



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3438

Introduced 2/8/2024, 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, 2024. Effective immediately.

LRB103 37836 HLH 67966 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 103rd General Assembly. On and
6 after the effective date of this amendatory Act of the 103rd
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 103rd 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 103rd 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 and continuing through July 31, 2022, the Treasurer
22 shall transfer each month from the General Revenue Fund to the
23 Local Government Distributive Fund an amount equal to the sum
24 of: (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 Beginning~~ August
11 1, 2022 and continuing through July 31, 2024 ~~2023~~, the
12 Treasurer shall transfer each month from the General Revenue
13 Fund to the Local Government Distributive Fund an amount equal
14 to the sum of: (i) 6.16% of the net revenue realized from the
15 tax imposed by subsections (a) and (b) of Section 201 of this
16 Act upon individuals, trusts, and estates during the preceding
17 month; (ii) 6.85% of the net revenue realized from the tax
18 imposed by subsections (a) and (b) of Section 201 of this Act
19 upon corporations during the preceding month; and (iii) 6.16%
20 of the net revenue realized from the tax imposed by subsection
21 (p) of Section 201 of this Act upon electing pass-through
22 entities. From August 1, 2024 through July 31, 2025, the
23 Treasurer shall transfer each month from the General Revenue
24 Fund to the Local Government Distributive Fund an amount equal
25 to the sum of: (i) 7% of the net revenue realized from the tax
26 imposed by subsections (a) and (b) of Section 201 of this Act

1 upon individuals, trusts, and estates during the preceding
2 month; (ii) 8.11% of the net revenue realized from the tax
3 imposed by subsections (a) and (b) of Section 201 of this Act
4 upon corporations during the preceding month; and (iii) 7% of
5 the net revenue realized from the tax imposed by subsection
6 (p) of Section 201 of this Act upon electing pass-through
7 entities. Beginning on August 1, 2025, the Treasurer shall
8 transfer each month from the General Revenue Fund to the Local
9 Government Distributive Fund an amount equal to the sum of:
10 (i) 8% of the net revenue realized from the tax imposed by
11 subsections (a) and (b) of Section 201 of this Act upon
12 individuals, trusts, and estates during the preceding month;
13 (ii) 9.11% of the net revenue realized from the tax imposed by
14 subsections (a) and (b) of Section 201 of this Act upon
15 corporations during the preceding month; and (iii) 8% of the
16 net revenue realized from the tax imposed by subsection (p) of
17 Section 201 of this Act upon electing pass-through entities.
18 Beginning August 1, 2023, the Treasurer shall transfer each
19 month from the General Revenue Fund to the Local Government
20 Distributive Fund an amount equal to the sum of: (i) 6.47% of
21 the net revenue realized from the tax imposed by subsections
22 (a) and (b) of Section 201 of this Act upon individuals,
23 trusts, and estates during the preceding month; (ii) 6.85% of
24 the net revenue realized from the tax imposed by subsections
25 (a) and (b) of Section 201 of this Act upon corporations during
26 the preceding month; and (iii) 6.47% of the net revenue

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

13 Notwithstanding any provision of law to the contrary,
14 beginning on July 6, 2017 (the effective date of Public Act
15 100-23), those amounts required under this subsection (b) to
16 be transferred by the Treasurer into the Local Government
17 Distributive Fund from the General Revenue Fund shall be
18 directly deposited into the Local Government Distributive Fund
19 as the revenue is realized from the tax imposed by subsections
20 (a) and (b) of Section 201 of this Act.

21 (c) Deposits Into Income Tax Refund Fund.

22 (1) Beginning on January 1, 1989 and thereafter, the
23 Department shall deposit a percentage of the amounts
24 collected pursuant to subsections (a) and (b) (1), (2), and
25 (3) of Section 201 of this Act into a fund in the State
26 treasury known as the Income Tax Refund Fund. Beginning

1 with State fiscal year 1990 and for each fiscal year
2 thereafter, the percentage deposited into the Income Tax
3 Refund Fund during a fiscal year shall be the Annual
4 Percentage. For fiscal year 2011, the Annual Percentage
5 shall be 8.75%. For fiscal year 2012, the Annual
6 Percentage shall be 8.75%. For fiscal year 2013, the
7 Annual Percentage shall be 9.75%. For fiscal year 2014,
8 the Annual Percentage shall be 9.5%. For fiscal year 2015,
9 the Annual Percentage shall be 10%. For fiscal year 2018,
10 the Annual Percentage shall be 9.8%. For fiscal year 2019,
11 the Annual Percentage shall be 9.7%. For fiscal year 2020,
12 the Annual Percentage shall be 9.5%. For fiscal year 2021,
13 the Annual Percentage shall be 9%. For fiscal year 2022,
14 the Annual Percentage shall be 9.25%. For fiscal year
15 2023, the Annual Percentage shall be 9.25%. For fiscal
16 year 2024, the Annual Percentage shall be 9.15%. For all
17 other fiscal years, the Annual Percentage shall be
18 calculated as a fraction, the numerator of which shall be
19 the amount of refunds approved for payment by the
20 Department during the preceding fiscal year as a result of
21 overpayment of tax liability under subsections (a) and
22 (b) (1), (2), and (3) of Section 201 of this Act plus the
23 amount of such refunds remaining approved but unpaid at
24 the end of the preceding fiscal year, minus the amounts
25 transferred into the Income Tax Refund Fund from the
26 Tobacco Settlement Recovery Fund, and the denominator of

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

10 (2) Beginning on January 1, 1989 and thereafter, the
11 Department shall deposit a percentage of the amounts
12 collected pursuant to subsections (a) and (b)(6), (7), and
13 (8), (c) and (d) of Section 201 of this Act into a fund in
14 the State treasury known as the Income Tax Refund Fund.
15 Beginning with State fiscal year 1990 and for each fiscal
16 year thereafter, the percentage deposited into the Income
17 Tax Refund Fund during a fiscal year shall be the Annual
18 Percentage. For fiscal year 2011, the Annual Percentage
19 shall be 17.5%. For fiscal year 2012, the Annual
20 Percentage shall be 17.5%. For fiscal year 2013, the
21 Annual Percentage shall be 14%. For fiscal year 2014, the
22 Annual Percentage shall be 13.4%. For fiscal year 2015,
23 the Annual Percentage shall be 14%. For fiscal year 2018,
24 the Annual Percentage shall be 17.5%. For fiscal year
25 2019, the Annual Percentage shall be 15.5%. For fiscal
26 year 2020, the Annual Percentage shall be 14.25%. For

1 fiscal year 2021, the Annual Percentage shall be 14%. For
2 fiscal year 2022, the Annual Percentage shall be 15%. For
3 fiscal year 2023, the Annual Percentage shall be 14.5%.
4 For fiscal year 2024, the Annual Percentage shall be 14%.
5 For all other fiscal years, the Annual Percentage shall be
6 calculated as a fraction, the numerator of which shall be
7 the amount of refunds approved for payment by the
8 Department during the preceding fiscal year as a result of
9 overpayment of tax liability under subsections (a) and
10 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
11 Act plus the amount of such refunds remaining approved but
12 unpaid at the end of the preceding fiscal year, and the
13 denominator of which shall be the amounts which will be
14 collected pursuant to subsections (a) and (b) (6), (7), and
15 (8), (c) and (d) of Section 201 of this Act during the
16 preceding fiscal year; except that in State fiscal year
17 2002, the Annual Percentage shall in no event exceed 23%.
18 The Director of Revenue shall certify the Annual
19 Percentage to the Comptroller on the last business day of
20 the fiscal year immediately preceding the fiscal year for
21 which it is to be effective.

22 (3) The Comptroller shall order transferred and the
23 Treasurer shall transfer from the Tobacco Settlement
24 Recovery Fund to the Income Tax Refund Fund (i)
25 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
26 2002, and (iii) \$35,000,000 in January, 2003.

1 (d) Expenditures from Income Tax Refund Fund.

2 (1) Beginning January 1, 1989, money in the Income Tax
3 Refund Fund shall be expended exclusively for the purpose
4 of paying refunds resulting from overpayment of tax
5 liability under Section 201 of this Act and for making
6 transfers pursuant to this subsection (d), except that in
7 State fiscal years 2022 and 2023, moneys in the Income Tax
8 Refund Fund shall also be used to pay one-time rebate
9 payments as provided under Sections 208.5 and 212.1.

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

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

1 subsections (c) and (d) of Section 201 of this Act paid
2 from the Income Tax Refund Fund during the fiscal year.

3 (4) As soon as possible after the end of each fiscal
4 year, the Director shall order transferred and the State
5 Treasurer and State Comptroller shall transfer from the
6 Personal Property Tax Replacement Fund to the Income Tax
7 Refund Fund an amount, certified by the Director to the
8 Comptroller, equal to the excess of the amount of refunds
9 resulting from overpayment of tax liability under
10 subsections (c) and (d) of Section 201 of this Act paid
11 from the Income Tax Refund Fund during the fiscal year
12 over the amount collected pursuant to subsections (c) and
13 (d) of Section 201 of this Act deposited into the Income
14 Tax Refund Fund during the fiscal year.

15 (4.5) As soon as possible after the end of fiscal year
16 1999 and of each fiscal year thereafter, the Director
17 shall order transferred and the State Treasurer and State
18 Comptroller shall transfer from the Income Tax Refund Fund
19 to the General Revenue Fund any surplus remaining in the
20 Income Tax Refund Fund as of the end of such fiscal year;
21 excluding for fiscal years 2000, 2001, and 2002 amounts
22 attributable to transfers under item (3) of subsection (c)
23 less refunds resulting from the earned income tax credit,
24 and excluding for fiscal year 2022 amounts attributable to
25 transfers from the General Revenue Fund authorized by
26 Public Act 102-700.

1 (5) This Act shall constitute an irrevocable and
2 continuing appropriation from the Income Tax Refund Fund
3 for the purposes of (i) paying refunds upon the order of
4 the Director in accordance with the provisions of this
5 Section and (ii) paying one-time rebate payments under
6 Sections 208.5 and 212.1.

7 (e) Deposits into the Education Assistance Fund and the
8 Income Tax Surcharge Local Government Distributive Fund. On
9 July 1, 1991, and thereafter, of the amounts collected
10 pursuant to subsections (a) and (b) of Section 201 of this Act,
11 minus deposits into the Income Tax Refund Fund, the Department
12 shall deposit 7.3% into the Education Assistance Fund in the
13 State Treasury. Beginning July 1, 1991, and continuing through
14 January 31, 1993, of the amounts collected pursuant to
15 subsections (a) and (b) of Section 201 of the Illinois Income
16 Tax Act, minus deposits into the Income Tax Refund Fund, the
17 Department shall deposit 3.0% into the Income Tax Surcharge
18 Local Government Distributive Fund in the State Treasury.
19 Beginning February 1, 1993 and continuing through June 30,
20 1993, of the amounts collected pursuant to subsections (a) and
21 (b) of Section 201 of the Illinois Income Tax Act, minus
22 deposits into the Income Tax Refund Fund, the Department shall
23 deposit 4.4% into the Income Tax Surcharge Local Government
24 Distributive Fund in the State Treasury. Beginning July 1,
25 1993, and continuing through June 30, 1994, of the amounts
26 collected under subsections (a) and (b) of Section 201 of this

1 Act, minus deposits into the Income Tax Refund Fund, the
2 Department shall deposit 1.475% into the Income Tax Surcharge
3 Local Government Distributive Fund in the State Treasury.

4 (f) Deposits into the Fund for the Advancement of
5 Education. Beginning February 1, 2015, the Department shall
6 deposit the following portions of the revenue realized from
7 the tax imposed upon individuals, trusts, and estates by
8 subsections (a) and (b) of Section 201 of this Act, minus
9 deposits into the Income Tax Refund Fund, into the Fund for the
10 Advancement of Education:

11 (1) beginning February 1, 2015, and prior to February
12 1, 2025, 1/30; and

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

14 If the rate of tax imposed by subsection (a) and (b) of
15 Section 201 is reduced pursuant to Section 201.5 of this Act,
16 the Department shall not make the deposits required by this
17 subsection (f) on or after the effective date of the
18 reduction.

19 (g) Deposits into the Commitment to Human Services Fund.
20 Beginning February 1, 2015, the Department shall deposit the
21 following portions of the revenue realized from the tax
22 imposed upon individuals, trusts, and estates by subsections
23 (a) and (b) of Section 201 of this Act, minus deposits into the
24 Income Tax Refund Fund, into the Commitment to Human Services
25 Fund:

26 (1) beginning February 1, 2015, and prior to February

1 1, 2025, 1/30; and

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

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

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

20 (Source: P.A. 102-16, eff. 6-17-21; 102-558, eff. 8-20-21;
21 102-658, eff. 8-27-21; 102-699, eff. 4-19-22; 102-700, eff.
22 4-19-22; 102-813, eff. 5-13-22; 103-8, eff. 6-7-23; 103-154,
23 eff. 6-30-23.)

24 Section 15. The Property Tax Code is amended by changing
25 Sections 18-185, 18-205, and 18-212 and by adding Section

1 18-207 as follows:

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, for taxable years prior to
10 2025: (a) the lesser of 5% or the percentage increase in the
11 Consumer Price Index during the 12-month calendar year
12 preceding the levy year; or (b) the rate of increase approved
13 by voters under Section 18-205.

14 "Extension limitation" means, for taxable year 2025 and
15 thereafter: (a) the lesser of 5% or the average percentage
16 increase in the Consumer Price Index for the 10 years
17 immediately preceding the levy year for which the extension
18 limitation is being calculated; or (b) the rate of increase
19 approved by voters under Section 18-205.

20 "Affected county" means a county of 3,000,000 or more
21 inhabitants or a county contiguous to a county of 3,000,000 or
22 more inhabitants.

23 "Taxing district" has the same meaning provided in Section
24 1-150, except as otherwise provided in this Section. For the
25 1991 through 1994 levy years only, "taxing district" includes

1 only each non-home rule taxing district having the majority of
2 its 1990 equalized assessed value within any county or
3 counties contiguous to a county with 3,000,000 or more
4 inhabitants. Beginning with the 1995 levy year, "taxing
5 district" includes only each non-home rule taxing district
6 subject to this Law before the 1995 levy year and each non-home
7 rule taxing district not subject to this Law before the 1995
8 levy year having the majority of its 1994 equalized assessed
9 value in an affected county or counties. Beginning with the
10 levy year in which this Law becomes applicable to a taxing
11 district as provided in Section 18-213, "taxing district" also
12 includes those taxing districts made subject to this Law as
13 provided in Section 18-213.

14 "Aggregate extension" for taxing districts to which this
15 Law applied before the 1995 levy year means the annual
16 corporate extension for the taxing district and those special
17 purpose extensions that are made annually for the taxing
18 district, excluding special purpose extensions: (a) made for
19 the taxing district to pay interest or principal on general
20 obligation bonds that were approved by referendum; (b) made
21 for any taxing district to pay interest or principal on
22 general obligation bonds issued before October 1, 1991; (c)
23 made for any taxing district to pay interest or principal on
24 bonds issued to refund or continue to refund those bonds
25 issued before October 1, 1991; (d) made for any taxing
26 district to pay interest or principal on bonds issued to

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

1 of Lake County, created by special education joint agreement
2 under Section 10-22.31 of the School Code, for payment of the
3 school district's share of the amounts required to be
4 contributed by the Special Education District of Lake County
5 to the Illinois Municipal Retirement Fund under Article 7 of
6 the Illinois Pension Code; the amount of any extension under
7 this item (k) shall be certified by the school district to the
8 county clerk; (l) made to fund expenses of providing joint
9 recreational programs for persons with disabilities under
10 Section 5-8 of the Park District Code or Section 11-95-14 of
11 the Illinois Municipal Code; (m) made for temporary relocation
12 loan repayment purposes pursuant to Sections 2-3.77 and
13 17-2.2d of the School Code; (n) made for payment of principal
14 and interest on any bonds issued under the authority of
15 Section 17-2.2d of the School Code; (o) made for contributions
16 to a firefighter's pension fund created under Article 4 of the
17 Illinois Pension Code, to the extent of the amount certified
18 under item (5) of Section 4-134 of the Illinois Pension Code;
19 and (p) made for road purposes in the first year after a
20 township assumes the rights, powers, duties, assets, property,
21 liabilities, obligations, and responsibilities of a road
22 district abolished under the provisions of Section 6-133 of
23 the Illinois Highway Code.

24 "Aggregate extension" for the taxing districts to which
25 this Law did not apply before the 1995 levy year (except taxing
26 districts subject to this Law in accordance with Section

1 18-213) means the annual corporate extension for the taxing
2 district and those special purpose extensions that are made
3 annually for the taxing district, excluding special purpose
4 extensions: (a) made for the taxing district to pay interest
5 or principal on general obligation bonds that were approved by
6 referendum; (b) made for any taxing district to pay interest
7 or principal on general obligation bonds issued before March
8 1, 1995; (c) made for any taxing district to pay interest or
9 principal on bonds issued to refund or continue to refund
10 those bonds issued before March 1, 1995; (d) made for any
11 taxing district to pay interest or principal on bonds issued
12 to refund or continue to refund bonds issued after March 1,
13 1995 that were approved by referendum; (e) made for any taxing
14 district to pay interest or principal on revenue bonds issued
15 before March 1, 1995 for payment of which a property tax levy
16 or the full faith and credit of the unit of local government is
17 pledged; however, a tax for the payment of interest or
18 principal on those bonds shall be made only after the
19 governing body of the unit of local government finds that all
20 other sources for payment are insufficient to make those
21 payments; (f) made for payments under a building commission
22 lease when the lease payments are for the retirement of bonds
23 issued by the commission before March 1, 1995 to pay for the
24 building project; (g) made for payments due under installment
25 contracts entered into before March 1, 1995; (h) made for
26 payments of principal and interest on bonds issued under the

1 Metropolitan Water Reclamation District Act to finance
2 construction projects initiated before October 1, 1991; (h-4)
3 made for stormwater management purposes by the Metropolitan
4 Water Reclamation District of Greater Chicago under Section 12
5 of the Metropolitan Water Reclamation District Act; (h-8) made
6 for payments of principal and interest on bonds issued under
7 Section 9.6a of the Metropolitan Water Reclamation District
8 Act to make contributions to the pension fund established
9 under Article 13 of the Illinois Pension Code; (i) made for
10 payments of principal and interest on limited bonds, as
11 defined in Section 3 of the Local Government Debt Reform Act,
12 in an amount not to exceed the debt service extension base less
13 the amount in items (b), (c), and (e) of this definition for
14 non-referendum obligations, except obligations initially
15 issued pursuant to referendum and bonds described in
16 subsections (h) and (h-8) of this definition; (j) made for
17 payments of principal and interest on bonds issued under
18 Section 15 of the Local Government Debt Reform Act; (k) made
19 for payments of principal and interest on bonds authorized by
20 Public Act 88-503 and issued under Section 20a of the Chicago
21 Park District Act for aquarium or museum projects and bonds
22 issued under Section 20a of the Chicago Park District Act for
23 the purpose of making contributions to the pension fund
24 established under Article 12 of the Illinois Pension Code; (l)
25 made for payments of principal and interest on bonds
26 authorized by Public Act 87-1191 or 93-601 and (i) issued

1 pursuant to Section 21.2 of the Cook County Forest Preserve
2 District Act, (ii) issued under Section 42 of the Cook County
3 Forest Preserve District Act for zoological park projects, or
4 (iii) issued under Section 44.1 of the Cook County Forest
5 Preserve District Act for botanical gardens projects; (m) made
6 pursuant to Section 34-53.5 of the School Code, whether levied
7 annually or not; (n) made to fund expenses of providing joint
8 recreational programs for persons with disabilities under
9 Section 5-8 of the Park District Code or Section 11-95-14 of
10 the Illinois Municipal Code; (o) made by the Chicago Park
11 District for recreational programs for persons with
12 disabilities under subsection (c) of Section 7.06 of the
13 Chicago Park District Act; (p) made for contributions to a
14 firefighter's pension fund created under Article 4 of the
15 Illinois Pension Code, to the extent of the amount certified
16 under item (5) of Section 4-134 of the Illinois Pension Code;
17 (q) made by Ford Heights School District 169 under Section
18 17-9.02 of the School Code; and (r) made for the purpose of
19 making employer contributions to the Public School Teachers'
20 Pension and Retirement Fund of Chicago under Section 34-53 of
21 the School Code.

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

1 that are made annually for the taxing district, excluding
2 special purpose extensions: (a) made for the taxing district
3 to pay interest or principal on general obligation bonds that
4 were approved by referendum; (b) made for any taxing district
5 to pay interest or principal on general obligation bonds
6 issued before the date on which the referendum making this Law
7 applicable to the taxing district is held; (c) made for any
8 taxing district to pay interest or principal on bonds issued
9 to refund or continue to refund those bonds issued before the
10 date on which the referendum making this Law applicable to the
11 taxing district is held; (d) made for any taxing district to
12 pay interest or principal on bonds issued to refund or
13 continue to refund bonds issued after the date on which the
14 referendum making this Law applicable to the taxing district
15 is held if the bonds were approved by referendum after the date
16 on which the referendum making this Law applicable to the
17 taxing district is held; (e) made for any taxing district to
18 pay interest or principal on revenue bonds issued before the
19 date on which the referendum making this Law applicable to the
20 taxing district is held for payment of which a property tax
21 levy or the full faith and credit of the unit of local
22 government is pledged; however, a tax for the payment of
23 interest or principal on those bonds shall be made only after
24 the governing body of the unit of local government finds that
25 all other sources for payment are insufficient to make those
26 payments; (f) made for payments under a building commission

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

1 the extent of the amount certified under item (5) of Section
2 4-134 of the Illinois Pension Code; and (m) made for the taxing
3 district to pay interest or principal on general obligation
4 bonds issued pursuant to Section 19-3.10 of the School Code.

5 "Aggregate extension" for all taxing districts to which
6 this Law applies in accordance with paragraph (2) of
7 subsection (e) of Section 18-213 means the annual corporate
8 extension for the taxing district and those special purpose
9 extensions that are made annually for the taxing district,
10 excluding special purpose extensions: (a) made for the taxing
11 district to pay interest or principal on general obligation
12 bonds that were approved by referendum; (b) made for any
13 taxing district to pay interest or principal on general
14 obligation bonds issued before March 7, 1997 (the effective
15 date of Public Act 89-718); (c) made for any taxing district to
16 pay interest or principal on bonds issued to refund or
17 continue to refund those bonds issued before March 7, 1997
18 (the effective date of Public Act 89-718); (d) made for any
19 taxing district to pay interest or principal on bonds issued
20 to refund or continue to refund bonds issued after March 7,
21 1997 (the effective date of Public Act 89-718) if the bonds
22 were approved by referendum after March 7, 1997 (the effective
23 date of Public Act 89-718); (e) made for any taxing district to
24 pay interest or principal on revenue bonds issued before March
25 7, 1997 (the effective date of Public Act 89-718) for payment
26 of which a property tax levy or the full faith and credit of

1 the unit of local government is pledged; however, a tax for the
2 payment of interest or principal on those bonds shall be made
3 only after the governing body of the unit of local government
4 finds that all other sources for payment are insufficient to
5 make those payments; (f) made for payments under a building
6 commission lease when the lease payments are for the
7 retirement of bonds issued by the commission before March 7,
8 1997 (the effective date of Public Act 89-718) to pay for the
9 building project; (g) made for payments due under installment
10 contracts entered into before March 7, 1997 (the effective
11 date of Public Act 89-718); (h) made for payments of principal
12 and interest on limited bonds, as defined in Section 3 of the
13 Local Government Debt Reform Act, in an amount not to exceed
14 the debt service extension base less the amount in items (b),
15 (c), and (e) of this definition for non-referendum
16 obligations, except obligations initially issued pursuant to
17 referendum; (i) made for payments of principal and interest on
18 bonds issued under Section 15 of the Local Government Debt
19 Reform Act; (j) made for a qualified airport authority to pay
20 interest or principal on general obligation bonds issued for
21 the purpose of paying obligations due under, or financing
22 airport facilities required to be acquired, constructed,
23 installed or equipped pursuant to, contracts entered into
24 before March 1, 1996 (but not including any amendments to such
25 a contract taking effect on or after that date); (k) made to
26 fund expenses of providing joint recreational programs for

1 persons with disabilities under Section 5-8 of the Park
2 District Code or Section 11-95-14 of the Illinois Municipal
3 Code; and (1) made for contributions to a firefighter's
4 pension fund created under Article 4 of the Illinois Pension
5 Code, to the extent of the amount certified under item (5) of
6 Section 4-134 of the Illinois Pension Code.

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

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

22 "Special purpose extensions" include, but are not limited
23 to, extensions for levies made on an annual basis for
24 unemployment and workers' compensation, self-insurance,
25 contributions to pension plans, and extensions made pursuant
26 to Section 6-601 of the Illinois Highway Code for a road

1 district's permanent road fund whether levied annually or not.
2 The extension for a special service area is not included in the
3 aggregate extension.

4 "Aggregate extension base" means the taxing district's
5 last preceding aggregate extension as adjusted under Sections
6 18-135, 18-215, 18-230, 18-206, and 18-233. Beginning with
7 levy year 2022, for taxing districts that are specified in
8 Section 18-190.7, the taxing district's aggregate extension
9 base shall be calculated as provided in Section 18-190.7. An
10 adjustment under Section 18-135 shall be made for the 2007
11 levy year and all subsequent levy years whenever one or more
12 counties within which a taxing district is located (i) used
13 estimated valuations or rates when extending taxes in the
14 taxing district for the last preceding levy year that resulted
15 in the over or under extension of taxes, or (ii) increased or
16 decreased the tax extension for the last preceding levy year
17 as required by Section 18-135(c). Whenever an adjustment is
18 required under Section 18-135, the aggregate extension base of
19 the taxing district shall be equal to the amount that the
20 aggregate extension of the taxing district would have been for
21 the last preceding levy year if either or both (i) actual,
22 rather than estimated, valuations or rates had been used to
23 calculate the extension of taxes for the last levy year, or
24 (ii) the tax extension for the last preceding levy year had not
25 been adjusted as required by subsection (c) of Section 18-135.

26 Notwithstanding any other provision of law, for levy year

1 2012, the aggregate extension base for West Northfield School
2 District No. 31 in Cook County shall be \$12,654,592.

3 Notwithstanding any other provision of law, for levy year
4 2022, the aggregate extension base of a home equity assurance
5 program that levied at least \$1,000,000 in property taxes in
6 levy year 2019 or 2020 under the Home Equity Assurance Act
7 shall be the amount that the program's aggregate extension
8 base for levy year 2021 would have been if the program had
9 levied a property tax for levy year 2021.

10 "Levy year" has the same meaning as "year" under Section
11 1-155.

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

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

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

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

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

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

10 Except as otherwise provided in this Section, "limiting
11 rate" means a fraction the numerator of which is the last
12 preceding aggregate extension base (as reduced by Section
13 18-207, if applicable) times an amount equal to one plus the
14 extension limitation defined in this Section and the
15 denominator of which is the current year's equalized assessed
16 value of all real property in the territory under the
17 jurisdiction of the taxing district during the prior levy
18 year. For those taxing districts that reduced their aggregate
19 extension for the last preceding levy year, except for school
20 districts that reduced their extension for educational
21 purposes pursuant to Section 18-206 and taxing districts that
22 reduced their aggregate extension pursuant to Section 18-207,
23 the highest aggregate extension in any of the last 3 preceding
24 levy years shall be used for the purpose of computing the
25 limiting rate. The denominator shall not include new property
26 or the recovered tax increment value. If a new rate, a rate

1 decrease, or a limiting rate increase has been approved at an
2 election held after March 21, 2006, then (i) the otherwise
3 applicable limiting rate shall be increased by the amount of
4 the new rate or shall be reduced by the amount of the rate
5 decrease, as the case may be, or (ii) in the case of a limiting
6 rate increase, the limiting rate shall be equal to the rate set
7 forth in the proposition approved by the voters for each of the
8 years specified in the proposition, after which the limiting
9 rate of the taxing district shall be calculated as otherwise
10 provided. In the case of a taxing district that obtained
11 referendum approval for an increased limiting rate on March
12 20, 2012, the limiting rate for tax year 2012 shall be the rate
13 that generates the approximate total amount of taxes
14 extendable for that tax year, as set forth in the proposition
15 approved by the voters; this rate shall be the final rate
16 applied by the county clerk for the aggregate of all capped
17 funds of the district for tax year 2012.

18 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
19 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; 102-707, eff.
20 4-22-22; 102-813, eff. 5-13-22; 102-895, eff. 5-23-22;
21 103-154, eff. 6-30-23.)

22 (35 ILCS 200/18-205)

23 Sec. 18-205. Referendum to increase the extension
24 limitation. A taxing district is limited to an extension
25 limitation as defined in Section 18-185 ~~of 5% or the~~

1 ~~percentage increase in the Consumer Price Index during the~~
2 ~~12-month calendar year preceding the levy year, whichever is~~
3 ~~less.~~ A taxing district may increase its extension limitation
4 for one or more levy years if that taxing district holds a
5 referendum before the levy date for the first levy year at
6 which a majority of voters voting on the issue approves
7 adoption of a higher extension limitation. Referenda shall be
8 conducted at a regularly scheduled election in accordance with
9 the Election Code. The question shall be presented in
10 substantially the following manner for all elections held
11 after March 21, 2006:

12 Shall the extension limitation under the Property Tax
13 Extension Limitation Law for (insert the legal name,
14 number, if any, and county or counties of the taxing
15 district and geographic or other common name by which a
16 school or community college district is known and referred
17 to), Illinois, be increased from (the extension limitation
18 under item (a) of the definition of extension limitation
19 in Section 18-185) ~~the lesser of 5% or the percentage~~
20 ~~increase in the Consumer Price Index over the prior levy~~
21 ~~year~~ to (insert the percentage of the proposed increase)%
22 per year for (insert each levy year for which the
23 increased extension limitation will apply)?

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

25 If a majority of voters voting on the issue approves the
26 adoption of the increase, the increase shall be applicable for

1 each levy year specified.

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

7 (1) For the (insert the first levy year for which the
8 increased extension limitation will be applicable) levy
9 year the approximate amount of the additional tax
10 extendable against property containing a single family
11 residence and having a fair market value at the time of the
12 referendum of \$100,000 is estimated to be \$....

13 (2) Based upon an average annual percentage increase
14 (or decrease) in the market value of such property of ...%
15 (insert percentage equal to the average annual percentage
16 increase or decrease for the prior 3 levy years, at the
17 time the submission of the question is initiated by the
18 taxing district, in the amount of (A) the equalized
19 assessed value of the taxable property in the taxing
20 district less (B) the new property included in the
21 equalized assessed value), the approximate amount of the
22 additional tax extendable against such property for the
23 ... levy year is estimated to be \$... and for the ... levy
24 year is estimated to be \$....

25 Paragraph (2) shall be included only if the increased
26 extension limitation will be applicable for more than one year

1 and shall list each levy year for which the increased
2 extension limitation will be applicable. The additional tax
3 shown for each levy year shall be the approximate dollar
4 amount of the increase over the amount of the most recently
5 completed extension at the time the submission of the question
6 is initiated by the taxing district. The approximate amount of
7 the additional tax extendable shown in paragraphs (1) and (2)
8 shall be calculated by multiplying \$100,000 (the fair market
9 value of the property without regard to any property tax
10 exemptions) by (i) the percentage level of assessment
11 prescribed for that property by statute, or by ordinance of
12 the county board in counties that classify property for
13 purposes of taxation in accordance with Section 4 of Article
14 IX of the Illinois Constitution; (ii) the most recent final
15 equalization factor certified to the county clerk by the
16 Department of Revenue at the time the taxing district
17 initiates the submission of the proposition to the electors;
18 (iii) the last known aggregate extension base of the taxing
19 district at the time the submission of the question is
20 initiated by the taxing district; and (iv) the difference
21 between the percentage increase proposed in the question and
22 the otherwise applicable extension limitation ~~lesser of 5% or~~
23 ~~the percentage increase in the Consumer Price Index for the~~
24 ~~prior levy year (or an estimate of the percentage increase for~~
25 ~~the prior levy year if the increase is unavailable at the time~~
26 ~~the submission of the question is initiated by the taxing~~

1 ~~district~~); and dividing the result by the last known equalized
2 assessed value of the taxing district at the time the
3 submission of the question is initiated by the taxing
4 district. This amendatory Act of the 97th General Assembly is
5 intended to clarify the existing requirements of this Section,
6 and shall not be construed to validate any prior non-compliant
7 referendum language. Any notice required to be published in
8 connection with the submission of the question shall also
9 contain this supplemental information and shall not contain
10 any other supplemental information. Any error, miscalculation,
11 or inaccuracy in computing any amount set forth on the ballot
12 or in the notice that is not deliberate shall not invalidate or
13 affect the validity of any proposition approved. Notice of the
14 referendum shall be published and posted as otherwise required
15 by law, and the submission of the question shall be initiated
16 as provided by law.

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

18 (35 ILCS 200/18-207 new)

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

20 (a) Upon submission of a petition signed by a number of
21 voters of the taxing district that is not less than 10% of the
22 votes cast in the taxing district at the immediately preceding
23 gubernatorial election, the question of whether a taxing
24 district shall reduce its aggregate extension base for the
25 purpose of lowering its limiting rate for future years shall

1 be submitted to the voters of the taxing district at the next
2 general or consolidated election. The petition shall set forth
3 the amount of the reduction and the levy years for which the
4 reduction shall be applicable.

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

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

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

25 If a majority of all votes cast on the proposition are in
26 favor of the proposition, then the aggregate extension base

1 shall be reduced as provided in the referendum.

2 (35 ILCS 200/18-212)

3 Sec. 18-212. Referendum on debt service extension base. A
4 taxing district may establish or increase its debt service
5 extension base if (i) that taxing district holds a referendum
6 before the date on which the levy must be filed with the county
7 clerk of the county or counties in which the taxing district is
8 situated and (ii) a majority of voters voting on the issue
9 approves the establishment of or increase in the debt service
10 extension base. A debt service extension base established or
11 increased by a referendum held pursuant to this Section after
12 February 2, 2010, shall be increased each year, commencing
13 with the first levy year beginning after the date of the
14 referendum, by the extension limitation ~~lesser of 5% or the~~
15 ~~percentage increase in the Consumer Price Index during the~~
16 ~~12-month calendar year preceding the levy year~~ if the optional
17 language concerning the annual increase is included in the
18 question submitted to the electors of the taxing district.
19 Referenda under this Section shall be conducted at a regularly
20 scheduled election in accordance with the Election Code. The
21 governing body of the taxing district shall certify the
22 question to the proper election authorities who shall submit
23 the question to the electors of the taxing district in
24 substantially the following form:

25 "Shall the debt service extension base under the Property

1 Tax Extension Limitation Law for ... (taxing district
2 name) ... for payment of principal and interest on limited
3 bonds be ((established at \$) . (or) (increased
4 from \$ to \$)) .. for the levy year and all
5 subsequent levy years (optional language: , such debt
6 service extension base to be increased each year by
7 (extension limitation amount) ~~the lesser of 5% or the~~
8 ~~percentage increase in the Consumer Price Index during the~~
9 ~~12 month calendar year preceding the levy year)?"~~

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

11 If a majority of voters voting on the issue approves the
12 establishment of or increase in the debt service extension
13 base, the establishment of or increase in the debt service
14 extension base shall be applicable for the levy years
15 specified.

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

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