



Sen. Susan Garrett

Filed: 3/14/2007

09500SB0101sam001

LRB095 03635 BDD 33654 a

1 AMENDMENT TO SENATE BILL 101

2 AMENDMENT NO. _____. Amend Senate Bill 101 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Economic Development Area Tax Increment
5 Allocation Act is amended by changing Section 6 as follows:

6 (20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)

7 Sec. 6. Filing with county clerk; certification of initial
8 equalized assessed value.

9 (a) The municipality shall file a certified copy of any
10 ordinance authorizing tax increment allocation financing for
11 an economic development project area with the county clerk, and
12 the county clerk shall immediately thereafter determine (1) the
13 most recently ascertained equalized assessed value of each lot,
14 block, tract or parcel of real property within the economic
15 development project area from which shall be deducted the
16 homestead exemptions provided by Sections 15-167, 15-170,

1 15-175, and 15-176 of the Property Tax Code, which value shall
2 be the "initial equalized assessed value" of each such piece of
3 property, and (2) the total equalized assessed value of all
4 taxable real property within the economic development project
5 area by adding together the most recently ascertained equalized
6 assessed value of each taxable lot, block, tract, or parcel of
7 real property within such economic development project area,
8 from which shall be deducted the homestead exemptions provided
9 by Sections 15-167, 15-170, 15-175, and 15-176 of the Property
10 Tax Code, and shall certify such amount as the "total initial
11 equalized assessed value" of the taxable real property within
12 the economic development project area.

13 (b) After the county clerk has certified the "total initial
14 equalized assessed value" of the taxable real property in the
15 economic development project area, then in respect to every
16 taxing district containing an economic development project
17 area, the county clerk or any other official required by law to
18 ascertain the amount of the equalized assessed value of all
19 taxable property within that taxing district for the purpose of
20 computing the rate per cent of tax to be extended upon taxable
21 property within that taxing district, shall in every year that
22 tax increment allocation financing is in effect ascertain the
23 amount of value of taxable property in an economic development
24 project area by including in that amount the lower of the
25 current equalized assessed value or the certified "total
26 initial equalized assessed value" of all taxable real property

1 in such area. The rate per cent of tax determined shall be
2 extended to the current equalized assessed value of all
3 property in the economic development project area in the same
4 manner as the rate per cent of tax is extended to all other
5 taxable property in the taxing district. The method of
6 allocating taxes established under this Section shall
7 terminate when the municipality adopts an ordinance dissolving
8 the special tax allocation fund for the economic development
9 project area, terminating the economic development project
10 area, and terminating the use of tax increment allocation
11 financing for the economic development project area. This Act
12 shall not be construed as relieving property owners within an
13 economic development project area from paying a uniform rate of
14 taxes upon the current equalized assessed value of their
15 taxable property as provided in the Property Tax Code.

16 (Source: P.A. 93-715, eff. 7-12-04.)

17 Section 10. The Property Tax Code is amended by changing
18 Sections 15-10, 20-178, and 21-135 and adding Section 15-167 as
19 follows:

20 (35 ILCS 200/15-10)

21 Sec. 15-10. Exempt property; procedures for certification.
22 All property granted an exemption by the Department pursuant to
23 the requirements of Section 15-5 and described in the Sections
24 following Section 15-30 and preceding Section 16-5, to the

1 extent therein limited, is exempt from taxation. In order to
2 maintain that exempt status, the titleholder or the owner of
3 the beneficial interest of any property that is exempt must
4 file with the chief county assessment officer, on or before
5 January 31 of each year (May 31 in the case of property
6 exempted by Section 15-167 or 15-170), an affidavit stating
7 whether there has been any change in the ownership or use of
8 the property or the status of the owner-resident, or that a
9 disabled veteran who qualifies under Section 15-165 owned and
10 used the property as of January 1 of that year. The nature of
11 any change shall be stated in the affidavit. Failure to file an
12 affidavit shall, in the discretion of the assessment officer,
13 constitute cause to terminate the exemption of that property,
14 notwithstanding any other provision of this Code. Owners of 5
15 or more such exempt parcels within a county may file a single
16 annual affidavit in lieu of an affidavit for each parcel. The
17 assessment officer, upon request, shall furnish an affidavit
18 form to the owners, in which the owner may state whether there
19 has been any change in the ownership or use of the property or
20 status of the owner or resident as of January 1 of that year.
21 The owner of 5 or more exempt parcels shall list all the
22 properties giving the same information for each parcel as
23 required of owners who file individual affidavits.

24 However, titleholders or owners of the beneficial interest
25 in any property exempted under any of the following provisions
26 are not required to submit an annual filing under this Section:

1 (1) Section 15-45 (burial grounds) in counties of less
2 than 3,000,000 inhabitants and owned by a not-for-profit
3 organization.

4 (2) Section 15-40.

5 (3) Section 15-50 (United States property).

6 If there is a change in use or ownership, however, notice
7 must be filed pursuant to Section 15-20.

8 An application for homestead exemptions shall be filed as
9 provided in Section 15-167 (disabled persons homestead
10 exemption), Section 15-170 (senior citizens homestead
11 exemption), Section 15-172 (senior citizens assessment freeze
12 homestead exemption), and Sections 15-175 and 15-176 (general
13 homestead exemption), respectively.

14 (Source: P.A. 92-333, eff. 8-10-01; 92-729, eff. 7-25-02;
15 93-715, eff. 7-12-04.)

16 (35 ILCS 200/15-167 new)

17 Sec. 15-167. Disabled persons homestead exemption.

18 (a) Beginning with the assessment for the 2007 tax year, an
19 annual homestead exemption is granted to disabled persons in
20 the amount of \$3,500, except as provided in subsection (c), to
21 be deducted from the property's value as equalized or assessed
22 by the Department of Revenue. The disabled person shall receive
23 the homestead exemption upon meeting the following
24 requirements:

25 (1) The property must be occupied as a residence by the

1 disabled person.

2 (2) The disabled person must be liable for paying the
3 real estate taxes on the property.

4 (3) The disabled person must be an owner of record of
5 the property or have a legal or equitable interest in the
6 property as evidenced by a written instrument. In the case
7 of a leasehold interest in property, the lease must be for
8 a single family residence.

9 A person who is disabled during the current assessment year
10 is eligible to apply for this homestead exemption during that
11 assessment year. Application must be made during the
12 application period in effect for the county of residence. If a
13 homestead exemption has been granted under this Section and the
14 person awarded the exemption subsequently becomes a resident of
15 a facility licensed under the Nursing Home Care Act, then the
16 exemption shall continue (i) so long as the residence continues
17 to be occupied by the qualifying person's spouse or (ii) if the
18 residence remains unoccupied but is still owned by the person
19 qualified for the homestead exemption.

20 (b) For the purposes of this Section, "disabled person"
21 means a person unable to engage in any substantial gainful
22 activity by reason of a medically determinable physical or
23 mental impairment that (i) can be expected to result in death
24 or (ii) has lasted or can be expected to last for a continuous
25 period of not less than 12 months. Disabled persons applying
26 for the exemption under this Section must submit proof of the

1 disability in the manner prescribed by the chief county
2 assessment officer. Proof that an applicant is eligible to
3 receive disability benefits under the federal Social Security
4 Act constitutes proof of disability for purposes of this
5 Section. Issuance of an Illinois Disabled Person
6 Identification Card to the applicant stating that the possessor
7 is under a Class 2 disability, as defined in Section 4A of the
8 Illinois Identification Card Act, constitutes proof that the
9 person is a disabled person for purposes of this Section.

10 (c) For land improved with (i) an apartment building owned
11 and operated as a cooperative or (ii) a life care facility as
12 defined under Section 2 of the Life Care Facilities Act that is
13 considered to be a cooperative, the maximum reduction from the
14 value of the property, as equalized or assessed by the
15 Department, shall be multiplied by the number of apartments or
16 units occupied by a disabled person. The disabled person shall
17 receive the homestead exemption upon meeting the following
18 requirements:

19 (1) The property must be occupied as a residence by the
20 disabled person.

21 (2) The disabled person must be liable by contract with
22 the owner or owners of record for paying the apportioned
23 property taxes on the property of the cooperative or life
24 care facility. In the case of a life care facility, the
25 disabled person must be liable for paying the apportioned
26 property taxes under a life care contract as defined in

1 Section 2 of the Life Care Facilities Act.

2 (3) The disabled person must be an owner of record of a
3 legal or equitable interest in the cooperative apartment
4 building. A leasehold interest does not meet this
5 requirement.

6 If a homestead exemption is granted under this subsection, the
7 cooperative association or management firm shall credit the
8 savings resulting from the exemption to the apportioned tax
9 liability of the qualifying disabled person. The chief county
10 assessment officer may request reasonable proof that the
11 association or firm has properly credited the exemption. A
12 person who willfully refuses to credit an exemption to the
13 qualified disabled person is guilty of a Class B misdemeanor.

14 (d) The chief county assessment officer shall determine the
15 eligibility of property to receive the homestead exemption
16 according to guidelines established by the Department. After a
17 person has received an exemption under this Section, an annual
18 verification of eligibility for the exemption shall be mailed
19 to the taxpayer.

20 The chief county assessment officer shall provide to each
21 person granted a homestead exemption under this Section a form
22 to designate any other person to receive a duplicate of any
23 notice of delinquency in the payment of taxes assessed and
24 levied under this Code on the person's qualifying property. The
25 duplicate notice shall be in addition to the notice required to
26 be provided to the person receiving the exemption and shall be

1 given in the manner required by this Code. The person filing
2 the request for the duplicate notice shall pay an
3 administrative fee of \$5 to the chief county assessment
4 officer. The assessment officer shall then file the executed
5 designation with the county collector, who shall issue the
6 duplicate notices as indicated by the designation. A
7 designation may be rescinded by the disabled person in the
8 manner required by the chief county assessment officer.

9 (35 ILCS 200/20-178)

10 Sec. 20-178. Certificate of error; refund; interest. When
11 the county collector makes any refunds due on certificates of
12 error issued under Sections 14-15 through 14-25 that have been
13 either certified or adjudicated, the county collector shall pay
14 the taxpayer interest on the amount of the refund at the rate
15 of 0.5% per month.

16 No interest shall be due under this Section for any time
17 prior to 60 days after the effective date of this amendatory
18 Act of the 91st General Assembly. For certificates of error
19 issued prior to the effective date of this amendatory Act of
20 the 91st General Assembly, the county collector shall pay the
21 taxpayer interest from 60 days after the effective date of this
22 amendatory Act of the 91st General Assembly until the date the
23 refund is paid. For certificates of error issued on or after
24 the effective date of this amendatory Act of the 91st General
25 Assembly, interest shall be paid from 60 days after the

1 certificate of error is issued by the chief county assessment
2 officer to the date the refund is made. To cover the cost of
3 interest, the county collector shall proportionately reduce
4 the distribution of taxes collected for each taxing district in
5 which the property is situated.

6 This Section shall not apply to any certificate of error
7 granting a homestead exemption under Section 15-167, 15-170,
8 15-172, 15-175, or 15-176.

9 (Source: P.A. 93-715, eff. 7-12-04.)

10 (35 ILCS 200/21-135)

11 Sec. 21-135. Mailed notice of application for judgment and
12 sale. Not less than 15 days before the date of application for
13 judgment and sale of delinquent properties, the county
14 collector shall mail, by registered or certified mail, a notice
15 of the forthcoming application for judgment and sale to the
16 person shown by the current collector's warrant book to be the
17 party in whose name the taxes were last assessed or to the
18 current owner of record and, if applicable, to the party
19 specified under Section 15-167 or 15-170. The notice shall
20 include the intended dates of application for judgment and sale
21 and commencement of the sale, and a description of the
22 properties. The county collector must present proof of the
23 mailing to the court along with the application for judgement.

24 In counties with less than 3,000,000 inhabitants, a copy of
25 this notice shall also be mailed by the county collector by

1 registered or certified mail to any lienholder of record who
2 annually requests a copy of the notice. The failure of the
3 county collector to mail a notice or its non-delivery to the
4 lienholder shall not affect the validity of the judgment.

5 In counties with 3,000,000 or more inhabitants, notice
6 shall not be mailed to any person when, under Section 14-15, a
7 certificate of error has been executed by the county assessor
8 or by both the county assessor and board of appeals (until the
9 first Monday in December 1998 and the board of review beginning
10 the first Monday in December 1998 and thereafter), except as
11 provided by court order under Section 21-120.

12 The collector shall collect \$10 from the proceeds of each
13 sale to cover the costs of registered or certified mailing and
14 the costs of advertisement and publication. If a taxpayer pays
15 the taxes on the property after the notice of the forthcoming
16 application for judgment and sale is mailed but before the sale
17 is made, then the collector shall collect \$10 from the taxpayer
18 to cover the costs of registered or certified mailing and the
19 costs of advertisement and publication.

20 (Source: P.A. 93-899, eff. 8-10-04.)

21 Section 15. The County Economic Development Project Area
22 Property Tax Allocation Act is amended by changing Section 6 as
23 follows:

24 (55 ILCS 85/6) (from Ch. 34, par. 7006)

1 Sec. 6. Filing with county clerk; certification of initial
2 equalized assessed value.

3 (a) The county shall file a certified copy of any ordinance
4 authorizing property tax allocation financing for an economic
5 development project area with the county clerk, and the county
6 clerk shall immediately thereafter determine (1) the most
7 recently ascertained equalized assessed value of each lot,
8 block, tract or parcel of real property within the economic
9 development project area from which shall be deducted the
10 homestead exemptions provided by Sections 15-167, 15-170,
11 15-175, and 15-176 of the Property Tax Code, which value shall
12 be the "initial equalized assessed value" of each such piece of
13 property, and (2) the total equalized assessed value of all
14 taxable real property within the economic development project
15 area by adding together the most recently ascertained equalized
16 assessed value of each taxable lot, block, tract, or parcel of
17 real property within such economic development project area,
18 from which shall be deducted the homestead exemptions provided
19 by Sections 15-167, 15-170, 15-175, and 15-176 of the Property
20 Tax Code. Upon receiving written notice from the Department of
21 its approval and certification of such economic development
22 project area, the county clerk shall immediately certify such
23 amount as the "total initial equalized assessed value" of the
24 taxable property within the economic development project area.

25 (b) After the county clerk has certified the "total initial
26 equalized assessed value" of the taxable real property in the

1 economic development project area, then in respect to every
2 taxing district containing an economic development project
3 area, the county clerk or any other official required by law to
4 ascertain the amount of the equalized assessed value of all
5 taxable property within that taxing district for the purpose of
6 computing the rate percent of tax to be extended upon taxable
7 property within the taxing district, shall in every year that
8 property tax allocation financing is in effect ascertain the
9 amount of value of taxable property in an economic development
10 project area by including in that amount the lower of the
11 current equalized assessed value or the certified "total
12 initial equalized assessed value" of all taxable real property
13 in such area. The rate percent of tax determined shall be
14 extended to the current equalized assessed value of all
15 property in the economic development project area in the same
16 manner as the rate percent of tax is extended to all other
17 taxable property in the taxing district. The method of
18 allocating taxes established under this Section shall
19 terminate when the county adopts an ordinance dissolving the
20 special tax allocation fund for the economic development
21 project area. This Act shall not be construed as relieving
22 property owners within an economic development project area
23 from paying a uniform rate of taxes upon the current equalized
24 assessed value of their taxable property as provided in the
25 Property Tax Code.

26 (Source: P.A. 93-715, eff. 7-12-04.)

1 Section 20. The County Economic Development Project Area
2 Tax Increment Allocation Act of 1991 is amended by changing
3 Section 45 as follows:

4 (55 ILCS 90/45) (from Ch. 34, par. 8045)

5 Sec. 45. Filing with county clerk; certification of initial
6 equalized assessed value.

7 (a) A county that has by ordinance approved an economic
8 development plan, established an economic development project
9 area, and adopted tax increment allocation financing for that
10 area shall file certified copies of the ordinance or ordinances
11 with the county clerk. Upon receiving the ordinance or
12 ordinances, the county clerk shall immediately determine (i)
13 the most recently ascertained equalized assessed value of each
14 lot, block, tract, or parcel of real property within the
15 economic development project area from which shall be deducted
16 the homestead exemptions provided by Sections 15-167, 15-170,
17 15-175, and 15-176 of the Property Tax Code (that value being
18 the "initial equalized assessed value" of each such piece of
19 property) and (ii) the total equalized assessed value of all
20 taxable real property within the economic development project
21 area by adding together the most recently ascertained equalized
22 assessed value of each taxable lot, block, tract, or parcel of
23 real property within the economic development project area,
24 from which shall be deducted the homestead exemptions provided

1 by Sections 15-167, 15-170, 15-175, and 15-176 of the Property
2 Tax Code, and shall certify that amount as the "total initial
3 equalized assessed value" of the taxable real property within
4 the economic development project area.

5 (b) After the county clerk has certified the "total initial
6 equalized assessed value" of the taxable real property in the
7 economic development project area, then in respect to every
8 taxing district containing an economic development project
9 area, the county clerk or any other official required by law to
10 ascertain the amount of the equalized assessed value of all
11 taxable property within the taxing district for the purpose of
12 computing the rate per cent of tax to be extended upon taxable
13 property within the taxing district shall, in every year that
14 tax increment allocation financing is in effect, ascertain the
15 amount of value of taxable property in an economic development
16 project area by including in that amount the lower of the
17 current equalized assessed value or the certified "total
18 initial equalized assessed value" of all taxable real property
19 in the area. The rate per cent of tax determined shall be
20 extended to the current equalized assessed value of all
21 property in the economic development project area in the same
22 manner as the rate per cent of tax is extended to all other
23 taxable property in the taxing district. The method of
24 extending taxes established under this Section shall terminate
25 when the county adopts an ordinance dissolving the special tax
26 allocation fund for the economic development project area. This

1 Act shall not be construed as relieving property owners within
2 an economic development project area from paying a uniform rate
3 of taxes upon the current equalized assessed value of their
4 taxable property as provided in the Property Tax Code.

5 (Source: P.A. 93-715, eff. 7-12-04.)

6 Section 25. The Illinois Municipal Code is amended by
7 changing Sections 11-74.4-8, 11-74.4-9, and 11-74.6-40 as
8 follows:

9 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

10 Sec. 11-74.4-8. Tax increment allocation financing. A
11 municipality may not adopt tax increment financing in a
12 redevelopment project area after the effective date of this
13 amendatory Act of 1997 that will encompass an area that is
14 currently included in an enterprise zone created under the
15 Illinois Enterprise Zone Act unless that municipality,
16 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,
17 amends the enterprise zone designating ordinance to limit the
18 eligibility for tax abatements as provided in Section 5.4.1 of
19 the Illinois Enterprise Zone Act. A municipality, at the time a
20 redevelopment project area is designated, may adopt tax
21 increment allocation financing by passing an ordinance
22 providing that the ad valorem taxes, if any, arising from the
23 levies upon taxable real property in such redevelopment project
24 area by taxing districts and tax rates determined in the manner

1 provided in paragraph (c) of Section 11-74.4-9 each year after
2 the effective date of the ordinance until redevelopment project
3 costs and all municipal obligations financing redevelopment
4 project costs incurred under this Division have been paid shall
5 be divided as follows:

6 (a) That portion of taxes levied upon each taxable lot,
7 block, tract or parcel of real property which is attributable
8 to the lower of the current equalized assessed value or the
9 initial equalized assessed value of each such taxable lot,
10 block, tract or parcel of real property in the redevelopment
11 project area shall be allocated to and when collected shall be
12 paid by the county collector to the respective affected taxing
13 districts in the manner required by law in the absence of the
14 adoption of tax increment allocation financing.

15 (b) Except from a tax levied by a township to retire bonds
16 issued to satisfy court-ordered damages, that portion, if any,
17 of such taxes which is attributable to the increase in the
18 current equalized assessed valuation of each taxable lot,
19 block, tract or parcel of real property in the redevelopment
20 project area over and above the initial equalized assessed
21 value of each property in the project area shall be allocated
22 to and when collected shall be paid to the municipal treasurer
23 who shall deposit said taxes into a special fund called the
24 special tax allocation fund of the municipality for the purpose
25 of paying redevelopment project costs and obligations incurred
26 in the payment thereof. In any county with a population of

1 3,000,000 or more that has adopted a procedure for collecting
2 taxes that provides for one or more of the installments of the
3 taxes to be billed and collected on an estimated basis, the
4 municipal treasurer shall be paid for deposit in the special
5 tax allocation fund of the municipality, from the taxes
6 collected from estimated bills issued for property in the
7 redevelopment project area, the difference between the amount
8 actually collected from each taxable lot, block, tract, or
9 parcel of real property within the redevelopment project area
10 and an amount determined by multiplying the rate at which taxes
11 were last extended against the taxable lot, block, track, or
12 parcel of real property in the manner provided in subsection
13 (c) of Section 11-74.4-9 by the initial equalized assessed
14 value of the property divided by the number of installments in
15 which real estate taxes are billed and collected within the
16 county; provided that the payments on or before December 31,
17 1999 to a municipal treasurer shall be made only if each of the
18 following conditions are met:

19 (1) The total equalized assessed value of the
20 redevelopment project area as last determined was not less
21 than 175% of the total initial equalized assessed value.

22 (2) Not more than 50% of the total equalized assessed
23 value of the redevelopment project area as last determined
24 is attributable to a piece of property assigned a single
25 real estate index number.

26 (3) The municipal clerk has certified to the county

1 clerk that the municipality has issued its obligations to
2 which there has been pledged the incremental property taxes
3 of the redevelopment project area or taxes levied and
4 collected on any or all property in the municipality or the
5 full faith and credit of the municipality to pay or secure
6 payment for all or a portion of the redevelopment project
7 costs. The certification shall be filed annually no later
8 than September 1 for the estimated taxes to be distributed
9 in the following year; however, for the year 1992 the
10 certification shall be made at any time on or before March
11 31, 1992.

12 (4) The municipality has not requested that the total
13 initial equalized assessed value of real property be
14 adjusted as provided in subsection (b) of Section
15 11-74.4-9.

16 The conditions of paragraphs (1) through (4) do not apply
17 after December 31, 1999 to payments to a municipal treasurer
18 made by a county with 3,000,000 or more inhabitants that has
19 adopted an estimated billing procedure for collecting taxes. If
20 a county that has adopted the estimated billing procedure makes
21 an erroneous overpayment of tax revenue to the municipal
22 treasurer, then the county may seek a refund of that
23 overpayment. The county shall send the municipal treasurer a
24 notice of liability for the overpayment on or before the
25 mailing date of the next real estate tax bill within the
26 county. The refund shall be limited to the amount of the

1 overpayment.

2 It is the intent of this Division that after the effective
3 date of this amendatory Act of 1988 a municipality's own ad
4 valorem tax arising from levies on taxable real property be
5 included in the determination of incremental revenue in the
6 manner provided in paragraph (c) of Section 11-74.4-9. If the
7 municipality does not extend such a tax, it shall annually
8 deposit in the municipality's Special Tax Increment Fund an
9 amount equal to 10% of the total contributions to the fund from
10 all other taxing districts in that year. The annual 10% deposit
11 required by this paragraph shall be limited to the actual
12 amount of municipally produced incremental tax revenues
13 available to the municipality from taxpayers located in the
14 redevelopment project area in that year if: (a) the plan for
15 the area restricts the use of the property primarily to
16 industrial purposes, (b) the municipality establishing the
17 redevelopment project area is a home-rule community with a 1990
18 population of between 25,000 and 50,000, (c) the municipality
19 is wholly located within a county with a 1990 population of
20 over 750,000 and (d) the redevelopment project area was
21 established by the municipality prior to June 1, 1990. This
22 payment shall be in lieu of a contribution of ad valorem taxes
23 on real property. If no such payment is made, any redevelopment
24 project area of the municipality shall be dissolved.

25 If a municipality has adopted tax increment allocation
26 financing by ordinance and the County Clerk thereafter

1 certifies the "total initial equalized assessed value as
2 adjusted" of the taxable real property within such
3 redevelopment project area in the manner provided in paragraph
4 (b) of Section 11-74.4-9, each year after the date of the
5 certification of the total initial equalized assessed value as
6 adjusted until redevelopment project costs and all municipal
7 obligations financing redevelopment project costs have been
8 paid the ad valorem taxes, if any, arising from the levies upon
9 the taxable real property in such redevelopment project area by
10 taxing districts and tax rates determined in the manner
11 provided in paragraph (c) of Section 11-74.4-9 shall be divided
12 as follows:

13 (1) That portion of the taxes levied upon each taxable
14 lot, block, tract or parcel of real property which is
15 attributable to the lower of the current equalized assessed
16 value or "current equalized assessed value as adjusted" or
17 the initial equalized assessed value of each such taxable
18 lot, block, tract, or parcel of real property existing at
19 the time tax increment financing was adopted, minus the
20 total current homestead exemptions provided by Sections
21 15-167, 15-170, 15-175, and 15-176 of the Property Tax Code
22 in the redevelopment project area shall be allocated to and
23 when collected shall be paid by the county collector to the
24 respective affected taxing districts in the manner
25 required by law in the absence of the adoption of tax
26 increment allocation financing.

1 (2) That portion, if any, of such taxes which is
2 attributable to the increase in the current equalized
3 assessed valuation of each taxable lot, block, tract, or
4 parcel of real property in the redevelopment project area,
5 over and above the initial equalized assessed value of each
6 property existing at the time tax increment financing was
7 adopted, minus the total current homestead exemptions
8 pertaining to each piece of property provided by Sections
9 15-167, 15-170, 15-175, and 15-176 of the Property Tax Code
10 in the redevelopment project area, shall be allocated to
11 and when collected shall be paid to the municipal
12 Treasurer, who shall deposit said taxes into a special fund
13 called the special tax allocation fund of the municipality
14 for the purpose of paying redevelopment project costs and
15 obligations incurred in the payment thereof.

16 The municipality may pledge in the ordinance the funds in
17 and to be deposited in the special tax allocation fund for the
18 payment of such costs and obligations. No part of the current
19 equalized assessed valuation of each property in the
20 redevelopment project area attributable to any increase above
21 the total initial equalized assessed value, or the total
22 initial equalized assessed value as adjusted, of such
23 properties shall be used in calculating the general State
24 school aid formula, provided for in Section 18-8 of the School
25 Code, until such time as all redevelopment project costs have
26 been paid as provided for in this Section.

1 Whenever a municipality issues bonds for the purpose of
2 financing redevelopment project costs, such municipality may
3 provide by ordinance for the appointment of a trustee, which
4 may be any trust company within the State, and for the
5 establishment of such funds or accounts to be maintained by
6 such trustee as the municipality shall deem necessary to
7 provide for the security and payment of the bonds. If such
8 municipality provides for the appointment of a trustee, such
9 trustee shall be considered the assignee of any payments
10 assigned by the municipality pursuant to such ordinance and
11 this Section. Any amounts paid to such trustee as assignee
12 shall be deposited in the funds or accounts established
13 pursuant to such trust agreement, and shall be held by such
14 trustee in trust for the benefit of the holders of the bonds,
15 and such holders shall have a lien on and a security interest
16 in such funds or accounts so long as the bonds remain
17 outstanding and unpaid. Upon retirement of the bonds, the
18 trustee shall pay over any excess amounts held to the
19 municipality for deposit in the special tax allocation fund.

20 When such redevelopment projects costs, including without
21 limitation all municipal obligations financing redevelopment
22 project costs incurred under this Division, have been paid, all
23 surplus funds then remaining in the special tax allocation fund
24 shall be distributed by being paid by the municipal treasurer
25 to the Department of Revenue, the municipality and the county
26 collector; first to the Department of Revenue and the

1 municipality in direct proportion to the tax incremental
2 revenue received from the State and the municipality, but not
3 to exceed the total incremental revenue received from the State
4 or the municipality less any annual surplus distribution of
5 incremental revenue previously made; with any remaining funds
6 to be paid to the County Collector who shall immediately
7 thereafter pay said funds to the taxing districts in the
8 redevelopment project area in the same manner and proportion as
9 the most recent distribution by the county collector to the
10 affected districts of real property taxes from real property in
11 the redevelopment project area.

12 Upon the payment of all redevelopment project costs, the
13 retirement of obligations, the distribution of any excess
14 monies pursuant to this Section, and final closing of the books
15 and records of the redevelopment project area, the municipality
16 shall adopt an ordinance dissolving the special tax allocation
17 fund for the redevelopment project area and terminating the
18 designation of the redevelopment project area as a
19 redevelopment project area. Title to real or personal property
20 and public improvements acquired by or for the municipality as
21 a result of the redevelopment project and plan shall vest in
22 the municipality when acquired and shall continue to be held by
23 the municipality after the redevelopment project area has been
24 terminated. Municipalities shall notify affected taxing
25 districts prior to November 1 if the redevelopment project area
26 is to be terminated by December 31 of that same year. If a

1 municipality extends estimated dates of completion of a
2 redevelopment project and retirement of obligations to finance
3 a redevelopment project, as allowed by this amendatory Act of
4 1993, that extension shall not extend the property tax
5 increment allocation financing authorized by this Section.
6 Thereafter the rates of the taxing districts shall be extended
7 and taxes levied, collected and distributed in the manner
8 applicable in the absence of the adoption of tax increment
9 allocation financing.

10 Nothing in this Section shall be construed as relieving
11 property in such redevelopment project areas from being
12 assessed as provided in the Property Tax Code or as relieving
13 owners of such property from paying a uniform rate of taxes, as
14 required by Section 4 of Article 9 of the Illinois
15 Constitution.

16 (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03;
17 93-715, eff. 7-12-04.)

18 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

19 Sec. 11-74.4-9. Equalized assessed value of property.

20 (a) If a municipality by ordinance provides for tax
21 increment allocation financing pursuant to Section 11-74.4-8,
22 the county clerk immediately thereafter shall determine (1) the
23 most recently ascertained equalized assessed value of each lot,
24 block, tract or parcel of real property within such
25 redevelopment project area from which shall be deducted the

1 homestead exemptions provided by Sections 15-167, 15-170,
2 15-175, and 15-176 of the Property Tax Code, which value shall
3 be the "initial equalized assessed value" of each such piece of
4 property, and (2) the total equalized assessed value of all
5 taxable real property within such redevelopment project area by
6 adding together the most recently ascertained equalized
7 assessed value of each taxable lot, block, tract, or parcel of
8 real property within such project area, from which shall be
9 deducted the homestead exemptions provided by Sections 15-167,
10 15-170, 15-175, and 15-176 of the Property Tax Code, and shall
11 certify such amount as the "total initial equalized assessed
12 value" of the taxable real property within such project area.

13 (b) In reference to any municipality which has adopted tax
14 increment financing after January 1, 1978, and in respect to
15 which the county clerk has certified the "total initial
16 equalized assessed value" of the property in the redevelopment
17 area, the municipality may thereafter request the clerk in
18 writing to adjust the initial equalized value of all taxable
19 real property within the redevelopment project area by
20 deducting therefrom the exemptions provided for by Sections
21 15-167, 15-170, 15-175, and 15-176 of the Property Tax Code
22 applicable to each lot, block, tract or parcel of real property
23 within such redevelopment project area. The county clerk shall
24 immediately after the written request to adjust the total
25 initial equalized value is received determine the total
26 homestead exemptions in the redevelopment project area

1 provided by Sections 15-167, 15-170, 15-175, and 15-176 of the
2 Property Tax Code by adding together the homestead exemptions
3 provided by said Sections on each lot, block, tract or parcel
4 of real property within such redevelopment project area and
5 then shall deduct the total of said exemptions from the total
6 initial equalized assessed value. The county clerk shall then
7 promptly certify such amount as the "total initial equalized
8 assessed value as adjusted" of the taxable real property within
9 such redevelopment project area.

10 (c) After the county clerk has certified the "total initial
11 equalized assessed value" of the taxable real property in such
12 area, then in respect to every taxing district containing a
13 redevelopment project area, the county clerk or any other
14 official required by law to ascertain the amount of the
15 equalized assessed value of all taxable property within such
16 district for the purpose of computing the rate per cent of tax
17 to be extended upon taxable property within such district,
18 shall in every year that tax increment allocation financing is
19 in effect ascertain the amount of value of taxable property in
20 a redevelopment project area by including in such amount the
21 lower of the current equalized assessed value or the certified
22 "total initial equalized assessed value" of all taxable real
23 property in such area, except that after he has certified the
24 "total initial equalized assessed value as adjusted" he shall
25 in the year of said certification if tax rates have not been
26 extended and in every year thereafter that tax increment

1 allocation financing is in effect ascertain the amount of value
2 of taxable property in a redevelopment project area by
3 including in such amount the lower of the current equalized
4 assessed value or the certified "total initial equalized
5 assessed value as adjusted" of all taxable real property in
6 such area. The rate per cent of tax determined shall be
7 extended to the current equalized assessed value of all
8 property in the redevelopment project area in the same manner
9 as the rate per cent of tax is extended to all other taxable
10 property in the taxing district. The method of extending taxes
11 established under this Section shall terminate when the
12 municipality adopts an ordinance dissolving the special tax
13 allocation fund for the redevelopment project area. This
14 Division shall not be construed as relieving property owners
15 within a redevelopment project area from paying a uniform rate
16 of taxes upon the current equalized assessed value of their
17 taxable property as provided in the Property Tax Code.

18 (Source: P.A. 93-715, eff. 7-12-04.)

19 (65 ILCS 5/11-74.6-40)

20 Sec. 11-74.6-40. Equalized assessed value determination;
21 property tax extension.

22 (a) If a municipality by ordinance provides for tax
23 increment allocation financing under Section 11-74.6-35, the
24 county clerk immediately thereafter:

25 (1) shall determine the initial equalized assessed

1 value of each parcel of real property in the redevelopment
2 project area, which is the most recently established
3 equalized assessed value of each lot, block, tract or
4 parcel of taxable real property within the redevelopment
5 project area, minus the homestead exemptions provided by
6 Sections 15-167, 15-170, 15-175, and 15-176 of the Property
7 Tax Code; and

8 (2) shall certify to the municipality the total initial
9 equalized assessed value of all taxable real property
10 within the redevelopment project area.

11 (b) Any municipality that has established a vacant
12 industrial buildings conservation area may, by ordinance
13 passed after the adoption of tax increment allocation
14 financing, provide that the county clerk immediately
15 thereafter shall again determine:

16 (1) the updated initial equalized assessed value of
17 each lot, block, tract or parcel of real property, which is
18 the most recently ascertained equalized assessed value of
19 each lot, block, tract or parcel of real property within
20 the vacant industrial buildings conservation area; and

21 (2) the total updated initial equalized assessed value
22 of all taxable real property within the redevelopment
23 project area, which is the total of the updated initial
24 equalized assessed value of all taxable real property
25 within the vacant industrial buildings conservation area.

26 The county clerk shall certify to the municipality the

1 total updated initial equalized assessed value of all taxable
2 real property within the industrial buildings conservation
3 area.

4 (c) After the county clerk has certified the total initial
5 equalized assessed value or the total updated initial equalized
6 assessed value of the taxable real property in the area, for
7 each taxing district in which a redevelopment project area is
8 situated, the county clerk or any other official required by
9 law to determine the amount of the equalized assessed value of
10 all taxable property within the district for the purpose of
11 computing the percentage rate of tax to be extended upon
12 taxable property within the district, shall in every year that
13 tax increment allocation financing is in effect determine the
14 total equalized assessed value of taxable property in a
15 redevelopment project area by including in that amount the
16 lower of the current equalized assessed value or the certified
17 total initial equalized assessed value or, if the total of
18 updated equalized assessed value has been certified, the total
19 updated initial equalized assessed value of all taxable real
20 property in the redevelopment project area. After he has
21 certified the total initial equalized assessed value he shall
22 in the year of that certification, if tax rates have not been
23 extended, and in every subsequent year that tax increment
24 allocation financing is in effect, determine the amount of
25 equalized assessed value of taxable property in a redevelopment
26 project area by including in that amount the lower of the

1 current total equalized assessed value or the certified total
2 initial equalized assessed value or, if the total of updated
3 initial equalized assessed values have been certified, the
4 total updated initial equalized assessed value of all taxable
5 real property in the redevelopment project area.

6 (d) The percentage rate of tax determined shall be extended
7 on the current equalized assessed value of all property in the
8 redevelopment project area in the same manner as the rate per
9 cent of tax is extended to all other taxable property in the
10 taxing district. The method of extending taxes established
11 under this Section shall terminate when the municipality adopts
12 an ordinance dissolving the special tax allocation fund for the
13 redevelopment project area. This Law shall not be construed as
14 relieving property owners within a redevelopment project area
15 from paying a uniform rate of taxes upon the current equalized
16 assessed value of their taxable property as provided in the
17 Property Tax Code.

18 (Source: P.A. 93-715, eff. 7-12-04.)

19 Section 30. The Economic Development Project Area Tax
20 Increment Allocation Act of 1995 is amended by changing Section
21 45 as follows:

22 (65 ILCS 110/45)

23 Sec. 45. Filing with county clerk; certification of initial
24 equalized assessed value.

1 (a) A municipality that has by ordinance approved an
2 economic development plan, established an economic development
3 project area, and adopted tax increment allocation financing
4 for that area shall file certified copies of the ordinance or
5 ordinances with the county clerk. Upon receiving the ordinance
6 or ordinances, the county clerk shall immediately determine (i)
7 the most recently ascertained equalized assessed value of each
8 lot, block, tract, or parcel of real property within the
9 economic development project area from which shall be deducted
10 the homestead exemptions provided by Sections 15-167, 15-170,
11 15-175, and 15-176 of the Property Tax Code (that value being
12 the "initial equalized assessed value" of each such piece of
13 property) and (ii) the total equalized assessed value of all
14 taxable real property within the economic development project
15 area by adding together the most recently ascertained equalized
16 assessed value of each taxable lot, block, tract, or parcel of
17 real property within the economic development project area,
18 from which shall be deducted the homestead exemptions provided
19 by Sections 15-167, 15-170, 15-175, and 15-176 of the Property
20 Tax Code, and shall certify that amount as the "total initial
21 equalized assessed value" of the taxable real property within
22 the economic development project area.

23 (b) After the county clerk has certified the "total initial
24 equalized assessed value" of the taxable real property in the
25 economic development project area, then in respect to every
26 taxing district containing an economic development project

1 area, the county clerk or any other official required by law to
2 ascertain the amount of the equalized assessed value of all
3 taxable property within the taxing district for the purpose of
4 computing the rate per cent of tax to be extended upon taxable
5 property within the taxing district shall, in every year that
6 tax increment allocation financing is in effect, ascertain the
7 amount of value of taxable property in an economic development
8 project area by including in that amount the lower of the
9 current equalized assessed value or the certified "total
10 initial equalized assessed value" of all taxable real property
11 in the area. The rate per cent of tax determined shall be
12 extended to the current equalized assessed value of all
13 property in the economic development project area in the same
14 manner as the rate per cent of tax is extended to all other
15 taxable property in the taxing district. The method of
16 extending taxes established under this Section shall terminate
17 when the municipality adopts an ordinance dissolving the
18 special tax allocation fund for the economic development
19 project area. This Act shall not be construed as relieving
20 owners or lessees of property within an economic development
21 project area from paying a uniform rate of taxes upon the
22 current equalized assessed value of their taxable property as
23 provided in the Property Tax Code.

24 (Source: P.A. 93-715, eff. 7-12-04.)

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.31 as follows:

2 (30 ILCS 805/8.31 new)

3 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
4 of this Act, no reimbursement by the State is required for the
5 implementation of any mandate created by this amendatory Act of
6 the 95th General Assembly.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".