



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4130

Introduced 9/3/2021, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-53 new
35 ILCS 200/18-185
35 ILCS 200/18-233 rep.
105 ILCS 5/2-3.33

from Ch. 122, par. 2-3.33

If and only if Senate Bill 508 of the 102nd General Assembly becomes law, amends the Property Tax Code. Repeals provisions added by Senate Bill 508 of the 102nd General Assembly concerning levy adjustments for certificates of error, court orders, and final administrative decisions of the Property Tax Appeal Board. Provides that a taxing district may adopt a levy to recapture revenue lost due to refunds issued pursuant to a decision of the Property Tax Appeal Board, an assessment or exemption decision of the Department of Revenue, a court order, or an administrative decision of a local assessment official. Provides that those recapture levies are not included in the taxing district's aggregate extension base under the Property Tax Extension Limitation Law. Amends the School Code to make conforming changes. Effective immediately or on the date Senate Bill 508 of the 102nd General Assembly takes effect, whichever is later.

LRB102 19551 HLH 28319 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. If and only if Senate Bill 508 of the 102nd
5 General Assembly becomes law, then the Property Tax Code is
6 amended by changing Section 18-185 and by adding Section 18-53
7 as follows:

8 (35 ILCS 200/18-53 new)

9 Sec. 18-53. Recovery of revenue lost due to tax refunds.

10 (a) When a taxing district is required to refund a portion
11 of the property tax revenue distributed to that taxing
12 district because of a decision of the Property Tax Appeal
13 Board, an assessment or exemption decision of the Department
14 of Revenue, a court order issued pursuant to an assessment
15 valuation complaint under item (3) of subsection (b) of
16 Section 23-15, or an administrative decision of a local
17 assessment official reducing the assessed value of a property
18 within the district, that taxing district may, without
19 referendum, adopt a levy to recapture the revenue lost by the
20 refund or refunds.

21 (b) The recapture levy must not exceed an amount equal to
22 the aggregate refunds of principal taxes (excluding any
23 interest) paid by the district for the prior calendar year. At

1 the district's option, the total amount to be recaptured for
2 the prior calendar year may be levied and extended in up to 3
3 successive annual installments, but the total of all
4 installments shall not exceed the amount allowed under this
5 Section for a single levy. Each single levy or installment of a
6 recapture levy must be included as a separate line item in the
7 district's regular levy ordinance, and the ordinance must
8 specify for each item the year of recapture and whether the
9 item is the first, second, or third installment of the total
10 recapture for that year. The total amount of all recapture
11 line items in any one levy ordinance shall not exceed 5% of the
12 aggregate amount of all other items included in that ordinance
13 except for debt service. Within 45 days after a request by a
14 taxing district, the county treasurer must certify the
15 aggregate refunds paid by a taxing district for purposes of
16 this Section. For purposes of the Property Tax Extension
17 Limitation Law, the taxing district's aggregate extension base
18 does not include the recapture levy authorized under this
19 Section.

20 (c) Whenever the county treasurer certifies aggregate
21 refunds at the request of a taxing district under this
22 Section, the treasurer shall keep records of the individual
23 refunds included in the aggregate. That information shall be
24 provided to the county clerk. The county clerk shall keep a
25 record of that information and of any recapture levy that may
26 thereafter be extended, so that the amount of that extension

1 may be distinguished from any other levies and extensions for
2 that district. The county treasurer's and the county clerk's
3 records under this Section must be made available to the
4 public upon request.

5 (d) Any taxpayer who has received a refund of taxes paid on
6 his or her property that has been included in a recapture levy
7 or levies by one or more taxing districts under this Section
8 has the right to have a portion of the refund amount included
9 in the extension of each district's recapture levy against his
10 or her property abated to the extent that the refund amount
11 included in each district's recapture levy exceeds \$1,000. The
12 abatement may be granted only upon application as provided in
13 this Section, and submission of the application shall not
14 delay or otherwise affect the normal tax extension and billing
15 process. For purposes of this Section, the property for which
16 the recapture extension may be abated is defined as one or more
17 parcels that were the subject of a consolidated refund. If the
18 taxing district's recapture levy and extension was made in a
19 lesser amount than the aggregate of all refunds certified by
20 the treasurer for that district, each abatement shall reflect
21 that same proportionate reduction.

22 (e) A taxpayer seeking an abatement under this Section
23 shall apply to the county treasurer after the issuance of the
24 second installment of the tax bill that includes the amount
25 sought to be abated, but no later than the due date under
26 Section 23-10 for tax objection complaints regarding tax

1 levies of the year for which the recapture levy was extended.
2 The county treasurer may prescribe the form in which the
3 application shall be made. The application shall include a
4 copy of the decision or order giving rise to the refund and
5 must specify the abatement claimed. The treasurer, assisted if
6 necessary by the county clerk, shall confirm (i) whether the
7 refund identified in the application was included within the
8 appropriate treasurer's certification of aggregate refunds and
9 (ii) the percentage that the refund represents of the total
10 recapture levy, and, upon such confirmation, the abatement
11 must be allowed as provided in this Section. If the taxes
12 abated have been paid, the abatement amount must be refunded.
13 The treasurer shall determine whether to allow or deny the
14 application and shall advise the applicant of the
15 determination within 90 days after its submission, and a
16 failure to make an express determination within that time
17 shall be deemed a denial. If the treasurer cannot determine
18 whether the application should be allowed, or otherwise denies
19 the application, any taxpayer who has paid the tax subject to
20 the claimed abatement may petition the circuit court for a
21 refund in the time and manner provided in Section 20-175. Any
22 refund granted pursuant to an abatement may not be included in
23 a recapture levy under this Section.

24 (f) The county treasurer and county clerk shall mark their
25 records to reflect that any taxes abated under this Section
26 and any lien with respect to those taxes shall be null and

1 void.

2 (35 ILCS 200/18-185)

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

6 "Consumer Price Index" means the Consumer Price Index for
7 All Urban Consumers for all items published by the United
8 States Department of Labor.

9 "Extension limitation" means (a) the lesser of 5% or the
10 percentage increase in the Consumer Price Index during the
11 12-month calendar year preceding the levy year or (b) the rate
12 of increase approved by voters under Section 18-205.

13 "Affected county" means a county of 3,000,000 or more
14 inhabitants or a county contiguous to a county of 3,000,000 or
15 more inhabitants.

16 "Taxing district" has the same meaning provided in Section
17 1-150, except as otherwise provided in this Section. For the
18 1991 through 1994 levy years only, "taxing district" includes
19 only each non-home rule taxing district having the majority of
20 its 1990 equalized assessed value within any county or
21 counties contiguous to a county with 3,000,000 or more
22 inhabitants. Beginning with the 1995 levy year, "taxing
23 district" includes only each non-home rule taxing district
24 subject to this Law before the 1995 levy year and each non-home
25 rule taxing district not subject to this Law before the 1995

1 levy year having the majority of its 1994 equalized assessed
2 value in an affected county or counties. Beginning with the
3 levy year in which this Law becomes applicable to a taxing
4 district as provided in Section 18-213, "taxing district" also
5 includes those taxing districts made subject to this Law as
6 provided in Section 18-213.

7 "Aggregate extension" for taxing districts to which this
8 Law applied before the 1995 levy year means the annual
9 corporate extension for the taxing district and those special
10 purpose extensions that are made annually for the taxing
11 district, excluding special purpose extensions: (a) made for
12 the taxing district to pay interest or principal on general
13 obligation bonds that were approved by referendum; (b) made
14 for any taxing district to pay interest or principal on
15 general obligation bonds issued before October 1, 1991; (c)
16 made for any taxing district to pay interest or principal on
17 bonds issued to refund or continue to refund those bonds
18 issued before October 1, 1991; (d) made for any taxing
19 district to pay interest or principal on bonds issued to
20 refund or continue to refund bonds issued after October 1,
21 1991 that were approved by referendum; (e) made for any taxing
22 district to pay interest or principal on revenue bonds issued
23 before October 1, 1991 for payment of which a property tax levy
24 or the full faith and credit of the unit of local government is
25 pledged; however, a tax for the payment of interest or
26 principal on those bonds shall be made only after the

1 governing body of the unit of local government finds that all
2 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 October 1, 1991, to pay for the
6 building project; (g) made for payments due under installment
7 contracts entered into before October 1, 1991; (h) made for
8 payments of principal and interest on bonds issued under the
9 Metropolitan Water Reclamation District Act to finance
10 construction projects initiated before October 1, 1991; (i)
11 made for payments of principal and interest on limited bonds,
12 as defined in Section 3 of the Local Government Debt Reform
13 Act, in an amount not to exceed the debt service extension base
14 less the amount in items (b), (c), (e), and (h) of this
15 definition for non-referendum obligations, except obligations
16 initially issued pursuant to referendum; (j) made for payments
17 of principal and interest on bonds issued under Section 15 of
18 the Local Government Debt Reform Act; (k) made by a school
19 district that participates in the Special Education District
20 of Lake County, created by special education joint agreement
21 under Section 10-22.31 of the School Code, for payment of the
22 school district's share of the amounts required to be
23 contributed by the Special Education District of Lake County
24 to the Illinois Municipal Retirement Fund under Article 7 of
25 the Illinois Pension Code; the amount of any extension under
26 this item (k) shall be certified by the school district to the

1 county clerk; (l) made to fund expenses of providing joint
2 recreational programs for persons with disabilities under
3 Section 5-8 of the Park District Code or Section 11-95-14 of
4 the Illinois Municipal Code; (m) made for temporary relocation
5 loan repayment purposes pursuant to Sections 2-3.77 and
6 17-2.2d of the School Code; (n) made for payment of principal
7 and interest on any bonds issued under the authority of
8 Section 17-2.2d of the School Code; (o) made for contributions
9 to a firefighter's pension fund created under Article 4 of the
10 Illinois Pension Code, to the extent of the amount certified
11 under item (5) of Section 4-134 of the Illinois Pension Code;
12 ~~and~~ (p) made for road purposes in the first year after a
13 township assumes the rights, powers, duties, assets, property,
14 liabilities, obligations, and responsibilities of a road
15 district abolished under the provisions of Section 6-133 of
16 the Illinois Highway Code; and (q) made as a recapture levy
17 under Section 18-53 of the Property Tax Code.

18 "Aggregate extension" for the taxing districts to which
19 this Law did not apply before the 1995 levy year (except taxing
20 districts subject to this Law in accordance with Section
21 18-213) means the annual corporate extension for the taxing
22 district and those special purpose extensions that are made
23 annually for the taxing district, excluding special purpose
24 extensions: (a) made for the taxing district to pay interest
25 or principal on general obligation bonds that were approved by
26 referendum; (b) made for any taxing district to pay interest

1 or principal on general obligation bonds issued before March
2 1, 1995; (c) made for any taxing district to pay interest or
3 principal on bonds issued to refund or continue to refund
4 those bonds issued before March 1, 1995; (d) made for any
5 taxing district to pay interest or principal on bonds issued
6 to refund or continue to refund bonds issued after March 1,
7 1995 that were approved by referendum; (e) made for any taxing
8 district to pay interest or principal on revenue bonds issued
9 before March 1, 1995 for payment of which a property tax levy
10 or the full faith and credit of the unit of local government is
11 pledged; however, a tax for the payment of interest or
12 principal on those bonds shall be made only after the
13 governing body of the unit of local government finds that all
14 other sources for payment are insufficient to make those
15 payments; (f) made for payments under a building commission
16 lease when the lease payments are for the retirement of bonds
17 issued by the commission before March 1, 1995 to pay for the
18 building project; (g) made for payments due under installment
19 contracts entered into before March 1, 1995; (h) made for
20 payments of principal and interest on bonds issued under the
21 Metropolitan Water Reclamation District Act to finance
22 construction projects initiated before October 1, 1991; (h-4)
23 made for stormwater management purposes by the Metropolitan
24 Water Reclamation District of Greater Chicago under Section 12
25 of the Metropolitan Water Reclamation District Act; (i) made
26 for payments of principal and interest on limited bonds, as

1 defined in Section 3 of the Local Government Debt Reform Act,
2 in an amount not to exceed the debt service extension base less
3 the amount in items (b), (c), and (e) of this definition for
4 non-referendum obligations, except obligations initially
5 issued pursuant to referendum and bonds described in
6 subsection (h) of this definition; (j) made for payments of
7 principal and interest on bonds issued under Section 15 of the
8 Local Government Debt Reform Act; (k) made for payments of
9 principal and interest on bonds authorized by Public Act
10 88-503 and issued under Section 20a of the Chicago Park
11 District Act for aquarium or museum projects; (l) made for
12 payments of principal and interest on bonds authorized by
13 Public Act 87-1191 or 93-601 and (i) issued pursuant to
14 Section 21.2 of the Cook County Forest Preserve District Act,
15 (ii) issued under Section 42 of the Cook County Forest
16 Preserve District Act for zoological park projects, or (iii)
17 issued under Section 44.1 of the Cook County Forest Preserve
18 District Act for botanical gardens projects; (m) made pursuant
19 to Section 34-53.5 of the School Code, whether levied annually
20 or not; (n) made to fund expenses of providing joint
21 recreational programs for persons with disabilities under
22 Section 5-8 of the Park District Code or Section 11-95-14 of
23 the Illinois Municipal Code; (o) made by the Chicago Park
24 District for recreational programs for persons with
25 disabilities under subsection (c) of Section 7.06 of the
26 Chicago Park District Act; (p) made for contributions to a

1 firefighter's pension fund created under Article 4 of the
2 Illinois Pension Code, to the extent of the amount certified
3 under item (5) of Section 4-134 of the Illinois Pension Code;
4 (q) made by Ford Heights School District 169 under Section
5 17-9.02 of the School Code; ~~and~~ (r) made for the purpose of
6 making employer contributions to the Public School Teachers'
7 Pension and Retirement Fund of Chicago under Section 34-53 of
8 the School Code; and (s) made as a recapture levy under Section
9 18-53 of the Property Tax Code.

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

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

1 referendum; (i) made for payments of principal and interest on
2 bonds issued under Section 15 of the Local Government Debt
3 Reform Act; (j) made for a qualified airport authority to pay
4 interest or principal on general obligation bonds issued for
5 the purpose of paying obligations due under, or financing
6 airport facilities required to be acquired, constructed,
7 installed or equipped pursuant to, contracts entered into
8 before March 1, 1996 (but not including any amendments to such
9 a contract taking effect on or after that date); (k) made to
10 fund expenses of providing joint recreational programs for
11 persons with disabilities under Section 5-8 of the Park
12 District Code or Section 11-95-14 of the Illinois Municipal
13 Code; (l) made for contributions to a firefighter's pension
14 fund created under Article 4 of the Illinois Pension Code, to
15 the extent of the amount certified under item (5) of Section
16 4-134 of the Illinois Pension Code; ~~and~~ (m) made for the taxing
17 district to pay interest or principal on general obligation
18 bonds issued pursuant to Section 19-3.10 of the School Code;
19 and (n) made as a recapture levy under Section 18-53 of the
20 Property Tax Code.

21 "Aggregate extension" for all taxing districts to which
22 this Law applies in accordance with paragraph (2) of
23 subsection (e) of Section 18-213 means the annual corporate
24 extension for the taxing district and those special purpose
25 extensions that are made annually for the taxing district,
26 excluding special purpose extensions: (a) made for the taxing

1 district to pay interest or principal on general obligation
2 bonds that were approved by referendum; (b) made for any
3 taxing district to pay interest or principal on general
4 obligation bonds issued before March 7, 1997 (the effective
5 date of Public Act 89-718); (c) made for any taxing district to
6 pay interest or principal on bonds issued to refund or
7 continue to refund those bonds issued before March 7, 1997
8 (the effective date of Public Act 89-718); (d) made for any
9 taxing district to pay interest or principal on bonds issued
10 to refund or continue to refund bonds issued after March 7,
11 1997 (the effective date of Public Act 89-718) if the bonds
12 were approved by referendum after March 7, 1997 (the effective
13 date of Public Act 89-718); (e) made for any taxing district to
14 pay interest or principal on revenue bonds issued before March
15 7, 1997 (the effective date of Public Act 89-718) for payment
16 of which a property tax levy or the full faith and credit of
17 the unit of local government is pledged; however, a tax for the
18 payment of interest or principal on those bonds shall be made
19 only after the governing body of the unit of local government
20 finds that all other sources for payment are insufficient to
21 make those payments; (f) made for payments under a building
22 commission lease when the lease payments are for the
23 retirement of bonds issued by the commission before March 7,
24 1997 (the effective date of Public Act 89-718) to pay for the
25 building project; (g) made for payments due under installment
26 contracts entered into before March 7, 1997 (the effective

1 date of Public Act 89-718); (h) made for payments of principal
2 and interest on limited bonds, as defined in Section 3 of the
3 Local Government Debt Reform Act, in an amount not to exceed
4 the debt service extension base less the amount in items (b),
5 (c), and (e) of this definition for non-referendum
6 obligations, except obligations initially issued pursuant to
7 referendum; (i) made for payments of principal and interest on
8 bonds issued under Section 15 of the Local Government Debt
9 Reform Act; (j) made for a qualified airport authority to pay
10 interest or principal on general obligation bonds issued for
11 the purpose of paying obligations due under, or financing
12 airport facilities required to be acquired, constructed,
13 installed or equipped pursuant to, contracts entered into
14 before March 1, 1996 (but not including any amendments to such
15 a contract taking effect on or after that date); (k) made to
16 fund expenses of providing joint recreational programs for
17 persons with disabilities under Section 5-8 of the Park
18 District Code or Section 11-95-14 of the Illinois Municipal
19 Code; ~~and~~ (l) made for contributions to a firefighter's
20 pension fund created under Article 4 of the Illinois Pension
21 Code, to the extent of the amount certified under item (5) of
22 Section 4-134 of the Illinois Pension Code; and (m) made as a
23 recapture levy under Section 18-53 of the Property Tax Code.

24 "Debt service extension base" means an amount equal to
25 that portion of the extension for a taxing district for the
26 1994 levy year, or for those taxing districts subject to this

1 Law in accordance with Section 18-213, except for those
2 subject to paragraph (2) of subsection (e) of Section 18-213,
3 for the levy year in which the referendum making this Law
4 applicable to the taxing district is held, or for those taxing
5 districts subject to this Law in accordance with paragraph (2)
6 of subsection (e) of Section 18-213 for the 1996 levy year,
7 constituting an extension for payment of principal and
8 interest on bonds issued by the taxing district without
9 referendum, but not including excluded non-referendum bonds.
10 For park districts (i) that were first subject to this Law in
11 1991 or 1995 and (ii) whose extension for the 1994 levy year
12 for the payment of principal and interest on bonds issued by
13 the park district without referendum (but not including
14 excluded non-referendum bonds) was less than 51% of the amount
15 for the 1991 levy year constituting an extension for payment
16 of principal and interest on bonds issued by the park district
17 without referendum (but not including excluded non-referendum
18 bonds), "debt service extension base" means an amount equal to
19 that portion of the extension for the 1991 levy year
20 constituting an extension for payment of principal and
21 interest on bonds issued by the park district without
22 referendum (but not including excluded non-referendum bonds).
23 A debt service extension base established or increased at any
24 time pursuant to any provision of this Law, except Section
25 18-212, shall be increased each year commencing with the later
26 of (i) the 2009 levy year or (ii) the first levy year in which

1 this Law becomes applicable to the taxing district, by the
2 lesser of 5% or the percentage increase in the Consumer Price
3 Index during the 12-month calendar year preceding the levy
4 year. The debt service extension base may be established or
5 increased as provided under Section 18-212. "Excluded
6 non-referendum bonds" means (i) bonds authorized by Public Act
7 88-503 and issued under Section 20a of the Chicago Park
8 District Act for aquarium and museum projects; (ii) bonds
9 issued under Section 15 of the Local Government Debt Reform
10 Act; or (iii) refunding obligations issued to refund or to
11 continue to refund obligations initially issued pursuant to
12 referendum.

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

21 "Aggregate extension base" means the taxing district's
22 last preceding aggregate extension as adjusted under Sections
23 18-135, 18-215, 18-230, and 18-206, ~~and 18-233~~. An adjustment
24 under Section 18-135 shall be made for the 2007 levy year and
25 all subsequent levy years whenever one or more counties within
26 which a taxing district is located (i) used estimated

1 valuations or rates when extending taxes in the taxing
2 district for the last preceding levy year that resulted in the
3 over or under extension of taxes, or (ii) increased or
4 decreased the tax extension for the last preceding levy year
5 as required by Section 18-135(c). Whenever an adjustment is
6 required under Section 18-135, the aggregate extension base of
7 the taxing district shall be equal to the amount that the
8 aggregate extension of the taxing district would have been for
9 the last preceding levy year if either or both (i) actual,
10 rather than estimated, valuations or rates had been used to
11 calculate the extension of taxes for the last levy year, or
12 (ii) the tax extension for the last preceding levy year had not
13 been adjusted as required by subsection (c) of Section 18-135.

14 Notwithstanding any other provision of law, for levy year
15 2012, the aggregate extension base for West Northfield School
16 District No. 31 in Cook County shall be \$12,654,592.

17 Notwithstanding any other provision of law, for levy year
18 2022, the aggregate extension base of a home equity assurance
19 program that levied at least \$1,000,000 in property taxes in
20 levy year 2019 or 2020 under the Home Equity Assurance Act
21 shall be the amount that the program's aggregate extension
22 base for levy year 2021 would have been if the program had
23 levied a property tax for levy year 2021.

24 "Levy year" has the same meaning as "year" under Section
25 1-155.

26 "New property" means (i) the assessed value, after final

1 board of review or board of appeals action, of new
2 improvements or additions to existing improvements on any
3 parcel of real property that increase the assessed value of
4 that real property during the levy year multiplied by the
5 equalization factor issued by the Department under Section
6 17-30, (ii) the assessed value, after final board of review or
7 board of appeals action, of real property not exempt from real
8 estate taxation, which real property was exempt from real
9 estate taxation for any portion of the immediately preceding
10 levy year, multiplied by the equalization factor issued by the
11 Department under Section 17-30, including the assessed value,
12 upon final stabilization of occupancy after new construction
13 is complete, of any real property located within the
14 boundaries of an otherwise or previously exempt military
15 reservation that is intended for residential use and owned by
16 or leased to a private corporation or other entity, (iii) in
17 counties that classify in accordance with Section 4 of Article
18 IX of the Illinois Constitution, an incentive property's
19 additional assessed value resulting from a scheduled increase
20 in the level of assessment as applied to the first year final
21 board of review market value, and (iv) any increase in
22 assessed value due to oil or gas production from an oil or gas
23 well required to be permitted under the Hydraulic Fracturing
24 Regulatory Act that was not produced in or accounted for
25 during the previous levy year. In addition, the county clerk
26 in a county containing a population of 3,000,000 or more shall

1 include in the 1997 recovered tax increment value for any
2 school district, any recovered tax increment value that was
3 applicable to the 1995 tax year calculations.

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

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

1 increased if a municipality terminated the designation of an
2 area in 1993 as a redevelopment project area previously
3 established under the Tax Increment Allocation Redevelopment
4 Act in the Illinois Municipal Code, previously established
5 under the Industrial Jobs Recovery Law in the Illinois
6 Municipal Code, or previously established under the Economic
7 Development Area Tax Increment Allocation Act, by an amount
8 equal to the 1994 equalized assessed value of each taxable
9 lot, block, tract, or parcel of real property in the
10 redevelopment project area over and above the initial
11 equalized assessed value of each property in the redevelopment
12 project area. In the first year after a municipality removes a
13 taxable lot, block, tract, or parcel of real property from a
14 redevelopment project area established under the Tax Increment
15 Allocation Redevelopment Act in the Illinois Municipal Code,
16 the Industrial Jobs Recovery Law in the Illinois Municipal
17 Code, or the Economic Development Area Tax Increment
18 Allocation Act, "recovered tax increment value" means the
19 amount of the current year's equalized assessed value of each
20 taxable lot, block, tract, or parcel of real property removed
21 from the redevelopment project area over and above the initial
22 equalized assessed value of that real property before removal
23 from the redevelopment project area.

24 Except as otherwise provided in this Section, "limiting
25 rate" means a fraction the numerator of which is the last
26 preceding aggregate extension base times an amount equal to

1 one plus the extension limitation defined in this Section and
2 the denominator of which is the current year's equalized
3 assessed value of all real property in the territory under the
4 jurisdiction of the taxing district during the prior levy
5 year. For those taxing districts that reduced their aggregate
6 extension for the last preceding levy year, except for school
7 districts that reduced their extension for educational
8 purposes pursuant to Section 18-206, the highest aggregate
9 extension in any of the last 3 preceding levy years shall be
10 used for the purpose of computing the limiting rate. The
11 denominator shall not include new property or the recovered
12 tax increment value. If a new rate, a rate decrease, or a
13 limiting rate increase has been approved at an election held
14 after March 21, 2006, then (i) the otherwise applicable
15 limiting rate shall be increased by the amount of the new rate
16 or shall be reduced by the amount of the rate decrease, as the
17 case may be, or (ii) in the case of a limiting rate increase,
18 the limiting rate shall be equal to the rate set forth in the
19 proposition approved by the voters for each of the years
20 specified in the proposition, after which the limiting rate of
21 the taxing district shall be calculated as otherwise provided.
22 In the case of a taxing district that obtained referendum
23 approval for an increased limiting rate on March 20, 2012, the
24 limiting rate for tax year 2012 shall be the rate that
25 generates the approximate total amount of taxes extendable for
26 that tax year, as set forth in the proposition approved by the

1 voters; this rate shall be the final rate applied by the county
2 clerk for the aggregate of all capped funds of the district for
3 tax year 2012.

4 (Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17;
5 100-465, eff. 8-31-17; 10200SB0508enr.)

6 (35 ILCS 200/18-233 rep.)

7 Section 10. If and only if Senate Bill 508 of the 102nd
8 General Assembly becomes law, then the Property Tax Code is
9 amended by repealing Section 18-233.

10 Section 15. The School Code is amended by changing Section
11 2-3.33 as follows:

12 (105 ILCS 5/2-3.33) (from Ch. 122, par. 2-3.33)

13 Sec. 2-3.33. Recomputation of claims. To recompute within
14 3 years from the final date for filing of a claim any claim for
15 general State aid reimbursement to any school district and one
16 year from the final date for filing of a claim for
17 evidence-based funding if the claim has been found to be
18 incorrect and to adjust subsequent claims accordingly, and to
19 recompute and adjust any such claims within 6 years from the
20 final date for filing when there has been an adverse court or
21 administrative agency decision on the merits affecting the tax
22 revenues of the school district, but excluding revenue
23 recovered under Section 18-53 of the Property Tax Code.

1 However, no such adjustment shall be made regarding equalized
2 assessed valuation unless the district's equalized assessed
3 valuation is changed by greater than \$250,000 or 2%. Any
4 adjustments for claims recomputed for the 2016-2017 school
5 year and prior school years shall be applied to the
6 apportionment of evidence-based funding in Section 18-8.15 of
7 this Code beginning in the 2017-2018 school year and
8 thereafter. However, the recomputation of a claim for
9 evidence-based funding for a school district shall not require
10 the recomputation of claims for all districts, and the State
11 Board of Education shall only make recomputations of
12 evidence-based funding for those districts where an adjustment
13 is required.

14 Except in the case of an adverse court or administrative
15 agency decision, no recomputation of a State aid claim shall
16 be made pursuant to this Section as a result of a reduction in
17 the assessed valuation of a school district from the assessed
18 valuation of the district reported to the State Board of
19 Education by the Department of Revenue under Section 18-8.05
20 or 18-8.15 of this Code unless the requirements of Section
21 16-15 of the Property Tax Code and Section 2-3.84 of this Code
22 are complied with in all respects.

23 This paragraph applies to all requests for recomputation
24 of a general State aid or evidence-based funding claim
25 received after June 30, 2003. In recomputing a general State
26 aid or evidence-based funding claim that was originally

1 calculated using an extension limitation equalized assessed
2 valuation under paragraph (3) of subsection (G) of Section
3 18-8.05 of this Code or Section 18-8.15 of this Code, a
4 qualifying reduction in equalized assessed valuation shall be
5 deducted from the extension limitation equalized assessed
6 valuation that was used in calculating the original claim.

7 From the total amount of general State aid or
8 evidence-based funding to be provided to districts,
9 adjustments as a result of recomputation under this Section
10 together with adjustments under Section 2-3.84 must not exceed
11 \$25 million, in the aggregate for all districts under both
12 Sections combined, of the general State aid or evidence-based
13 funding appropriation in any fiscal year; if necessary,
14 amounts shall be prorated among districts. If it is necessary
15 to prorate claims under this paragraph, then that portion of
16 each prorated claim that is approved but not paid in the
17 current fiscal year may be resubmitted as a valid claim in the
18 following fiscal year.

19 (Source: P.A. 100-465, eff. 8-31-17.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law or on the date Senate Bill 508 of the 102nd
22 General Assembly takes effect, whichever is later.