

1 AN ACT concerning taxes.

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 Sections 18-125, 18-185, 18-190, 18-205, and 18-230 as follows:

6 (35 ILCS 200/18-125)

7 Sec. 18-125. Rate limit referenda. Referenda initiated
8 under Section 18-120 shall be subject to the provisions and
9 limitations of the general election law.

10 The question of adopting a maximum tax rate other than that
11 applicable shall be in substantially the following form for all
12 elections held after March 21, 2006:

13 Shall the maximum tax rate for . . . purposes of . . .
14 (insert legal name, number, if any, and county or counties
15 of taxing district), Illinois, be established at . . . % of
16 the equalized assessed value of the taxable property
17 therein instead of . . . %, the maximum rate otherwise
18 applicable to the next taxes to be extended?

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

20 _____

21 ~~Shall the maximum tax rate for~~
22 ~~the..... fund of.....~~
23 ~~(identify taxing district) be _____ YES~~
24 ~~established at..... percent~~
25 ~~on the equalized assessed _____~~
26 ~~value instead of..... per~~
27 ~~cent, the maximum rate otherwise _____ NO~~
28 ~~applicable to the next taxes to~~
29 ~~be extended?~~

30 _____

31 The ballot shall have printed thereon, but not as a part of
32 the proposition submitted, (i) a statement of the purpose or

1 reason for the proposed change in the tax rate, (ii) an
2 estimate of the approximate amount extendable under the
3 proposed rate and of the approximate amount extendable under
4 the current rate applicable to the next taxes extended, such
5 amounts being computed upon the last known equalized assessed
6 value, and (iii) the approximate amount of the tax extendable
7 against property containing a single family residence and
8 having a fair market value of \$100,000 at the current maximum
9 rate and at the proposed rate. The approximate amount of the
10 tax extendable against property containing a single family
11 residence shall be calculated (i) without regard to any
12 property tax exemptions and (ii) based upon the percentage
13 level of assessment prescribed for such property by statute or
14 by ordinance of the county board in counties which classify
15 property for purposes of taxation in accordance with Section 4
16 of Article IX of the Constitution. Any error, miscalculation or
17 inaccuracy in computing such amounts that is not deliberate
18 shall not invalidate or affect the validity of any maximum tax
19 rate so adopted.

20 If a majority of all ballots cast on the proposition are in
21 favor of the proposition, the maximum tax rate so established
22 shall become effective with the levy next following the
23 referendum. It is the duty of the county clerk to reduce, if
24 necessary, the amount of any taxes levied thereafter. Nothing
25 in this Section shall be construed as precluding the extension
26 of taxes at rates less than that authorized by the referendum.

27 (Source: P.A. 86-1253; 88-455.)

28 (35 ILCS 200/18-185)

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

32 "Consumer Price Index" means the Consumer Price Index for
33 All Urban Consumers for all items published by the United
34 States Department of Labor.

35 "Extension limitation" means (a) the lesser of 5% or the

1 percentage increase in the Consumer Price Index during the
2 12-month calendar year preceding the levy year or (b) the rate
3 of increase approved by voters under Section 18-205.

4 "Affected county" means a county of 3,000,000 or more
5 inhabitants or a county contiguous to a county of 3,000,000 or
6 more inhabitants.

7 "Taxing district" has the same meaning provided in Section
8 1-150, except as otherwise provided in this Section. For the
9 1991 through 1994 levy years only, "taxing district" includes
10 only each non-home rule taxing district having the majority of
11 its 1990 equalized assessed value within any county or counties
12 contiguous to a county with 3,000,000 or more inhabitants.
13 Beginning with the 1995 levy year, "taxing district" includes
14 only each non-home rule taxing district subject to this Law
15 before the 1995 levy year and each non-home rule taxing
16 district not subject to this Law before the 1995 levy year
17 having the majority of its 1994 equalized assessed value in an
18 affected county or counties. Beginning with the levy year in
19 which this Law becomes applicable to a taxing district as
20 provided in Section 18-213, "taxing district" also includes
21 those taxing districts made subject to this Law as provided in
22 Section 18-213.

23 "Aggregate extension" for taxing districts to which this
24 Law applied before the 1995 levy year means the annual
25 corporate extension for the taxing district and those special
26 purpose extensions that are made annually for the taxing
27 district, excluding special purpose extensions: (a) made for
28 the taxing district to pay interest or principal on general
29 obligation bonds that were approved by referendum; (b) made for
30 any taxing district to pay interest or principal on general
31 obligation bonds issued before October 1, 1991; (c) made for
32 any taxing district to pay interest or principal on bonds
33 issued to refund or continue to refund those bonds issued
34 before October 1, 1991; (d) made for any taxing district to pay
35 interest or principal on bonds issued to refund or continue to
36 refund bonds issued after October 1, 1991 that were approved by

1 referendum; (e) made for any taxing district to pay interest or
2 principal on revenue bonds issued before October 1, 1991 for
3 payment of which a property tax levy or the full faith and
4 credit of the unit of local government is pledged; however, a
5 tax for the payment of interest or principal on those bonds
6 shall be made only after the governing body of the unit of
7 local government finds that all other sources for payment are
8 insufficient to make those payments; (f) made for payments
9 under a building commission lease when the lease payments are
10 for the retirement of bonds issued by the commission before
11 October 1, 1991, to pay for the building project; (g) made for
12 payments due under installment contracts entered into before
13 October 1, 1991; (h) made for payments of principal and
14 interest on bonds issued under the Metropolitan Water
15 Reclamation District Act to finance construction projects
16 initiated before October 1, 1991; (i) made for payments of
17 principal and interest on limited bonds, as defined in Section
18 3 of the Local Government Debt Reform Act, in an amount not to
19 exceed the debt service extension base less the amount in items
20 (b), (c), (e), and (h) of this definition for non-referendum
21 obligations, except obligations initially issued pursuant to
22 referendum; (j) made for payments of principal and interest on
23 bonds issued under Section 15 of the Local Government Debt
24 Reform Act; (k) made by a school district that participates in
25 the Special Education District of Lake County, created by
26 special education joint agreement under Section 10-22.31 of the
27 School Code, for payment of the school district's share of the
28 amounts required to be contributed by the Special Education
29 District of Lake County to the Illinois Municipal Retirement
30 Fund under Article 7 of the Illinois Pension Code; the amount
31 of any extension under this item (k) shall be certified by the
32 school district to the county clerk; (l) made to fund expenses
33 of providing joint recreational programs for the handicapped
34 under Section 5-8 of the Park District Code or Section 11-95-14
35 of the Illinois Municipal Code; (m) made for temporary
36 relocation loan repayment purposes pursuant to Sections 2-3.77

1 and 17-2.2d of the School Code; ~~and~~ (n) made for payment of
2 principal and interest on any bonds issued under the authority
3 of Section 17-2.2d of the School Code; and (o) ~~(m)~~ made for
4 contributions to a firefighter's pension fund created under
5 Article 4 of the Illinois Pension Code, to the extent of the
6 amount certified under item (5) of Section 4-134 of the
7 Illinois Pension Code.

8 "Aggregate extension" for the taxing districts to which
9 this Law did not apply before the 1995 levy year (except taxing
10 districts subject to this Law in accordance with Section
11 18-213) means the annual corporate extension for the taxing
12 district and those special purpose extensions that are made
13 annually for the taxing district, excluding special purpose
14 extensions: (a) made for the taxing district to pay interest or
15 principal on general obligation bonds that were approved by
16 referendum; (b) made for any taxing district to pay interest or
17 principal on general obligation bonds issued before March 1,
18 1995; (c) made for any taxing district to pay interest or
19 principal on bonds issued to refund or continue to refund those
20 bonds issued before March 1, 1995; (d) made for any taxing
21 district to pay interest or principal on bonds issued to refund
22 or continue to refund bonds issued after March 1, 1995 that
23 were approved by referendum; (e) made for any taxing district
24 to pay interest or principal on revenue bonds issued before
25 March 1, 1995 for payment of which a property tax levy or the
26 full faith and credit of the unit of local government is
27 pledged; however, a tax for the payment of interest or
28 principal on those bonds shall be made only after the governing
29 body of the unit of local government finds that all other
30 sources for payment are insufficient to make those payments;
31 (f) made for payments under a building commission lease when
32 the lease payments are for the retirement of bonds issued by
33 the commission before March 1, 1995 to pay for the building
34 project; (g) made for payments due under installment contracts
35 entered into before March 1, 1995; (h) made for payments of
36 principal and interest on bonds issued under the Metropolitan

1 Water Reclamation District Act to finance construction
2 projects initiated before October 1, 1991; (h-4) made for
3 stormwater management purposes by the Metropolitan Water
4 Reclamation District of Greater Chicago under Section 12 of the
5 Metropolitan Water Reclamation District Act; (i) made for
6 payments of principal and interest on limited bonds, as defined
7 in Section 3 of the Local Government Debt Reform Act, in an
8 amount not to exceed the debt service extension base less the
9 amount in items (b), (c), and (e) of this definition for
10 non-referendum obligations, except obligations initially
11 issued pursuant to referendum and bonds described in subsection
12 (h) of this definition; (j) made for payments of principal and
13 interest on bonds issued under Section 15 of the Local
14 Government Debt Reform Act; (k) made for payments of principal
15 and interest on bonds authorized by Public Act 88-503 and
16 issued under Section 20a of the Chicago Park District Act for
17 aquarium or museum projects; (l) made for payments of principal
18 and interest on bonds authorized by Public Act 87-1191 or
19 93-601 and (i) issued pursuant to Section 21.2 of the Cook
20 County Forest Preserve District Act, (ii) issued under Section
21 42 of the Cook County Forest Preserve District Act for
22 zoological park projects, or (iii) issued under Section 44.1 of
23 the Cook County Forest Preserve District Act for botanical
24 gardens projects; (m) made pursuant to Section 34-53.5 of the
25 School Code, whether levied annually or not; (n) made to fund
26 expenses of providing joint recreational programs for the
27 handicapped under Section 5-8 of the Park District Code or
28 Section 11-95-14 of the Illinois Municipal Code; (o) made by
29 the Chicago Park District for recreational programs for the
30 handicapped under subsection (c) of Section 7.06 of the Chicago
31 Park District Act; and (p) made for contributions to a
32 firefighter's pension fund created under Article 4 of the
33 Illinois Pension Code, to the extent of the amount certified
34 under item (5) of Section 4-134 of the Illinois Pension Code.

35 "Aggregate extension" for all taxing districts to which
36 this Law applies in accordance with Section 18-213, except for

1 those taxing districts subject to paragraph (2) of subsection
2 (e) of Section 18-213, means the annual corporate extension for
3 the taxing district and those special purpose extensions that
4 are made annually for the taxing district, excluding special
5 purpose extensions: (a) made for the taxing district to pay
6 interest or principal on general obligation bonds that were
7 approved by referendum; (b) made for any taxing district to pay
8 interest or principal on general obligation bonds issued before
9 the date on which the referendum making this Law applicable to
10 the taxing district is held; (c) made for any taxing district
11 to pay interest or principal on bonds issued to refund or
12 continue to refund those bonds issued before the date on which
13 the referendum making this Law applicable to the taxing
14 district is held; (d) made for any taxing district to pay
15 interest or principal on bonds issued to refund or continue to
16 refund bonds issued after the date on which the referendum
17 making this Law applicable to the taxing district is held if
18 the bonds were approved by referendum after the date on which
19 the referendum making this Law applicable to the taxing
20 district is held; (e) made for any taxing district to pay
21 interest or principal on revenue bonds issued before the date
22 on which the referendum making this Law applicable to the
23 taxing district is held for payment of which a property tax
24 levy or the full faith and credit of the unit of local
25 government is pledged; however, a tax for the payment of
26 interest or principal on those bonds shall be made only after
27 the governing body of the unit of local government finds that
28 all other sources for payment are insufficient to make those
29 payments; (f) made for payments under a building commission
30 lease when the lease payments are for the retirement of bonds
31 issued by the commission before the date on which the
32 referendum making this Law applicable to the taxing district is
33 held to pay for the building project; (g) made for payments due
34 under installment contracts entered into before the date on
35 which the referendum making this Law applicable to the taxing
36 district is held; (h) made for payments of principal and

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

21 "Aggregate extension" for all taxing districts to which
22 this Law applies in accordance with paragraph (2) of subsection
23 (e) of Section 18-213 means the annual corporate extension for
24 the taxing district and those special purpose extensions that
25 are made annually for the taxing district, excluding special
26 purpose extensions: (a) made for the taxing district to pay
27 interest or principal on general obligation bonds that were
28 approved by referendum; (b) made for any taxing district to pay
29 interest or principal on general obligation bonds issued before
30 the effective date of this amendatory Act of 1997; (c) made for
31 any taxing district to pay interest or principal on bonds
32 issued to refund or continue to refund those bonds issued
33 before the effective date of this amendatory Act of 1997; (d)
34 made for any taxing district to pay interest or principal on
35 bonds issued to refund or continue to refund bonds issued after
36 the effective date of this amendatory Act of 1997 if the bonds

1 were approved by referendum after the effective date of this
2 amendatory Act of 1997; (e) made for any taxing district to pay
3 interest or principal on revenue bonds issued before the
4 effective date of this amendatory Act of 1997 for payment of
5 which a property tax levy or the full faith and credit of the
6 unit of local government is pledged; however, a tax for the
7 payment of interest or principal on those bonds shall be made
8 only after the governing body of the unit of local government
9 finds that all other sources for payment are insufficient to
10 make those payments; (f) made for payments under a building
11 commission lease when the lease payments are for the retirement
12 of bonds issued by the commission before the effective date of
13 this amendatory Act of 1997 to pay for the building project;
14 (g) made for payments due under installment contracts entered
15 into before the effective date of this amendatory Act of 1997;
16 (h) made for payments of principal and interest on limited
17 bonds, as defined in Section 3 of the Local Government Debt
18 Reform Act, in an amount not to exceed the debt service
19 extension base less the amount in items (b), (c), and (e) of
20 this definition for non-referendum obligations, except
21 obligations initially issued pursuant to referendum; (i) made
22 for payments of principal and interest on bonds issued under
23 Section 15 of the Local Government Debt Reform Act; (j) made
24 for a qualified airport authority to pay interest or principal
25 on general obligation bonds issued for the purpose of paying
26 obligations due under, or financing airport facilities
27 required to be acquired, constructed, installed or equipped
28 pursuant to, contracts entered into before March 1, 1996 (but
29 not including any amendments to such a contract taking effect
30 on or after that date); (k) made to fund expenses of providing
31 joint recreational programs for the handicapped under Section
32 5-8 of the Park District Code or Section 11-95-14 of the
33 Illinois Municipal Code; and (l) made for contributions to a
34 firefighter's pension fund created under Article 4 of the
35 Illinois Pension Code, to the extent of the amount certified
36 under item (5) of Section 4-134 of the Illinois Pension Code.

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

34 "Special purpose extensions" include, but are not limited
35 to, extensions for levies made on an annual basis for
36 unemployment and workers' compensation, self-insurance,

1 contributions to pension plans, and extensions made pursuant to
2 Section 6-601 of the Illinois Highway Code for a road
3 district's permanent road fund whether levied annually or not.
4 The extension for a special service area is not included in the
5 aggregate extension.

6 "Aggregate extension base" means the taxing district's
7 last preceding aggregate extension as adjusted under Sections
8 18-215 through 18-230.

9 "Levy year" has the same meaning as "year" under Section
10 1-155.

11 "New property" means (i) the assessed value, after final
12 board of review or board of appeals action, of new improvements
13 or additions to existing improvements on any parcel of real
14 property that increase the assessed value of that real property
15 during the levy year multiplied by the equalization factor
16 issued by the Department under Section 17-30, (ii) the assessed
17 value, after final board of review or board of appeals action,
18 of real property not exempt from real estate taxation, which
19 real property was exempt from real estate taxation for any
20 portion of the immediately preceding levy year, multiplied by
21 the equalization factor issued by the Department under Section
22 17-30, and (iii) in counties that classify in accordance with
23 Section 4 of Article IX of the Illinois Constitution, an
24 incentive property's additional assessed value resulting from
25 a scheduled increase in the level of assessment as applied to
26 the first year final board of review market value. In addition,
27 the county clerk in a county containing a population of
28 3,000,000 or more shall include in the 1997 recovered tax
29 increment value for any school district, any recovered tax
30 increment value that was applicable to the 1995 tax year
31 calculations.

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

36 "Recovered tax increment value" means, except as otherwise

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

1 and above the initial equalized assessed value of that real
2 property before removal from the redevelopment project area.

3 Except as otherwise provided in this Section, "limiting
4 rate" means a fraction the numerator of which is the last
5 preceding aggregate extension base times an amount equal to one
6 plus the extension limitation defined in this Section and the
7 denominator of which is the current year's equalized assessed
8 value of all real property in the territory under the
9 jurisdiction of the taxing district during the prior levy year.
10 For those taxing districts that reduced their aggregate
11 extension for the last preceding levy year, the highest
12 aggregate extension in any of the last 3 preceding levy years
13 shall be used for the purpose of computing the limiting rate.
14 The denominator shall not include new property or. ~~The~~
15 ~~denominator shall not include~~ the recovered tax increment
16 value. If a new rate, a rate decrease, or a limiting rate
17 increase has been approved at an election held after March 21,
18 2006, then (i) the otherwise applicable limiting rate shall be
19 increased by the amount of the new rate or shall be reduced by
20 the amount of the rate decrease, as the case may be, or (ii) in
21 the case of a limiting rate increase, the limiting rate shall
22 be equal to the rate set forth in the proposition approved by
23 the voters for each of the years specified in the proposition,
24 after which the limiting rate of the taxing district shall be
25 calculated as otherwise provided.

26 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;
27 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff.
28 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised
29 12-14-04.)

30 (35 ILCS 200/18-190)

31 Sec. 18-190. Direct referendum; new rate or increased
32 limiting rate.

33 (a) If a new rate ~~or a rate increase~~ is authorized by
34 statute to be imposed without referendum or is subject to a
35 backdoor referendum, as defined in Section 28-2 of the Election

1 Code, the governing body of the affected taxing district before
2 levying the new rate ~~or rate increase~~ shall submit the new rate
3 ~~or rate increase~~ to direct referendum under the provisions of
4 this Section and of Article 28 of the Election Code.
5 Notwithstanding the provisions, requirements, or limitations
6 of any other law, any tax levied for the 2005 levy year and all
7 subsequent levy years by any taxing district subject to this
8 Law may be extended at a rate exceeding the rate established
9 for that tax by referendum or statute, provided that the rate
10 does not exceed the statutory ceiling above which the tax is
11 not authorized to be further increased either by referendum or
12 in any other manner. Notwithstanding the provisions,
13 requirements, or limitations of any other law, all taxing
14 districts subject to this Law shall follow the provisions of
15 this Section whenever seeking referenda approval after March
16 21, 2006 to (i) levy a new tax rate authorized by statute or
17 (ii) increase the limiting rate applicable to the taxing
18 district. All taxing districts subject to this Law are
19 authorized to seek referendum approval of each proposition
20 described and set forth in this Section.

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

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

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

32 The proposition seeking to obtain referendum approval to
33 increase the limiting rate as authorized in clause (ii) shall
34 be in substantially the following form:

35 Shall the limiting rate under the Property Tax
36 Extension Limitation Law for ... (insert legal name,

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

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

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

19 (1) The approximate amount of taxes extendable at the
20 most recently extended limiting rate is \$..., and the
21 approximate amount of taxes extendable if the proposition
22 is approved is \$....

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

29 (3) Based upon an average annual percentage increase
30 (or decrease) in the market value of such property of %...
31 (insert percentage equal to the average annual percentage
32 increase or decrease for the prior 3 levy years, at the
33 time the submission of the proposition is initiated by the
34 taxing district, in the amount of (A) the equalized
35 assessed value of the taxable property in the taxing
36 district less (B) the new property included in the

1 equalized assessed value), the approximate amount of the
2 additional tax extendable against such property for the ...
3 levy year is estimated to be \$... and for the ... levy year
4 is estimated to be \$

5 (4) If the proposition is approved, the aggregate
6 extension for ... (insert each levy year for which the
7 increase will apply) will be determined by the limiting
8 rate set forth in the proposition, rather than the
9 otherwise applicable limiting rate calculated under the
10 provisions of the Property Tax Extension Limitation Law
11 (commonly known as the Property Tax Cap Law).

12 The approximate amount of taxes extendable shown in paragraph
13 (1) shall be computed upon the last known equalized assessed
14 value of taxable property in the taxing district (at the time
15 the submission of the proposition is initiated by the taxing
16 district). Paragraph (3) shall be included only if the
17 increased limiting rate will be applicable for more than one
18 levy year and shall list each levy year for which the increased
19 limiting rate will be applicable. The additional tax shown for
20 each levy year shall be the approximate dollar amount of the
21 increase over the amount of the most recently completed
22 extension at the time the submission of the proposition is
23 initiated by the taxing district. The approximate amount of the
24 additional taxes extendable shall be calculated (i) without
25 regard to any property tax exemptions and (ii) based upon the
26 percentage level of assessment prescribed for such property by
27 statute or by ordinance of the county board in counties which
28 classify property for purposes of taxation in accordance with
29 Section 4 of Article IX of the Constitution. Paragraph (4)
30 shall be included if the proposition concerns a limiting rate
31 increase but shall not be included if the proposition concerns
32 a new rate. Any notice required to be published in connection
33 with the submission of the proposition shall also contain this
34 supplemental information and shall not contain any other
35 supplemental information regarding the proposition. Any error,
36 miscalculation, or inaccuracy in computing any amount set forth

1 on the ballot and in the notice that is not deliberate shall
2 not invalidate or affect the validity of any proposition
3 approved. Notice of the referendum shall be published and
4 posted as otherwise required by law, and the submission of the
5 proposition shall be initiated as provided by law.

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

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

11 (B) if the proposition provides for a new tax rate, the
12 taxing district is authorized to levy a tax after the
13 canvass of the results of the referendum by the election
14 authority for the purposes for which the tax is authorized;

15 (C) a limiting rate increase shall be first effective
16 for the levy year in which the limiting rate increase is
17 approved, provided that the taxing district may elect to
18 have a limiting rate increase be effective for the levy
19 year prior to the levy year in which the limiting rate
20 increase is approved unless the extension of taxes for the
21 prior levy year occurs 30 days or less after the canvass of
22 the results of the referendum by the election authority in
23 any county in which the taxing district is located;

24 (D) in order for the limiting rate increase to be first
25 effective for the levy year prior to the levy year of the
26 referendum, the taxing district must certify its election
27 to have the limiting rate increase be effective for the
28 prior levy year to the clerk of each county in which the
29 taxing district is located not more than 2 days after the
30 date the results of the referendum are canvassed by the
31 election authority; and

32 (E) if the proposition provides for a limiting rate
33 increase, the increase may be effective regardless of
34 whether the proposition is approved before or after the
35 taxing district adopts or files its levy for any levy year.

36 Rates required to extend taxes on levies subject to a

1 backdoor referendum in each year there is a levy are not new
2 rates or rate increases under this Section if a levy has been
3 made for the fund in one or more of the preceding 3 levy years.
4 Changes made by this amendatory Act of 1997 to this Section in
5 reference to rates required to extend taxes on levies subject
6 to a backdoor referendum in each year there is a levy are
7 declarative of existing law and not a new enactment.

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

23 (Source: P.A. 88-455; 88-670, eff. 12-2-94; 89-385, eff.
24 8-18-95; 89-718, eff. 3-7-97.)

25 (35 ILCS 200/18-205)

26 Sec. 18-205. Referendum to increase the extension
27 limitation. A taxing district is limited to an extension
28 limitation ~~increase~~ of 5% or the percentage increase in the
29 Consumer Price Index during the 12-month calendar year
30 preceding the levy year, whichever is less. A taxing district
31 may increase its extension limitation for one or more levy
32 years ~~a current levy year~~ if that taxing district holds a
33 referendum before the levy date for the first levy year at
34 which a majority of voters voting on the issue approves
35 adoption of a higher extension limitation. Referenda shall be

1 conducted at a regularly scheduled election in accordance with
 2 the Election Code ~~provided that notice of the referendum, if~~
 3 ~~held before July 1, 1999, has been given in accordance with the~~
 4 ~~provisions of Section 12-5 of the Election Code in effect at~~
 5 ~~the time of the bond referendum, at least 10 and not more than~~
 6 ~~45 days before the date of the election, notwithstanding the~~
 7 ~~time for publication otherwise imposed by Section 12-5. Notices~~
 8 ~~required in connection with the submission of public questions~~
 9 ~~on or after July 1, 1999 shall be as set forth in Section 12-5~~
 10 ~~of the Election Code.~~ The question shall be presented in
 11 substantially the following manner for all elections held after
 12 March 21, 2006:

13 Shall the extension limitation under the Property Tax
 14 Extension Limitation Law for (insert the legal name,
 15 number, if any, and county or counties of the taxing
 16 district and geographic or other common name by which a
 17 school or community college district is known and referred
 18 to), Illinois, be increased from the lesser of 5% or the
 19 percentage increase in the Consumer Price Index over the
 20 prior levy year to (insert the percentage of the proposed
 21 increase)% per year for (insert each levy year for which
 22 the increased extension limitation will apply)?

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

24 _____

25 ~~Shall the extension limitation~~
 26 ~~under the Property Tax Extension~~
 27 ~~Limitation Law for ... (taxing _____ YES~~
 28 ~~district name)... be increased from~~
 29 ~~...(the lesser of 5% or the increase _____~~
 30 ~~in the Consumer Price Index over the~~
 31 ~~prior levy year)...% to ... (percentage _____ NO~~
 32 ~~of proposed increase)...% for the~~
 33 ~~...(levy year)... levy year?~~

34 _____

35 If a majority of voters voting on the issue approves the
 36 adoption of the increase, the increase shall be applicable for

1 each ~~the~~ levy year specified.

2 The ballot for any question submitted pursuant to this
3 Section shall have printed thereon, but not as a part of the
4 question submitted, only the following supplemental
5 information (which shall be supplied to the election authority
6 by the taxing district) in substantially the following form:

7 (1) For the (insert the first levy year for which the
8 increased extension limitation will be applicable) levy
9 year the approximate amount of the additional tax
10 extendable against property containing a single family
11 residence and having a fair market value at the time of the
12 referendum of \$100,000 is estimated to be \$....

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

25 Paragraph (2) shall be included only if the increased
26 extension limitation will be applicable for more than one year
27 and shall list each levy year for which the increased extension
28 limitation will be applicable. The additional tax shown for
29 each levy year shall be the approximate dollar amount of the
30 increase over the amount of the most recently completed
31 extension at the time the submission of the question is
32 initiated by the taxing district. The approximate amount of the
33 additional tax extendable shall be calculated by using (A) the
34 lesser of 5% or the percentage increase in the Consumer Price
35 Index for the prior levy year (or an estimate of the percentage
36 increase for the prior levy year if the increase is unavailable

1 at the time the submission of the question is initiated by the
2 taxing district), (B) the percentage increase proposed in the
3 question, and (C) the last known equalized assessed value and
4 aggregate extension base of the taxing district at the time the
5 submission of the question is initiated by the taxing district.
6 The approximate amount of the tax extendable shall be
7 calculated (i) without regard to any property tax exemptions
8 and (ii) based upon the percentage level of assessment
9 prescribed for such property by statute or by ordinance of the
10 county board in counties which classify property for purposes
11 of taxation in accordance with Section 4 of Article IX of the
12 Constitution. Any notice required to be published in connection
13 with the submission of the question shall also contain this
14 supplemental information and shall not contain any other
15 supplemental information. Any error, miscalculation, or
16 inaccuracy in computing any amount set forth on the ballot or
17 in the notice that is not deliberate shall not invalidate or
18 affect the validity of any proposition approved. Notice of the
19 referendum shall be published and posted as otherwise required
20 by law, and the submission of the question shall be initiated
21 as provided by law.

22 (Source: P.A. 90-812, eff. 1-26-99; 91-57, eff. 6-30-99.)

23 (35 ILCS 200/18-230)

24 Sec. 18-230. Rate increase or decrease factor. Only when
25 ~~When~~ a new rate or a rate increase or decrease ~~first effective~~
26 ~~for the current levy year~~ has been approved by referendum held
27 prior to March 22, 2006, the aggregate extension base, as
28 adjusted in Section ~~Sections~~ 18-215 ~~and 18-220,~~ shall be
29 multiplied by a rate increase (or decrease) factor. The
30 numerator of the rate increase (or decrease) factor is the
31 total combined rate for the funds that made up the aggregate
32 extension for the taxing district for the prior year plus the
33 rate increase approved or minus the rate decrease approved. The
34 denominator of the rate increase or decrease factor is the
35 total combined rate for the funds that made up the aggregate

1 extension for the prior year. For those taxing districts for
2 which a new rate or a rate increase has been approved by
3 referendum held after December 31, 1988 and prior to March 22,
4 2006, and that did not increase their rate to the new maximum
5 rate for that fund, the rate increase factor shall be adjusted
6 for 4 levy years after the year of the referendum (unless the
7 governing body of a taxing district to which this Law applied
8 before the 1995 levy year that approved a tax rate increase at
9 a general election held after 2002 directs the county clerk or
10 clerks by resolution to make such adjustment for a lesser
11 number of years) by a factor the numerator of which is the
12 portion of the new or increased rate for which taxes were not
13 extended plus the aggregate rate in effect for the levy year
14 prior to the levy year in which the referendum was passed and
15 the denominator of which is the aggregate rate in effect for
16 the levy year prior to the levy year in which the referendum
17 was passed.

18 (Source: P.A. 87-17; 88-455.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.