



Sen. Don Harmon

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LRB097 03253 HLH 55850 a

1 AMENDMENT TO HOUSE BILL 363

2 AMENDMENT NO. _____. Amend House Bill 363 by replacing
3 everything after the enacting clause with the following:

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

6 (35 ILCS 200/18-190)

7 Sec. 18-190. Direct referendum; new rate or increased
8 limiting rate.

9 (a) If a new rate is authorized by statute to be imposed
10 without referendum or is subject to a backdoor referendum, as
11 defined in Section 28-2 of the Election Code, the governing
12 body of the affected taxing district before levying the new
13 rate shall submit the new rate to direct referendum under the
14 provisions of this Section and of Article 28 of the Election
15 Code. Notwithstanding the provisions, requirements, or
16 limitations of any other law, any tax levied for the 2005 levy

1 year and all subsequent levy years by any taxing district
2 subject to this Law may be extended at a rate exceeding the
3 rate established for that tax by referendum or statute,
4 provided that the rate does not exceed the statutory ceiling
5 above which the tax is not authorized to be further increased
6 either by referendum or in any other manner. Notwithstanding
7 the provisions, requirements, or limitations of any other law,
8 all taxing districts subject to this Law shall follow the
9 provisions of this Section whenever seeking referenda approval
10 after March 21, 2006 to (i) levy a new tax rate authorized by
11 statute or (ii) increase the limiting rate applicable to the
12 taxing district. All taxing districts subject to this Law are
13 authorized to seek referendum approval of each proposition
14 described and set forth in this Section.

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

18 Shall ... (insert legal name, number, if any, and
19 county or counties of taxing district and geographic or
20 other common name by which a school or community college
21 district is known and referred to), Illinois, be authorized
22 to levy a new tax for ... purposes and have an additional
23 tax of ...% of the equalized assessed value of the taxable
24 property therein extended for such purposes?

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

26 The proposition seeking to obtain referendum approval to

1 increase the limiting rate as authorized in clause (ii) shall
2 be in substantially the following form:

3 Shall the limiting rate under the Property Tax
4 Extension Limitation Law for ... (insert legal name,
5 number, if any, and county or counties of taxing district
6 and geographic or other common name by which a school or
7 community college district is known and referred to),
8 Illinois, be increased by an additional amount equal to
9 ...% above the limiting rate for the purpose of...(insert
10 purpose) for levy year ... (insert the most recent levy
11 year for which the limiting rate of the taxing district is
12 known at the time the submission of the proposition is
13 initiated by the taxing district) and be equal to ...% of
14 the equalized assessed value of the taxable property
15 therein for levy year(s) (insert each levy year for which
16 the increase will be applicable, which years must be
17 consecutive and may not exceed 4)?

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

19 The ballot for any proposition submitted pursuant to this
20 Section shall have printed thereon, but not as a part of the
21 proposition submitted, only the following supplemental
22 information (which shall be supplied to the election authority
23 by the taxing district) in substantially the following form:

24 (1) The approximate amount of taxes extendable at the
25 most recently extended limiting rate is \$..., and the
26 approximate amount of taxes extendable if the proposition

1 is approved is \$....

2 (2) For the ... (insert the first levy year for which
3 the new rate or increased limiting rate will be applicable)
4 levy year the approximate amount of the additional tax
5 extendable against property containing a single family
6 residence and having a fair market value at the time of the
7 referendum of \$100,000 is estimated to be \$....

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

20 (4) If the proposition is approved, the aggregate
21 extension for ... (insert each levy year for which the
22 increase will apply) will be determined by the limiting
23 rate set forth in the proposition, rather than the
24 otherwise applicable limiting rate calculated under the
25 provisions of the Property Tax Extension Limitation Law
26 (commonly known as the Property Tax Cap Law).

1 The approximate amount of taxes extendable shown in paragraph
2 (1) shall be computed upon the last known equalized assessed
3 value of taxable property in the taxing district (at the time
4 the submission of the proposition is initiated by the taxing
5 district). Paragraph (3) shall be included only if the
6 increased limiting rate will be applicable for more than one
7 levy year and shall list each levy year for which the increased
8 limiting rate will be applicable. The additional tax shown for
9 each levy year shall be the approximate dollar amount of the
10 increase over the amount of the most recently completed
11 extension at the time the submission of the proposition is
12 initiated by the taxing district. The approximate amount of the
13 additional taxes extendable shown in paragraphs (2) and (3)
14 shall be calculated (i) without regard to any property tax
15 exemptions and (ii) using an equalized assessed value
16 calculated by multiplying ~~based upon~~ the percentage level of
17 assessment prescribed for such property by statute or by
18 ordinance of the county board in counties which classify
19 property for purposes of taxation in accordance with Section 4
20 of Article IX of the Constitution by the most recent final
21 equalization factor certified to the county clerk by the
22 Department of Revenue at the time the taxing district initiates
23 the submission of the proposition to the electors. Paragraph
24 (4) shall be included if the proposition concerns a limiting
25 rate increase but shall not be included if the proposition
26 concerns a new rate. Any notice required to be published in

1 connection with the submission of the proposition shall also
2 contain this supplemental information and shall not contain any
3 other supplemental information regarding the proposition. Any
4 error, miscalculation, or inaccuracy in computing any amount
5 set forth on the ballot and in the notice that is not
6 deliberate shall not invalidate or affect the validity of any
7 proposition approved. Notice of the referendum shall be
8 published and posted as otherwise required by law, and the
9 submission of the proposition shall be initiated as provided by
10 law.

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

14 (A) a new tax rate shall be first effective for the
15 levy year in which the new rate is approved;

16 (B) if the proposition provides for a new tax rate, the
17 taxing district is authorized to levy a tax after the
18 canvass of the results of the referendum by the election
19 authority for the purposes for which the tax is authorized;

20 (C) a limiting rate increase shall be first effective
21 for the levy year in which the limiting rate increase is
22 approved, provided that the taxing district may elect to
23 have a limiting rate increase be effective for the levy
24 year prior to the levy year in which the limiting rate
25 increase is approved unless the extension of taxes for the
26 prior levy year occurs 30 days or less after the canvass of

1 the results of the referendum by the election authority in
2 any county in which the taxing district is located;

3 (D) in order for the limiting rate increase to be first
4 effective for the levy year prior to the levy year of the
5 referendum, the taxing district must certify its election
6 to have the limiting rate increase be effective for the
7 prior levy year to the clerk of each county in which the
8 taxing district is located not more than 2 days after the
9 date the results of the referendum are canvassed by the
10 election authority; and

11 (E) if the proposition provides for a limiting rate
12 increase, the increase may be effective regardless of
13 whether the proposition is approved before or after the
14 taxing district adopts or files its levy for any levy year.

15 Rates required to extend taxes on levies subject to a
16 backdoor referendum in each year there is a levy are not new
17 rates or rate increases under this Section if a levy has been
18 made for the fund in one or more of the preceding 3 levy years.
19 Changes made by this amendatory Act of 1997 to this Section in
20 reference to rates required to extend taxes on levies subject
21 to a backdoor referendum in each year there is a levy are
22 declarative of existing law and not a new enactment.

23 (b) Whenever other applicable law authorizes a taxing
24 district subject to the limitation with respect to its
25 aggregate extension provided for in this Law to issue bonds or
26 other obligations either without referendum or subject to

1 backdoor referendum, the taxing district may elect for each
2 separate bond issuance to submit the question of the issuance
3 of the bonds or obligations directly to the voters of the
4 taxing district, and if the referendum passes the taxing
5 district is not required to comply with any backdoor referendum
6 procedures or requirements set forth in the other applicable
7 law. The direct referendum shall be initiated by ordinance or
8 resolution of the governing body of the taxing district, and
9 the question shall be certified to the proper election
10 authorities in accordance with the provisions of the Election
11 Code.

12 (Source: P.A. 96-764, eff. 8-25-09.)

13 (35 ILCS 200/18-205)

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

1 elections held after March 21, 2006:

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

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

13 If a majority of voters voting on the issue approves the
14 adoption of the increase, the increase shall be applicable for
15 each levy year specified.

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

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

1 (2) Based upon an average annual percentage increase
2 (or decrease) in the market value of such property of ...%
3 (insert percentage equal to the average annual percentage
4 increase or decrease for the prior 3 levy years, at the
5 time the submission of the question is initiated by the
6 taxing district, in the amount of (A) the equalized
7 assessed value of the taxable property in the taxing
8 district less (B) the new property included in the
9 equalized assessed value), the approximate amount of the
10 additional tax extendable against such property for the ...
11 levy year is estimated to be \$... and for the ... levy year
12 is estimated to be \$....

13 Paragraph (2) shall be included only if the increased
14 extension limitation will be applicable for more than one year
15 and shall list each levy year for which the increased extension
16 limitation will be applicable. The additional tax shown for
17 each levy year shall be the approximate dollar amount of the
18 increase over the amount of the most recently completed
19 extension at the time the submission of the question is
20 initiated by the taxing district. The approximate amount of the
21 additional tax extendable shall be calculated by using (A) the
22 lesser of 5% or the percentage increase in the Consumer Price
23 Index for the prior levy year (or an estimate of the percentage
24 increase for the prior levy year if the increase is unavailable
25 at the time the submission of the question is initiated by the
26 taxing district), (B) the percentage increase proposed in the

1 question, and (C) the last known equalized assessed value and
2 aggregate extension base of the taxing district at the time the
3 submission of the question is initiated by the taxing district.
4 The approximate amount of the tax extendable shown in
5 paragraphs (1) and (2) shall be calculated (i) without regard
6 to any property tax exemptions and (ii) using an equalized
7 assessed value calculated by multiplying ~~based upon~~ the
8 percentage level of assessment prescribed for such property by
9 statute or by ordinance of the county board in counties which
10 classify property for purposes of taxation in accordance with
11 Section 4 of Article IX of the Constitution by the most recent
12 final equalization factor certified to the county clerk by the
13 Department of Revenue at the time the taxing district initiates
14 the submission of the proposition to the electors. Any notice
15 required to be published in connection with the submission of
16 the question shall also contain this supplemental information
17 and shall not contain any other supplemental information. Any
18 error, miscalculation, or inaccuracy in computing any amount
19 set forth on the ballot or in the notice that is not deliberate
20 shall not invalidate or affect the validity of any proposition
21 approved. Notice of the referendum shall be published and
22 posted as otherwise required by law, and the submission of the
23 question shall be initiated as provided by law.

24 (Source: P.A. 94-976, eff. 6-30-06.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".