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1 AMENDMENT TO SENATE BILL 1682

2 AMENDMENT NO. _____. Amend Senate Bill 1682 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 18-125, 18-185, 18-190, 18-205, and 18-230 as follows:

6 (35 ILCS 200/18-125)

7 Sec. 18-125. Rate limit referenda. Referenda initiated
8 under Section 18-120 shall be subject to the provisions and
9 limitations of the general election law.

10 The question of adopting a maximum tax rate other than that
11 applicable shall be in substantially the following form for all
12 elections held after March 21, 2006:

13 Shall the maximum tax rate for . . . purposes of . . .
14 (insert legal name, number, if any, and county or counties
15 of taxing district), Illinois, be established at . . . % of
16 the equalized assessed value of the taxable property
17 therein instead of . . . %, the maximum rate otherwise
18 applicable to the next taxes to be extended?

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

20 _____

21 ~~Shall the maximum tax rate for~~
22 ~~the..... fund of.....~~
23 ~~(identify taxing district) be _____ YES~~
24 ~~established at..... percent~~

1 ~~on the equalized assessed~~
 2 ~~value instead of..... per~~
 3 ~~cent, the maximum rate otherwise~~ NO
 4 ~~applicable to the next taxes to~~
 5 ~~be extended?~~

7 The ballot shall have printed thereon, but not as a part of
 8 the proposition submitted, (i) a statement of the purpose or
 9 reason for the proposed change in the tax rate, (ii) an
 10 estimate of the approximate amount extendable under the
 11 proposed rate and of the approximate amount extendable under
 12 the current rate applicable to the next taxes extended, such
 13 amounts being computed upon the last known equalized assessed
 14 value, and (iii) the approximate amount of the tax extendable
 15 against property containing a single family residence and
 16 having a fair market value of \$100,000 at the current maximum
 17 rate and at the proposed rate. The approximate amount of the
 18 tax extendable against property containing a single family
 19 residence shall be calculated (i) without regard to any
 20 property tax exemptions and (ii) based upon the percentage
 21 level of assessment prescribed for such property by statute or
 22 by ordinance of the county board in counties which classify
 23 property for purposes of taxation in accordance with Section 4
 24 of Article IX of the Constitution. Any error, miscalculation or
 25 inaccuracy in computing such amounts that is not deliberate
 26 shall not invalidate or affect the validity of any maximum tax
 27 rate so adopted.

28 If a majority of all ballots cast on the proposition are in
 29 favor of the proposition, the maximum tax rate so established
 30 shall become effective with the levy next following the
 31 referendum. It is the duty of the county clerk to reduce, if
 32 necessary, the amount of any taxes levied thereafter. Nothing
 33 in this Section shall be construed as precluding the extension
 34 of taxes at rates less than that authorized by the referendum.

1 (Source: P.A. 86-1253; 88-455.)

2 (35 ILCS 200/18-185)

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

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

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

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

16 "Taxing district" has the same meaning provided in Section
17 1-150, except as otherwise provided in this Section. For the
18 1991 through 1994 levy years only, "taxing district" includes
19 only each non-home rule taxing district having the majority of
20 its 1990 equalized assessed value within any county or counties
21 contiguous to a county with 3,000,000 or more inhabitants.
22 Beginning with the 1995 levy year, "taxing district" includes
23 only each non-home rule taxing district subject to this Law
24 before the 1995 levy year and each non-home rule taxing
25 district not subject to this Law before the 1995 levy year
26 having the majority of its 1994 equalized assessed value in an
27 affected county or counties. Beginning with the levy year in
28 which this Law becomes applicable to a taxing district as
29 provided in Section 18-213, "taxing district" also includes
30 those taxing districts made subject to this Law as provided in
31 Section 18-213.

32 "Aggregate extension" for taxing districts to which this
33 Law applied before the 1995 levy year means the annual

1 corporate extension for the taxing district and those special
2 purpose extensions that are made annually for the taxing
3 district, excluding special purpose extensions: (a) made for
4 the taxing district to pay interest or principal on general
5 obligation bonds that were approved by referendum; (b) made for
6 any taxing district to pay interest or principal on general
7 obligation bonds issued before October 1, 1991; (c) made for
8 any taxing district to pay interest or principal on bonds
9 issued to refund or continue to refund those bonds issued
10 before October 1, 1991; (d) made for any taxing district to pay
11 interest or principal on bonds issued to refund or continue to
12 refund bonds issued after October 1, 1991 that were approved by
13 referendum; (e) made for any taxing district to pay interest or
14 principal on revenue bonds issued before October 1, 1991 for
15 payment of which a property tax levy or the full faith and
16 credit of the unit of local government is pledged; however, a
17 tax for the payment of interest or principal on those bonds
18 shall be made only after the governing body of the unit of
19 local government finds that all other sources for payment are
20 insufficient to make those payments; (f) made for payments
21 under a building commission lease when the lease payments are
22 for the retirement of bonds issued by the commission before
23 October 1, 1991, to pay for the building project; (g) made for
24 payments due under installment contracts entered into before
25 October 1, 1991; (h) made for payments of principal and
26 interest on bonds issued under the Metropolitan Water
27 Reclamation District Act to finance construction projects
28 initiated before October 1, 1991; (i) made for payments of
29 principal and interest on limited bonds, as defined in Section
30 3 of the Local Government Debt Reform Act, in an amount not to
31 exceed the debt service extension base less the amount in items
32 (b), (c), (e), and (h) of this definition for non-referendum
33 obligations, except obligations initially issued pursuant to
34 referendum; (j) made for payments of principal and interest on

1 bonds issued under Section 15 of the Local Government Debt
2 Reform Act; (k) made by a school district that participates in
3 the Special Education District of Lake County, created by
4 special education joint agreement under Section 10-22.31 of the
5 School Code, for payment of the school district's share of the
6 amounts required to be contributed by the Special Education
7 District of Lake County to the Illinois Municipal Retirement
8 Fund under Article 7 of the Illinois Pension Code; the amount
9 of any extension under this item (k) shall be certified by the
10 school district to the county clerk; (l) made to fund expenses
11 of providing joint recreational programs for the handicapped
12 under Section 5-8 of the Park District Code or Section 11-95-14
13 of the Illinois Municipal Code; (m) made for temporary
14 relocation loan repayment purposes pursuant to Sections 2-3.77
15 and 17-2.2d of the School Code; ~~and~~ (n) made for payment of
16 principal and interest on any bonds issued under the authority
17 of Section 17-2.2d of the School Code; and (o) ~~(m)~~ made for
18 contributions to a firefighter's pension fund created under
19 Article 4 of the Illinois Pension Code, to the extent of the
20 amount certified under item (5) of Section 4-134 of the
21 Illinois Pension Code.

22 "Aggregate extension" for the taxing districts to which
23 this Law did not apply before the 1995 levy year (except taxing
24 districts subject to this Law in accordance with Section
25 18-213) means the annual corporate extension for the taxing
26 district and those special purpose extensions that are made
27 annually for the taxing district, excluding special purpose
28 extensions: (a) made for the taxing district to pay interest or
29 principal on general obligation bonds that were approved by
30 referendum; (b) made for any taxing district to pay interest or
31 principal on general obligation bonds issued before March 1,
32 1995; (c) made for any taxing district to pay interest or
33 principal on bonds issued to refund or continue to refund those
34 bonds issued before March 1, 1995; (d) made for any taxing

1 district to pay interest or principal on bonds issued to refund
2 or continue to refund bonds issued after March 1, 1995 that
3 were approved by referendum; (e) made for any taxing district
4 to pay interest or principal on revenue bonds issued before
5 March 1, 1995 for payment of which a property tax levy or the
6 full faith and credit of the unit of local government is
7 pledged; however, a tax for the payment of interest or
8 principal on those bonds shall be made only after the governing
9 body of the unit of local government finds that all other
10 sources for payment are insufficient to make those payments;
11 (f) made for payments under a building commission lease when
12 the lease payments are for the retirement of bonds issued by
13 the commission before March 1, 1995 to pay for the building
14 project; (g) made for payments due under installment contracts
15 entered into before March 1, 1995; (h) made for payments of
16 principal and interest on bonds issued under the Metropolitan
17 Water Reclamation District Act to finance construction
18 projects initiated before October 1, 1991; (h-4) made for
19 stormwater management purposes by the Metropolitan Water
20 Reclamation District of Greater Chicago under Section 12 of the
21 Metropolitan Water Reclamation District Act; (i) made for
22 payments of principal and interest on limited bonds, as defined
23 in Section 3 of the Local Government Debt Reform Act, in an
24 amount not to exceed the debt service extension base less the
25 amount in items (b), (c), and (e) of this definition for
26 non-referendum obligations, except obligations initially
27 issued pursuant to referendum and bonds described in subsection
28 (h) of this definition; (j) made for payments of principal and
29 interest on bonds issued under Section 15 of the Local
30 Government Debt Reform Act; (k) made for payments of principal
31 and interest on bonds authorized by Public Act 88-503 and
32 issued under Section 20a of the Chicago Park District Act for
33 aquarium or museum projects; (l) made for payments of principal
34 and interest on bonds authorized by Public Act 87-1191 or

1 93-601 and (i) issued pursuant to Section 21.2 of the Cook
2 County Forest Preserve District Act, (ii) issued under Section
3 42 of the Cook County Forest Preserve District Act for
4 zoological park projects, or (iii) issued under Section 44.1 of
5 the Cook County Forest Preserve District Act for botanical
6 gardens projects; (m) made pursuant to Section 34-53.5 of the
7 School Code, whether levied annually or not; (n) made to fund
8 expenses of providing joint recreational programs for the
9 handicapped under Section 5-8 of the Park District Code or
10 Section 11-95-14 of the Illinois Municipal Code; (o) made by
11 the Chicago Park District for recreational programs for the
12 handicapped under subsection (c) of Section 7.06 of the Chicago
13 Park District Act; and (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 "Aggregate extension" for all taxing districts to which
18 this Law applies in accordance with Section 18-213, except for
19 those taxing districts subject to paragraph (2) of subsection
20 (e) of Section 18-213, means the annual corporate extension for
21 the taxing district and those special purpose extensions that
22 are made annually for the taxing district, excluding special
23 purpose extensions: (a) made for the taxing district to pay
24 interest or principal on general obligation bonds that were
25 approved by referendum; (b) made for any taxing district to pay
26 interest or principal on general obligation bonds issued before
27 the date on which the referendum making this Law applicable to
28 the taxing district is held; (c) made for any taxing district
29 to pay interest or principal on bonds issued to refund or
30 continue to refund those bonds issued before the date on which
31 the referendum making this Law applicable to the taxing
32 district is held; (d) made for any taxing district to pay
33 interest or principal on bonds issued to refund or continue to
34 refund bonds issued after the date on which the referendum

1 making this Law applicable to the taxing district is held if
2 the bonds were approved by referendum after the date on which
3 the referendum making this Law applicable to the taxing
4 district is held; (e) made for any taxing district to pay
5 interest or principal on revenue bonds issued before the date
6 on which the referendum making this Law applicable to the
7 taxing district is held for payment of which a property tax
8 levy or the full faith and credit of the unit of local
9 government is pledged; however, a tax for the payment of
10 interest or principal on those bonds shall be made only after
11 the governing body of the unit of local government finds that
12 all 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 the date on which the
16 referendum making this Law applicable to the taxing district is
17 held to pay for the building project; (g) made for payments due
18 under installment contracts entered into before the date on
19 which the referendum making this Law applicable to the taxing
20 district is held; (h) made for payments of principal and
21 interest on limited bonds, as defined in Section 3 of the Local
22 Government Debt Reform Act, in an amount not to exceed the debt
23 service extension base less the amount in items (b), (c), and
24 (e) of this definition for non-referendum obligations, except
25 obligations initially issued pursuant to referendum; (i) made
26 for payments of principal and interest on bonds issued under
27 Section 15 of the Local Government Debt Reform Act; (j) made
28 for a qualified airport authority to pay interest or principal
29 on general obligation bonds issued for the purpose of paying
30 obligations due under, or financing airport facilities
31 required to be acquired, constructed, installed or equipped
32 pursuant to, contracts entered into before March 1, 1996 (but
33 not including any amendments to such a contract taking effect
34 on or after that date); (k) made to fund expenses of providing

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

7 "Aggregate extension" for all taxing districts to which
8 this Law applies in accordance with paragraph (2) of subsection
9 (e) of Section 18-213 means the annual corporate extension for
10 the taxing district and those special purpose extensions that
11 are made annually for the taxing district, excluding special
12 purpose extensions: (a) made for the taxing district to pay
13 interest or principal on general obligation bonds that were
14 approved by referendum; (b) made for any taxing district to pay
15 interest or principal on general obligation bonds issued before
16 the effective date of this amendatory Act of 1997; (c) made for
17 any taxing district to pay interest or principal on bonds
18 issued to refund or continue to refund those bonds issued
19 before the effective date of this amendatory Act of 1997; (d)
20 made for any taxing district to pay interest or principal on
21 bonds issued to refund or continue to refund bonds issued after
22 the effective date of this amendatory Act of 1997 if the bonds
23 were approved by referendum after the effective date of this
24 amendatory Act of 1997; (e) made for any taxing district to pay
25 interest or principal on revenue bonds issued before the
26 effective date of this amendatory Act of 1997 for payment of
27 which a property tax levy or the full faith and credit of the
28 unit of local government is pledged; however, a tax for the
29 payment of interest or principal on those bonds shall be made
30 only after the governing body of the unit of local government
31 finds that all other sources for payment are insufficient to
32 make those payments; (f) made for payments under a building
33 commission lease when the lease payments are for the retirement
34 of bonds issued by the commission before the effective date of

1 this amendatory Act of 1997 to pay for the building project;
2 (g) made for payments due under installment contracts entered
3 into before the effective date of this amendatory Act of 1997;
4 (h) made for payments of principal and interest on limited
5 bonds, as defined in Section 3 of the Local Government Debt
6 Reform Act, in an amount not to exceed the debt service
7 extension base less the amount in items (b), (c), and (e) of
8 this definition for non-referendum obligations, except
9 obligations initially issued pursuant to referendum; (i) made
10 for payments of principal and interest on bonds issued under
11 Section 15 of the Local Government Debt Reform Act; (j) made
12 for a qualified airport authority to pay interest or principal
13 on general obligation bonds issued for the purpose of paying
14 obligations due under, or financing airport facilities
15 required to be acquired, constructed, installed or equipped
16 pursuant to, contracts entered into before March 1, 1996 (but
17 not including any amendments to such a contract taking effect
18 on or after that date); (k) made to fund expenses of providing
19 joint recreational programs for the handicapped under Section
20 5-8 of the Park District Code or Section 11-95-14 of the
21 Illinois Municipal Code; and (l) made for contributions to a
22 firefighter's pension fund created under Article 4 of the
23 Illinois Pension Code, to the extent of the amount certified
24 under item (5) of Section 4-134 of the Illinois Pension Code.

25 "Debt service extension base" means an amount equal to that
26 portion of the extension for a taxing district for the 1994
27 levy year, or for those taxing districts subject to this Law in
28 accordance with Section 18-213, except for those subject to
29 paragraph (2) of subsection (e) of Section 18-213, for the levy
30 year in which the referendum making this Law applicable to the
31 taxing district is held, or for those taxing districts subject
32 to this Law in accordance with paragraph (2) of subsection (e)
33 of Section 18-213 for the 1996 levy year, constituting an
34 extension for payment of principal and interest on bonds issued

1 by the taxing district without referendum, but not including
2 excluded non-referendum bonds. For park districts (i) that were
3 first subject to this Law in 1991 or 1995 and (ii) whose
4 extension for the 1994 levy year for the payment of principal
5 and interest on bonds issued by the park district without
6 referendum (but not including excluded non-referendum bonds)
7 was less than 51% of the amount for the 1991 levy year
8 constituting an extension for payment of principal and interest
9 on bonds issued by the park district without referendum (but
10 not including excluded non-referendum bonds), "debt service
11 extension base" means an amount equal to that portion of the
12 extension for the 1991 levy year constituting an extension for
13 payment of principal and interest on bonds issued by the park
14 district without referendum (but not including excluded
15 non-referendum bonds). The debt service extension base may be
16 established or increased as provided under Section 18-212.
17 "Excluded non-referendum bonds" means (i) bonds authorized by
18 Public Act 88-503 and issued under Section 20a of the Chicago
19 Park District Act for aquarium and museum projects; (ii) bonds
20 issued under Section 15 of the Local Government Debt Reform
21 Act; or (iii) refunding obligations issued to refund or to
22 continue to refund obligations initially issued pursuant to
23 referendum.

24 "Special purpose extensions" include, but are not limited
25 to, extensions for levies made on an annual basis for
26 unemployment and workers' compensation, self-insurance,
27 contributions to pension plans, and extensions made pursuant to
28 Section 6-601 of the Illinois Highway Code for a road
29 district's permanent road fund whether levied annually or not.
30 The extension for a special service area is not included in the
31 aggregate extension.

32 "Aggregate extension base" means the taxing district's
33 last preceding aggregate extension as adjusted under Sections
34 18-215 through 18-230.

1 "Levy year" has the same meaning as "year" under Section
2 1-155.

3 "New property" means (i) the assessed value, after final
4 board of review or board of appeals action, of new improvements
5 or additions to existing improvements on any parcel of real
6 property that increase the assessed value of that real property
7 during the levy year multiplied by the equalization factor
8 issued by the Department under Section 17-30, (ii) the assessed
9 value, after final board of review or board of appeals action,
10 of real property not exempt from real estate taxation, which
11 real property was exempt from real estate taxation for any
12 portion of the immediately preceding levy year, multiplied by
13 the equalization factor issued by the Department under Section
14 17-30, and (iii) in counties that classify in accordance with
15 Section 4 of Article IX of the Illinois Constitution, an
16 incentive property's additional assessed value resulting from
17 a scheduled increase in the level of assessment as applied to
18 the first year final board of review market value. In addition,
19 the county clerk in a county containing a population of
20 3,000,000 or more shall include in the 1997 recovered tax
21 increment value for any school district, any recovered tax
22 increment value that was applicable to the 1995 tax year
23 calculations.

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

28 "Recovered tax increment value" means, except as otherwise
29 provided in this paragraph, the amount of the current year's
30 equalized assessed value, in the first year after a
31 municipality terminates the designation of an area as a
32 redevelopment project area previously established under the
33 Tax Increment Allocation Development Act in the Illinois
34 Municipal Code, previously established under the Industrial

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

33 Except as otherwise provided in this Section, "limiting
34 rate" means a fraction the numerator of which is the last

1 preceding aggregate extension base times an amount equal to one
2 plus the extension limitation defined in this Section and the
3 denominator of which is the current year's equalized assessed
4 value of all real property in the territory under the
5 jurisdiction of the taxing district during the prior levy year.
6 For those taxing districts that reduced their aggregate
7 extension for the last preceding levy year, the highest
8 aggregate extension in any of the last 3 preceding levy years
9 shall be used for the purpose of computing the limiting rate.
10 The denominator shall not include new property or. ~~The~~
11 ~~denominator shall not include~~ the recovered tax increment
12 value. When a new rate or a rate increase or decrease has been
13 approved at an election held after March 21, 2006, and is first
14 effective for the 2006 levy year or any subsequent levy year or
15 when a new rate or a rate increase or decrease has been
16 approved at an election held prior to March 22, 2006, and is
17 first effective for the 2005 or 2006 levy year, and the
18 governing body of the taxing district has elected pursuant to
19 Section 18-230 to be subject to the provisions of this
20 definition of limiting rate, the otherwise applicable limiting
21 rate shall be increased by the amount of the new rate or the
22 rate increase or shall be reduced by the amount of the rate
23 decrease, as the case may be. If the aggregate tax rate
24 extended for those funds that made up the aggregate extension
25 for a taxing district that approved a new rate or a rate
26 increase under Section 18-190 is less than the limiting rate
27 for the first year for which the new rate or rate increase is
28 effective, the limiting rate may be increased for the next 2
29 levy years or until the limiting rate for the prior levy year
30 is equal to the aggregate tax rate extended for those funds
31 that made up the aggregate extension for the prior levy year,
32 whichever is earlier. The amount of the increase in the
33 limiting rate is the difference between the limiting rate for
34 the prior levy year and the aggregate tax rate extended for

1 those funds that made up the aggregate extension for the prior
2 levy year. No further adjustments shall be made as a result of
3 the approval of a new rate or a rate increase. When a new rate
4 or rate increase has been approved at an election held prior to
5 March 22, 2006, and the governing body of the taxing district
6 has elected pursuant to Section 18-230 to be subject to the
7 provisions of this definition of limiting rate, and the taxing
8 district's limiting rate was increased as a result of the
9 application of the tax rate increase factor in one or more
10 years to the aggregate extension base by an aggregate amount
11 not less than the amount of the new rate or the rate increase,
12 no further adjustments in the aggregate extension base or the
13 limiting rate shall be made as a result of the prior approval
14 of the new rate or the rate increase. In determining the amount
15 of the increase in the limiting rate as a result of the
16 application of the tax rate increase factor, the county clerk
17 shall calculate what the limiting rate would have been if the
18 aggregate extension base had not been increased by the tax rate
19 increase factor and compare the result of this calculation with
20 the taxing districts's actual limiting rate for the levy year
21 in which the tax rate increase factor was applied. If the
22 taxing district's limiting rate was increased as a result of
23 the application of the tax rate increase factor, but the
24 aggregate amount of the increase was less than the amount of
25 the new rate or the rate increase, the limiting rate shall be
26 increased in the manner described in this paragraph for the
27 next 2 levy years less the number of levy years that the tax
28 rate increase factor was applied after the year of the
29 referendum.

30 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
31 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff.
32 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised
33 12-14-04.)

1 (35 ILCS 200/18-190)

2 Sec. 18-190. Direct referendum; new rate or increased rate.

3 (a) If a new rate ~~or a rate increase~~ is authorized by
4 statute to be imposed without referendum or is subject to a
5 backdoor referendum, as defined in Section 28-2 of the Election
6 Code, the governing body of the affected taxing district before
7 levying the new rate ~~or rate increase~~ shall submit the new rate
8 ~~or rate increase~~ to direct referendum under the provisions of
9 this Section and of Article 28 of the Election Code.
10 Notwithstanding the provisions, requirements, or limitations
11 of any other law, any tax levied for the 2005 levy year and all
12 subsequent levy years by any taxing district subject to this
13 Law may be extended at a rate exceeding the rate established
14 for that tax by referendum or statute, provided that the rate
15 does not exceed the statutory ceiling above which the tax is
16 not authorized to be further increased either by referendum or
17 in any other manner. Notwithstanding the provisions,
18 requirements, or limitations of any other law, all taxing
19 districts subject to this Law shall follow the provisions of
20 this Section whenever seeking referenda approval after March
21 21, 2006 to (i) levy a new tax rate authorized by statute, (ii)
22 increase the rate extended for any tax the taxing district is
23 authorized to levy and which rate is authorized by statute to
24 be increased by referendum, or (iii) increase the limiting rate
25 applicable to the taxing district. All taxing districts subject
26 to this Law are authorized to seek referendum approval of each
27 proposition described and set forth in this Section.

28 The proposition seeking to obtain referendum approval to
29 levy a new tax rate as authorized in clause (i) shall be in
30 substantially the following form:

31 Shall ... (insert legal name, number, if any, and
32 county or counties of taxing district and geographic or
33 other common name by which a school or community college
34 district is known and referred to), Illinois, be authorized

1 to levy a new tax for ... purposes and have an additional
2 tax of ...% of the equalized assessed value of the taxable
3 property therein extended for such purposes?

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

5 The proposition seeking to obtain referendum approval for
6 the increase in a specific tax rate as authorized in clause
7 (ii) shall be in substantially the following form:

8 Shall the rate at which the tax authorized to be
9 extended for ... purposes of ... (insert legal name,
10 number, if any, and county or counties of taxing district
11 and geographic or other common name by which a school or
12 community college district is known and referred to),
13 Illinois, be increased by an additional amount equal to
14 ...% of the equalized assessed value of the taxable
15 property therein?

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

17 The proposition seeking to obtain referendum approval for
18 the increase in the limiting rate as authorized in clause (iii)
19 shall be in substantially the following form:

20 Shall the limiting rate under the Property Tax
21 Extension Limitation Law for ... (insert legal name,
22 number, if any, and county or counties of taxing district
23 and geographic or other common name by which a school or
24 community college district is known and referred to),
25 Illinois, be increased by an additional amount equal to
26 ...% of the equalized assessed value of the taxable
27 property therein?

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

29 The ballot for any proposition submitted pursuant to this
30 Section shall have printed thereon, but not as a part of the
31 proposition submitted, only the following supplemental
32 information:

33 (1) the rate at which the specific tax or the limiting
34 rate was most recently extended (at the time the submission

1 of the proposition is initiated by the taxing district);

2 (2) the approximate amount of taxes extendable at the
3 rate most recently extended for the specific rate or the
4 limiting rate, and the approximate amount of taxes
5 extendable at the increased rate, such amounts to be
6 computed upon the last known equalized assessed value of
7 taxable property in the taxing district (at the time the
8 submission of the proposition is initiated by the taxing
9 district); and

10 (3) the approximate amount of the additional tax
11 extendable against property containing a single family
12 residence and having a fair market value of \$100,000 if the
13 proposition is approved. The approximate amount of the tax
14 extendable against property containing a single family
15 residence shall be calculated (i) without regard to any
16 property tax exemptions and (ii) based upon the percentage
17 level of assessment prescribed for such property by statute
18 or by ordinance of the county board in counties which
19 classify property for purposes of taxation in accordance
20 with Section 4 of Article IX of the Constitution.

21 Any notice required to be published in connection with the
22 submission of the proposition shall also contain this
23 supplemental information and shall not contain any other
24 supplemental information regarding the proposition. Any error,
25 miscalculation, or inaccuracy in computing any amount set forth
26 on the ballot and in the notice that is not deliberate shall
27 not invalidate or affect the validity of any proposition
28 approved. Notice of the referendum shall be published and
29 posted as otherwise required by law, and the submission of the
30 proposition shall be initiated as provided by law.

31 If a majority of all ballots cast on the proposition are in
32 favor of the proposition, the following provisions shall be
33 applicable to the extension of taxes for the taxing district:

34 (A) a new tax rate shall be first effective for the

1 levy year in which the new rate is approved;

2 (B) if the proposition provides for a new tax rate, the
3 taxing district is authorized to levy a tax after the
4 canvass of the results of the referendum by the election
5 authority for the purposes for which the tax is authorized;

6 (C) a tax rate increase shall be first effective for
7 the levy year in which the rate increase is approved,
8 provided that the taxing district may elect to have a rate
9 increase be effective for the levy year prior to the levy
10 year in which the rate increase is approved unless the
11 extension of taxes for the prior levy year occurs 30 days
12 or less after the canvass of the results of the referendum
13 by the election authority in any county in which the taxing
14 district is located;

15 (D) in order for the tax rate increase to be first
16 effective for the levy year prior to the levy year of the
17 referendum, the taxing district must certify its election
18 to have the rate increase be effective for the prior levy
19 year to the clerk of each county in which the taxing
20 district is located not more than 2 days after the date the
21 results of the referendum are canvassed by the election
22 authority; and

23 (E) if the proposition provides for an increase in a
24 specific tax rate or in the limiting rate, the increase may
25 be effective regardless of whether the proposition is
26 approved before or after the taxing district adopts or
27 files its levy for any levy year.

28 Rates required to extend taxes on levies subject to a
29 backdoor referendum in each year there is a levy are not new
30 rates or rate increases under this Section if a levy has been
31 made for the fund in one or more of the preceding 3 levy years.
32 Changes made by this amendatory Act of 1997 to this Section in
33 reference to rates required to extend taxes on levies subject
34 to a backdoor referendum in each year there is a levy are

1 declarative of existing law and not a new enactment.

2 (b) Whenever other applicable law authorizes a taxing
3 district subject to the limitation with respect to its
4 aggregate extension provided for in this Law to issue bonds or
5 other obligations either without referendum or subject to
6 backdoor referendum, the taxing district may elect for each
7 separate bond issuance to submit the question of the issuance
8 of the bonds or obligations directly to the voters of the
9 taxing district, and if the referendum passes the taxing
10 district is not required to comply with any backdoor referendum
11 procedures or requirements set forth in the other applicable
12 law. The direct referendum shall be initiated by ordinance or
13 resolution of the governing body of the taxing district, and
14 the question shall be certified to the proper election
15 authorities in accordance with the provisions of the Election
16 Code.

17 (Source: P.A. 88-455; 88-670, eff. 12-2-94; 89-385, eff.
18 8-18-95; 89-718, eff. 3-7-97.)

19 (35 ILCS 200/18-205)

20 Sec. 18-205. Referendum to increase the extension
21 limitation. A taxing district is limited to an extension
22 limitation ~~increase~~ of 5% or the percentage increase in the
23 Consumer Price Index during the 12-month calendar year
24 preceding the levy year, whichever is less. A taxing district
25 may increase its extension limitation for one or more levy
26 years ~~a current levy year~~ if that taxing district holds a
27 referendum before the levy date for the first levy year at
28 which a majority of voters voting on the issue approves
29 adoption of a higher extension limitation. Referenda shall be
30 conducted at a regularly scheduled election in accordance with
31 the Election Code ~~provided that notice of the referendum, if~~
32 ~~held before July 1, 1999, has been given in accordance with the~~
33 ~~provisions of Section 12-5 of the Election Code in effect at~~

1 ~~the time of the bond referendum, at least 10 and not more than~~
 2 ~~45 days before the date of the election, notwithstanding the~~
 3 ~~time for publication otherwise imposed by Section 12-5. Notices~~
 4 ~~required in connection with the submission of public questions~~
 5 ~~on or after July 1, 1999 shall be as set forth in Section 12-5~~
 6 ~~of the Election Code.~~ The question shall be presented in
 7 substantially the following manner for all elections held after
 8 March 21, 2006:

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

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

20 _____

21 ~~Shall the extension limitation~~
 22 ~~under the Property Tax Extension~~
 23 ~~Limitation Law for ... (taxing _____ YES~~
 24 ~~district name) ... be increased from~~
 25 ~~... (the lesser of 5% or the increase _____~~
 26 ~~in the Consumer Price Index over the~~
 27 ~~prior levy year) ...% to ... (percentage _____ NO~~
 28 ~~of proposed increase) ...% for the~~
 29 ~~... (levy year) ... levy year?~~

30 _____

31 If a majority of voters voting on the issue approves the
 32 adoption of the increase, the increase shall be applicable for
 33 each ~~the~~ levy year specified.

34 The ballot for any question submitted pursuant to this

1 Section shall have printed thereon, but not as a part of the
2 question submitted, only the approximate amount of the
3 additional tax extendable for the first levy year against
4 property containing a single family residence and having a fair
5 market value of \$100,000 if the proposition is approved,
6 calculated by using (A) the lesser of 5% or the percentage
7 increase in the Consumer Price Index for the prior levy year
8 (or an estimate of the percentage increase for the prior levy
9 year if the increase is unavailable at the time the submission
10 of the question is initiated by the taxing district), (B) the
11 percentage increase proposed in the question, and (C) the last
12 known equalized assessed value and aggregate extension base of
13 the taxing district at the time the submission of the question
14 is initiated by the taxing district. The approximate amount of
15 the tax extendable against property containing a single family
16 residence shall be calculated (i) without regard to any
17 property tax exemptions and (ii) based upon the percentage
18 level of assessment prescribed for such property by statute or
19 by ordinance of the county board in counties which classify
20 property for purposes of taxation in accordance with Section 4
21 of Article IX of the Constitution. Any notice required to be
22 published in connection with the submission of the question
23 shall also contain this supplemental information and shall not
24 contain any other supplemental information. Any error,
25 miscalculation, or inaccuracy in computing any amount set forth
26 on the ballot or in the notice that is not deliberate shall not
27 invalidate or affect the validity of any proposition approved.
28 Notice of the referendum shall be published and posted as
29 otherwise required by law, and the submission of the question
30 shall be initiated as provided by law.

31 (Source: P.A. 90-812, eff. 1-26-99; 91-57, eff. 6-30-99.)

32 (35 ILCS 200/18-230)

33 Sec. 18-230. Rate increase or decrease factor. Only when

1 ~~When~~ a new rate or a rate increase or decrease is first
2 effective for the 2006 ~~current~~ levy year or any preceding levy
3 year after having ~~has~~ been approved by referendum held prior to
4 March 22, 2006, the aggregate extension base, as adjusted in
5 Section ~~Sections~~ 18-215 ~~and 18-220,~~ shall be multiplied by a
6 rate increase (or decrease) factor. The numerator of the rate
7 increase (or decrease) factor is the total combined rate for
8 the funds that made up the aggregate extension for the taxing
9 district for the prior year plus the rate increase approved or
10 minus the rate decrease approved. The denominator of the rate
11 increase or decrease factor is the total combined rate for the
12 funds that made up the aggregate extension for the prior year.
13 For those taxing districts for which a new rate or a rate
14 increase has been approved by referendum held after December
15 31, 1988, and that did not increase their rate to the new
16 maximum rate for that fund, the rate increase factor shall be
17 adjusted for 4 levy years after the year of the referendum by a
18 factor the numerator of which is the portion of the new or
19 increased rate for which taxes were not extended plus the
20 aggregate rate in effect for the levy year prior to the levy
21 year in which the referendum was passed and the denominator of
22 which is the aggregate rate in effect for the levy year prior
23 to the levy year in which the referendum was passed. Taxing
24 districts that approved a tax rate increase proposition at an
25 election held prior to March 22, 2006, may elect to not be
26 governed by the provisions of this Section, but to instead be
27 governed by the definition of "limiting rate" set forth in
28 Section 18-185. This election may be first effective for any
29 levy year, but once made, this election shall be irrevocable;
30 provided that the taxing district must certify its election to
31 be governed by Section 18-185 to the county clerk not less than
32 30 days prior to the extension of taxes for the first effected
33 levy year in each county in which the taxing district is
34 located.

1 (Source: P.A. 87-17; 88-455.)

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