

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 18-190 as follows:

6 (35 ILCS 200/18-190)

7 Sec. 18-190. Direct referendum; new rate or increased
8 limiting rate.

9 (a) If a new rate is authorized by statute to be imposed
10 without referendum or is subject to a backdoor referendum, as
11 defined in Section 28-2 of the Election Code, the governing
12 body of the affected taxing district before levying the new
13 rate shall submit the new rate to direct referendum under the
14 provisions of this Section and of Article 28 of the Election
15 Code. Notwithstanding any other provision of law, the levies
16 authorized by Sections 4-118, 21-110, and 21-110.1 of the
17 Illinois Pension Code shall not be considered new rates;
18 however, nothing in this amendatory Act of the 98th General
19 Assembly or this amendatory Act of the 103rd General Assembly
20 authorizes a taxing district to increase its limiting rate or
21 its aggregate extension without first obtaining referendum
22 approval as provided in this Section. Notwithstanding the
23 provisions, requirements, or limitations of any other law, any

1 tax levied for the 2005 levy year and all subsequent levy years
2 by any taxing district subject to this Law may be extended at a
3 rate exceeding the rate established for that tax by referendum
4 or statute, provided that the rate does not exceed the
5 statutory ceiling above which the tax is not authorized to be
6 further increased either by referendum or in any other manner.
7 Notwithstanding the provisions, requirements, or limitations
8 of any other law, all taxing districts subject to this Law
9 shall follow the provisions of this Section whenever seeking
10 referenda approval after March 21, 2006 to (i) levy a new tax
11 rate authorized by statute or (ii) increase the limiting rate
12 applicable to the taxing district. All taxing districts
13 subject to this Law are authorized to seek referendum approval
14 of each proposition described and set forth in this Section.

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

18 Shall ... (insert legal name, number, if any, and
19 county or counties of taxing district and geographic or
20 other common name by which a school or community college
21 district is known and referred to), Illinois, be
22 authorized to levy a new tax for ... purposes and have an
23 additional tax of ...% of the equalized assessed value of
24 the taxable property therein extended for such purposes?

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

26 The proposition seeking to obtain referendum approval to

1 increase the limiting rate as authorized in clause (ii) shall
2 be in substantially the following form:

3 Shall the limiting rate under the Property Tax
4 Extension Limitation Law for ... (insert legal name,
5 number, if any, and county or counties of taxing district
6 and geographic or other common name by which a school or
7 community college district is known and referred to),
8 Illinois, be increased by an additional amount equal to
9 ...% above the limiting rate for the purpose of...(insert
10 purpose) for levy year ... (insert the most recent levy
11 year for which the limiting rate of the taxing district is
12 known at the time the submission of the proposition is
13 initiated by the taxing district) and be equal to ...% of
14 the equalized assessed value of the taxable property
15 therein for levy year(s) (insert each levy year for which
16 the increase will be applicable, which years must be
17 consecutive and may not exceed 4)?

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

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

24 (1) The approximate amount of taxes extendable at the
25 most recently extended limiting rate is \$..., and the
26 approximate amount of taxes extendable if the proposition

1 is approved is \$....

2 (2) For the ... (insert the first levy year for which
3 the new rate or increased limiting rate will be
4 applicable) levy year the approximate amount of the
5 additional tax extendable against property containing a
6 single family residence and having a fair market value at
7 the time of the referendum of \$100,000 is estimated to be
8 \$....

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

21 (4) If the proposition is approved, the aggregate
22 extension for ... (insert each levy year for which the
23 increase will apply) will be determined by the limiting
24 rate set forth in the proposition, rather than the
25 otherwise applicable limiting rate calculated under the
26 provisions of the Property Tax Extension Limitation Law

1 (commonly known as the Property Tax Cap Law).

2 The approximate amount of taxes extendable shown in paragraph

3 (1) shall be computed upon the last known equalized assessed

4 value of taxable property in the taxing district (at the time

5 the submission of the proposition is initiated by the taxing

6 district). Paragraph (3) shall be included only if the

7 increased limiting rate will be applicable for more than one

8 levy year and shall list each levy year for which the increased

9 limiting rate will be applicable. The additional tax shown for

10 each levy year shall be the approximate dollar amount of the

11 increase over the amount of the most recently completed

12 extension at the time the submission of the proposition is

13 initiated by the taxing district. The approximate amount of

14 the additional taxes extendable shown in paragraphs (2) and

15 (3) shall be calculated by multiplying \$100,000 (the fair

16 market value of the property without regard to any property

17 tax exemptions) by (i) the percentage level of assessment

18 prescribed for that property by statute, or by ordinance of

19 the county board in counties that classify property for

20 purposes of taxation in accordance with Section 4 of Article

21 IX of the Illinois Constitution; (ii) the most recent final

22 equalization factor certified to the county clerk by the

23 Department of Revenue at the time the taxing district

24 initiates the submission of the proposition to the electors;

25 and (iii) either the new rate or the amount by which the

26 limiting rate is to be increased. This amendatory Act of the

1 97th General Assembly is intended to clarify the existing
2 requirements of this Section, and shall not be construed to
3 validate any prior non-compliant referendum language.
4 Paragraph (4) shall be included if the proposition concerns a
5 limiting rate increase but shall not be included if the
6 proposition concerns a new rate. Any notice required to be
7 published in connection with the submission of the proposition
8 shall also contain this supplemental information and shall not
9 contain any other supplemental information regarding the
10 proposition. Any error, miscalculation, or inaccuracy in
11 computing any amount set forth on the ballot and in the notice
12 that is not deliberate shall not invalidate or affect the
13 validity of any proposition approved. Notice of the referendum
14 shall be published and posted as otherwise required by law,
15 and the submission of the proposition shall be initiated as
16 provided by law.

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

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

22 (B) if the proposition provides for a new tax rate,
23 the taxing district is authorized to levy a tax after the
24 canvass of the results of the referendum by the election
25 authority for the purposes for which the tax is
26 authorized;

1 (C) a limiting rate increase shall be first effective
2 for the levy year in which the limiting rate increase is
3 approved, provided that the taxing district may elect to
4 have a limiting rate increase be effective for the levy
5 year prior to the levy year in which the limiting rate
6 increase is approved unless the extension of taxes for the
7 prior levy year occurs 30 days or less after the canvass of
8 the results of the referendum by the election authority in
9 any county in which the taxing district is located;

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

18 (E) if the proposition provides for a limiting rate
19 increase, the increase may be effective regardless of
20 whether the proposition is approved before or after the
21 taxing district adopts or files its levy for any levy
22 year.

23 Rates required to extend taxes on levies subject to a
24 backdoor referendum in each year there is a levy are not new
25 rates or rate increases under this Section if a levy has been
26 made for the fund in one or more of the preceding 3 levy years.

1 Changes made by this amendatory Act of 1997 to this Section in
2 reference to rates required to extend taxes on levies subject
3 to a backdoor referendum in each year there is a levy are
4 declarative of existing law and not a new enactment.

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

20 (Source: P.A. 97-1087, eff. 8-24-12; 98-1088, eff. 8-26-14.)

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