



Rep. Elaine Nekritz

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LRB097 13356 HLH 66649 a

1 AMENDMENT TO HOUSE BILL 4021

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4021 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing  
5 Section 18-185 and by adding Section 18-53 as follows:

6 (35 ILCS 200/18-53 new)

7 Sec. 18-53. Recovery of revenue lost due to tax refunds.

8 (a) When a taxing district is required to refund a portion  
9 of the property tax revenue distributed to that taxing district  
10 because of a decision of the Property Tax Appeal Board, an  
11 assessment or exemption decision of the Department of Revenue,  
12 a court order issued pursuant to an assessment valuation  
13 complaint under item (3) of subsection (b) of Section 23-15, or  
14 an administrative decision of a local assessment official  
15 reducing the assessed value of a property within the district,  
16 that taxing district may, without referendum, adopt a levy to

1 recapture the revenue lost by the refund or refunds.

2 (b) The recapture levy must not exceed an amount equal to  
3 the aggregate refunds of principal taxes (excluding any  
4 interest) paid by the district for the prior calendar year. At  
5 the district's option, the total amount to be recaptured for  
6 the prior calendar year may be levied and extended in up to 3  
7 successive annual installments, but the total of all  
8 installments shall not exceed the amount allowed under this  
9 Section for a single levy. Each single levy or installment of a  
10 recapture levy must be included as a separate line item in the  
11 district's regular levy ordinance, and the ordinance must  
12 specify for each item the year of recapture and whether the  
13 item is the first, second, or third installment of the total  
14 recapture for that year. The total amount of all recapture line  
15 items in any one levy ordinance shall not exceed 5% of the  
16 aggregate amount of all other items included in that ordinance  
17 except for debt service. Within 45 days after a request by a  
18 taxing district, the county treasurer must certify the  
19 aggregate refunds paid by a taxing district for purposes of  
20 this Section. For purposes of the Property Tax Extension  
21 Limitation Law, the taxing district's aggregate extension base  
22 does not include the recapture levy authorized under this  
23 Section.

24 (c) Whenever the county treasurer certifies aggregate  
25 refunds at the request of a taxing district under this Section,  
26 the treasurer shall keep records of the individual refunds

1 included in the aggregate. That information shall be provided  
2 to the county clerk. The county clerk shall keep a record of  
3 that information and of any recapture levy that may thereafter  
4 be extended, so that the amount of that extension may be  
5 distinguished from any other levies and extensions for that  
6 district. The county treasurer's and the county clerk's records  
7 under this Section must be made available to the public upon  
8 request.

9 (d) Any taxpayer who has received a refund of taxes paid on  
10 his or her property that has been included in a recapture levy  
11 or levies by one or more taxing districts under this Section  
12 has the right to have a portion of the refund amount included  
13 in the extension of each district's recapture levy against his  
14 or her property abated to the extent that the refund amount  
15 included in each district's recapture levy exceeds \$1,000. The  
16 abatement may be granted only upon application as provided in  
17 this Section, and submission of the application shall not delay  
18 or otherwise affect the normal tax extension and billing  
19 process. For purposes of this Section, the property for which  
20 the recapture extension may be abated is defined as one or more  
21 parcels that were the subject of a consolidated refund. If the  
22 taxing district's recapture levy and extension was made in a  
23 lesser amount than the aggregate of all refunds certified by  
24 the treasurer for that district, each abatement shall reflect  
25 that same proportionate reduction.

26 (e) A taxpayer seeking an abatement under this Section

1 shall apply to the county treasurer after the issuance of the  
2 second installment of the tax bill that includes the amount  
3 sought to be abated, but no later than the due date under  
4 Section 23-10 for tax objection complaints regarding tax levies  
5 of the year for which the recapture levy was extended. The  
6 county treasurer may prescribe the form in which the  
7 application shall be made. The application shall include a copy  
8 of the decision or order giving rise to the refund and must  
9 specify the abatement claimed. The treasurer, assisted if  
10 necessary by the county clerk, shall confirm (i) whether the  
11 refund identified in the application was included within the  
12 appropriate treasurer's certification of aggregate refunds and  
13 (ii) the percentage that the refund represents of the total  
14 recapture levy, and, upon such confirmation, the abatement must  
15 be allowed as provided in this Section. If the taxes abated  
16 have been paid, the abatement amount must be refunded. The  
17 treasurer shall determine whether to allow or deny the  
18 application and shall advise the applicant of the determination  
19 within 90 days after its submission, and a failure to make an  
20 express determination within that time shall be deemed a  
21 denial. If the treasurer cannot determine whether the  
22 application should be allowed, or otherwise denies the  
23 application, any taxpayer who has paid the tax subject to the  
24 claimed abatement may petition the circuit court for a refund  
25 in the time and manner provided in Section 20-175. Any refund  
26 granted pursuant to an abatement may not be included in a

1 recapture levy under this Section.

2 (f) The county treasurer and county clerk shall mark their  
3 records to reflect that any taxes abated under this Section and  
4 any lien with respect to those taxes shall be null and void.

5 (35 ILCS 200/18-185)

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

9 "Consumer Price Index" means the Consumer Price Index for  
10 All Urban Consumers for all items published by the United  
11 States Department of Labor.

12 "Extension limitation" means (a) the lesser of 5% or the  
13 percentage increase in the Consumer Price Index during the  
14 12-month calendar year preceding the levy year or (b) the rate  
15 of increase approved by voters under Section 18-205.

16 "Affected county" means a county of 3,000,000 or more  
17 inhabitants or a county contiguous to a county of 3,000,000 or  
18 more inhabitants.

19 "Taxing district" has the same meaning provided in Section  
20 1-150, except as otherwise provided in this Section. For the  
21 1991 through 1994 levy years only, "taxing district" includes  
22 only each non-home rule taxing district having the majority of  
23 its 1990 equalized assessed value within any county or counties  
24 contiguous to a county with 3,000,000 or more inhabitants.  
25 Beginning with the 1995 levy year, "taxing district" includes

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

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

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

1 Fund under Article 7 of the Illinois Pension Code; the amount  
2 of any extension under this item (k) shall be certified by the  
3 school district to the county clerk; (l) made to fund expenses  
4 of providing joint recreational programs for the handicapped  
5 under Section 5-8 of the Park District Code or Section 11-95-14  
6 of the Illinois Municipal Code; (m) made for temporary  
7 relocation loan repayment purposes pursuant to Sections 2-3.77  
8 and 17-2.2d of the School Code; (n) made for payment of  
9 principal and interest on any bonds issued under the authority  
10 of Section 17-2.2d of the School Code; (o) made for  
11 contributions to a firefighter's pension fund created under  
12 Article 4 of the Illinois Pension Code, to the extent of the  
13 amount certified under item (5) of Section 4-134 of the  
14 Illinois Pension Code; ~~and~~ (p) made for road purposes in the  
15 first year after a township assumes the rights, powers, duties,  
16 assets, property, liabilities, obligations, and  
17 responsibilities of a road district abolished under the  
18 provisions of Section 6-133 of the Illinois Highway Code; and  
19 (q) made as a recapture levy under Section 18-53 of the  
20 Property Tax Code.

21 "Aggregate extension" for the taxing districts to which  
22 this Law did not apply before the 1995 levy year (except taxing  
23 districts subject to this Law in accordance with Section  
24 18-213) means the annual corporate extension for the taxing  
25 district and those special purpose extensions that are made  
26 annually for the taxing district, excluding special purpose



1 extensions: (a) made for the taxing district to pay interest or  
2 principal on general obligation bonds that were approved by  
3 referendum; (b) made for any taxing district to pay interest or  
4 principal on general obligation bonds issued before March 1,  
5 1995; (c) made for any taxing district to pay interest or  
6 principal on bonds issued to refund or continue to refund those  
7 bonds issued before March 1, 1995; (d) made for any taxing  
8 district to pay interest or principal on bonds issued to refund  
9 or continue to refund bonds issued after March 1, 1995 that  
10 were approved by referendum; (e) made for any taxing district  
11 to pay interest or principal on revenue bonds issued before  
12 March 1, 1995 for payment of which a property tax levy or the  
13 full faith and credit of the unit of local government is  
14 pledged; however, a tax for the payment of interest or  
15 principal on those bonds shall be made only after the governing  
16 body of the unit of local government finds that all other  
17 sources for payment are insufficient to make those payments;  
18 (f) made for payments under a building commission lease when  
19 the lease payments are for the retirement of bonds issued by  
20 the commission before March 1, 1995 to pay for the building  
21 project; (g) made for payments due under installment contracts  
22 entered into before March 1, 1995; (h) made for payments of  
23 principal and interest on bonds issued under the Metropolitan  
24 Water Reclamation District Act to finance construction  
25 projects initiated before October 1, 1991; (h-4) made for  
26 stormwater management purposes by the Metropolitan Water

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

1 handicapped under subsection (c) of Section 7.06 of the Chicago  
2 Park District Act; (p) made for contributions to a  
3 firefighter's pension fund created under Article 4 of the  
4 Illinois Pension Code, to the extent of the amount certified  
5 under item (5) of Section 4-134 of the Illinois Pension Code;  
6 ~~and~~ (q) made by Ford Heights School District 169 under Section  
7 17-9.02 of the School Code; and (r) made as a recapture levy  
8 under Section 18-53 of the Property Tax Code.

9 "Aggregate extension" for all taxing districts to which  
10 this Law applies in accordance with Section 18-213, except for  
11 those taxing districts subject to paragraph (2) of subsection  
12 (e) of Section 18-213, means the annual corporate extension for  
13 the taxing district and those special purpose extensions that  
14 are made annually for the taxing district, excluding special  
15 purpose extensions: (a) made for the taxing district to pay  
16 interest or principal on general obligation bonds that were  
17 approved by referendum; (b) made for any taxing district to pay  
18 interest or principal on general obligation bonds issued before  
19 the date on which the referendum making this Law applicable to  
20 the taxing district is held; (c) made for any taxing district  
21 to pay interest or principal on bonds issued to refund or  
22 continue to refund those bonds issued before the date on which  
23 the referendum making this Law applicable to the taxing  
24 district is held; (d) made for any taxing district to pay  
25 interest or principal on bonds issued to refund or continue to  
26 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

1 Section 15 of the Local Government Debt Reform Act; (j) made  
2 for a qualified airport authority to pay interest or principal  
3 on general obligation bonds issued for the purpose of paying  
4 obligations due under, or financing airport facilities  
5 required to be acquired, constructed, installed or equipped  
6 pursuant to, contracts entered into before March 1, 1996 (but  
7 not including any amendments to such a contract taking effect  
8 on or after that date); (k) made to fund expenses of providing  
9 joint recreational programs for the handicapped under Section  
10 5-8 of the Park District Code or Section 11-95-14 of the  
11 Illinois Municipal Code; (l) made for contributions to a  
12 firefighter's pension fund created under Article 4 of the  
13 Illinois Pension Code, to the extent of the amount certified  
14 under item (5) of Section 4-134 of the Illinois Pension Code;  
15 ~~and~~ (m) made for the taxing district to pay interest or  
16 principal on general obligation bonds issued pursuant to  
17 Section 19-3.10 of the School Code; and (n) made as a recapture  
18 levy under Section 18-53 of the Property Tax Code.

19 "Aggregate extension" for all taxing districts to which  
20 this Law applies in accordance with paragraph (2) of subsection  
21 (e) of Section 18-213 means the annual corporate extension for  
22 the taxing district and those special purpose extensions that  
23 are made annually for the taxing district, excluding special  
24 purpose extensions: (a) made for the taxing district to pay  
25 interest or principal on general obligation bonds that were  
26 approved by referendum; (b) made for any taxing district to pay

1 interest or principal on general obligation bonds issued before  
2 the effective date of this amendatory Act of 1997; (c) made for  
3 any taxing district to pay interest or principal on bonds  
4 issued to refund or continue to refund those bonds issued  
5 before the effective date of this amendatory Act of 1997; (d)  
6 made for any taxing district to pay interest or principal on  
7 bonds issued to refund or continue to refund bonds issued after  
8 the effective date of this amendatory Act of 1997 if the bonds  
9 were approved by referendum after the effective date of this  
10 amendatory Act of 1997; (e) made for any taxing district to pay  
11 interest or principal on revenue bonds issued before the  
12 effective date of this amendatory Act of 1997 for payment of  
13 which a property tax levy or the full faith and credit of the  
14 unit of local government is pledged; however, a tax for the  
15 payment of interest or principal on those bonds shall be made  
16 only after the governing body of the unit of local government  
17 finds that all other sources for payment are insufficient to  
18 make those payments; (f) made for payments under a building  
19 commission lease when the lease payments are for the retirement  
20 of bonds issued by the commission before the effective date of  
21 this amendatory Act of 1997 to pay for the building project;  
22 (g) made for payments due under installment contracts entered  
23 into before the effective date of this amendatory Act of 1997;  
24 (h) made for payments of principal and interest on limited  
25 bonds, as defined in Section 3 of the Local Government Debt  
26 Reform Act, in an amount not to exceed the debt service

1 extension base less the amount in items (b), (c), and (e) of  
2 this definition for non-referendum obligations, except  
3 obligations initially issued pursuant to referendum; (i) made  
4 for payments of principal and interest on bonds issued under  
5 Section 15 of the Local Government Debt Reform Act; (j) made  
6 for a qualified airport authority to pay interest or principal  
7 on general obligation bonds issued for the purpose of paying  
8 obligations due under, or financing airport facilities  
9 required to be acquired, constructed, installed or equipped  
10 pursuant to, contracts entered into before March 1, 1996 (but  
11 not including any amendments to such a contract taking effect  
12 on or after that date); (k) made to fund expenses of providing  
13 joint recreational programs for the handicapped under Section  
14 5-8 of the Park District Code or Section 11-95-14 of the  
15 Illinois Municipal Code; ~~and~~ (l) made for contributions to a  
16 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 (m) made as a recapture levy under Section 18-53 of the  
20 Property Tax Code.

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

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



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

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

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

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

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

1 residential use and owned by or leased to a private corporation  
2 or other entity, and (iii) in counties that classify in  
3 accordance with Section 4 of Article IX of the Illinois  
4 Constitution, an incentive property's additional assessed  
5 value resulting from a scheduled increase in the level of  
6 assessment as applied to the first year final board of review  
7 market value. In addition, the county clerk in a county  
8 containing a population of 3,000,000 or more shall include in  
9 the 1997 recovered tax increment value for any school district,  
10 any recovered tax increment value that was applicable to the  
11 1995 tax year calculations.

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

16 "Recovered tax increment value" means, except as otherwise  
17 provided in this paragraph, the amount of the current year's  
18 equalized assessed value, in the first year after a  
19 municipality terminates the designation of an area as a  
20 redevelopment project area previously established under the  
21 Tax Increment Allocation Development Act in the Illinois  
22 Municipal Code, previously established under the Industrial  
23 Jobs Recovery Law in the Illinois Municipal Code, previously  
24 established under the Economic Development Project Area Tax  
25 Increment Act of 1995, or previously established under the  
26 Economic Development Area Tax Increment Allocation Act, of each

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

1 of each taxable lot, block, tract, or parcel of real property  
2 removed from the redevelopment project area over and above the  
3 initial equalized assessed value of that real property before  
4 removal from the redevelopment project area.

5 Except as otherwise provided in this Section, "limiting  
6 rate" means a fraction the numerator of which is the last  
7 preceding aggregate extension base times an amount equal to one  
8 plus the extension limitation defined in this Section and the  
9 denominator of which is the current year's equalized assessed  
10 value of all real property in the territory under the  
11 jurisdiction of the taxing district during the prior levy year.  
12 For those taxing districts that reduced their aggregate  
13 extension for the last preceding levy year, the highest  
14 aggregate extension in any of the last 3 preceding levy years  
15 shall be used for the purpose of computing the limiting rate.  
16 The denominator shall not include new property or the recovered  
17 tax increment value. If a new rate, a rate decrease, or a  
18 limiting rate increase has been approved at an election held  
19 after March 21, 2006, then (i) the otherwise applicable  
20 limiting rate shall be increased by the amount of the new rate  
21 or shall be reduced by the amount of the rate decrease, as the  
22 case may be, or (ii) in the case of a limiting rate increase,  
23 the limiting rate shall be equal to the rate set forth in the  
24 proposition approved by the voters for each of the years  
25 specified in the proposition, after which the limiting rate of  
26 the taxing district shall be calculated as otherwise provided.

1 (Source: P.A. 96-501, eff. 8-14-09; 96-517, eff. 8-14-09;  
2 96-1000, eff. 7-2-10; 96-1202, eff. 7-22-10; 97-611, eff.  
3 1-1-12.)".

4 Section 10. The School Code is amended by changing Section  
5 2-3.33 as follows:

6 (105 ILCS 5/2-3.33) (from Ch. 122, par. 2-3.33)

7 Sec. 2-3.33. Recomputation of claims. To recompute within  
8 3 years from the final date for filing of a claim any claim for  
9 reimbursement to any school district if the claim has been  
10 found to be incorrect and to adjust subsequent claims  
11 accordingly, and to recompute and adjust any such claims within  
12 6 years from the final date for filing when there has been an  
13 adverse court or administrative agency decision on the merits  
14 affecting the tax revenues of the school district, but  
15 excluding revenue recovered under Section 18-53 of the Property  
16 Tax Code. However, no such adjustment shall be made regarding  
17 equalized assessed valuation unless the district's equalized  
18 assessed valuation is changed by greater than \$250,000 or 2%.

19 Except in the case of an adverse court or administrative  
20 agency decision no recomputation of a State aid claim shall be  
21 made pursuant to this Section as a result of a reduction in the  
22 assessed valuation of a school district from the assessed  
23 valuation of the district reported to the State Board of  
24 Education by the Department of Revenue under Section 18-8.05

1 unless the requirements of Section 16-15 of the Property Tax  
2 Code ~~and Section 2-3.84 of this Code~~ are complied with in all  
3 respects.

4 This paragraph applies to all requests for recomputation of  
5 a general State aid claim received after June 30, 2003. In  
6 recomputing a general State aid claim that was originally  
7 calculated using an extension limitation equalized assessed  
8 valuation under paragraph (3) of subsection (G) of Section  
9 18-8.05 of this Code, a qualifying reduction in equalized  
10 assessed valuation shall be deducted from the extension  
11 limitation equalized assessed valuation that was used in  
12 calculating the original claim.

13 From the total amount of general State aid to be provided  
14 to districts, adjustments as a result of recomputation under  
15 this Section ~~together with adjustments under Section 2-3.84~~  
16 must not exceed \$25 million, in the aggregate for all districts  
17 ~~under both Sections combined~~, of the general State aid  
18 appropriation in any fiscal year; if necessary, amounts shall  
19 be prorated among districts. If it is necessary to prorate  
20 claims under this paragraph, then that portion of each prorated  
21 claim that is approved but not paid in the current fiscal year  
22 may be resubmitted as a valid claim in the following fiscal  
23 year.

24 (Source: P.A. 93-845, eff. 7-30-04.)

1           Section 15. The School Code is amended by repealing Section  
2    2-3.84."