



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4159

Introduced 2/9/2022, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

30 ILCS 805/6	from Ch. 85, par. 2206
30 ILCS 805/8	from Ch. 85, par. 2208
30 ILCS 805/9.2 new	
35 ILCS 5/901	
35 ILCS 200/18-185	
35 ILCS 200/18-205	
35 ILCS 200/18-207 new	
35 ILCS 200/18-212	

Amends the State Mandates Act. Provides that any State mandate regarding any subject matter enacted on or after the effective date of the amendatory Act that necessitates additional expenditures from local government revenues shall be void and unenforceable unless the General Assembly makes necessary appropriations and reimbursements to implement that mandate. Provides that the failure of the General Assembly to make necessary appropriations and reimbursements shall relieve the local government of the obligation to implement any State mandate. Makes conforming changes. Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that a taxing district shall reduce its aggregate extension base for the purpose of lowering its limiting rate for future years upon referendum approval initiated by the submission of a petition by the voters of the district. Provides that the extension limitation shall be: (a) the lesser of 5% or the average percentage increase in the Consumer Price Index for the immediately preceding 10 years; or (b) the rate of increase approved by the voters. Amends the Illinois Income Tax Act. Increases distributions into the Local Government Distributive Fund on and after August 1, 2022. Effective immediately.

LRB102 26259 HLH 36138 b

1 AN ACT concerning revenue.

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

4 Section 5. The State Mandates Act is amended by changing
5 Sections 6 and 8 and by adding Section 9.2 as follows:

6 (30 ILCS 805/6) (from Ch. 85, par. 2206)

7 Sec. 6. State Reimbursement to Local Government For
8 Increased Costs Arising From Certain Mandates. (a) Any
9 increased costs accruing to local governments as a direct
10 result of mandates dealing with the organization and structure
11 of local government or due process mandates, as defined in
12 subsections (c) and (d), respectively, of Section 3 above, are
13 not reimbursable by the State.

14 (b) At least 50%, but not more than 100% of the increase in
15 costs of a local government directly attributable to a service
16 mandate as defined in subsection (f) of Section 3 enacted by
17 the General Assembly or established administratively after the
18 effective date of this Act shall be reimbursed by the State
19 unless there is in existence at the time of such enactment a
20 program of State aid for the service affected by the mandate
21 whereunder the non-local share for any participating local
22 government is 50% or greater and where the increased costs
23 arising under the mandate constitute allowable expenditures

1 under the aid program. Where all or part of the increased costs
2 are met through federal or other external aid, only the net
3 increase to the local government shall be included in the base
4 against which the amount of State reimbursement is to be
5 computed.

6 (c) 100% of the loss in revenue of a local government
7 directly attributable to a mandated classification or
8 exemption of property for purposes of ad valorem real property
9 taxation enacted after the effective date of this Act shall be
10 reimbursed by the State. The loss of revenue does not include
11 potential revenue from property of a type which was not being
12 assessed and taxed on January 1, 1980.

13 (d) Except for a State mandate that affects personnel
14 qualifications for local employees, the salaries and wages of
15 which are financed under a State program, and except as
16 provided in subsection (e) below, any personnel mandate as
17 defined in subsection (h) of Section 3 above enacted by the
18 General Assembly or established administratively after the
19 effective date of this Act shall be reimbursed by the State to
20 the extent of increased costs incurred by local governments
21 directly attributable to such mandate.

22 (e) All of the increased costs of a local government
23 directly attributable to a mandated increase in public
24 employee retirement benefits which is enacted after the
25 effective date of this Act and which has the effect of
26 elevating retirement benefits of local government employees

1 shall be reimbursed by the State; except that any increased
2 costs of a local government attributable to Public Act 83-152,
3 83-374, 83-375, 83-528, 83-558, 83-661, 83-664, 83-737,
4 83-772, 83-773, 83-780, 83-792, 83-793, 83-802, 83-810,
5 83-812, 83-823, 83-827 or 83-869 are not reimbursable by the
6 State.

7 (f) After the effective date of this Act, any bill filed
8 and any amended bill that creates or enlarges a State mandate
9 of the type specified in subsections (f), (g) and (h) of
10 Section 3, shall have provided and identified for it an
11 appropriation of an amount necessary to provide the
12 reimbursement specified above unless a statement, stating the
13 specific reasons for such exclusion is set out in the bill or
14 amendment as provided in subsection (a) of Section 8.

15 (g) If a local government or combination of local
16 governments has been providing a service at its option which
17 is subsequently mandated by the State, the State shall pay
18 them for the subsequent costs of such program and the local
19 government or governments shall proportionately reduce its or
20 their property tax extensions by the amount that the State
21 payment replaces property tax revenues which were being
22 expended on such service. However, for purposes of calculating
23 a school district's State aid, no district's operating tax
24 rate shall be decreased as a result of reimbursement under
25 this Act.

26 (h) Any increased costs accruing to a local government as

1 a direct result of the requirements of the Steel Products
2 Procurement Act are not reimbursable by the State.

3 (i) The provisions of subsections (a) through (h) shall
4 apply to State mandates enacted prior to the effective date of
5 this amendatory Act of the 102nd General Assembly. On and
6 after the effective date of this amendatory Act of the 102nd
7 General Assembly, any State mandate enacted regarding any
8 subject matter that necessitates additional expenditures from
9 local government revenues shall be appropriated for and
10 reimbursed as provided under Section 9.2.

11 (Source: P.A. 83-1362.)

12 (30 ILCS 805/8) (from Ch. 85, par. 2208)

13 Sec. 8. Exclusions, reimbursement application, review,
14 appeals, and adjudication.

15 (a) Exclusions: Any of the following circumstances
16 inherent to, or associated with, a mandate shall exclude the
17 State from reimbursement liability under this Act. If the
18 mandate (1) accommodates a request from local governments or
19 organizations thereof; (2) imposes additional duties of a
20 nature which can be carried out by existing staff and
21 procedures at no appreciable net cost increase; (3) creates
22 additional costs but also provides offsetting savings
23 resulting in no aggregate increase in net costs; (4) imposes a
24 cost that is wholly or largely recovered from Federal, State
25 or other external financial aid; (5) imposes additional annual

1 net costs of less than \$1,000 for each of the several local
2 governments affected or less than \$50,000, in the aggregate,
3 for all local governments affected.

4 The failure of the General Assembly to make necessary
5 appropriations shall relieve the local government of the
6 obligation to implement any service mandates, tax exemption
7 mandates, and personnel mandates, as specified in Section 6,
8 subsections (b), (c), (d) and (e), unless the exclusion
9 provided for in this Section are explicitly stated in the Act
10 establishing the mandate. In the event that funding is not
11 provided for a State-mandated program by the General Assembly,
12 the local government may implement or continue the program
13 upon approval of its governing body. If the local government
14 approves the program and funding is subsequently provided, the
15 State shall reimburse the local governments only for costs
16 incurred subsequent to the funding.

17 (a-5) The provisions of subsection (a) excluding the State
18 from reimbursement liability under this Act shall not apply to
19 any State mandate enacted on or after the effective date of
20 this amendatory Act of the 102nd General Assembly, and all
21 subsequent State mandates enacted shall be appropriated for
22 and reimbursed as provided under Section 9.2.

23 (b) Reimbursement Estimation and Appropriation Procedure.

24 (1) When a bill is introduced in the General Assembly,
25 the Legislative Reference Bureau, hereafter referred to as
26 the Bureau, shall determine whether such bill may require

1 reimbursement to local governments pursuant to this Act.
2 The Bureau shall make such determination known in the
3 Legislative Synopsis and Digest.

4 In making the determination required by this
5 subsection (b) the Bureau shall disregard any provision in
6 a bill which would make inoperative the reimbursement
7 requirements of Section 6 above, including an express
8 exclusion of the applicability of this Act, and shall make
9 the determination irrespective of any such provision.

10 (2) Any bill or amended bill which creates or expands
11 a State mandate shall be subject to the provisions of "An
12 Act requiring fiscal notes in relation to certain bills",
13 approved June 4, 1965, as amended. The fiscal notes for
14 such bills or amended bills shall include estimates of the
15 costs to local government and the costs of any
16 reimbursement required under this Act. In the case of
17 bills having a potential fiscal impact on units of local
18 government, the fiscal note shall be prepared by the
19 Department. In the case of bills having a potential fiscal
20 impact on school districts, the fiscal note shall be
21 prepared by the State Superintendent of Education. In the
22 case of bills having a potential fiscal impact on
23 community college districts, the fiscal note shall be
24 prepared by the Illinois Community College Board. Such
25 fiscal note shall accompany the bill that requires State
26 reimbursement and shall be prepared prior to any final

1 action on such a bill by the assigned committee. However,
2 if a fiscal note is not filed by the appropriate agency
3 within 30 days of introduction of a bill, the bill can be
4 heard in committee and advanced to the order of second
5 reading. The bill shall then remain on second reading
6 until a fiscal note is filed. A bill discharged from
7 committee shall also remain on second reading until a
8 fiscal note is provided by the appropriate agency.

9 (3) The estimate required by paragraph (2) above,
10 shall include the amount estimated to be required during
11 the first fiscal year of a bill's operation in order to
12 reimburse local governments pursuant to Section 6, for
13 costs mandated by such bill. In the event that the
14 effective date of such a bill is not the first day of the
15 fiscal year the estimate shall also include the amount
16 estimated to be required for reimbursement for the next
17 following full fiscal year.

18 (4) For the initial fiscal year, reimbursement funds
19 shall be provided as follows: (i) any statute mandating
20 such costs shall have a companion appropriation bill, and
21 (ii) any executive order mandating such costs shall be
22 accompanied by a bill to appropriate the funds therefor,
23 or, alternatively an appropriation for such funds shall be
24 included in the executive budget for the next following
25 fiscal year.

26 In subsequent fiscal years appropriations for such

1 costs shall be included in the Governor's budget or
2 supplemental appropriation bills.

3 (c) Reimbursement Application and Disbursement Procedure.

4 (1) For the initial fiscal year during which
5 reimbursement is authorized, each local government, or
6 more than one local government wishing to join in filing a
7 single claim, believing itself to be entitled to
8 reimbursement under this Act shall submit to the
9 Department, State Superintendent of Education or Illinois
10 Community College Board within 60 days of the effective
11 date of the mandate a claim for reimbursement accompanied
12 by its estimate of the increased costs required by the
13 mandate for the balance of the fiscal year. The
14 Department, State Superintendent of Education or Illinois
15 Community College Board shall review such claim and
16 estimate, shall apportion the claim into 3 equal
17 installments and shall direct the Comptroller to pay the
18 installments at equal intervals throughout the remainder
19 of the fiscal year from the funds appropriated for such
20 purposes, provided that the Department, State
21 Superintendent of Education or Illinois Community College
22 Board may (i) audit the records of any local government to
23 verify the actual amount of the mandated cost, and (ii)
24 reduce any claim determined to be excessive or
25 unreasonable.

26 (2) For the subsequent fiscal years, local governments

1 shall submit claims as specified above on or before
2 October 1 of each year. The Department, State
3 Superintendent of Education or Illinois Community College
4 Board shall apportion the claims into 3 equal installments
5 and shall direct the Comptroller to pay the first
6 installment upon approval of the claims, with subsequent
7 installments to follow on January 1 and March 1, such
8 claims to be paid from funds appropriated therefor,
9 provided that the Department, State Superintendent of
10 Education or Illinois Community College Board (i) may
11 audit the records of any local governments to verify the
12 actual amount of the mandated cost, (ii) may reduce any
13 claim, determined to be excessive or unreasonable, and
14 (iii) shall adjust the payment to correct for any
15 underpayments or overpayments which occurred in the
16 previous fiscal year.

17 (3) Any funds received by a local government pursuant
18 to this Act may be used for any public purpose.

19 If the funds appropriated for reimbursement of the
20 costs of local government resulting from the creation or
21 expansion of a State mandate are less than the total of the
22 approved claims, the amount appropriated shall be prorated
23 among the local governments having approved claims.

24 (d) Appeals and Adjudication.

25 (1) Local governments may appeal determinations made
26 by State agencies acting pursuant to subsection (c) above.

1 The appeal must be submitted to the State Mandates Board
2 of Review created by Section 9.1 of this Act within 60 days
3 following the date of receipt of the determination being
4 appealed. The appeal must include evidence as to the
5 extent to which the mandate has been carried out in an
6 effective manner and executed without recourse to
7 standards of staffing or expenditure higher than specified
8 in the mandatory statute, if such standards are specified
9 in the statute. The State Mandates Board of Review, after
10 reviewing the evidence submitted to it, may increase or
11 reduce the amount of a reimbursement claim. The decision
12 of the State Mandates Board of Review shall be final
13 subject to judicial review. However, if sufficient funds
14 have not been appropriated, the Department shall notify
15 the General Assembly of such cost, and appropriations for
16 such costs shall be included in a supplemental
17 appropriation bill.

18 (2) A local government may also appeal directly to the
19 State Mandates Board of Review in those situations in
20 which the Department of Commerce and Economic Opportunity
21 does not act upon the local government's application for
22 reimbursement or request for mandate determination
23 submitted under this Act. The appeal must include evidence
24 that the application for reimbursement or request for
25 mandate determination was properly filed and should have
26 been reviewed by the Department.

1 An appeal may be made to the Board if the Department
2 does not respond to a local government's application for
3 reimbursement or request for mandate determination within
4 120 days after filing the application or request. In no
5 case, however, may an appeal be brought more than one year
6 after the application or request is filed with the
7 Department.

8 (Source: P.A. 94-793, eff. 5-19-06.)

9 (30 ILCS 805/9.2 new)

10 Sec. 9.2. Unfunded State mandates prohibited.
11 Notwithstanding any provision of law to the contrary, any
12 State mandate regarding any subject matter enacted on or after
13 the effective date of this amendatory Act of the 102nd General
14 Assembly that necessitates additional expenditures from local
15 government revenues shall be void and unenforceable unless the
16 General Assembly makes necessary appropriations and
17 reimbursements to implement that mandate. The failure of the
18 General Assembly to make necessary appropriations and
19 reimbursements shall relieve the local government of the
20 obligation to implement any State mandate.

21 Section 10. The Illinois Income Tax Act is amended by
22 changing Section 901 as follows:

23 (35 ILCS 5/901)

1 Sec. 901. Collection authority.

2 (a) In general. The Department shall collect the taxes
3 imposed by this Act. The Department shall collect certified
4 past due child support amounts under Section 2505-650 of the
5 Department of Revenue Law of the Civil Administrative Code of
6 Illinois. Except as provided in subsections (b), (c), (e),
7 (f), (g), and (h) of this Section, money collected pursuant to
8 subsections (a) and (b) of Section 201 of this Act shall be
9 paid into the General Revenue Fund in the State treasury;
10 money collected pursuant to subsections (c) and (d) of Section
11 201 of this Act shall be paid into the Personal Property Tax
12 Replacement Fund, a special fund in the State Treasury; and
13 money collected under Section 2505-650 of the Department of
14 Revenue Law of the Civil Administrative Code of Illinois shall
15 be paid into the Child Support Enforcement Trust Fund, a
16 special fund outside the State Treasury, or to the State
17 Disbursement Unit established under Section 10-26 of the
18 Illinois Public Aid Code, as directed by the Department of
19 Healthcare and Family Services.

20 (b) Local Government Distributive Fund. Beginning August
21 1, 2017 continuing through July 31, 2022, the Treasurer shall
22 transfer each month from the General Revenue Fund to the Local
23 Government Distributive Fund an amount equal to the sum of:
24 (i) 6.06% (10% of the ratio of the 3% individual income tax
25 rate prior to 2011 to the 4.95% individual income tax rate
26 after July 1, 2017) of the net revenue realized from the tax

1 imposed by subsections (a) and (b) of Section 201 of this Act
2 upon individuals, trusts, and estates during the preceding
3 month; (ii) 6.85% (10% of the ratio of the 4.8% corporate
4 income tax rate prior to 2011 to the 7% corporate income tax
5 rate after July 1, 2017) of the net revenue realized from the
6 tax imposed by subsections (a) and (b) of Section 201 of this
7 Act upon corporations during the preceding month; and (iii)
8 beginning February 1, 2022, 6.06% of the net revenue realized
9 from the tax imposed by subsection (p) of Section 201 of this
10 Act upon electing pass-through entities. From August 1, 2022
11 through July 31, 2023, the Treasurer shall transfer each month
12 from the General Revenue Fund to the Local Government
13 Distributive Fund an amount equal to the sum of: (i) 7% of the
14 net revenue realized from the tax imposed by subsections (a)
15 and (b) of Section 201 of this Act upon individuals, trusts,
16 and estates during the preceding month; (ii) 8.11% of the net
17 revenue realized from the tax imposed by subsections (a) and
18 (b) of Section 201 of this Act upon corporations during the
19 preceding month; and (iii) 7% of the net revenue realized from
20 the tax imposed by subsection (p) of Section 201 of this Act
21 upon electing pass-through entities. Beginning on August 1,
22 2023, the Treasurer shall transfer each month from the General
23 Revenue Fund to the Local Government Distributive Fund an
24 amount equal to the sum of: (i) 8% of the net revenue realized
25 from the tax imposed by subsections (a) and (b) of Section 201
26 of this Act upon individuals, trusts, and estates during the

1 preceding month; (ii) 9.11% of the net revenue realized from
2 the tax imposed by subsections (a) and (b) of Section 201 of
3 this Act upon corporations during the preceding month; and
4 (iii) 8% of the net revenue realized from the tax imposed by
5 subsection (p) of Section 201 of this Act upon electing
6 pass-through entities. Net revenue realized for a month shall
7 be defined as the revenue from the tax imposed by subsections
8 (a) and (b) of Section 201 of this Act which is deposited in
9 the General Revenue Fund, the Education Assistance Fund, the
10 Income Tax Surcharge Local Government Distributive Fund, the
11 Fund for the Advancement of Education, and the Commitment to
12 Human Services Fund during the month minus the amount paid out
13 of the General Revenue Fund in State warrants during that same
14 month as refunds to taxpayers for overpayment of liability
15 under the tax imposed by subsections (a) and (b) of Section 201
16 of this Act.

17 Notwithstanding any provision of law to the contrary,
18 beginning on July 6, 2017 (the effective date of Public Act
19 100-23), those amounts required under this subsection (b) to
20 be transferred by the Treasurer into the Local Government
21 Distributive Fund from the General Revenue Fund shall be
22 directly deposited into the Local Government Distributive Fund
23 as the revenue is realized from the tax imposed by subsections
24 (a) and (b) of Section 201 of this Act.

25 (c) Deposits Into Income Tax Refund Fund.

26 (1) Beginning on January 1, 1989 and thereafter, the

1 Department shall deposit a percentage of the amounts
2 collected pursuant to subsections (a) and (b) (1), (2), and
3 (3) of Section 201 of this Act into a fund in the State
4 treasury known as the Income Tax Refund Fund. Beginning
5 with State fiscal year 1990 and for each fiscal year
6 thereafter, the percentage deposited into the Income Tax
7 Refund Fund during a fiscal year shall be the Annual
8 Percentage. For fiscal year 2011, the Annual Percentage
9 shall be 8.75%. For fiscal year 2012, the Annual
10 Percentage shall be 8.75%. For fiscal year 2013, the
11 Annual Percentage shall be 9.75%. For fiscal year 2014,
12 the Annual Percentage shall be 9.5%. For fiscal year 2015,
13 the Annual Percentage shall be 10%. For fiscal year 2018,
14 the Annual Percentage shall be 9.8%. For fiscal year 2019,
15 the Annual Percentage shall be 9.7%. For fiscal year 2020,
16 the Annual Percentage shall be 9.5%. For fiscal year 2021,
17 the Annual Percentage shall be 9%. For fiscal year 2022,
18 the Annual Percentage shall be 9.25%. For all other fiscal
19 years, the Annual Percentage shall be calculated as a
20 fraction, the numerator of which shall be the amount of
21 refunds approved for payment by the Department during the
22 preceding fiscal year as a result of overpayment of tax
23 liability under subsections (a) and (b) (1), (2), and (3)
24 of Section 201 of this Act plus the amount of such refunds
25 remaining approved but unpaid at the end of the preceding
26 fiscal year, minus the amounts transferred into the Income

1 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
2 and the denominator of which shall be the amounts which
3 will be collected pursuant to subsections (a) and (b)(1),
4 (2), and (3) of Section 201 of this Act during the
5 preceding fiscal year; except that in State fiscal year
6 2002, the Annual Percentage shall in no event exceed 7.6%.
7 The Director of Revenue shall certify the Annual
8 Percentage to the Comptroller on the last business day of
9 the fiscal year immediately preceding the fiscal year for
10 which it is to be effective.

11 (2) Beginning on January 1, 1989 and thereafter, the
12 Department shall deposit a percentage of the amounts
13 collected pursuant to subsections (a) and (b)(6), (7), and
14 (8), (c) and (d) of Section 201 of this Act into a fund in
15 the State treasury known as the Income Tax Refund Fund.
16 Beginning with State fiscal year 1990 and for each fiscal
17 year thereafter, the percentage deposited into the Income
18 Tax Refund Fund during a fiscal year shall be the Annual
19 Percentage. For fiscal year 2011, the Annual Percentage
20 shall be 17.5%. For fiscal year 2012, the Annual
21 Percentage shall be 17.5%. For fiscal year 2013, the
22 Annual Percentage shall be 14%. For fiscal year 2014, the
23 Annual Percentage shall be 13.4%. For fiscal year 2015,
24 the Annual Percentage shall be 14%. For fiscal year 2018,
25 the Annual Percentage shall be 17.5%. For fiscal year
26 2019, the Annual Percentage shall be 15.5%. For fiscal

1 year 2020, the Annual Percentage shall be 14.25%. For
2 fiscal year 2021, the Annual Percentage shall be 14%. For
3 fiscal year 2022, the Annual Percentage shall be 15%. For
4 all other fiscal years, the Annual Percentage shall be
5 calculated as a fraction, the numerator of which shall be
6 the amount of refunds approved for payment by the
7 Department during the preceding fiscal year as a result of
8 overpayment of tax liability under subsections (a) and
9 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
10 Act plus the amount of such refunds remaining approved but
11 unpaid at the end of the preceding fiscal year, and the
12 denominator of which shall be the amounts which will be
13 collected pursuant to subsections (a) and (b) (6), (7), and
14 (8), (c) and (d) of Section 201 of this Act during the
15 preceding fiscal year; except that in State fiscal year
16 2002, the Annual Percentage shall in no event exceed 23%.
17 The Director of Revenue shall certify the Annual
18 Percentage to the Comptroller on the last business day of
19 the fiscal year immediately preceding the fiscal year for
20 which it is to be effective.

21 (3) The Comptroller shall order transferred and the
22 Treasurer shall transfer from the Tobacco Settlement
23 Recovery Fund to the Income Tax Refund Fund (i)
24 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
25 2002, and (iii) \$35,000,000 in January, 2003.

26 (d) Expenditures from Income Tax Refund Fund.

1 (1) Beginning January 1, 1989, money in the Income Tax
2 Refund Fund shall be expended exclusively for the purpose
3 of paying refunds resulting from overpayment of tax
4 liability under Section 201 of this Act and for making
5 transfers pursuant to this subsection (d).

6 (2) The Director shall order payment of refunds
7 resulting from overpayment of tax liability under Section
8 201 of this Act from the Income Tax Refund Fund only to the
9 extent that amounts collected pursuant to Section 201 of
10 this Act and transfers pursuant to this subsection (d) and
11 item (3) of subsection (c) have been deposited and
12 retained in the Fund.

13 (3) As soon as possible after the end of each fiscal
14 year, the Director shall order transferred and the State
15 Treasurer and State Comptroller shall transfer from the
16 Income Tax Refund Fund to the Personal Property Tax
17 Replacement Fund an amount, certified by the Director to
18 the Comptroller, equal to the excess of the amount
19 collected pursuant to subsections (c) and (d) of Section
20 201 of this Act deposited into the Income Tax Refund Fund
21 during the fiscal year over the amount of refunds
22 resulting from overpayment of tax liability under
23 subsections (c) and (d) of Section 201 of this Act paid
24 from the Income Tax Refund Fund during the fiscal year.

25 (4) As soon as possible after the end of each fiscal
26 year, the Director shall order transferred and the State

1 Treasurer and State Comptroller shall transfer from the
2 Personal Property Tax Replacement Fund to the Income Tax
3 Refund Fund an amount, certified by the Director to the
4 Comptroller, equal to the excess of the amount of refunds
5 resulting from overpayment of tax liability under
6 subsections (c) and (d) of Section 201 of this Act paid
7 from the Income Tax Refund Fund during the fiscal year
8 over the amount collected pursuant to subsections (c) and
9 (d) of Section 201 of this Act deposited into the Income
10 Tax Refund Fund during the fiscal year.

11 (4.5) As soon as possible after the end of fiscal year
12 1999 and of each fiscal year thereafter, the Director
13 shall order transferred and the State Treasurer and State
14 Comptroller shall transfer from the Income Tax Refund Fund
15 to the General Revenue Fund any surplus remaining in the
16 Income Tax Refund Fund as of the end of such fiscal year;
17 excluding for fiscal years 2000, 2001, and 2002 amounts
18 attributable to transfers under item (3) of subsection (c)
19 less refunds resulting from the earned income tax credit.

20 (5) This Act shall constitute an irrevocable and
21 continuing appropriation from the Income Tax Refund Fund
22 for the purpose of paying refunds upon the order of the
23 Director in accordance with the provisions of this
24 Section.

25 (e) Deposits into the Education Assistance Fund and the
26 Income Tax Surcharge Local Government Distributive Fund. On

1 July 1, 1991, and thereafter, of the amounts collected
2 pursuant to subsections (a) and (b) of Section 201 of this Act,
3 minus deposits into the Income Tax Refund Fund, the Department
4 shall deposit 7.3% into the Education Assistance Fund in the
5 State Treasury. Beginning July 1, 1991, and continuing through
6 January 31, 1993, of the amounts collected pursuant to
7 subsections (a) and (b) of Section 201 of the Illinois Income
8 Tax Act, minus deposits into the Income Tax Refund Fund, the
9 Department shall deposit 3.0% into the Income Tax Surcharge
10 Local Government Distributive Fund in the State Treasury.
11 Beginning February 1, 1993 and continuing through June 30,
12 1993, of the amounts collected pursuant to subsections (a) and
13 (b) of Section 201 of the Illinois Income Tax Act, minus
14 deposits into the Income Tax Refund Fund, the Department shall
15 deposit 4.4% into the Income Tax Surcharge Local Government
16 Distributive Fund in the State Treasury. Beginning July 1,
17 1993, and continuing through June 30, 1994, of the amounts
18 collected under subsections (a) and (b) of Section 201 of this
19 Act, minus deposits into the Income Tax Refund Fund, the
20 Department shall deposit 1.475% into the Income Tax Surcharge
21 Local Government Distributive Fund in the State Treasury.

22 (f) Deposits into the Fund for the Advancement of
23 Education. Beginning February 1, 2015, the Department shall
24 deposit the following portions of the revenue realized from
25 the tax imposed upon individuals, trusts, and estates by
26 subsections (a) and (b) of Section 201 of this Act, minus

1 deposits into the Income Tax Refund Fund, into the Fund for the
2 Advancement of Education:

3 (1) beginning February 1, 2015, and prior to February
4 1, 2025, 1/30; and

5 (2) beginning February 1, 2025, 1/26.

6 If the rate of tax imposed by subsection (a) and (b) of
7 Section 201 is reduced pursuant to Section 201.5 of this Act,
8 the Department shall not make the deposits required by this
9 subsection (f) on or after the effective date of the
10 reduction.

11 (g) Deposits into the Commitment to Human Services Fund.
12 Beginning February 1, 2015, the Department shall deposit the
13 following portions of the revenue realized from the tax
14 imposed upon individuals, trusts, and estates by subsections
15 (a) and (b) of Section 201 of this Act, minus deposits into the
16 Income Tax Refund Fund, into the Commitment to Human Services
17 Fund:

18 (1) beginning February 1, 2015, and prior to February
19 1, 2025, 1/30; and

20 (2) beginning February 1, 2025, 1/26.

21 If the rate of tax imposed by subsection (a) and (b) of
22 Section 201 is reduced pursuant to Section 201.5 of this Act,
23 the Department shall not make the deposits required by this
24 subsection (g) on or after the effective date of the
25 reduction.

26 (h) Deposits into the Tax Compliance and Administration

1 Fund. Beginning on the first day of the first calendar month to
2 occur on or after August 26, 2014 (the effective date of Public
3 Act 98-1098), each month the Department shall pay into the Tax
4 Compliance and Administration Fund, to be used, subject to
5 appropriation, to fund additional auditors and compliance
6 personnel at the Department, an amount equal to 1/12 of 5% of
7 the cash receipts collected during the preceding fiscal year
8 by the Audit Bureau of the Department from the tax imposed by
9 subsections (a), (b), (c), and (d) of Section 201 of this Act,
10 net of deposits into the Income Tax Refund Fund made from those
11 cash receipts.

12 (Source: P.A. 101-8, see Section 99 for effective date;
13 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff.
14 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658,
15 eff. 8-27-21; revised 10-19-21.)

16 Section 15. The Property Tax Code is amended by changing
17 Sections 18-185, 18-205, and 18-212 and by adding Section
18 18-207 as follows:

19 (35 ILCS 200/18-185)

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

23 "Consumer Price Index" means the Consumer Price Index for
24 All Urban Consumers for all items published by the United

1 States Department of Labor.

2 "Extension limitation" means, for taxable years prior to
3 2023: (a) the lesser of 5% or the percentage increase in the
4 Consumer Price Index during the 12-month calendar year
5 preceding the levy year; or (b) the rate of increase approved
6 by voters under Section 18-205.

7 "Extension limitation" means, for taxable year 2023 and
8 thereafter: (a) the lesser of 5% or the average percentage
9 increase in the Consumer Price Index for the 10 years
10 immediately preceding the levy year for which the extension
11 limitation is being calculated; or (b) the rate of increase
12 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
26 levy year having the majority of its 1994 equalized assessed

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

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

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

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

16 "Aggregate extension" for the taxing districts to which
17 this Law did not apply before the 1995 levy year (except taxing
18 districts subject to this Law in accordance with Section
19 18-213) means the annual corporate extension for the taxing
20 district and those special purpose extensions that are made
21 annually for the taxing district, excluding special purpose
22 extensions: (a) made for the taxing district to pay interest
23 or principal on general obligation bonds that were approved by
24 referendum; (b) made for any taxing district to pay interest
25 or principal on general obligation bonds issued before March
26 1, 1995; (c) made for any taxing district to pay interest or

1 principal on bonds issued to refund or continue to refund
2 those bonds issued before March 1, 1995; (d) made for any
3 taxing district to pay interest or principal on bonds issued
4 to refund or continue to refund bonds issued after March 1,
5 1995 that were approved by referendum; (e) made for any taxing
6 district to pay interest or principal on revenue bonds issued
7 before March 1, 1995 for payment of which a property tax levy
8 or the full faith and credit of the unit of local government is
9 pledged; however, a tax for the payment of interest or
10 principal on those bonds shall be made only after the
11 governing body of the unit of local government finds that all
12 other sources for payment are insufficient to make those
13 payments; (f) made for payments under a building commission
14 lease when the lease payments are for the retirement of bonds
15 issued by the commission before March 1, 1995 to pay for the
16 building project; (g) made for payments due under installment
17 contracts entered into before March 1, 1995; (h) made for
18 payments of principal and interest on bonds issued under the
19 Metropolitan Water Reclamation District Act to finance
20 construction projects initiated before October 1, 1991; (h-4)
21 made for stormwater management purposes by the Metropolitan
22 Water Reclamation District of Greater Chicago under Section 12
23 of the Metropolitan Water Reclamation District Act; (i) made
24 for payments of principal and interest on limited bonds, as
25 defined in Section 3 of the Local Government Debt Reform Act,
26 in an amount not to exceed the debt service extension base less

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

1 Chicago Park District Act; (p) 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 (q) made by Ford Heights School District 169 under Section
6 17-9.02 of the School Code; and (r) made for the purpose of
7 making employer contributions to the Public School Teachers'
8 Pension and Retirement Fund of Chicago under Section 34-53 of
9 the School 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 "Aggregate extension" for all taxing districts to which
20 this Law applies in accordance with paragraph (2) of
21 subsection (e) of Section 18-213 means the annual corporate
22 extension for the taxing district and those special purpose
23 extensions that are made annually for the taxing district,
24 excluding special purpose extensions: (a) made for the taxing
25 district to pay interest or principal on general obligation
26 bonds that were approved by referendum; (b) made for any

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

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

21 "Debt service extension base" means an amount equal to
22 that portion of the extension for a taxing district for the
23 1994 levy year, or for those taxing districts subject to this
24 Law in accordance with Section 18-213, except for those
25 subject to paragraph (2) of subsection (e) of Section 18-213,
26 for the levy year in which the referendum making this Law

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

1 ~~preceding the levy year.~~ The debt service extension base may
2 be established or increased as provided under Section 18-212.
3 "Excluded non-referendum bonds" means (i) bonds authorized by
4 Public Act 88-503 and issued under Section 20a of the Chicago
5 Park District Act for aquarium and museum projects; (ii) bonds
6 issued under Section 15 of the Local Government Debt Reform
7 Act; or (iii) refunding obligations issued to refund or to
8 continue to refund obligations initially issued pursuant to
9 referendum.

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

18 "Aggregate extension base" means the taxing district's
19 last preceding aggregate extension as adjusted under Sections
20 18-135, 18-215, 18-230, 18-206, and 18-233. An adjustment
21 under Section 18-135 shall be made for the 2007 levy year and
22 all subsequent levy years whenever one or more counties within
23 which a taxing district is located (i) used estimated
24 valuations or rates when extending taxes in the taxing
25 district for the last preceding levy year that resulted in the
26 over or under extension of taxes, or (ii) increased or

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

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

14 Notwithstanding any other provision of law, for levy year
15 2022, the aggregate extension base of a home equity assurance
16 program that levied at least \$1,000,000 in property taxes in
17 levy year 2019 or 2020 under the Home Equity Assurance Act
18 shall be the amount that the program's aggregate extension
19 base for levy year 2021 would have been if the program had
20 levied a property tax for levy year 2021.

21 "Levy year" has the same meaning as "year" under Section
22 1-155.

23 "New property" means (i) the assessed value, after final
24 board of review or board of appeals action, of new
25 improvements or additions to existing improvements on any
26 parcel of real property that increase the assessed value of

1 that real property during the levy year multiplied by the
2 equalization factor issued by the Department under Section
3 17-30, (ii) the assessed value, after final board of review or
4 board of appeals action, of real property not exempt from real
5 estate taxation, which real property was exempt from real
6 estate taxation for any portion of the immediately preceding
7 levy year, multiplied by the equalization factor issued by the
8 Department under Section 17-30, including the assessed value,
9 upon final stabilization of occupancy after new construction
10 is complete, of any real property located within the
11 boundaries of an otherwise or previously exempt military
12 reservation that is intended for residential use and owned by
13 or leased to a private corporation or other entity, (iii) in
14 counties that classify in accordance with Section 4 of Article
15 IX of the Illinois Constitution, an incentive property's
16 additional assessed value resulting from a scheduled increase
17 in the level of assessment as applied to the first year final
18 board of review market value, and (iv) any increase in
19 assessed value due to oil or gas production from an oil or gas
20 well required to be permitted under the Hydraulic Fracturing
21 Regulatory Act that was not produced in or accounted for
22 during the previous levy year. In addition, the county clerk
23 in a county containing a population of 3,000,000 or more shall
24 include in the 1997 recovered tax increment value for any
25 school district, any recovered tax increment value that was
26 applicable to the 1995 tax year calculations.

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

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

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

21 Except as otherwise provided in this Section, "limiting
22 rate" means a fraction the numerator of which is the last
23 preceding aggregate extension base (as reduced by Section
24 18-207, if applicable) times an amount equal to one plus the
25 extension limitation defined in this Section and the
26 denominator of which is the current year's equalized assessed

1 value of all real property in the territory under the
2 jurisdiction of the taxing district during the prior levy
3 year. For those taxing districts that reduced their aggregate
4 extension for the last preceding levy year, except for school
5 districts that reduced their extension for educational
6 purposes pursuant to Section 18-206 and taxing districts that
7 reduced their aggregate extension pursuant to Section 18-207,
8 the highest aggregate extension in any of the last 3 preceding
9 levy years shall be used for the purpose of computing the
10 limiting rate. The denominator shall not include new property
11 or the recovered tax increment value. If a new rate, a rate
12 decrease, or a limiting rate increase has been approved at an
13 election held after March 21, 2006, then (i) the otherwise
14 applicable limiting rate shall be increased by the amount of
15 the new rate or shall be reduced by the amount of the rate
16 decrease, as the case may be, or (ii) in the case of a limiting
17 rate increase, the limiting rate shall be equal to the rate set
18 forth in the proposition approved by the voters for each of the
19 years specified in the proposition, after which the limiting
20 rate of the taxing district shall be calculated as otherwise
21 provided. In the case of a taxing district that obtained
22 referendum approval for an increased limiting rate on March
23 20, 2012, the limiting rate for tax year 2012 shall be the rate
24 that generates the approximate total amount of taxes
25 extendable for that tax year, as set forth in the proposition
26 approved by the voters; this rate shall be the final rate

1 applied by the county clerk for the aggregate of all capped
2 funds of the district for tax year 2012.

3 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
4 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; revised
5 10-5-21.)

6 (35 ILCS 200/18-205)

7 Sec. 18-205. Referendum to increase the extension
8 limitation. A taxing district is limited to an extension
9 limitation as defined in Section 18-185 ~~of 5% or the~~
10 ~~percentage increase in the Consumer Price Index during the~~
11 ~~12-month calendar year preceding the levy year, whichever is~~
12 ~~less~~. A taxing district may increase its extension limitation
13 for one or more levy years if that taxing district holds a
14 referendum before the levy date for the first levy year at
15 which a majority of voters voting on the issue approves
16 adoption of a higher extension limitation. Referenda shall be
17 conducted at a regularly scheduled election in accordance with
18 the Election Code. The question shall be presented in
19 substantially the following manner for all elections held
20 after March 21, 2006:

21 Shall the extension limitation under the Property Tax
22 Extension Limitation Law for (insert the legal name,
23 number, if any, and county or counties of the taxing
24 district and geographic or other common name by which a
25 school or community college district is known and referred

1 to), Illinois, be increased from (the extension limitation
2 under item (a) of the definition of extension limitation
3 in Section 18-185) ~~the lesser of 5% or the percentage~~
4 ~~increase in the Consumer Price Index over the prior levy~~
5 ~~year~~ to (insert the percentage of the proposed increase)%
6 per year for (insert each levy year for which the
7 increased extension limitation will apply)?

8 The votes must be recorded as "Yes" or "No".

9 If a majority of voters voting on the issue approves the
10 adoption of the increase, the increase shall be applicable for
11 each levy year specified.

12 The ballot for any question submitted pursuant to this
13 Section shall have printed thereon, but not as a part of the
14 question submitted, only the following supplemental
15 information (which shall be supplied to the election authority
16 by the taxing district) in substantially the following form:

17 (1) For the (insert the first levy year for which the
18 increased extension limitation will be applicable) levy
19 year the approximate amount of the additional tax
20 extendable against property containing a single family
21 residence and having a fair market value at the time of the
22 referendum of \$100,000 is estimated to be \$....

23 (2) Based upon an average annual percentage increase
24 (or decrease) in the market value of such property of ...%
25 (insert percentage equal to the average annual percentage
26 increase or decrease for the prior 3 levy years, at the

1 time the submission of the question is initiated by the
2 taxing district, in the amount of (A) the equalized
3 assessed value of the taxable property in the taxing
4 district less (B) the new property included in the
5 equalized assessed value), the approximate amount of the
6 additional tax extendable against such property for the
7 ... levy year is estimated to be \$... and for the ... levy
8 year is estimated to be \$....

9 Paragraph (2) shall be included only if the increased
10 extension limitation will be applicable for more than one year
11 and shall list each levy year for which the increased
12 extension limitation will be applicable. The additional tax
13 shown for each levy year shall be the approximate dollar
14 amount of the increase over the amount of the most recently
15 completed extension at the time the submission of the question
16 is initiated by the taxing district. The approximate amount of
17 the additional tax extendable shown in paragraphs (1) and (2)
18 shall be calculated by multiplying \$100,000 (the fair market
19 value of the property without regard to any property tax
20 exemptions) by (i) the percentage level of assessment
21 prescribed for that property by statute, or by ordinance of
22 the county board in counties that classify property for
23 purposes of taxation in accordance with Section 4 of Article
24 IX of the Illinois Constitution; (ii) the most recent final
25 equalization factor certified to the county clerk by the
26 Department of Revenue at the time the taxing district

1 initiates the submission of the proposition to the electors;
2 (iii) the last known aggregate extension base of the taxing
3 district at the time the submission of the question is
4 initiated by the taxing district; and (iv) the difference
5 between the percentage increase proposed in the question and
6 the otherwise applicable extension limitation ~~lesser of 5% or~~
7 ~~the percentage increase in the Consumer Price Index for the~~
8 ~~prior levy year (or an estimate of the percentage increase for~~
9 ~~the prior levy year if the increase is unavailable at the time~~
10 ~~the submission of the question is initiated by the taxing~~
11 ~~district);~~ and dividing the result by the last known equalized
12 assessed value of the taxing district at the time the
13 submission of the question is initiated by the taxing
14 district. This amendatory Act of the 97th General Assembly is
15 intended to clarify the existing requirements of this Section,
16 and shall not be construed to validate any prior non-compliant
17 referendum language. Any notice required to be published in
18 connection with the submission of the question shall also
19 contain this supplemental information and shall not contain
20 any other supplemental information. Any error, miscalculation,
21 or inaccuracy in computing any amount set forth on the ballot
22 or in the notice that is not deliberate shall not invalidate or
23 affect the validity of any proposition approved. Notice of the
24 referendum shall be published and posted as otherwise required
25 by law, and the submission of the question shall be initiated
26 as provided by law.

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

2 (35 ILCS 200/18-207 new)

3 Sec. 18-207. Reduced aggregate extension base.

4 (a) Upon submission of a petition signed by a number of
5 voters of the taxing district that is not less than 10% of the
6 votes cast in the taxing district at the immediately preceding
7 gubernatorial election, the question of whether a taxing
8 district shall reduce its aggregate extension base for the
9 purpose of lowering its limiting rate for future years shall
10 be submitted to the voters of the taxing district at the next
11 general or consolidated election. The petition shall set forth
12 the amount of the reduction and the levy years for which the
13 reduction shall be applicable.

14 (b) The petition shall be filed with the applicable
15 election authority, as defined in Section 1-3 of the Election
16 Code, or, in the case of multiple election authorities, with
17 the State Board of Elections, not more than 10 months nor less
18 than 6 months prior to the election at which the question is to
19 be submitted to the voters, and its validity shall be
20 determined as provided by Article 28 of the Election Code and
21 general election law. The election authority or Board, as
22 applicable, shall certify the question and the proper election
23 authority or authorities shall submit the question to the
24 voters. Except as otherwise provided in this Section, this
25 referendum shall be subject to all other general election law

1 requirements.

2 (c) The proposition seeking to reduce the aggregate
3 extension base shall be in substantially the following form:

4 Shall the aggregate extension base used to calculate
5 the limiting rate for (taxing district) under the Property
6 Tax Extension Limitation Law be reduced by (amount of
7 money expressed in U.S. dollars) for (levy year or years)?
8 Votes shall be recorded as "Yes" or "No".

9 If a majority of all votes cast on the proposition are in
10 favor of the proposition, then the aggregate extension base
11 shall be reduced as provided in the referendum.

12 (35 ILCS 200/18-212)

13 Sec. 18-212. Referendum on debt service extension base. A
14 taxing district may establish or increase its debt service
15 extension base if (i) that taxing district holds a referendum
16 before the date on which the levy must be filed with the county
17 clerk of the county or counties in which the taxing district is
18 situated and (ii) a majority of voters voting on the issue
19 approves the establishment of or increase in the debt service
20 extension base. A debt service extension base established or
21 increased by a referendum held pursuant to this Section after
22 February 2, 2010, shall be increased each year, commencing
23 with the first levy year beginning after the date of the
24 referendum, by the extension limitation ~~lesser of 5% or the~~
25 ~~percentage increase in the Consumer Price Index during the~~

1 ~~12-month calendar year preceding the levy year~~ if the optional
2 language concerning the annual increase is included in the
3 question submitted to the electors of the taxing district.
4 Referenda under this Section shall be conducted at a regularly
5 scheduled election in accordance with the Election Code. The
6 governing body of the taxing district shall certify the
7 question to the proper election authorities who shall submit
8 the question to the electors of the taxing district in
9 substantially the following form:

10 "Shall the debt service extension base under the Property
11 Tax Extension Limitation Law for ... (taxing district
12 name) ... for payment of principal and interest on limited
13 bonds be ((established at \$) . (or) (increased
14 from \$ to \$)) .. for the levy year and all
15 subsequent levy years (optional language: , such debt
16 service extension base to be increased each year by
17 (extension limitation amount) ~~the lesser of 5% or the~~
18 ~~percentage increase in the Consumer Price Index during the~~
19 ~~12-month calendar year preceding the levy year)?"~~

20 Votes on the question shall be recorded as "Yes" or "No".

21 If a majority of voters voting on the issue approves the
22 establishment of or increase in the debt service extension
23 base, the establishment of or increase in the debt service
24 extension base shall be applicable for the levy years
25 specified.

26 (Source: P.A. 96-1202, eff. 7-22-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.