



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4267

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-185
35 ILCS 200/18-205
35 ILCS 200/18-242 new
30 ILCS 805/8.39 new

Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that, if, at the end of any levy year, a taxing district has reserves of 50% or more of its operating budget for that levy year, then, for the next levy year, "extension limitation" means 0% or the rate of increase approved by the voters. Preempts the power of home rule units to tax. Effective immediately.

LRB099 13262 HLH 37172 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 18-185 and 18-205 and by adding Section 18-242 as
6 follows:

7 (35 ILCS 200/18-185)

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

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

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

19 If, at the end of any levy year, any taxing district, as
20 defined in Section 1-150, has reserves of 50% or more of its
21 operating budget for that levy year, then, for the next levy
22 year, "extension limitation" means 0% or the rate of increase
23 approved by the voters under Section 18-205.

1 "Affected county" means a county of 3,000,000 or more
2 inhabitants or a county contiguous to a county of 3,000,000 or
3 more inhabitants.

4 "Taxing district" has the same meaning provided in Section
5 1-150, except as otherwise provided in this Section. For the
6 1991 through 1994 levy years only, "taxing district" includes
7 only each non-home rule taxing district having the majority of
8 its 1990 equalized assessed value within any county or counties
9 contiguous to a county with 3,000,000 or more inhabitants.
10 Beginning with the 1995 levy year, "taxing district" includes
11 only each non-home rule taxing district subject to this Law
12 before the 1995 levy year and each non-home rule taxing
13 district not subject to this Law before the 1995 levy year
14 having the majority of its 1994 equalized assessed value in an
15 affected county or counties. Beginning with the levy year in
16 which this Law becomes applicable to a taxing district as
17 provided in Section 18-213, "taxing district" also includes
18 those taxing districts made subject to this Law as provided in
19 Section 18-213. Beginning in levy year 2016, "taxing district"
20 also means any taxing district, as defined in Section 1-150,
21 that had reserves of 50% or more of its operating budget at the
22 end of the immediately preceding levy year.

23 "Aggregate extension" for taxing districts to which this
24 Law applied before the 1995 levy year means the annual
25 corporate extension for the taxing district and those special
26 purpose extensions that are made annually for the taxing

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

1 principal and interest on limited bonds, as defined in Section
2 3 of the Local Government Debt Reform Act, in an amount not to
3 exceed the debt service extension base less the amount in items
4 (b), (c), (e), and (h) of this definition for non-referendum
5 obligations, except obligations initially issued pursuant to
6 referendum; (j) made for payments of principal and interest on
7 bonds issued under Section 15 of the Local Government Debt
8 Reform Act; (k) made by a school district that participates in
9 the Special Education District of Lake County, created by
10 special education joint agreement under Section 10-22.31 of the
11 School Code, for payment of the school district's share of the
12 amounts required to be contributed by the Special Education
13 District of Lake County to the Illinois Municipal Retirement
14 Fund under Article 7 of the Illinois Pension Code; the amount
15 of any extension under this item (k) shall be certified by the
16 school district to the county clerk; (l) made to fund expenses
17 of providing joint recreational programs for the handicapped
18 under Section 5-8 of the Park District Code or Section 11-95-14
19 of the Illinois Municipal Code; (m) made for temporary
20 relocation loan repayment purposes pursuant to Sections 2-3.77
21 and 17-2.2d of the School Code; (n) made for payment of
22 principal and interest on any bonds issued under the authority
23 of Section 17-2.2d of the School Code; (o) made for
24 contributions to a firefighter's pension fund created under
25 Article 4 of the Illinois Pension Code, to the extent of the
26 amount certified under item (5) of Section 4-134 of the

1 Illinois Pension Code; and (p) made for road purposes in the
2 first year after a township assumes the rights, powers, duties,
3 assets, property, liabilities, obligations, and
4 responsibilities of a road district abolished under the
5 provisions of Section 6-133 of the Illinois Highway Code.

6 "Aggregate extension" for the taxing districts to which
7 this Law did not apply before the 1995 levy year (except taxing
8 districts subject to this Law in accordance with Section 18-213
9 or this amendatory Act of the 99th General Assembly) means the
10 annual corporate extension for the taxing district and those
11 special purpose extensions that are made annually for the
12 taxing district, excluding special purpose extensions: (a)
13 made for the taxing district to pay interest or principal on
14 general obligation bonds that were approved by referendum; (b)
15 made for any taxing district to pay interest or principal on
16 general obligation bonds issued before March 1, 1995; (c) made
17 for any taxing district to pay interest or principal on bonds
18 issued to refund or continue to refund those bonds issued
19 before March 1, 1995; (d) made for any taxing district to pay
20 interest or principal on bonds issued to refund or continue to
21 refund bonds issued after March 1, 1995 that were approved by
22 referendum; (e) made for any taxing district to pay interest or
23 principal on revenue bonds issued before March 1, 1995 for
24 payment of which a property tax levy or the full faith and
25 credit of the unit of local government is pledged; however, a
26 tax for the payment of interest or principal on those bonds

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

1 Public Act 87-1191 or 93-601 and (i) issued pursuant to Section
2 21.2 of the Cook County Forest Preserve District Act, (ii)
3 issued under Section 42 of the Cook County Forest Preserve
4 District Act for zoological park projects, or (iii) issued
5 under Section 44.1 of the Cook County Forest Preserve District
6 Act for botanical gardens projects; (m) made pursuant to
7 Section 34-53.5 of the School Code, whether levied annually or
8 not; (n) made to fund expenses of providing joint recreational
9 programs for the handicapped under Section 5-8 of the Park
10 District Code or Section 11-95-14 of the Illinois Municipal
11 Code; (o) made by the Chicago Park District for recreational
12 programs for the handicapped under subsection (c) of Section
13 7.06 of the Chicago Park District Act; (p) made for
14 contributions to a firefighter's pension fund created under
15 Article 4 of the Illinois Pension Code, to the extent of the
16 amount certified under item (5) of Section 4-134 of the
17 Illinois Pension Code; and (q) made by Ford Heights School
18 District 169 under Section 17-9.02 of the School Code.

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

1 approved by referendum; (b) made for any taxing district to pay
2 interest or principal on general obligation bonds issued before
3 the date on which the referendum making this Law applicable to
4 the taxing district is held; (c) made for any taxing district
5 to pay interest or principal on bonds issued to refund or
6 continue to refund those bonds issued before the date on which
7 the referendum making this Law applicable to the taxing
8 district is held; (d) made for any taxing district to pay
9 interest or principal on bonds issued to refund or continue to
10 refund bonds issued after the date on which the referendum
11 making this Law applicable to the taxing district is held if
12 the bonds were approved by referendum after the date on which
13 the referendum making this Law applicable to the taxing
14 district is held; (e) made for any taxing district to pay
15 interest or principal on revenue bonds issued before the date
16 on which the referendum making this Law applicable to the
17 taxing district is held for payment of which a property tax
18 levy or the full faith and credit of the unit of local
19 government is pledged; however, a tax for the payment of
20 interest or principal on those bonds shall be made only after
21 the governing body of the unit of local government finds that
22 all other sources for payment are insufficient to make those
23 payments; (f) made for payments under a building commission
24 lease when the lease payments are for the retirement of bonds
25 issued by the commission before the date on which the
26 referendum making this Law applicable to the taxing district is

1 held to pay for the building project; (g) made for payments due
2 under installment contracts entered into before the date on
3 which the referendum making this Law applicable to the taxing
4 district is held; (h) made for payments of principal and
5 interest on limited bonds, as defined in Section 3 of the Local
6 Government Debt Reform Act, in an amount not to exceed the debt
7 service extension base less the amount in items (b), (c), and
8 (e) of 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; (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 and (m) made for the taxing district to pay interest or
26 principal on general obligation bonds issued pursuant to

1 Section 19-3.10 of the School Code.

2 "Aggregate extension" for all taxing districts to which
3 this Law applies in accordance with paragraph (2) of subsection
4 (e) of Section 18-213 or this amendatory Act of the 99th
5 General Assembly means the annual corporate extension for the
6 taxing district and those special purpose extensions that are
7 made annually for the taxing district, excluding special
8 purpose extensions: (a) made for the taxing district to pay
9 interest or principal on general obligation bonds that were
10 approved by referendum; (b) made for any taxing district to pay
11 interest or principal on general obligation bonds issued before
12 the effective date of this amendatory Act of 1997; (c) made for
13 any taxing district to pay interest or principal on bonds
14 issued to refund or continue to refund those bonds issued
15 before the effective date of this amendatory Act of 1997; (d)
16 made for any taxing district to pay interest or principal on
17 bonds issued to refund or continue to refund bonds issued after
18 the effective date of this amendatory Act of 1997 if the bonds
19 were approved by referendum after the effective date of this
20 amendatory Act of 1997; (e) made for any taxing district to pay
21 interest or principal on revenue bonds issued before the
22 effective date of this amendatory Act of 1997 for payment of
23 which a property tax levy or the full faith and credit of the
24 unit of local government is pledged; however, a tax for the
25 payment of interest or principal on those bonds shall be made
26 only after the governing body of the unit of local government

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

1 Illinois Pension Code, to the extent of the amount certified
2 under item (5) of Section 4-134 of the Illinois Pension Code.

3 "Debt service extension base" means an amount equal to that
4 portion of the extension for a taxing district for the 1994
5 levy year, or for those taxing districts subject to this Law in
6 accordance with Section 18-213, except for those subject to
7 paragraph (2) of subsection (e) of Section 18-213, for the levy
8 year in which the referendum making this Law applicable to the
9 taxing district is held, or for those taxing districts subject
10 to this Law in accordance with paragraph (2) of subsection (e)
11 of Section 18-213 for the 1996 levy year, constituting an
12 extension for payment of principal and interest on bonds issued
13 by the taxing district without referendum, but not including
14 excluded non-referendum bonds. For park districts (i) that were
15 first subject to this Law in 1991 or 1995 and (ii) whose
16 extension for the 1994 levy year for the payment of principal
17 and interest on bonds issued by the park district without
18 referendum (but not including excluded non-referendum bonds)
19 was less than 51% of the amount for the 1991 levy year
20 constituting an extension for payment of principal and interest
21 on bonds issued by the park district without referendum (but
22 not including excluded non-referendum bonds), "debt service
23 extension base" means an amount equal to that portion of the
24 extension for the 1991 levy year constituting an extension for
25 payment of principal and interest on bonds issued by the park
26 district without referendum (but not including excluded

1 non-referendum bonds). A debt service extension base
2 established or increased at any time pursuant to any provision
3 of this Law, except Section 18-212, shall be increased each
4 year commencing with the later of (i) the 2009 levy year or
5 (ii) the first levy year in which this Law becomes applicable
6 to the taxing district, by the lesser of 5% or the percentage
7 increase in the Consumer Price Index during the 12-month
8 calendar year preceding the levy year. The debt service
9 extension base may be established or increased as provided
10 under Section 18-212. "Excluded non-referendum bonds" means
11 (i) bonds authorized by Public Act 88-503 and issued under
12 Section 20a of the Chicago Park District Act for aquarium and
13 museum projects; (ii) bonds issued under Section 15 of the
14 Local Government Debt Reform Act; or (iii) refunding
15 obligations issued to refund or to continue to refund
16 obligations initially issued pursuant to referendum.

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

25 "Aggregate extension base" means the taxing district's
26 last preceding aggregate extension as adjusted under Sections

1 18-135, 18-215, and 18-230. An adjustment under Section 18-135
2 shall be made for the 2007 levy year and all subsequent levy
3 years whenever one or more counties within which a taxing
4 district is located (i) used estimated valuations or rates when
5 extending taxes in the taxing district for the last preceding
6 levy year that resulted in the over or under extension of
7 taxes, or (ii) increased or decreased the tax extension for the
8 last preceding levy year as required by Section 18-135(c).
9 Whenever an adjustment is required under Section 18-135, the
10 aggregate extension base of the taxing district shall be equal
11 to the amount that the aggregate extension of the taxing
12 district would have been for the last preceding levy year if
13 either or both (i) actual, rather than estimated, valuations or
14 rates had been used to calculate the extension of taxes for the
15 last levy year, or (ii) the tax extension for the last
16 preceding levy year had not been adjusted as required by
17 subsection (c) of Section 18-135.

18 Notwithstanding any other provision of law, for levy year
19 2012, the aggregate extension base for West Northfield School
20 District No. 31 in Cook County shall be \$12,654,592.

21 "Levy year" has the same meaning as "year" under Section
22 1-155.

23 "New property" means (i) the assessed value, after final
24 board of review or board of appeals action, of new improvements
25 or additions to existing improvements on any parcel of real
26 property that increase the assessed value of that real property

1 during the levy year multiplied by the equalization factor
2 issued by the Department under Section 17-30, (ii) the assessed
3 value, after final board of review or board of appeals action,
4 of real property not exempt from real estate taxation, which
5 real property was exempt from real estate taxation for any
6 portion of the immediately preceding levy year, multiplied by
7 the equalization factor issued by the Department under Section
8 17-30, including the assessed value, upon final stabilization
9 of occupancy after new construction is complete, of any real
10 property located within the boundaries of an otherwise or
11 previously exempt military reservation that is intended for
12 residential use and owned by or leased to a private corporation
13 or other entity, (iii) in counties that classify in accordance
14 with Section 4 of Article IX of the Illinois Constitution, an
15 incentive property's additional assessed value resulting from
16 a scheduled increase in the level of assessment as applied to
17 the first year final board of review market value, and (iv) any
18 increase in assessed value due to oil or gas production from an
19 oil or gas well required to be permitted under the Hydraulic
20 Fracturing Regulatory Act that was not produced in or accounted
21 for during the previous levy year. In addition, the county
22 clerk in a county containing a population of 3,000,000 or more
23 shall include in the 1997 recovered tax increment value for any
24 school district, any recovered tax increment value that was
25 applicable to the 1995 tax year calculations.

26 "Qualified airport authority" means an airport authority

1 organized under the Airport Authorities Act and located in a
2 county bordering on the State of Wisconsin and having a
3 population in excess of 200,000 and not greater than 500,000.

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

19 Except as otherwise provided in this Section, "limiting
20 rate" means a fraction the numerator of which is the last
21 preceding aggregate extension base times an amount equal to one
22 plus the extension limitation defined in this Section and the
23 denominator of which is the current year's equalized assessed
24 value of all real property in the territory under the
25 jurisdiction of the taxing district during the prior levy year.
26 For those taxing districts that reduced their aggregate

1 extension for the last preceding levy year, the highest
2 aggregate extension in any of the last 3 preceding levy years
3 shall be used for the purpose of computing the limiting rate.

4 The denominator shall not include new property or the recovered
5 tax increment value. If a new rate, a rate decrease, or a
6 limiting rate increase has been approved at an election held
7 after March 21, 2006, then (i) the otherwise applicable
8 limiting rate shall be increased by the amount of the new rate
9 or shall be reduced by the amount of the rate decrease, as the
10 case may be, or (ii) in the case of a limiting rate increase,
11 the limiting rate shall be equal to the rate set forth in the
12 proposition approved by the voters for each of the years
13 specified in the proposition, after which the limiting rate of
14 the taxing district shall be calculated as otherwise provided.

15 In the case of a taxing district that obtained referendum
16 approval for an increased limiting rate on March 20, 2012, the
17 limiting rate for tax year 2012 shall be the rate that
18 generates the approximate total amount of taxes extendable for
19 that tax year, as set forth in the proposition approved by the
20 voters; this rate shall be the final rate applied by the county
21 clerk for the aggregate of all capped funds of the district for
22 tax year 2012.

23 (Source: P.A. 97-611, eff. 1-1-12; 97-1154, eff. 1-25-13; 98-6,
24 eff. 3-29-13; 98-23, eff. 6-17-13.)

1 Sec. 18-205. Referendum to increase the extension
2 limitation. A taxing district is limited to an extension
3 limitation as defined in Section 18-185 ~~of 5% or the percentage~~
4 ~~increase in the Consumer Price Index during the 12-month~~
5 ~~calendar year preceding the levy year, whichever is less.~~ A
6 taxing district may increase its extension limitation for one
7 or more levy years if that taxing district holds a referendum
8 before the levy date for the first levy year at which a
9 majority of voters voting on the issue approves adoption of a
10 higher extension limitation. Referenda shall be conducted at a
11 regularly scheduled election in accordance with the Election
12 Code. The question shall be presented in substantially the
13 following manner ~~for all elections held after March 21, 2006:~~

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

24 In the case of a taxing district that had reserves of 50%
25 or more of its operating budget at the end of the immediately
26 preceding levy year, the question shall be presented in

1 substantially the following manner:

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 0% to (insert the
8 percentage of the proposed increase)% per year for (insert
9 each levy year for which the increased extension limitation
10 will apply)?

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

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

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

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

26 (2) Based upon an average annual percentage increase

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

12 Paragraph (2) shall be included only if the increased
13 extension limitation will be applicable for more than one year
14 and shall list each levy year for which the increased extension
15 limitation will be applicable. The additional tax shown for
16 each levy year shall be the approximate dollar amount of the
17 increase over the amount of the most recently completed
18 extension at the time the submission of the question is
19 initiated by the taxing district. The approximate amount of the
20 additional tax extendable shown in paragraphs (1) and (2) shall
21 be calculated by multiplying \$100,000 (the fair market value of
22 the property without regard to any property tax exemptions) by
23 (i) the percentage level of assessment prescribed for that
24 property by statute, or by ordinance of the county board in
25 counties that classify property for purposes of taxation in
26 accordance with Section 4 of Article IX of the Illinois

1 Constitution; (ii) the most recent final equalization factor
2 certified to the county clerk by the Department of Revenue at
3 the time the taxing district initiates the submission of the
4 proposition to the electors; (iii) the last known aggregate
5 extension base of the taxing district at the time the
6 submission of the question is initiated by the taxing district;
7 and (iv) the difference between the percentage increase
8 proposed in the question and (A) the lesser of 5% or the
9 percentage increase in the Consumer Price Index for the prior
10 levy year (or an estimate of the percentage increase for the
11 prior levy year if the increase is unavailable at the time the
12 submission of the question is initiated by the taxing district)
13 or (B) 0%, as applicable; and dividing the result by the last
14 known equalized assessed value of the taxing district at the
15 time the submission of the question is initiated by the taxing
16 district. This amendatory Act of the 97th General Assembly is
17 intended to clarify the existing requirements of this Section,
18 and shall not be construed to validate any prior non-compliant
19 referendum language. Any notice required to be published in
20 connection with the submission of the question shall also
21 contain this supplemental information and shall not contain any
22 other supplemental information. Any error, miscalculation, or
23 inaccuracy in computing any amount set forth on the ballot or
24 in the notice that is not deliberate shall not invalidate or
25 affect the validity of any proposition approved. Notice of the
26 referendum shall be published and posted as otherwise required

1 by law, and the submission of the question shall be initiated
2 as provided by law.

3 (Source: P.A. 97-1087, eff. 8-24-12.)

4 (35 ILCS 200/18-242 new)

5 Sec. 18-242. Home rule. This Division 5 is a limitation,
6 under subsection (g) of Section 6 of Article VII of the
7 Illinois Constitution, on the power of home rule units to tax.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.39 as follows:

10 (30 ILCS 805/8.39 new)

11 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 99th General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.