



Rep. Kevin A. McCarthy

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1 AMENDMENT TO SENATE BILL 2635

2 AMENDMENT NO. _____. Amend Senate Bill 2635 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 27-25, 27-40, 27-45, and 27-75 as follows:

6 (35 ILCS 200/27-25)

7 Sec. 27-25. Form of hearing notice. Taxes may be levied or
8 imposed by the municipality or county in the special service
9 area at a rate or amount of tax sufficient to produce revenues
10 required to provide the special services. Prior to the first
11 levy of taxes in the special service area, notice shall be
12 given and a hearing shall be held under the provisions of
13 Sections 27-30 and 27-35. For purposes of this Section the
14 notice shall include:

- 15 (a) The time and place of hearing;
- 16 (b) The boundaries of the area by legal description
17 and, where possible, by street location, ~~where possible;~~
- 18 (c) The permanent tax index number of each parcel
19 located within the area;
- 20 (d) The nature of the proposed special services to be
21 provided within the special service area and a statement as
22 to whether the proposed special services are for new
23 construction, maintenance, or other purposes;
- 24 (e) ~~(e)~~ A notification that all interested persons,

1 including all persons owning taxable real property located
2 within the special service area, will be given an
3 opportunity to be heard at the hearing regarding the tax
4 levy and an opportunity to file objections to the amount of
5 the tax levy if the tax is a tax upon property; and

6 (f) ~~(d)~~ The maximum rate of taxes to be extended within
7 the special service area in any year and the ~~may include a~~
8 maximum number of years taxes will be levied if a maximum
9 number of years is to be established.

10 After the first levy of taxes within the special service
11 area, taxes may continue to be levied in subsequent years
12 without the requirement of an additional public hearing if the
13 tax rate does , ~~taxes may be extended against the special~~
14 ~~service area for the services specified without additional~~
15 ~~hearings. However, the taxes shall not exceed the rate~~
16 specified in the notice for the original public hearing ~~notice~~
17 and ~~if a maximum number of years is specified in the notice,~~
18 the taxes are ~~shall~~ not be extended for a longer period than
19 the number of years specified in the notice if a number of
20 years is specified. Tax rates may be increased and the period
21 specified may be extended, if notice is given and new public
22 hearings are held in accordance with Sections 27-30 and 27-35.

23 (Source: P.A. 82-640; 88-455.)

24 (35 ILCS 200/27-40)

25 Sec. 27-40. Boundaries of special service area. No lien
26 shall be established against any real property in a special
27 service area nor shall a special service area create a valid
28 tax before a certified copy of an ordinance establishing or
29 altering the boundaries of a special service area, containing a
30 legal description of the territory of the area, the permanent
31 tax index numbers of the parcels located within the territory
32 of the area, an accurate map of the territory, a copy of the
33 notice of the public hearing, and a description of the special

1 services to be provided is filed for record in the office of
2 the recorder in each county in which any part of the area is
3 located. The ordinance must be recorded no later than 60 days
4 after the date the ordinance was adopted. An ordinance
5 establishing a special service area recorded beyond the 60 days
6 is not valid. The requirement for recording within 60 days
7 shall not apply to any establishment or alteration of the
8 boundaries of a service area that occurred before September 23,
9 1991.

10 (Source: P.A. 90-218, eff. 7-25-97.)

11 (35 ILCS 200/27-45)

12 Sec. 27-45. Issuance of bonds. Bonds secured by the full
13 faith and credit of the area included in the special service
14 area may be issued for providing the special services. Bonds,
15 when so issued, shall be retired by the levy of taxes in
16 addition to the taxes specified in Section 27-25 against all of
17 the taxable real property included in the area as provided in
18 the ordinance authorizing the issuance of the bonds or by the
19 imposition of another tax within the special service area. The
20 county clerk shall annually extend taxes against all of the
21 taxable property situated in the county and contained in such
22 special service area in amounts sufficient to pay maturing
23 principal and interest of those bonds without limitation as to
24 rate or amount and in addition to and in excess of any taxes
25 that may now or hereafter be authorized to be levied by the
26 municipality or county. Prior to the issuance of those bonds,
27 notice shall be given and a hearing shall be held pursuant to
28 the provisions of Sections 27-30 and 27-35. For purposes of
29 this Section a notice shall include:

30 (a) The time and place of hearing;

31 (b) The boundaries of the area by legal description
32 and, where possible, by street location, ~~where possible~~;

33 (c) The permanent tax index number of each parcel

1 located within the area;

2 (d) The nature of the special services to be provided
3 within the proposed special service area and a statement as
4 to whether the proposed special services are for new
5 construction, maintenance, or other purposes;

6 (e) If the special services are to be maintained other
7 than by the municipality or the county after the life of
8 the bonds, then a statement indicating who will be
9 responsible for maintenance of the special services after
10 the life of the bonds;

11 (f) ~~(e)~~ A notification that all interested persons,
12 including all persons owning taxable property located
13 within the special service area, will be given an
14 opportunity to be heard at the hearing regarding the
15 issuance of the bonds and an opportunity to file objections
16 to the issuance of the bonds; and

17 (g) ~~(d)~~ The maximum amount of bonds proposed to be
18 issued, the maximum period of time over which the bonds
19 will be retired, and the maximum interest rate the bonds
20 will bear.

21 The question of the creation of a special service area, the
22 levy or imposition of a tax in the special service area and the
23 issuance of bonds for providing special services may all be
24 considered together at one hearing.

25 Any bonds issued shall not exceed the number of bonds, the
26 interest rate and the period of extension set forth in the
27 notice, unless an additional hearing is held. Bonds issued
28 pursuant to this Article shall not be regarded as indebtedness
29 of the municipality or county, as the case may be, for the
30 purpose of any limitation imposed by any law.

31 (Source: P.A. 82-640; 88-455.)

32 (35 ILCS 200/27-75)

33 Sec. 27-75. Extension of tax levy. If a property tax is

1 levied, the tax shall be extended by the county clerk in the
2 special service area in the manner provided by Articles 1
3 through 26 of this Code based on equalized assessed values as
4 established under Articles 1 through 26. The municipality or
5 county shall file a certified copy of the ordinance creating
6 the special service area, including an accurate map thereof, a
7 copy of the public hearing notice, and a description of the
8 special services to be provided, with the county clerk. The
9 corporate authorities of the municipality or county may levy
10 taxes in the special service area prior to the date the levy
11 must be filed with the county clerk, for the same year in which
12 the ordinance and map are filed with the county clerk. In
13 addition, the corporate authorities shall file a certified copy
14 of each ordinance levying taxes in the special service area on
15 or before the last Tuesday of December of each year and shall
16 file a certified copy of any ordinance authorizing the issuance
17 of bonds and providing for a property tax levy in the area by
18 December 31 of the year of the first levy.

19 In lieu of or in addition to an ad valorem property tax, a
20 special tax may be levied and extended within the special
21 service area on any other basis that provides a rational
22 relationship between the amount of the tax levied against each
23 lot, block, tract and parcel of land in the special service
24 area and the special service benefit rendered. In that case, a
25 special tax roll shall be prepared containing: (a) a
26 description of the special services to be provided, (b) an
27 explanation of the method of spreading the special tax, (c) ~~(b)~~
28 a list of lots, blocks, tracts and parcels of land in the
29 special service area, and (d) ~~(e)~~ the amount assessed against
30 each. The special tax roll shall be included in the ordinance
31 establishing the special service area or in an amendment of the
32 ordinance, and shall be filed with the county clerk for use in
33 extending the tax. The lien and foreclosure remedies provided
34 in Article 9 of the Illinois Municipal Code shall apply upon

1 non-payment of the special tax.

2 As an alternative to an ad valorem tax based on the whole
3 equalized assessed value of the property, the corporate
4 authorities may provide for the ad valorem tax to be extended
5 solely upon the equalized assessed value of the land in a
6 special service area, without regard to improvements, if the
7 equalized assessed value of the land in the special service
8 area is at least 75% of the total of the whole equalized
9 assessed value of property within the special service area at
10 the time that it was established. If the corporate authorities
11 choose to provide for this method of taxation on the land value
12 only, then each notice given in connection with the special
13 service area must include a statement in substantially the
14 following form: "The taxes to be extended shall be upon the
15 equalized assessed value of the land in the proposed special
16 service area, without regard to improvements.

17 (Source: P.A. 83-1245; 88-455.)

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