



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

#### HB4021

Introduced 1/20/2012, by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-53 new  
35 ILCS 200/18-185

Amends the Property Tax Code. Provides that a taxing district may adopt a levy to recapture revenue lost due to refunds issued pursuant to a decision of the Property Tax Appeal Board, an assessment or exemption decision of the Department of Revenue, a court order, or an administrative decision of a local assessment official. Provides that those recapture levies are not included in the taxing district's aggregate extension base under the Property Tax Extension Limitation Law. Provides that any taxpayer who has received a refund that has been included in a recapture levy by one or more taxing districts has the right to an abatement in an amount equal to a portion of that refund amount, subject to certain limitations.

LRB097 13356 HLH 57872 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing  
5 Section 18-185 and by adding Section 18-53 as follows:

6 (35 ILCS 200/18-53 new)

7 Sec. 18-53. Recovery of revenue lost due to tax refunds.

8 (a) When a taxing district is required to refund a portion  
9 of the property tax revenue distributed to that taxing district  
10 because of a decision of the Property Tax Appeal Board, an  
11 assessment or exemption decision of the Department of Revenue,  
12 a court order issued pursuant to an assessment valuation  
13 complaint under item (3) of subsection (b) of Section 23-15, or  
14 an administrative decision of a local assessment official  
15 reducing the assessed value of a property within the district,  
16 that taxing district may, without referendum, adopt a levy to  
17 recapture the revenue lost by the refund or refunds.

18 (b) The recapture levy must not exceed an amount equal to  
19 the aggregate refunds of principal taxes (excluding any  
20 interest) paid by the district for the prior calendar year. At  
21 the district's option, the total amount to be recaptured for  
22 the prior calendar year may be levied and extended in up to 3  
23 successive annual installments, but the total of all

1 installments shall not exceed the amount allowed under this  
2 Section for a single levy. Each single levy or installment of a  
3 recapture levy must be included as a separate line item in the  
4 district's regular levy ordinance, and the ordinance must  
5 specify for each item the year of recapture and whether the  
6 item is the first, second, or third installment of the total  
7 recapture for that year. The total amount of all recapture line  
8 items in any one levy ordinance shall not exceed 5% of the  
9 aggregate amount of all other items included in that ordinance  
10 except for debt service. Within 45 days after a request by a  
11 taxing district, the county treasurer must certify the  
12 aggregate refunds paid by a taxing district for purposes of  
13 this Section. For purposes of the Property Tax Extension  
14 Limitation Law, the taxing district's aggregate extension base  
15 does not include the recapture levy authorized under this  
16 Section.

17 (c) Whenever the county treasurer certifies aggregate  
18 refunds at the request of a taxing district under this Section,  
19 the treasurer shall keep records of the individual refunds  
20 included in the aggregate. That information shall be provided  
21 to the county clerk. The county clerk shall keep a record of  
22 that information and of any recapture levy that may thereafter  
23 be extended, so that the amount of that extension may be  
24 distinguished from any other levies and extensions for that  
25 district. The county treasurer's and the county clerk's records  
26 under this Section must be made available to the public upon

1 request.

2 (d) Any taxpayer who has received a refund of taxes paid on  
3 his or her property that has been included in a recapture levy  
4 or levies by one or more taxing districts under this Section  
5 has the right to have a portion of the refund amount included  
6 in the extension of each district's recapture levy against his  
7 or her property abated to the extent that the refund amount  
8 included in each district's recapture levy exceeds \$1,000. The  
9 abatement may be granted only upon application as provided in  
10 this Section, and submission of the application shall not delay  
11 or otherwise affect the normal tax extension and billing  
12 process. For purposes of this Section, the property for which  
13 the recapture extension may be abated is defined as one or more  
14 parcels that were the subject of a consolidated refund. If the  
15 taxing district's recapture levy and extension was made in a  
16 lesser amount than the aggregate of all refunds certified by  
17 the treasurer for that district, each abatement shall reflect  
18 that same proportionate reduction.

19 (e) A taxpayer seeking an abatement under this Section  
20 shall apply to the county treasurer after the issuance of the  
21 second installment of the tax bill that includes the amount  
22 sought to be abated, but no later than the due date under  
23 Section 23-10 for tax objection complaints regarding tax levies  
24 of the year for which the recapture levy was extended. The  
25 county treasurer may prescribe the form in which the  
26 application shall be made. The application shall include a copy

1 of the decision or order giving rise to the refund and must  
2 specify the abatement claimed. The treasurer, assisted if  
3 necessary by the county clerk, shall confirm (i) whether the  
4 refund identified in the application was included within the  
5 appropriate treasurer's certification of aggregate refunds and  
6 (ii) the percentage that the refund represents of the total  
7 recapture levy, and, upon such confirmation, the abatement must  
8 be allowed as provided in this Section. If the taxes abated  
9 have been paid, the abatement amount must be refunded. The  
10 treasurer shall determine whether to allow or deny the  
11 application and shall advise the applicant of the determination  
12 within 90 days after its submission, and a failure to make an  
13 express determination within that time shall be deemed a  
14 denial. If the treasurer cannot determine whether the  
15 application should be allowed, or otherwise denies the  
16 application, any taxpayer who has paid the tax subject to the  
17 claimed abatement may petition the circuit court for a refund  
18 in the time and manner provided in Section 20-175. Any refund  
19 granted pursuant to an abatement may not be included in a  
20 recapture levy under this Section.

21 (f) The county treasurer and county clerk shall mark their  
22 records to reflect that any taxes abated under this Section and  
23 any lien with respect to those taxes shall be null and void.

24 (35 ILCS 200/18-185)

25 Sec. 18-185. Short title; definitions. This Division 5 may

1 be cited as the Property Tax Extension Limitation Law. As used  
2 in this Division 5:

3 "Consumer Price Index" means the Consumer Price Index for  
4 All Urban Consumers for all items published by the United  
5 States Department of Labor.

6 "Extension limitation" means (a) the lesser of 5% or the  
7 percentage increase in the Consumer Price Index during the  
8 12-month calendar year preceding the levy year or (b) the rate  
9 of increase approved by voters under Section 18-205.

10 "Affected county" means a county of 3,000,000 or more  
11 inhabitants or a county contiguous to a county of 3,000,000 or  
12 more inhabitants.

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

1 those taxing districts made subject to this Law as provided in  
2 Section 18-213.

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

1 October 1, 1991, to pay for the building project; (g) made for  
2 payments due under installment contracts entered into before  
3 October 1, 1991; (h) made for payments of principal and  
4 interest on bonds issued under the Metropolitan Water  
5 Reclamation District Act to finance construction projects  
6 initiated before October 1, 1991; (i) made for payments of  
7 principal and interest on limited bonds, as defined in Section  
8 3 of the Local Government Debt Reform Act, in an amount not to  
9 exceed the debt service extension base less the amount in items  
10 (b), (c), (e), and (h) of this definition for non-referendum  
11 obligations, except obligations initially issued pursuant to  
12 referendum; (j) made for payments of principal and interest on  
13 bonds issued under Section 15 of the Local Government Debt  
14 Reform Act; (k) made by a school district that participates in  
15 the Special Education District of Lake County, created by  
16 special education joint agreement under Section 10-22.31 of the  
17 School Code, for payment of the school district's share of the  
18 amounts required to be contributed by the Special Education  
19 District of Lake County to the Illinois Municipal Retirement  
20 Fund under Article 7 of the Illinois Pension Code; the amount  
21 of any extension under this item (k) shall be certified by the  
22 school district to the county clerk; (l) made to fund expenses  
23 of providing joint recreational programs for the handicapped  
24 under Section 5-8 of the Park District Code or Section 11-95-14  
25 of the Illinois Municipal Code; (m) made for temporary  
26 relocation loan repayment purposes pursuant to Sections 2-3.77



1 and 17-2.2d of the School Code; (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; (o) 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; ~~and~~ (p) made for road purposes in the  
8 first year after a township assumes the rights, powers, duties,  
9 assets, property, liabilities, obligations, and  
10 responsibilities of a road district abolished under the  
11 provisions of Section 6-133 of the Illinois Highway Code; and  
12 (q) made as a recapture levy under Section 18-53 of the  
13 Property Tax Code.

14 "Aggregate extension" for the taxing districts to which  
15 this Law did not apply before the 1995 levy year (except taxing  
16 districts subject to this Law in accordance with Section  
17 18-213) means the annual corporate extension for the taxing  
18 district and those special purpose extensions that are made  
19 annually for the taxing district, excluding special purpose  
20 extensions: (a) made for the taxing district to pay interest or  
21 principal on general obligation bonds that were approved by  
22 referendum; (b) made for any taxing district to pay interest or  
23 principal on general obligation bonds issued before March 1,  
24 1995; (c) made for any taxing district to pay interest or  
25 principal on bonds issued to refund or continue to refund those  
26 bonds issued before March 1, 1995; (d) made for any taxing

1 district to pay interest or principal on bonds issued to refund  
2 or continue to refund bonds issued after March 1, 1995 that  
3 were approved by referendum; (e) made for any taxing district  
4 to pay interest or principal on revenue bonds issued before  
5 March 1, 1995 for payment of which a property tax levy or the  
6 full faith and credit of the unit of local government is  
7 pledged; however, a tax for the payment of interest or  
8 principal on those bonds shall be made only after the governing  
9 body of the unit of local government finds that all other  
10 sources for payment are insufficient to make those payments;  
11 (f) made for payments under a building commission lease when  
12 the lease payments are for the retirement of bonds issued by  
13 the commission before March 1, 1995 to pay for the building  
14 project; (g) made for payments due under installment contracts  
15 entered into before March 1, 1995; (h) made for payments of  
16 principal and interest on bonds issued under the Metropolitan  
17 Water Reclamation District Act to finance construction  
18 projects initiated before October 1, 1991; (h-4) made for  
19 stormwater management purposes by the Metropolitan Water  
20 Reclamation District of Greater Chicago under Section 12 of the  
21 Metropolitan Water Reclamation District Act; (i) made for  
22 payments of principal and interest on limited bonds, as defined  
23 in Section 3 of the Local Government Debt Reform Act, in an  
24 amount not to exceed the debt service extension base less the  
25 amount in items (b), (c), and (e) of this definition for  
26 non-referendum obligations, except obligations initially

1 issued pursuant to referendum and bonds described in subsection  
2 (h) of this definition; (j) made for payments of principal and  
3 interest on bonds issued under Section 15 of the Local  
4 Government Debt Reform Act; (k) made for payments of principal  
5 and interest on bonds authorized by Public Act 88-503 and  
6 issued under Section 20a of the Chicago Park District Act for  
7 aquarium or museum projects; (l) made for payments of principal  
8 and interest on bonds authorized by Public Act 87-1191 or  
9 93-601 and (i) issued pursuant to Section 21.2 of the Cook  
10 County Forest Preserve District Act, (ii) issued under Section  
11 42 of the Cook County Forest Preserve District Act for  
12 zoological park projects, or (iii) issued under Section 44.1 of  
13 the Cook County Forest Preserve District Act for botanical  
14 gardens projects; (m) made pursuant to Section 34-53.5 of the  
15 School Code, whether levied annually or not; (n) made to fund  
16 expenses of providing joint recreational programs for the  
17 handicapped under Section 5-8 of the Park District Code or  
18 Section 11-95-14 of the Illinois Municipal Code; (o) made by  
19 the Chicago Park District for recreational programs for the  
20 handicapped under subsection (c) of Section 7.06 of the Chicago  
21 Park District Act; (p) made for contributions to a  
22 firefighter's pension fund created under Article 4 of the  
23 Illinois Pension Code, to the extent of the amount certified  
24 under item (5) of Section 4-134 of the Illinois Pension Code;  
25 ~~and~~ (q) made by Ford Heights School District 169 under Section  
26 17-9.02 of the School Code; and (r) made as a recapture levy

1 under Section 18-53 of the Property Tax Code.

2 "Aggregate extension" for all taxing districts to which  
3 this Law applies in accordance with Section 18-213, except for  
4 those taxing districts subject to paragraph (2) of subsection  
5 (e) of Section 18-213, means the annual corporate extension for  
6 the taxing district and those special purpose extensions that  
7 are made annually for the taxing district, excluding special  
8 purpose extensions: (a) made for the taxing district to pay  
9 interest or principal on general obligation bonds that were  
10 approved by referendum; (b) made for any taxing district to pay  
11 interest or principal on general obligation bonds issued before  
12 the date on which the referendum making this Law applicable to  
13 the taxing district is held; (c) made for any taxing district  
14 to pay interest or principal on bonds issued to refund or  
15 continue to refund those bonds issued before the date on which  
16 the referendum making this Law applicable to the taxing  
17 district is held; (d) made for any taxing district to pay  
18 interest or principal on bonds issued to refund or continue to  
19 refund bonds issued after the date on which the referendum  
20 making this Law applicable to the taxing district is held if  
21 the bonds were approved by referendum after the date on which  
22 the referendum making this Law applicable to the taxing  
23 district is held; (e) made for any taxing district to pay  
24 interest or principal on revenue bonds issued before the date  
25 on which the referendum making this Law applicable to the  
26 taxing district is held for payment of which a property tax

1 levy or the full faith and credit of the unit of local  
2 government is pledged; however, a tax for the payment of  
3 interest or principal on those bonds shall be made only after  
4 the governing body of the unit of local government finds that  
5 all other sources for payment are insufficient to make those  
6 payments; (f) made for payments under a building commission  
7 lease when the lease payments are for the retirement of bonds  
8 issued by the commission before the date on which the  
9 referendum making this Law applicable to the taxing district is  
10 held to pay for the building project; (g) made for payments due  
11 under installment contracts entered into before the date on  
12 which the referendum making this Law applicable to the taxing  
13 district is held; (h) made for payments of principal and  
14 interest on limited bonds, as defined in Section 3 of the Local  
15 Government Debt Reform Act, in an amount not to exceed the debt  
16 service extension base less the amount in items (b), (c), and  
17 (e) of this definition for non-referendum obligations, except  
18 obligations initially issued pursuant to referendum; (i) made  
19 for payments of principal and interest on bonds issued under  
20 Section 15 of the Local Government Debt Reform Act; (j) made  
21 for a qualified airport authority to pay interest or principal  
22 on general obligation bonds issued for the purpose of paying  
23 obligations due under, or financing airport facilities  
24 required to be acquired, constructed, installed or equipped  
25 pursuant to, contracts entered into before March 1, 1996 (but  
26 not including any amendments to such a contract taking effect

1 on or after that date); (k) made to fund expenses of providing  
2 joint recreational programs for the handicapped under Section  
3 5-8 of the Park District Code or Section 11-95-14 of the  
4 Illinois Municipal Code; (l) made for contributions to a  
5 firefighter's pension fund created under Article 4 of the  
6 Illinois Pension Code, to the extent of the amount certified  
7 under item (5) of Section 4-134 of the Illinois Pension Code;  
8 ~~and~~ (m) made for the taxing district to pay interest or  
9 principal on general obligation bonds issued pursuant to  
10 Section 19-3.10 of the School Code; and (n) made as a recapture  
11 levy under Section 18-53 of the Property Tax Code.

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

1 the effective date of this amendatory Act of 1997 if the bonds  
2 were approved by referendum after the effective date of this  
3 amendatory Act of 1997; (e) made for any taxing district to pay  
4 interest or principal on revenue bonds issued before the  
5 effective date of this amendatory Act of 1997 for payment of  
6 which a property tax levy or the full faith and credit of the  
7 unit of local government is pledged; however, a tax for the  
8 payment of interest or principal on those bonds shall be made  
9 only after the governing body of the unit of local government  
10 finds that all other sources for payment are insufficient to  
11 make those payments; (f) made for payments under a building  
12 commission lease when the lease payments are for the retirement  
13 of bonds issued by the commission before the effective date of  
14 this amendatory Act of 1997 to pay for the building project;  
15 (g) made for payments due under installment contracts entered  
16 into before the effective date of this amendatory Act of 1997;  
17 (h) made for payments of principal and interest on limited  
18 bonds, as defined in Section 3 of the Local Government Debt  
19 Reform Act, in an amount not to exceed the debt service  
20 extension base less the amount in items (b), (c), and (e) of  
21 this definition for non-referendum obligations, except  
22 obligations initially issued pursuant to referendum; (i) made  
23 for payments of principal and interest on bonds issued under  
24 Section 15 of the Local Government Debt Reform Act; (j) made  
25 for a qualified airport authority to pay interest or principal  
26 on general obligation bonds issued for the purpose of paying

1 obligations due under, or financing airport facilities  
2 required to be acquired, constructed, installed or equipped  
3 pursuant to, contracts entered into before March 1, 1996 (but  
4 not including any amendments to such a contract taking effect  
5 on or after that date); (k) made to fund expenses of providing  
6 joint recreational programs for the handicapped under Section  
7 5-8 of the Park District Code or Section 11-95-14 of the  
8 Illinois Municipal Code; ~~and~~ (l) made for contributions to a  
9 firefighter's pension fund created under Article 4 of the  
10 Illinois Pension Code, to the extent of the amount certified  
11 under item (5) of Section 4-134 of the Illinois Pension Code;  
12 and (m) made as a recapture levy under Section 18-53 of the  
13 Property Tax Code.

14 "Debt service extension base" means an amount equal to that  
15 portion of the extension for a taxing district for the 1994  
16 levy year, or for those taxing districts subject to this Law in  
17 accordance with Section 18-213, except for those subject to  
18 paragraph (2) of subsection (e) of Section 18-213, for the levy  
19 year in which the referendum making this Law applicable to the  
20 taxing district is held, or for those taxing districts subject  
21 to this Law in accordance with paragraph (2) of subsection (e)  
22 of Section 18-213 for the 1996 levy year, constituting an  
23 extension for payment of principal and interest on bonds issued  
24 by the taxing district without referendum, but not including  
25 excluded non-referendum bonds. For park districts (i) that were  
26 first subject to this Law in 1991 or 1995 and (ii) whose



1 extension for the 1994 levy year for the payment of principal  
2 and interest on bonds issued by the park district without  
3 referendum (but not including excluded non-referendum bonds)  
4 was less than 51% of the amount for the 1991 levy year  
5 constituting an extension for payment of principal and interest  
6 on bonds issued by the park district without referendum (but  
7 not including excluded non-referendum bonds), "debt service  
8 extension base" means an amount equal to that portion of the  
9 extension for the 1991 levy year constituting an extension for  
10 payment of principal and interest on bonds issued by the park  
11 district without referendum (but not including excluded  
12 non-referendum bonds). A debt service extension base  
13 established or increased at any time pursuant to any provision  
14 of this Law, except Section 18-212, shall be increased each  
15 year commencing with the later of (i) the 2009 levy year or  
16 (ii) the first levy year in which this Law becomes applicable  
17 to the taxing district, by the lesser of 5% or the percentage  
18 increase in the Consumer Price Index during the 12-month  
19 calendar year preceding the levy year. The debt service  
20 extension base may be established or increased as provided  
21 under Section 18-212. "Excluded non-referendum bonds" means  
22 (i) bonds authorized by Public Act 88-503 and issued under  
23 Section 20a of the Chicago Park District Act for aquarium and  
24 museum projects; (ii) bonds issued under Section 15 of the  
25 Local Government Debt Reform Act; or (iii) refunding  
26 obligations issued to refund or to continue to refund

1 obligations initially issued pursuant to referendum.

2 "Special purpose extensions" include, but are not limited  
3 to, extensions for levies made on an annual basis for  
4 unemployment and workers' compensation, self-insurance,  
5 contributions to pension plans, and extensions made pursuant to  
6 Section 6-601 of the Illinois Highway Code for a road  
7 district's permanent road fund whether levied annually or not.  
8 The extension for a special service area is not included in the  
9 aggregate extension.

10 "Aggregate extension base" means the taxing district's  
11 last preceding aggregate extension as adjusted under Sections  
12 18-135, 18-215, and 18-230. An adjustment under Section 18-135  
13 shall be made for the 2007 levy year and all subsequent levy  
14 years whenever one or more counties within which a taxing  
15 district is located (i) used estimated valuations or rates when  
16 extending taxes in the taxing district for the last preceding  
17 levy year that resulted in the over or under extension of  
18 taxes, or (ii) increased or decreased the tax extension for the  
19 last preceding levy year as required by Section 18-135(c).  
20 Whenever an adjustment is required under Section 18-135, the  
21 aggregate extension base of the taxing district shall be equal  
22 to the amount that the aggregate extension of the taxing  
23 district would have been for the last preceding levy year if  
24 either or both (i) actual, rather than estimated, valuations or  
25 rates had been used to calculate the extension of taxes for the  
26 last levy year, or (ii) the tax extension for the last

1 preceding levy year had not been adjusted as required by  
2 subsection (c) of Section 18-135.

3 "Levy year" has the same meaning as "year" under Section  
4 1-155.

5 "New property" means (i) the assessed value, after final  
6 board of review or board of appeals action, of new improvements  
7 or additions to existing improvements on any parcel of real  
8 property that increase the assessed value of that real property  
9 during the levy year multiplied by the equalization factor  
10 issued by the Department under Section 17-30, (ii) the assessed  
11 value, after final board of review or board of appeals action,  
12 of real property not exempt from real estate taxation, which  
13 real property was exempt from real estate taxation for any  
14 portion of the immediately preceding levy year, multiplied by  
15 the equalization factor issued by the Department under Section  
16 17-30, including the assessed value, upon final stabilization  
17 of occupancy after new construction is complete, of any real  
18 property located within the boundaries of an otherwise or  
19 previously exempt military reservation that is intended for  
20 residential use and owned by or leased to a private corporation  
21 or other entity, and (iii) in counties that classify in  
22 accordance with Section 4 of Article IX of the Illinois  
23 Constitution, an incentive property's additional assessed  
24 value resulting from a scheduled increase in the level of  
25 assessment as applied to the first year final board of review  
26 market value. In addition, the county clerk in a county

1 containing a population of 3,000,000 or more shall include in  
2 the 1997 recovered tax increment value for any school district,  
3 any recovered tax increment value that was applicable to the  
4 1995 tax year calculations.

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

9 "Recovered tax increment value" means, except as otherwise  
10 provided in this paragraph, the amount of the current year's  
11 equalized assessed value, in the first year after a  
12 municipality terminates the designation of an area as a  
13 redevelopment project area previously established under the  
14 Tax Increment Allocation Development Act in the Illinois  
15 Municipal Code, previously established under the Industrial  
16 Jobs Recovery Law in the Illinois Municipal Code, previously  
17 established under the Economic Development Project Area Tax  
18 Increment Act of 1995, or previously established under the  
19 Economic Development Area Tax Increment Allocation Act, of each  
20 taxable lot, block, tract, or parcel of real property in the  
21 redevelopment project area over and above the initial equalized  
22 assessed value of each property in the redevelopment project  
23 area. For the taxes which are extended for the 1997 levy year,  
24 the recovered tax increment value for a non-home rule taxing  
25 district that first became subject to this Law for the 1995  
26 levy year because a majority of its 1994 equalized assessed

1 value was in an affected county or counties shall be increased  
2 if a municipality terminated the designation of an area in 1993  
3 as a redevelopment project area previously established under  
4 the Tax Increment Allocation Development Act in the Illinois  
5 Municipal Code, previously established under the Industrial  
6 Jobs Recovery Law in the Illinois Municipal Code, or previously  
7 established under the Economic Development Area Tax Increment  
8 Allocation Act, by an amount equal to the 1994 equalized  
9 assessed value 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. In the first year after a  
13 municipality removes a taxable lot, block, tract, or parcel of  
14 real property from a redevelopment project area established  
15 under the Tax Increment Allocation Development Act in the  
16 Illinois Municipal Code, the Industrial Jobs Recovery Law in  
17 the Illinois Municipal Code, or the Economic Development Area  
18 Tax Increment Allocation Act, "recovered tax increment value"  
19 means the amount of the current year's equalized assessed value  
20 of each taxable lot, block, tract, or parcel of real property  
21 removed from the redevelopment project area over and above the  
22 initial equalized assessed value of that real property before  
23 removal from the redevelopment project area.

24 Except as otherwise provided in this Section, "limiting  
25 rate" means a fraction the numerator of which is the last  
26 preceding aggregate extension base times an amount equal to one

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

20 (Source: P.A. 96-501, eff. 8-14-09; 96-517, eff. 8-14-09;  
21 96-1000, eff. 7-2-10; 96-1202, eff. 7-22-10; 97-611, eff.  
22 1-1-12.)