

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The 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
17 year and all subsequent levy years by any taxing district
18 subject to this Law may be extended at a rate exceeding the
19 rate established for that tax by referendum or statute,
20 provided that the rate does not exceed the statutory ceiling
21 above which the tax is not authorized to be further increased
22 either by referendum or in any other manner. Notwithstanding
23 the provisions, requirements, or limitations of any other law,

1 all taxing districts subject to this Law shall follow the
2 provisions of this Section whenever seeking referenda approval
3 after March 21, 2006 to (i) levy a new tax rate authorized by
4 statute or (ii) increase the limiting rate applicable to the
5 taxing district. All taxing districts subject to this Law are
6 authorized to seek referendum approval of each proposition
7 described and set forth in this Section.

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

11 Shall ... (insert legal name, number, if any, and
12 county or counties of taxing district and geographic or
13 other common name by which a school or community college
14 district is known and referred to), Illinois, be authorized
15 to levy a new tax for ... purposes and have an additional
16 tax of ...% of the equalized assessed value of the taxable
17 property therein extended for such purposes?

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

19 The proposition seeking to obtain referendum approval to
20 increase the limiting rate as authorized in clause (ii) shall
21 be in substantially the following form:

22 Shall the limiting rate under the Property Tax
23 Extension Limitation Law for ... (insert legal name,
24 number, if any, and county or counties of taxing district
25 and geographic or other common name by which a school or
26 community college district is known and referred to),

1 Illinois, be increased by an additional amount equal to
2 ...% above the limiting rate for the purpose of...(insert
3 purpose) for levy year ... (insert the most recent levy
4 year for which the limiting rate of the taxing district is
5 known at the time the submission of the proposition is
6 initiated by the taxing district) and be equal to ...% of
7 the equalized assessed value of the taxable property
8 therein for levy year(s) (insert each levy year for which
9 the increase will be applicable, which years must be
10 consecutive and may not exceed 4)?

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

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

17 (1) The approximate amount of taxes extendable at the
18 most recently extended limiting rate is \$..., and the
19 approximate amount of taxes extendable if the proposition
20 is approved is \$....

21 (2) For the ... (insert the first levy year for which
22 the new rate or increased limiting rate will be applicable)
23 levy 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 (3) 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 proposition 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 (4) If the proposition is approved, the aggregate
14 extension for ... (insert each levy year for which the
15 increase will apply) will be determined by the limiting
16 rate set forth in the proposition, rather than the
17 otherwise applicable limiting rate calculated under the
18 provisions of the Property Tax Extension Limitation Law
19 (commonly known as the Property Tax Cap Law).

20 The approximate amount of taxes extendable shown in paragraph
21 (1) shall be computed upon the last known equalized assessed
22 value of taxable property in the taxing district (at the time
23 the submission of the proposition is initiated by the taxing
24 district). Paragraph (3) shall be included only if the
25 increased limiting rate will be applicable for more than one
26 levy year and shall list each levy year for which the increased

1 limiting rate will be applicable. The additional tax shown for
2 each levy year shall be the approximate dollar amount of the
3 increase over the amount of the most recently completed
4 extension at the time the submission of the proposition is
5 initiated by the taxing district. The approximate amount of the
6 additional taxes extendable shown in paragraphs (2) and (3)
7 shall be calculated by multiplying \$100,000 (the fair market
8 value of the property without regard to any property tax
9 exemptions) by (i) the percentage level of assessment
10 prescribed for that property by statute, or by ordinance of the
11 county board in counties that classify property for purposes of
12 taxation in accordance with Section 4 of Article IX of the
13 Illinois Constitution; (ii) the most recent final equalization
14 factor certified to the county clerk by the Department of
15 Revenue at the time the taxing district initiates the
16 submission of the proposition to the electors; and (iii) either
17 the new rate or the amount by which the limiting rate is to be
18 increased. This amendatory Act of the 97th General Assembly is
19 intended to clarify the existing requirements of this Section,
20 and shall not be construed to validate any prior non-compliant
21 referendum language. (i) without regard to any property tax
22 exemptions and (ii) based upon the percentage level of
23 assessment prescribed for such property by statute or by
24 ordinance of the county board in counties which classify
25 property for purposes of taxation in accordance with Section 4
26 of Article IX of the Constitution. Paragraph (4) shall be

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

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

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

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

22 (C) a limiting rate increase shall be first effective
23 for the levy year in which the limiting rate increase is
24 approved, provided that the taxing district may elect to
25 have a limiting rate increase be effective for the levy
26 year prior to the levy year in which the limiting rate

1 increase is approved unless the extension of taxes for the
2 prior levy year occurs 30 days or less after the canvass of
3 the results of the referendum by the election authority in
4 any county in which the taxing district is located;

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

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

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

25 (b) Whenever other applicable law authorizes a taxing
26 district subject to the limitation with respect to its

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

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

15 (35 ILCS 200/18-205)

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

1 in accordance with the Election Code. The question shall be
2 presented in substantially the following manner for all
3 elections held after March 21, 2006:

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

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

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

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

23 (1) For the (insert the first levy year for which the
24 increased extension limitation will be applicable) levy
25 year the approximate amount of the additional tax
26 extendable against property containing a single family

1 residence and having a fair market value at the time of the
2 referendum of \$100,000 is estimated to be \$....

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

15 Paragraph (2) shall be included only if the increased
16 extension limitation will be applicable for more than one year
17 and shall list each levy year for which the increased extension
18 limitation will be applicable. The additional tax shown for
19 each levy year shall be the approximate dollar amount of the
20 increase over the amount of the most recently completed
21 extension at the time the submission of the question is
22 initiated by the taxing district. The approximate amount of the
23 additional tax extendable shown in paragraphs (1) and (2) shall
24 be calculated by multiplying \$100,000 (the fair market value of
25 the property without regard to any property tax exemptions) by
26 (i) the percentage level of assessment prescribed for that

1 property by statute, or by ordinance of the county board in
2 counties that classify property for purposes of taxation in
3 accordance with Section 4 of Article IX of the Illinois
4 Constitution; (ii) the most recent final equalization factor
5 certified to the county clerk by the Department of Revenue at
6 the time the taxing district initiates the submission of the
7 proposition to the electors; (iii) the last known aggregate
8 extension base of the taxing district at the time the
9 submission of the question is initiated by the taxing district;
10 and (iv) the difference between the percentage increase
11 proposed in the question and the lesser of 5% or the percentage
12 increase in the Consumer Price Index for the prior levy year
13 (or an estimate of the percentage increase for the prior levy
14 year if the increase is unavailable at the time the submission
15 of the question is initiated by the taxing district); and
16 dividing the result by the last known equalized assessed value
17 of the taxing district at the time the submission of the
18 question is initiated by the taxing district. This amendatory
19 Act of the 97th General Assembly is intended to clarify the
20 existing requirements of this Section, and shall not be
21 construed to validate any prior non-compliant referendum
22 language. using (A) the lesser of 5% or the percentage increase
23 in the Consumer Price Index for the prior levy year (or an
24 estimate of the percentage increase for the prior levy year if
25 the increase is unavailable at the time the submission of the
26 question is initiated by the taxing district), (B) the

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.