



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4958

Introduced 2/5/2016, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-185

Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that a taxing district may, by ordinance, specify a period of time during which it will suspend its extension for nursing home purposes. Provides that, for the first levy year in which that taxing district resumes its full extension for nursing home purposes, the district's aggregate extension base shall be calculated as if the district had used its maximum extension for nursing home purposes for the levy years during which the extension was suspended. Provides that a taxing district may recapture the amount that the district could have levied for nursing home purposes during the suspension period by passing an ordinance increasing its aggregate extension base for that purpose. Effective immediately.

LRB099 16368 HLH 40700 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 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

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

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

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

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

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of

1 its 1990 equalized assessed value within any county or counties
2 contiguous to a county with 3,000,000 or more inhabitants.
3 Beginning with the 1995 levy year, "taxing district" includes
4 only each non-home rule taxing district subject to this Law
5 before the 1995 levy year and each non-home rule taxing
6 district not subject to this Law before the 1995 levy year
7 having the majority of its 1994 equalized assessed value in an
8 affected county or counties. Beginning with the levy year in
9 which this Law becomes applicable to a taxing district as
10 provided in Section 18-213, "taxing district" also includes
11 those taxing districts made subject to this Law as provided in
12 Section 18-213.

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

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

1 School Code, for payment of the school district's share of the
2 amounts required to be contributed by the Special Education
3 District of Lake County to the Illinois Municipal Retirement
4 Fund under Article 7 of the Illinois Pension Code; the amount
5 of any extension under this item (k) shall be certified by the
6 school district to the county clerk; (l) made to fund expenses
7 of providing joint recreational programs for persons with
8 disabilities under Section 5-8 of the Park District Code or
9 Section 11-95-14 of the Illinois Municipal Code; (m) made for
10 temporary relocation loan repayment purposes pursuant to
11 Sections 2-3.77 and 17-2.2d of the School Code; (n) made for
12 payment of principal and interest on any bonds issued under the
13 authority of Section 17-2.2d of the School Code; (o) 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 (p) made for road purposes in the
18 first year after a township assumes the rights, powers, duties,
19 assets, property, liabilities, obligations, and
20 responsibilities of a road district abolished under the
21 provisions of Section 6-133 of the Illinois Highway Code.

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

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

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

1 the Chicago Park District for recreational programs for persons
2 with disabilities under subsection (c) of Section 7.06 of the
3 Chicago Park District Act; (p) made for contributions to a
4 firefighter's pension fund created under Article 4 of the
5 Illinois Pension Code, to the extent of the amount certified
6 under item (5) of Section 4-134 of the Illinois Pension Code;
7 and (q) made by Ford Heights School District 169 under Section
8 17-9.02 of the School 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 persons with disabilities
10 under Section 5-8 of the Park District Code or Section 11-95-14
11 of the 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.

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

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

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

18 "Debt service extension base" means an amount equal to that
19 portion of the extension for a taxing district for the 1994
20 levy year, or for those taxing districts subject to this Law in
21 accordance with Section 18-213, except for those subject to
22 paragraph (2) of subsection (e) of Section 18-213, for the levy
23 year in which the referendum making this Law applicable to the
24 taxing district is held, or for those taxing districts subject
25 to this Law in accordance with paragraph (2) of subsection (e)
26 of Section 18-213 for the 1996 levy year, constituting an

1 extension for payment of principal and interest on bonds issued
2 by the taxing district without referendum, but not including
3 excluded non-referendum bonds. For park districts (i) that were
4 first subject to this Law in 1991 or 1995 and (ii) whose
5 extension for the 1994 levy year for the payment of principal
6 and interest on bonds issued by the park district without
7 referendum (but not including excluded non-referendum bonds)
8 was less than 51% of the amount for the 1991 levy year
9 constituting an extension for payment of principal and interest
10 on bonds issued by the park district without referendum (but
11 not including excluded non-referendum bonds), "debt service
12 extension base" means an amount equal to that portion of the
13 extension for the 1991 levy year constituting an extension for
14 payment of principal and interest on bonds issued by the park
15 district without referendum (but not including excluded
16 non-referendum bonds). A debt service extension base
17 established or increased at any time pursuant to any provision
18 of this Law, except Section 18-212, shall be increased each
19 year commencing with the later of (i) the 2009 levy year or
20 (ii) the first levy year in which this Law becomes applicable
21 to the taxing district, by the lesser of 5% or the percentage
22 increase in the Consumer Price Index during the 12-month
23 calendar year preceding the levy year. The debt service
24 extension base may be established or increased as provided
25 under Section 18-212. "Excluded non-referendum bonds" means
26 (i) bonds authorized by Public Act 88-503 and issued under

1 Section 20a of the Chicago Park District Act for aquarium and
2 museum projects; (ii) bonds issued under Section 15 of the
3 Local Government Debt Reform Act; or (iii) refunding
4 obligations issued to refund or to continue to refund
5 obligations initially issued pursuant to referendum.

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

14 "Aggregate extension base" means the taxing district's
15 last preceding aggregate extension as adjusted under Sections
16 18-135, 18-215, and 18-230. Notwithstanding any other
17 provision of law, a taxing district may, by ordinance, specify
18 a period of time during which it will suspend its extension for
19 nursing home purposes. For the first levy year in which that
20 taxing district resumes its full extension for nursing home
21 purposes, the district's aggregate extension base shall be
22 calculated as if the district had used its maximum extension
23 for nursing home purposes for the levy years during which the
24 extension was suspended. In addition, if a taxing district
25 suspends its extension for nursing home purposes, that taxing
26 district may, for a period of 5 years after the extension is no

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

21 Notwithstanding any other provision of law, for levy year
22 2012, the aggregate extension base for West Northfield School
23 District No. 31 in Cook County shall be \$12,654,592.

24 "Levy year" has the same meaning as "year" under Section
25 1-155.

26 "New property" means (i) the assessed value, after final

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

1 school district, any recovered tax increment value that was
2 applicable to the 1995 tax year calculations.

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

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

1 as a redevelopment project area previously established under
2 the Tax Increment Allocation Development Act in the Illinois
3 Municipal Code, previously established under the Industrial
4 Jobs Recovery Law in the Illinois Municipal Code, or previously
5 established under the Economic Development Area Tax Increment
6 Allocation Act, by an amount equal to the 1994 equalized
7 assessed value of each taxable lot, block, tract, or parcel of
8 real property in the redevelopment project area over and above
9 the initial equalized assessed value of each property in the
10 redevelopment project area. In the first year after a
11 municipality removes a taxable lot, block, tract, or parcel of
12 real property from a redevelopment project area established
13 under the Tax Increment Allocation Development Act in the
14 Illinois Municipal Code, the Industrial Jobs Recovery Law in
15 the Illinois Municipal Code, or the Economic Development Area
16 Tax Increment Allocation Act, "recovered tax increment value"
17 means the amount of the current year's equalized assessed value
18 of each taxable lot, block, tract, or parcel of real property
19 removed from the redevelopment project area over and above the
20 initial equalized assessed value of that real property before
21 removal from the redevelopment project area.

22 Except as otherwise provided in this Section, "limiting
23 rate" means a fraction the numerator of which is the last
24 preceding aggregate extension base times an amount equal to one
25 plus the extension limitation defined in this Section and the
26 denominator of which is the current year's equalized assessed

1 value of all real property in the territory under the
2 jurisdiction of the taxing district during the prior levy year.
3 For those taxing districts that reduced their aggregate
4 extension for the last preceding levy year, the highest
5 aggregate extension in any of the last 3 preceding levy years
6 shall be used for the purpose of computing the limiting rate.
7 The denominator shall not include new property or the recovered
8 tax increment value. If a new rate, a rate decrease, or a
9 limiting rate increase has been approved at an election held
10 after March 21, 2006, then (i) the otherwise applicable
11 limiting rate shall be increased by the amount of the new rate
12 or shall be reduced by the amount of the rate decrease, as the
13 case may be, or (ii) in the case of a limiting rate increase,
14 the limiting rate shall be equal to the rate set forth in the
15 proposition approved by the voters for each of the years
16 specified in the proposition, after which the limiting rate of
17 the taxing district shall be calculated as otherwise provided.
18 In the case of a taxing district that obtained referendum
19 approval for an increased limiting rate on March 20, 2012, the
20 limiting rate for tax year 2012 shall be the rate that
21 generates the approximate total amount of taxes extendable for
22 that tax year, as set forth in the proposition approved by the
23 voters; this rate shall be the final rate applied by the county
24 clerk for the aggregate of all capped funds of the district for
25 tax year 2012.

26 (Source: P.A. 98-6, eff. 3-29-13; 98-23, eff. 6-17-13; 99-143,

1 eff. 7-27-15.)

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