Privacy Protection Act of 1994
20 must be redacted from any public materials.

21 Such a course may be commenced immediately after the
22 completion of a prior course. Teachers of such courses shall
23 meet the licensure ~~certification~~ requirements of this Code Act
24 and regulations of the State Board as to qualifications.

25 Subject to rules of the State Board of Education, the
26 school district may charge a reasonable fee, not to exceed \$50,

1 to students who participate in the course, unless a student is
2 unable to pay for such a course, in which event the fee for
3 such a student must be waived. However, the district may
4 increase this fee to an amount not to exceed \$250 by school
5 board resolution following a public hearing on the increase,
6 which increased fee must be waived for students who participate
7 in the course and are unable to pay for the course. The total
8 amount from driver education fees and reimbursement from the
9 State for driver education must not exceed the total cost of
10 the driver education program in any year and must be deposited
11 into the school district's driver education fund as a separate
12 line item budget entry. All moneys deposited into the school
13 district's driver education fund must be used solely for the
14 funding of a high school driver education program approved by
15 the State Board of Education that uses driver education
16 instructors endorsed by the State Board of Education.

17 (Source: P.A. 99-642, eff. 7-28-16; 99-720, eff. 1-1-17.)

18 (105 ILCS 5/22-60 rep.)

19 Section 15. The School Code is amended by repealing Section
20 22-60.

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law, but this Act does not take effect at all unless
6 Senate Bills 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the
7 100th General Assembly become law.".