



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1441

Introduced 2/10/2005, by Rep. Mark H. Beaubien, Jr. - Rich Brauer

#### SYNOPSIS AS INTRODUCED:

|                    |                          |
|--------------------|--------------------------|
| 30 ILCS 350/3      | from Ch. 17, par. 6903   |
| 30 ILCS 350/15.01  |                          |
| 35 ILCS 200/18-185 |                          |
| 50 ILCS 20/3       | from Ch. 85, par. 1033   |
| 50 ILCS 20/18      | from Ch. 85, par. 1048   |
| 55 ILCS 5/5-1024   | from Ch. 34, par. 5-1024 |

Amends the Local Government Debt Reform Act. Defines "revenue source" to include any public building commission (PBC) lease rental base alternate tax levy. Defines "limited bonds" to include PBC leases and excludes other leases. Defines "public building commission rental base" as an amount equal to that portion of the extension for a taxing district for the 1999 levy year constituting an extension for payment of lease rentals under a PBC lease allocable to the retirement of bonds issued by the commission. Defines "public building commission lease rental base alternate tax levy" as a special purpose levy available to a unit of local government and authorized for the payment of limited bonds as a revenue source, which shall equal the PBC lease rental base less the amount of that base allocable to the payment of lease rentals under a PBC lease. Provides that a governmental unit is authorized to issue limited bonds payable from the debt service extension base or the PBC lease rental base, or both (now, payable from the debt service extension base only). Amends the Property Tax Extension Limitation Law in the Property Code. With respect to limited bonds and double-barrelled bonds issued under the Local Government Debt Reform Act, exempts from the tax caps in the taxing districts to which the law applied before the 1995 levy year special purpose extensions made for payment of principal and interest on bonds issued concerning PBC leases. Amends the Public Building Commission Act. In provisions concerning tax levies for PBC lease rental payments, provides that the tax levied may relate to the amount necessary to pay the annual rent under the lease or the PBC lease rental base (now, related only to the amount necessary to pay the annual rent under the lease). Provides that taxes are not required to be levied or extended in excess of the allocated portion of a PBC lease rental base. Amends the Counties Code. Includes within the exception for taxes levied to pay annual rent payments due under a lease entered into by the county with a Public Building Commission, payments made from the PBC lease rental base. Excludes taxes levied allocable to the PBC lease rental base tax levy and taxes levied to pay principal of and interest on limited bonds. Effective immediately.

LRB094 09477 AJO 39728 b

1 AN ACT in relation to local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Local Government Debt Reform Act is amended  
5 by changing Sections 3 and 15.01 as follows:

6 (30 ILCS 350/3) (from Ch. 17, par. 6903)

7 Sec. 3. Definitions. In this Act words or terms shall have  
8 the following meanings unless the context or usage clearly  
9 indicates that another meaning is intended.

10 (a) "Alternate bonds" means bonds issued in lieu of revenue  
11 bonds or payable from a revenue source as provided in Section  
12 15.

13 (b) "Applicable law" means any provision of law, including  
14 this Act, authorizing governmental units to issue bonds.

15 (c) "Backdoor referendum" means the submission of a public  
16 question to the voters of a governmental unit, initiated by a  
17 petition of voters, residents or property owners of such  
18 governmental unit, to determine whether an action by the  
19 governing body of such governmental unit shall be effective,  
20 adopted or rejected.

21 (d) "Bond" means any instrument evidencing the obligation  
22 to pay money authorized or issued by or on behalf of a  
23 governmental unit under applicable law, including without  
24 limitation, bonds, notes, installment or financing contracts,  
25 leases, certificates, tax anticipation warrants or notes,  
26 vouchers, and any other evidences of indebtedness.

27 (e) "Debt service" on bonds means the amount of principal,  
28 interest and premium, if any, when due either at stated  
29 maturity or upon mandatory redemption.

30 (f) "Enterprise revenues" means the revenues of a utility  
31 or revenue producing enterprise from which revenue bonds may be  
32 payable.

1 (g) "General obligation bonds" means bonds of a  
2 governmental unit for the payment of which the governmental  
3 unit is empowered to levy ad valorem property taxes upon all  
4 taxable property in a governmental unit without limitation as  
5 to rate or amount.

6 (h) "Governing body" means the legislative body, council,  
7 board, commission, trustees, or any other body, by whatever  
8 name it is known, having charge of the corporate affairs of a  
9 governmental unit.

10 (h-5) "Governmental revenue source" means a revenue source  
11 that is either (1) federal or State funds that the governmental  
12 unit has received in some amount during each of the 3 fiscal  
13 years preceding the issuance of alternate bonds or (2) revenues  
14 to be received from another governmental unit under an  
15 intergovernmental cooperation agreement.

16 (i) "Governmental unit" means a county, township,  
17 municipality, municipal corporation, unit of local government,  
18 school district, special district, public corporation, body  
19 corporate and politic, forest preserve district, fire  
20 protection district, conservation district, park district,  
21 sanitary district, and all other local governmental agencies,  
22 including any entity created by intergovernmental agreement  
23 among any of the foregoing governmental units, but does not  
24 include any office, officer, department, division, bureau,  
25 board, commission, university, or similar agency of the State.

26 (j) "Ordinance" means an ordinance duly adopted by a  
27 governing body or, if appropriate under applicable law, a  
28 resolution so adopted.

29 (k) "Revenue bonds" means any bonds of a governmental unit  
30 other than general obligation bonds, but "revenue bonds" does  
31 include any debt authorized under Section 11-29.3-1 of the  
32 Illinois Municipal Code.

33 (l) "Revenue source" means a source of funds, other than  
34 enterprise revenues, received or available to be received by a  
35 governmental unit and available for any one or more of its  
36 corporate purposes, including any public building commission

1 lease rental base alternate tax levy.

2 (m) "Limited bonds" means bonds, including public building  
3 commission leases, but excluding other leases, notes,  
4 installment or financing contracts, certificates, tax  
5 anticipation warrants or notes, vouchers, and any other  
6 evidences of indebtedness, issued under Section 15.01 of this  
7 Act.

8 (n) "Public building commission lease rental base" means an  
9 amount equal to that portion of the extension for a taxing  
10 district for the 1999 levy year constituting an extension for  
11 payment of lease rentals under a public building commission  
12 lease allocable to the retirement of bonds issued by the  
13 commission.

14 (o) "Public building commission lease rental base  
15 alternate tax levy" means a special purpose levy available to a  
16 unit of local government and authorized for the payment of  
17 limited bonds as a revenue source, which shall equal the public  
18 building commission lease rental base less the amount of such  
19 base allocable to payment of lease rentals under a public  
20 building commission lease.

21 (Source: P.A. 92-879, eff. 1-13-03.)

22 (30 ILCS 350/15.01)

23 Sec. 15.01. Limited bonds. A governmental unit is  
24 authorized to issue limited bonds payable from (i) the debt  
25 service extension base, as defined in the Property Tax  
26 Extension Limitation Law, as provided in this amendatory Act of  
27 1995, (ii) the public building commission lease rental base, or  
28 (iii) both the debt service extension base and the public  
29 building commission lease rental base. Bonds authorized by  
30 Public Act 88-503 and issued under Section 20a of the Chicago  
31 Park District Act for aquarium or museum projects shall not be  
32 issued as limited bonds. A governmental unit issuing limited  
33 bonds authorized by this Section shall provide in the bond  
34 ordinance that the bonds are issued as limited bonds and are  
35 also issued pursuant to applicable law, other than this

1 amendatory Act of 1995, enabling the governmental unit to issue  
2 bonds. This amendatory Act of 1995 shall not change the rate,  
3 amount, purposes, limitations, source of funds for payment of  
4 principal or interest, or method of payment or defeasance of  
5 the bonds that a governmental unit may issue under any  
6 applicable law; provided, that limited bonds that are otherwise  
7 to be issued as general obligation bonds may be payable solely  
8 from the debt service extension base. This amendatory Act of  
9 1995 provides no additional authority to any governmental unit  
10 to issue bonds that the governmental unit is not otherwise  
11 authorized to issue by a law other than this amendatory Act of  
12 1995.

13 (Source: P.A. 89-385, eff. 8-18-95; 89-449, eff. 6-1-96.)

14 Section 10. The Property Tax Code is amended by changing  
15 Section 18-185 as follows:

16 (35 ILCS 200/18-185)

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

20 "Consumer Price Index" means the Consumer Price Index for  
21 All Urban Consumers for all items published by the United  
22 States Department of Labor.

23 "Extension limitation" means (a) the lesser of 5% or the  
24 percentage increase in the Consumer Price Index during the  
25 12-month calendar year preceding the levy year or (b) the rate  
26 of increase approved by voters under Section 18-205.

27 "Affected county" means a county of 3,000,000 or more  
28 inhabitants or a county contiguous to a county of 3,000,000 or  
29 more inhabitants.

30 "Taxing district" has the same meaning provided in Section  
31 1-150, except as otherwise provided in this Section. For the  
32 1991 through 1994 levy years only, "taxing district" includes  
33 only each non-home rule taxing district having the majority of  
34 its 1990 equalized assessed value within any county or counties

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

12 "Aggregate extension" for taxing districts to which this  
13 Law applied before the 1995 levy year means the annual  
14 corporate extension for the taxing district and those special  
15 purpose extensions that are made annually for the taxing  
16 district, excluding special purpose extensions: (a) made for  
17 the taxing district to pay interest or principal on general  
18 obligation bonds that were approved by referendum; (b) made for  
19 any taxing district to pay interest or principal on general  
20 obligation bonds issued before October 1, 1991; (c) made for  
21 any taxing district to pay interest or principal on bonds  
22 issued to refund or continue to refund those bonds issued  
23 before October 1, 1991; (d) made for any taxing district to pay  
24 interest or principal on bonds issued to refund or continue to  
25 refund bonds issued after October 1, 1991 that were approved by  
26 referendum; (e) made for any taxing district to pay interest or  
27 principal on revenue bonds issued before October 1, 1991 for  
28 payment of which a property tax levy or the full faith and  
29 credit of the unit of local government is pledged; however, a  
30 tax for the payment of interest or principal on those bonds  
31 shall be made only after the governing body of the unit of  
32 local government finds that all other sources for payment are  
33 insufficient to make those payments; (f) made for payments  
34 under a building commission lease when the lease payments are  
35 for the retirement of bonds issued by the commission before  
36 October 1, 1991, to pay for the building project; (g) made for

1 payments due under installment contracts entered into before  
2 October 1, 1991; (h) made for payments of principal and  
3 interest on bonds issued under the Metropolitan Water  
4 Reclamation District Act to finance construction projects  
5 initiated before October 1, 1991; (i) made for payments of  
6 principal and interest on limited bonds, as defined in Section  
7 3 of the Local Government Debt Reform Act, in an amount not to  
8 exceed the sum of the debt service extension base and the  
9 allocated portion of the public building commission lease  
10 rental base less the amount in items (b), (c), (e), ~~(f)~~, and  
11 (h) of this definition for non-referendum obligations, except  
12 obligations initially issued pursuant to referendum; (j) made  
13 for payments of principal and interest on bonds issued under  
14 Section 15 of the Local Government Debt Reform Act including  
15 the public building commission lease rental base alternate tax  
16 levy allocable to those payments; (k) made by a school district  
17 that participates in the Special Education District of Lake  
18 County, created by special education joint agreement under  
19 Section 10-22.31 of the School Code, for payment of the school  
20 district's share of the amounts required to be contributed by  
21 the Special Education District of Lake County to the Illinois  
22 Municipal Retirement Fund under Article 7 of the Illinois  
23 Pension Code; the amount of any extension under this item (k)  
24 shall be certified by the school district to the county clerk;  
25 (l) made to fund expenses of providing joint recreational  
26 programs for the handicapped under Section 5-8 of the Park  
27 District Code or Section 11-95-14 of the Illinois Municipal  
28 Code; (m) made for temporary relocation loan repayment purposes  
29 pursuant to Sections 2-3.77 and 17-2.2d of the School Code; ~~it~~  
30 ~~and~~ (n) made for payment of principal and interest on any bonds  
31 issued under the authority of Section 17-2.2d of the School  
32 Code; and (o) ~~(m)~~ made for contributions to a firefighter's  
33 pension fund created under Article 4 of the Illinois Pension  
34 Code, to the extent of the amount certified under item (5) of  
35 Section 4-134 of the Illinois Pension Code.

36 "Aggregate extension" for the taxing districts to which

1 this Law did not apply before the 1995 levy year (except taxing  
2 districts subject to this Law in accordance with Section  
3 18-213) means the annual corporate extension for the taxing  
4 district and those special purpose extensions that are made  
5 annually for the taxing district, excluding special purpose  
6 extensions: (a) made for the taxing district to pay interest or  
7 principal on general obligation bonds that were approved by  
8 referendum; (b) made for any taxing district to pay interest or  
9 principal on general obligation bonds issued before March 1,  
10 1995; (c) made for any taxing district to pay interest or  
11 principal on bonds issued to refund or continue to refund those  
12 bonds issued before March 1, 1995; (d) made for any taxing  
13 district to pay interest or principal on bonds issued to refund  
14 or continue to refund bonds issued after March 1, 1995 that  
15 were approved by referendum; (e) made for any taxing district  
16 to pay interest or principal on revenue bonds issued before  
17 March 1, 1995 for payment of which a property tax levy or the  
18 full faith and credit of the unit of local government is  
19 pledged; however, a tax for the payment of interest or  
20 principal on those bonds shall be made only after the governing  
21 body of the unit of local government finds that all other  
22 sources for payment are insufficient to make those payments;  
23 (f) made for payments under a building commission lease when  
24 the lease payments are for the retirement of bonds issued by  
25 the commission before March 1, 1995 to pay for the building  
26 project; (g) made for payments due under installment contracts  
27 entered into before March 1, 1995; (h) made for payments of  
28 principal and interest on bonds issued under the Metropolitan  
29 Water Reclamation District Act to finance construction  
30 projects initiated before October 1, 1991; (h-4) made for  
31 stormwater management purposes by the Metropolitan Water  
32 Reclamation District of Greater Chicago under Section 12 of the  
33 Metropolitan Water Reclamation District Act; (i) made for  
34 payments of principal and interest on limited bonds, as defined  
35 in Section 3 of the Local Government Debt Reform Act, in an  
36 amount not to exceed the debt service extension base less the



1 amount in items (b), (c), and (e) of this definition for  
2 non-referendum obligations, except obligations initially  
3 issued pursuant to referendum and bonds described in subsection  
4 (h) of this definition; (j) made for payments of principal and  
5 interest on bonds issued under Section 15 of the Local  
6 Government Debt Reform Act; (k) made for payments of principal  
7 and interest on bonds authorized by Public Act 88-503 and  
8 issued under Section 20a of the Chicago Park District Act for  
9 aquarium or museum projects; (l) made for payments of principal  
10 and interest on bonds authorized by Public Act 87-1191 or  
11 93-601 and (i) issued pursuant to Section 21.2 of the Cook  
12 County Forest Preserve District Act, (ii) issued under Section  
13 42 of the Cook County Forest Preserve District Act for  
14 zoological park projects, or (iii) issued under Section 44.1 of  
15 the Cook County Forest Preserve District Act for botanical  
16 gardens projects; (m) made pursuant to Section 34-53.5 of the  
17 School Code, whether levied annually or not; (n) made to fund  
18 expenses of providing joint recreational programs for the  
19 handicapped under Section 5-8 of the Park District Code or  
20 Section 11-95-14 of the Illinois Municipal Code; (o) made by  
21 the Chicago Park District for recreational programs for the  
22 handicapped under subsection (c) of Section 7.06 of the Chicago  
23 Park District Act; and (p) made for contributions to a  
24 firefighter's pension fund created under Article 4 of the  
25 Illinois Pension Code, to the extent of the amount certified  
26 under item (5) of Section 4-134 of the Illinois Pension Code.

27 "Aggregate extension" for all taxing districts to which  
28 this Law applies in accordance with Section 18-213, except for  
29 those taxing districts subject to paragraph (2) of subsection  
30 (e) of Section 18-213, means the annual corporate extension for  
31 the taxing district and those special purpose extensions that  
32 are made annually for the taxing district, excluding special  
33 purpose extensions: (a) made for the taxing district to pay  
34 interest or principal on general obligation bonds that were  
35 approved by referendum; (b) made for any taxing district to pay  
36 interest or principal on general obligation bonds issued before

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

1 on general obligation bonds issued for the purpose of paying  
2 obligations due under, or financing airport facilities  
3 required to be acquired, constructed, installed or equipped  
4 pursuant to, contracts entered into before March 1, 1996 (but  
5 not including any amendments to such a contract taking effect  
6 on or after that date); (k) made to fund expenses of providing  
7 joint recreational programs for the handicapped under Section  
8 5-8 of the Park District Code or Section 11-95-14 of the  
9 Illinois Municipal Code; and (l) made for contributions to a  
10 firefighter's pension fund created under Article 4 of the  
11 Illinois Pension Code, to the extent of the amount certified  
12 under item (5) of Section 4-134 of the Illinois Pension Code.

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

1 finds that all other sources for payment are insufficient to  
2 make those payments; (f) made for payments under a building  
3 commission lease when the lease payments are for the retirement  
4 of bonds issued by the commission before the effective date of  
5 this amendatory Act of 1997 to pay for the building project;  
6 (g) made for payments due under installment contracts entered  
7 into before the effective date of this amendatory Act of 1997;  
8 (h) made for payments of principal and interest on limited  
9 bonds, as defined in Section 3 of the Local Government Debt  
10 Reform Act, in an amount not to exceed the debt service  
11 extension base less the amount in items (b), (c), and (e) of  
12 this definition for non-referendum obligations, except  
13 obligations initially issued pursuant to referendum; (i) made  
14 for payments of principal and interest on bonds issued under  
15 Section 15 of the Local Government Debt Reform Act; (j) made  
16 for a qualified airport authority to pay interest or principal  
17 on general obligation bonds issued for the purpose of paying  
18 obligations due under, or financing airport facilities  
19 required to be acquired, constructed, installed or equipped  
20 pursuant to, contracts entered into before March 1, 1996 (but  
21 not including any amendments to such a contract taking effect  
22 on or after that date); (k) made to fund expenses of providing  
23 joint recreational programs for the handicapped under Section  
24 5-8 of the Park District Code or Section 11-95-14 of the  
25 Illinois Municipal Code; and (l) made for contributions to a  
26 firefighter's pension fund created under Article 4 of the  
27 Illinois Pension Code, to the extent of the amount certified  
28 under item (5) of Section 4-134 of the Illinois Pension Code.

29 "Debt service extension base" means an amount equal to that  
30 portion of the extension for a taxing district for the 1994  
31 levy year, or for those taxing districts subject to this Law in  
32 accordance with Section 18-213, except for those subject to  
33 paragraph (2) of subsection (e) of Section 18-213, for the levy  
34 year in which the referendum making this Law applicable to the  
35 taxing district is held, or for those taxing districts subject  
36 to this Law in accordance with paragraph (2) of subsection (e)

1 of Section 18-213 for the 1996 levy year, constituting an  
2 extension for payment of principal and interest on bonds issued  
3 by the taxing district without referendum, but not including  
4 excluded non-referendum bonds. For park districts (i) that were  
5 first subject to this Law in 1991 or 1995 and (ii) whose  
6 extension for the 1994 levy year for the payment of principal  
7 and interest on bonds issued by the park district without  
8 referendum (but not including excluded non-referendum bonds)  
9 was less than 51% of the amount for the 1991 levy year  
10 constituting an extension for payment of principal and interest  
11 on bonds issued by the park district without referendum (but  
12 not including excluded non-referendum bonds), "debt service  
13 extension base" means an amount equal to that portion of the  
14 extension for the 1991 levy year constituting an extension for  
15 payment of principal and interest on bonds issued by the park  
16 district without referendum (but not including excluded  
17 non-referendum bonds). The debt service extension base may be  
18 established or increased as provided under Section 18-212.  
19 "Excluded non-referendum bonds" means (i) bonds authorized by  
20 Public Act 88-503 and issued under Section 20a of the Chicago  
21 Park District Act for aquarium and museum projects; (ii) bonds  
22 issued under Section 15 of the Local Government Debt Reform  
23 Act; or (iii) refunding obligations issued to refund or to  
24 continue to refund obligations initially issued pursuant to  
25 referendum.

26 "Special purpose extensions" include, but are not limited  
27 to, extensions for levies made on an annual basis for  
28 unemployment and workers' compensation, self-insurance,  
29 contributions to pension plans, and extensions made pursuant to  
30 Section 6-601 of the Illinois Highway Code for a road  
31 district's permanent road fund whether levied annually or not.  
32 The extension for a special service area is not included in the  
33 aggregate extension.

34 "Aggregate extension base" means the taxing district's  
35 last preceding aggregate extension as adjusted under Sections  
36 18-215 through 18-230.

1 "Levy year" has the same meaning as "year" under Section  
2 1-155.

3 "New property" means (i) the assessed value, after final  
4 board of review or board of appeals action, of new improvements  
5 or additions to existing improvements on any parcel of real  
6 property that increase the assessed value of that real property  
7 during the levy year multiplied by the equalization factor  
8 issued by the Department under Section 17-30, (ii) the assessed  
9 value, after final board of review or board of appeals action,  
10 of real property not exempt from real estate taxation, which  
11 real property was exempt from real estate taxation for any  
12 portion of the immediately preceding levy year, multiplied by  
13 the equalization factor issued by the Department under Section  
14 17-30, and (iii) in counties that classify in accordance with  
15 Section 4 of Article IX of the Illinois Constitution, an  
16 incentive property's additional assessed value resulting from  
17 a scheduled increase in the level of assessment as applied to  
18 the first year final board of review market value. In addition,  
19 the county clerk in a county containing a population of  
20 3,000,000 or more shall include in the 1997 recovered tax  
21 increment value for any school district, any recovered tax  
22 increment value that was applicable to the 1995 tax year  
23 calculations.

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

28 "Recovered tax increment value" means, except as otherwise  
29 provided in this paragraph, the amount of the current year's  
30 equalized assessed value, in the first year after a  
31 municipality terminates the designation of an area as a  
32 redevelopment project area previously established under the  
33 Tax Increment Allocation Development Act in the Illinois  
34 Municipal Code, previously established under the Industrial  
35 Jobs Recovery Law in the Illinois Municipal Code, or previously  
36 established under the Economic Development Area Tax Increment

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

31 Except as otherwise provided in this Section, "limiting  
32 rate" means a fraction the numerator of which is the last  
33 preceding aggregate extension base times an amount equal to one  
34 plus the extension limitation defined in this Section and the  
35 denominator of which is the current year's equalized assessed  
36 value of all real property in the territory under the

1 jurisdiction of the taxing district during the prior levy year.  
2 For those taxing districts that reduced their aggregate  
3 extension for the last preceding levy year, the highest  
4 aggregate extension in any of the last 3 preceding levy years  
5 shall be used for the purpose of computing the limiting rate.  
6 The denominator shall not include new property. The denominator  
7 shall not include the recovered tax increment value.

8 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;  
9 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff.  
10 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised  
11 12-14-04.)

12 Section 15. The Public Building Commission Act is amended  
13 by changing Sections 3 and 18 as follows:

14 (50 ILCS 20/3) (from Ch. 85, par. 1033)

15 Sec. 3. The following terms, wherever used, or referred to  
16 in this Act, mean unless the context clearly requires a  
17 different meaning:

18 (a) "Commission" means a Public Building Commission  
19 created pursuant to this Act.

20 (b) "Commissioner" or "Commissioners" means a Commissioner  
21 or Commissioners of a Public Building Commission.

22 (c) "County seat" means a city, village or town which is  
23 the county seat of a county.

24 (d) "Municipality" means any city, village or incorporated  
25 town of the State of Illinois.

26 (e) "Municipal corporation" includes a county, city,  
27 village, town, (including a county seat), park district, school  
28 district in a county of 3,000,000 or more population, board of  
29 education of a school district in a county of 3,000,000 or more  
30 population, sanitary district, airport authority contiguous  
31 with the County Seat as of July 1, 1969 and any other municipal  
32 body or governmental agency of the State but does not include a  
33 school district in a county of less than 3,000,000 population,  
34 a board of education of a school district in a county of less



1 than 3,000,000 population, or a community college district in a  
2 county of less than 3,000,000 population.

3 (f) "Governing body" includes a city council, county board,  
4 or any other body or board, by whatever name it may be known,  
5 charged with the governing of a municipal corporation.

6 (g) "Presiding officer" includes the mayor or president of  
7 a city, village or town, the presiding officer of a county  
8 board, or the presiding officer of any other board or  
9 commission, as the case may be.

10 (h) "Oath" means oath or affirmation.

11 (i) "Building" means an improvement to real estate to be  
12 made available for use by a municipal corporation for the  
13 furnishing of governmental services to its citizens, together  
14 with any land or interest in land necessary or useful in  
15 connection with the improvement.

16 (j) "Public building commission lease rental base" means  
17 that term as it is defined in the Local Government Debt Reform  
18 Act.

19 (Source: P.A. 88-304.)

20 (50 ILCS 20/18) (from Ch. 85, par. 1048)

21 Sec. 18. Whenever, and as often as, a municipal corporation  
22 having taxing power enters into a lease with a Public Building  
23 Commission, the governing body of such municipal corporation  
24 shall provide by ordinance or resolution, as the case may be,  
25 for the levy and collection of a direct annual tax (i)  
26 sufficient to pay the annual rent payable under such lease as  
27 and when it becomes due and payable or (ii), if applicable, in  
28 the amount of the public building commission lease rental base  
29 allocated to the lease. A certified copy of the lease of such  
30 municipal corporation and a certified copy of the tax levying  
31 ordinance or resolution, as the case may be, of such municipal  
32 corporation shall be filed in the office of the county clerk in  
33 each county in which any portion of the territory of such  
34 municipal corporation is situated, which certified copies  
35 shall constitute the authority for the county clerk or clerks,

1 in each case, to extend the taxes annually (i) necessary to pay  
 2 the annual rent payable under such lease as and when it becomes  
 3 due and payable or (ii), if applicable, in the amount of the  
 4 public building commission lease rental base allocated to the  
 5 lease. No taxes shall be extended for any lease entered into  
 6 after the effective date of this amendatory Act of 1993,  
 7 however, until after a public hearing on the lease. The clerk  
 8 or secretary of the governing body of the municipal corporation  
 9 shall cause notice of the time and place of the hearing to be  
 10 published at least once, at least 15 days before the hearing,  
 11 in a newspaper published or having general circulation within  
 12 the municipal corporation. If no such newspaper exists, the  
 13 clerk or secretary shall cause the notice to be posted, at  
 14 least 15 days before the hearing, in at least 10 conspicuous  
 15 places within the municipal corporation. The notice shall be in  
 16 the following form:

17 NOTICE OF PUBLIC HEARING ON LEASE between (name of the  
 18 municipal corporation) and (name of the public building  
 19 commission).

20 A public hearing regarding a lease between (name of the  
 21 municipal corporation) and (name of the public building  
 22 commission) will be held by (name of the governing body of the  
 23 municipal corporation) on (date) at (time) at (location). The  
 24 largest yearly rental payment set forth in the lease is (\$  
 25 amount). The maximum length of the lease is (years).

26 The purpose of the lease is (explain in 25 words or less).

27 Dated (insert date).

28 By Order of (name of the governing body  
 29 of the Municipal Corporation)

30 /s/.....  
 31 Clerk or Secretary

32 At the hearing, all persons residing or owning property in  
 33 the municipal corporation shall have an opportunity to be heard  
 34 orally, in writing, or both.

35 Upon the filing of the certified copies of the lease and  
 36 the tax levying ordinance or resolution in the office of the

1 county clerk or clerks of the proper county or counties, it  
2 shall be the duty of such county clerk or clerks to ascertain  
3 the rate per cent which, upon the value of all property subject  
4 to taxation within the municipal corporation, as that property  
5 is assessed or equalized by the Department of Revenue, will  
6 produce a net amount of not less than (i) the amount of the  
7 annual rent reserved in such lease or (ii), if applicable, the  
8 amount of the public building commission lease rental base  
9 allocated to the lease. The county clerk or clerks shall  
10 thereupon, and thereafter annually during the term of the  
11 lease, extend taxes against all of the taxable property  
12 contained in that municipal corporation (i) sufficient to pay  
13 the annual rental reserved in such lease or (ii), if  
14 applicable, in the amount of the public building commission  
15 lease rental base allocated to the lease. Such tax shall be  
16 levied and collected in like manner with the other taxes of  
17 such municipal corporation and shall be in addition to all  
18 other taxes now or hereafter authorized to be levied by that  
19 municipal corporation. Except for the limitation provided for  
20 the allocated amount of the public building commission lease  
21 rental base, if applicable, this tax shall not be included  
22 within any statutory limitation of rate or amount for that  
23 municipal corporation but shall be excluded therefrom and be in  
24 addition thereto and in excess thereof. The fund realized from  
25 such tax levy shall be set aside for the payment of the annual  
26 rent and shall not be disbursed for any other purpose until the  
27 annual rental has been paid in full. This Section shall not be  
28 construed to limit the power of the Commission to enter into  
29 leases with any municipal corporation whether or not the  
30 municipal corporation has the power of taxation. This Section  
31 shall not be construed to require taxes to be levied or  
32 extended in excess of the allocated portion of a public  
33 building commission lease rental base, if applicable.

34 (Source: P.A. 92-16, eff. 6-28-01.)

35 Section 20. The Counties Code is amended by changing

1 Section 5-1024 as follows:

2 (55 ILCS 5/5-1024) (from Ch. 34, par. 5-1024)

3 Sec. 5-1024. Taxes. A county board may cause to be levied  
4 and collected annually, except as hereinafter provided, taxes  
5 for county purposes, including all purposes for which money may  
6 be raised by the county by taxation, in counties having 80,000  
7 or more but less than 3,000,000 inhabitants at a rate not  
8 exceeding .25%, of the value as equalized or assessed by the  
9 Department of Revenue; in counties with less than 80,000 but  
10 more than 15,000 inhabitants at a rate not exceeding .27%, of  
11 the value as equalized or assessed by the Department of  
12 Revenue; in counties with less than 80,000 inhabitants which  
13 have authorized a tax by referendum under Section 7-2 of the  
14 Juvenile Court Act prior to the effective date of this  
15 amendatory Act of 1985, at a rate not exceeding .32%, of the  
16 value as equalized or assessed by the Department of Revenue;  
17 and in counties with 15,000 or fewer inhabitants at a rate not  
18 exceeding .37%, of the value as equalized or assessed by the  
19 Department of Revenue; and in counties having 3,000,000 or more  
20 inhabitants for each even numbered year, subject to the  
21 abatement requirements hereinafter provided, at a rate not  
22 exceeding .39% of the value, as equalized or assessed by the  
23 Department of Revenue, and for each odd numbered year, subject  
24 to the abatement requirements hereinafter provided, at a rate  
25 not exceeding .35% of the value as equalized or assessed by the  
26 Department of Revenue, except taxes for the payment of interest  
27 on and principal of bonded indebtedness heretofore duly  
28 authorized for the construction of State aid roads in the  
29 county as defined in "An Act to revise the law in relation to  
30 roads and bridges", approved June 27, 1913, or for the  
31 construction of county highways as defined in the Illinois  
32 Highway Code, and except taxes for the payment of interest on  
33 and principal of bonded indebtedness duly authorized without a  
34 vote of the people of the county, and except taxes authorized  
35 as additional by a vote of the people of the county, and except

1 taxes for working cash fund purposes, and except taxes as  
2 authorized by Sections 5-601, 5-602, 5-603, 5-604 and 6-512 of  
3 the Illinois Highway Code, and except taxes authorized under  
4 Section 7 of the Village Library Act, and except taxes levied  
5 to pay the annual rent payments due under a lease entered into  
6 by the county with a Public Building Commission as authorized  
7 by Section 18 of the Public Building Commission Act, including  
8 payments to be made from the public building commission lease  
9 rental base as defined in the Local Government Debt Reform Act,  
10 and except taxes levied allocable to the public building  
11 commission lease rental base alternate tax levy as defined in  
12 the Local Government Debt Reform Act, and except taxes levied  
13 to pay principal of and interest on limited bonds as defined in  
14 the Local Government Debt Reform Act, and except taxes levied  
15 under Division 6-3, and except taxes levied for general  
16 assistance for needy persons in counties under commission form  
17 of government and except taxes levied under the County Care for  
18 Persons with Developmental Disabilities Act, and except taxes  
19 levied under the Community Mental Health Act, and except taxes  
20 levied under Section 5-1025 to pay the expenses of elections  
21 and except taxes levied under "An Act to provide the manner of  
22 levying or imposing taxes for the provision of special services  
23 to areas within the boundaries of home rule units and non-home  
24 rule municipalities and counties", approved September 21,  
25 1973, and except taxes levied under Section 3a of the Revenue  
26 Act of 1939 for the purposes of helping to pay for the expenses  
27 of the assessor's office, and except taxes levied under  
28 Division 5-21, and except taxes levied pursuant to Section 19  
29 of "The Illinois Emergency Services and Disaster Agency Act of  
30 1975", as now or hereafter amended, and except taxes levied  
31 pursuant to Division 5-23, and except taxes levied under  
32 Section 5 of the County Shelter Care and Detention Home Act,  
33 and except taxes levied under the Children's Advocacy Center  
34 Act, and except taxes levied under Section 9-107 of the Local  
35 Governmental and Governmental Employees Tort Immunity Act.

36 Those taxes a county has levied and excepted from the rate

1 limitation imposed by this Section or Section 25.05 of "An Act  
2 to revise the law in relation to counties", approved March 31,  
3 1874, in reliance on this amendatory Act of 1994 are not  
4 invalid because of any provision of this Section that may be  
5 construed to or may have been construed to restrict or limit  
6 those taxes levied and those taxes are hereby validated. This  
7 validation of taxes levied applies to all cases pending on or  
8 after the effective date of this amendatory Act of 1994.

9 Nothing contained in this amendatory Act of 1994 shall be  
10 construed to affect the application of the Property Tax  
11 Extension Limitation Law.

12 Any tax levied for general assistance for needy persons in  
13 any county in addition to and in excess of the maximum levy  
14 permitted by this Section for general county purposes shall be  
15 paid into a special fund in the county treasury and used only  
16 for the purposes for which it is levied except that any excess  
17 in such fund over the amount needed for general assistance may  
18 be used for County Nursing Home purposes and shall not exceed  
19 .10% of the value, as equalized or assessed by the Department  
20 of Revenue. Any taxes levied for general assistance pursuant to  
21 this Section may also be used for the payment of warrants  
22 issued against and in anticipation of such taxes and accrued  
23 interest thereon and may also be used for the payment of costs  
24 of administering such general assistance.

25 In counties having 3,000,000 or more inhabitants, taxes  
26 levied for any year for any purpose or purposes, except amounts  
27 levied for the payment of bonded indebtedness or interest  
28 thereon and for pension fund purpose, and except taxes levied  
29 to pay the annual rent payments due under a lease entered into  
30 by the county with a Public Building Commission as authorized  
31 by Section 18 of the Public Building Commission Act, are  
32 subject to the limitation that they shall not exceed the  
33 estimated amount of taxes to be levied for the year for the  
34 purpose or purposes as determined in accordance with Section  
35 6-24001 and set forth in the annual appropriation bill of the  
36 county and in ascertaining the rate per cent that will produce

1 the amount of any tax levied in any county, the county clerk  
2 shall not add to the tax or rate any sum or amount to cover the  
3 loss and cost of collecting the tax, except in the case of  
4 amounts levied for the payment of bonded indebtedness or  
5 interest thereon, and in the case of amounts levied for pension  
6 fund purposes, and except taxes levied to pay the annual rent  
7 payments due under a lease entered into by the county with a  
8 Public Building Commission as authorized by Section 18 of the  
9 Public Building Commission Act.

10 In counties having a population of 3,000,000 or more  
11 inhabitants, the county clerk shall in each even numbered year,  
12 before extending the county tax for the year, reduce the levy  
13 for county purposes for the year (exclusive of levies for  
14 payment of indebtedness and payment of interest on and  
15 principal of bonded indebtedness as aforesaid, and exclusive of  
16 county highway taxes as aforesaid, and exclusive of pension  
17 fund taxes, and except taxes levied to pay the annual rent  
18 payments due under a lease entered into by the county with a  
19 Public Building Commission as authorized by Section 18 of the  
20 Public Building Commission Act) in the manner described and in  
21 an amount to be determined as follows: If the amount received  
22 from the collection of the tax levied in the last preceding  
23 even numbered year for county purposes as aforesaid, as shown  
24 by the county treasurer's final settlement for the last  
25 preceding even numbered year and also by subsequent receipts of  
26 delinquent taxes for the county purposes fund levied for the  
27 last preceding even numbered year, equals or exceeds the amount  
28 produced by multiplying the rate extended for the county  
29 purposes for the last preceding even numbered year by the total  
30 assessed valuation of all property in the county used in the  
31 year for purposes of state and county taxes, and by deducting  
32 therefrom the amount appropriated to cover the loss and cost of  
33 collecting taxes to be levied for the county purposes fund for  
34 the last preceding even numbered year, the clerk in determining  
35 the rate per cent to be extended for the county purposes fund  
36 shall deduct from the amount of the levy certified to him for

1 county purposes as aforesaid for even numbered years the amount  
2 received by the county clerk or withheld by the county  
3 treasurer from other municipal corporations within the county  
4 as their pro rata share of election expenses for the last  
5 preceding even numbered year, as authorized in Sections 13-11,  
6 13-12, 13-13 and 16-2 of the Election Code, and the clerk in  
7 these counties shall extend only the net amount remaining after  
8 such deductions.

9 The foregoing limitations upon tax rates, insofar as they  
10 are applicable to counties having less than 3,000,000  
11 inhabitants, may be increased or decreased under the referendum  
12 provisions of the General Revenue Law of Illinois and there  
13 shall be no limit on the rate of tax for county purposes that  
14 may be levied by a county so long as any increase in the rate is  
15 authorized by referendum in that county.

16 Any county having a population of less than 3,000,000  
17 inhabitants that has determined to change its fiscal year may,  
18 as a means of effectuating a change, instead of levying taxes  
19 for a one-year period, levy taxes for a period greater or less  
20 than a year as may be necessary.

21 In counties having less than 3,000,000 inhabitants, in  
22 ascertaining the rate per cent that will produce the amount of  
23 any tax levied in that county, the County Clerk shall not add  
24 to the tax or rate any sum or amount to cover the loss and cost  
25 of collecting the tax except in the case of amounts levied for  
26 the payment of bonded indebtedness or interest thereon and in  
27 the case of amounts levied for pension fund purposes and except  
28 taxes levied to pay the annual rent payments due under a lease  
29 entered into by the county with a Public Building Commission as  
30 authorized by Section 18 of the Public Building Commission Act.

31 A county shall not have its maximum tax rate reduced as a  
32 result of a population increase indicated by the 1980 federal  
33 census.

34 (Source: P.A. 91-51, eff. 6-30-99.)

35 Section 99. Effective date. This Act takes effect upon



1 becoming law.