



Adopted in House Comm. on Apr 29, 2004

09300SB2635ham001

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1 AMENDMENT TO SENATE BILL 2635

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2635 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing  
5 Sections 27-25, 27-40, 27-45, and 27-75 as follows:

6 (35 ILCS 200/27-25)

7 Sec. 27-25. Form of hearing notice. Taxes may be levied or  
8 imposed by the municipality or county in the special service  
9 area at a rate or amount of tax sufficient to produce revenues  
10 required to provide the special services. Prior to the first  
11 levy of taxes in the special service area, notice shall be  
12 given and a hearing shall be held under the provisions of  
13 Sections 27-30 and 27-35. For purposes of this Section the  
14 notice shall include:

- 15 (a) The time and place of hearing;
- 16 (b) The boundaries of the area by legal description  
17 and, where possible, by street location, ~~where possible;~~
- 18 (c) The permanent tax index number of each parcel  
19 located within the area;
- 20 (d) The nature of the proposed special services to be  
21 provided within the special service area;
- 22 (e) ~~(e)~~ A notification that all interested persons,  
23 including all persons owning taxable real property located  
24 within the special service area, will be given an

1 opportunity to be heard at the hearing regarding the tax  
2 levy and an opportunity to file objections to the amount of  
3 the tax levy if the tax is a tax upon property; and

4 (f) ~~(d)~~ The maximum rate of taxes to be extended within  
5 the special service area in any year and the ~~may include a~~  
6 maximum number of years taxes will be levied if a maximum  
7 number of years is to be established.

8 After the first levy of taxes within the special service  
9 area, taxes may continue to be levied in subsequent years  
10 without the requirement of an additional public hearing if the  
11 tax rate does , ~~taxes may be extended against the special~~  
12 ~~service area for the services specified without additional~~  
13 ~~hearings. However, the taxes shall not exceed the rate~~  
14 specified in the notice for the original public hearing notice  
15 and ~~if a maximum number of years is specified in the notice,~~  
16 the taxes are ~~shall~~ not ~~be~~ extended for a longer period than  
17 the number of years specified in the notice if a number of  
18 years is specified. Tax rates may be increased and the period  
19 specified may be extended, if notice is given and new public  
20 hearings are held in accordance with Sections 27-30 and 27-35.

21 (Source: P.A. 82-640; 88-455.)

22 (35 ILCS 200/27-40)

23 Sec. 27-40. Boundaries of special service area. No lien  
24 shall be established against any real property in a special  
25 service area nor shall a special service area create a valid  
26 tax before a certified copy of an ordinance establishing or  
27 altering the boundaries of a special service area, containing a  
28 legal description of the territory of the area, the permanent  
29 tax index numbers of the parcels located within the territory  
30 of the area, an accurate map of the territory, a copy of the  
31 notice of the public hearing, and a description of the special  
32 services to be provided is filed for record in the office of  
33 the recorder in each county in which any part of the area is

1 located. The ordinance must be recorded no later than 60 days  
2 after the date the ordinance was adopted. An ordinance  
3 establishing a special service area recorded beyond the 60 days  
4 is not valid. The requirement for recording within 60 days  
5 shall not apply to any establishment or alteration of the  
6 boundaries of a service area that occurred before September 23,  
7 1991.

8 (Source: P.A. 90-218, eff. 7-25-97.)

9 (35 ILCS 200/27-45)

10 Sec. 27-45. Issuance of bonds. Bonds secured by the full  
11 faith and credit of the area included in the special service  
12 area may be issued for providing the special services. Bonds,  
13 when so issued, shall be retired by the levy of taxes in  
14 addition to the taxes specified in Section 27-25 against all of  
15 the taxable real property included in the area as provided in  
16 the ordinance authorizing the issuance of the bonds or by the  
17 imposition of another tax within the special service area. The  
18 county clerk shall annually extend taxes against all of the  
19 taxable property situated in the county and contained in such  
20 special service area in amounts sufficient to pay maturing  
21 principal and interest of those bonds without limitation as to  
22 rate or amount and in addition to and in excess of any taxes  
23 that may now or hereafter be authorized to be levied by the  
24 municipality or county. Prior to the issuance of those bonds,  
25 notice shall be given and a hearing shall be held pursuant to  
26 the provisions of Sections 27-30 and 27-35. For purposes of  
27 this Section a notice shall include:

28 (a) The time and place of hearing;

29 (b) The boundaries of the area by legal description  
30 and, where possible, by street location, ~~where possible;~~

31 (c) The permanent tax index number of each parcel  
32 located within the area;

33 (d) The nature of the special services to be provided

1       within the proposed special service area;

2           (e) If the special services are to be maintained other  
3       than by the municipality or the county after the life of  
4       the bonds, then a statement indicating who will be  
5       responsible for maintenance of the special services after  
6       the life of the bonds;

7           (f) ~~(e)~~ A notification that all interested persons,  
8       including all persons owning taxable property located  
9       within the special service area, will be given an  
10      opportunity to be heard at the hearing regarding the  
11      issuance of the bonds and an opportunity to file objections  
12      to the issuance of the bonds; and

13          (g) ~~(d)~~ The maximum amount of bonds proposed to be  
14      issued, the maximum period of time over which the bonds  
15      will be retired, and the maximum interest rate the bonds  
16      will bear.

17      The question of the creation of a special service area, the  
18      levy or imposition of a tax in the special service area and the  
19      issuance of bonds for providing special services may all be  
20      considered together at one hearing.

21      Any bonds issued shall not exceed the number of bonds, the  
22      interest rate and the period of extension set forth in the  
23      notice, unless an additional hearing is held. Bonds issued  
24      pursuant to this Article shall not be regarded as indebtedness  
25      of the municipality or county, as the case may be, for the  
26      purpose of any limitation imposed by any law.

27      (Source: P.A. 82-640; 88-455.)

28           (35 ILCS 200/27-75)

29      Sec. 27-75. Extension of tax levy. If a property tax is  
30      levied, the tax shall be extended by the county clerk in the  
31      special service area in the manner provided by Articles 1  
32      through 26 of this Code based on equalized assessed values as  
33      established under Articles 1 through 26. The municipality or

1 county shall file a certified copy of the ordinance creating  
2 the special service area, including an accurate map thereof, a  
3 copy of the public hearing notice, and a description of the  
4 special services to be provided, with the county clerk. The  
5 corporate authorities of the municipality or county may levy  
6 taxes in the special service area prior to the date the levy  
7 must be filed with the county clerk, for the same year in which  
8 the ordinance and map are filed with the county clerk. In  
9 addition, the corporate authorities shall file a certified copy  
10 of each ordinance levying taxes in the special service area on  
11 or before the last Tuesday of December of each year and shall  
12 file a certified copy of any ordinance authorizing the issuance  
13 of bonds and providing for a property tax levy in the area by  
14 December 31 of the year of the first levy.

15 In lieu of or in addition to an ad valorem property tax, a  
16 special tax may be levied and extended within the special  
17 service area on any other basis that provides a rational  
18 relationship between the amount of the tax levied against each  
19 lot, block, tract and parcel of land in the special service  
20 area and the special service benefit rendered. In that case, a  
21 special tax roll shall be prepared containing: (a) a  
22 description of the special services to be provided, (b) an  
23 explanation of the method of spreading the special tax, (c) ~~(b)~~  
24 a list of lots, blocks, tracts and parcels of land in the  
25 special service area, and (d) ~~(e)~~ the amount assessed against  
26 each. The special tax roll shall be included in the ordinance  
27 establishing the special service area or in an amendment of the  
28 ordinance, and shall be filed with the county clerk for use in  
29 extending the tax. The lien and foreclosure remedies provided  
30 in Article 9 of the Illinois Municipal Code shall apply upon  
31 non-payment of the special tax.

32 As an alternative to an ad valorem tax based on the whole  
33 equalized assessed value of the property, the corporate  
34 authorities may provide for the ad valorem tax to be extended

1 solely upon the equalized assessed value of the land in a  
2 special service area, without regard to improvements, if the  
3 equalized assessed value of the land in the special service  
4 area is at least 75% of the total of the whole equalized  
5 assessed value of property within the special service area at  
6 the time that it was established. If the corporate authorities  
7 choose to provide for this method of taxation on the land value  
8 only, then each notice given in connection with the special  
9 service area must include a statement in substantially the  
10 following form: "The taxes to be extended shall be upon the  
11 equalized assessed value of the land in the proposed special  
12 service area, without regard to improvements.".

13 (Source: P.A. 83-1245; 88-455.)

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