



Rep. Jeanne M Ives

Filed: 4/20/2015

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LRB099 06783 HLH 34456 a

1 AMENDMENT TO HOUSE BILL 1707

2 AMENDMENT NO. _____. Amend House Bill 1707 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 27-5, 27-25, 27-30, 27-55, 27-100, 27-105, 27-110,
6 27-115, 27-120, and 27-125 as follows:

7 (35 ILCS 200/27-5)

8 Sec. 27-5. Short title; definitions. This Article may be
9 cited as the Special Service Area Tax Law.

10 When used in this Article:

11 "Service Provider Agency" means a local non-profit entity
12 that enters into a contract with the municipality or county for
13 the purpose of managing a special service area.

14 "Special Service Area" means a contiguous area within a
15 municipality or county in which special governmental services
16 are provided in addition to those services provided generally

1 throughout the municipality or county, the cost of the special
2 services to be paid from revenues collected from taxes levied
3 or imposed upon property within that area. Territory shall be
4 considered contiguous for purposes of this Article even though
5 certain completely surrounded portions of the territory are
6 excluded from the special service area. A county may create a
7 special service area within a municipality or municipalities
8 when the municipality or municipalities consent to the creation
9 of the special service area. A municipality may create a
10 special service area within a municipality and the
11 unincorporated area of a county or within another municipality
12 when the county or other municipality consents to the creation
13 of the special service area.

14 "Special Service Area Commission" means a local board
15 established by the corporate authorities of a municipality or
16 county for the purpose of overseeing a particular special
17 service area.

18 "Special Services" means all forms of services pertaining
19 to the government and affairs of the municipality or county,
20 including but not limited to weather modification and
21 improvements permissible under Article 9 of the Illinois
22 Municipal Code, and contracts for the supply of water as
23 described in Section 11-124-1 of the Illinois Municipal Code
24 which may be entered into by the municipality or by the county
25 on behalf of a county service area.

26 (Source: P.A. 86-1324; 88-445.)

1 (35 ILCS 200/27-25)

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

10 (a) The time and place of hearing;

11 (b) The boundaries of the area by legal description
12 and, where possible, by street location;

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

15 (d) The nature of the proposed special services to be
16 provided within the special service area and a statement as
17 to whether the proposed special services are for new
18 construction, maintenance, or other purposes;

19 (d-5) The proposed amount of the tax levy for special
20 services for the initial year for which taxes will be
21 levied within the special service area;

22 (e) A notification that all interested persons,
23 including all persons owning taxable real property located
24 within the special service area, will be given an
25 opportunity to be heard at the hearing regarding the tax

1 levy and an opportunity to file objections to the amount of
2 the tax levy if the tax is a tax upon property; ~~and~~

3 (f) The maximum rate of taxes to be extended within the
4 special service area in any year and the maximum number of
5 years taxes will be levied if a maximum number of years is
6 to be established; and -

7 (g) If funds received through the special service area
8 are going to used by a person or entity other than the
9 municipality or county, then the notice must include a
10 statement to that effect.

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

21 (Source: P.A. 97-1053, eff. 1-1-13.)

22 (35 ILCS 200/27-30)

23 Sec. 27-30. Manner of notice. Prior to or within 60 days
24 after the adoption of the ordinance proposing the establishment
25 of a special service area the municipality or county shall fix

1 a time and a place for a public hearing. The public hearing
2 shall be held not less than 60 days after the adoption of the
3 ordinance proposing the establishment of a special service
4 area. Notice of the hearing shall be given by publication and
5 mailing, except that notice of a public hearing to propose the
6 establishment of a special service area for weather
7 modification purposes may be given by publication only. Notice
8 by publication shall be given by publication at least once not
9 less than 15 days prior to the hearing in a newspaper of
10 general circulation within the municipality or county. Notice
11 by mailing shall be given by depositing the notice in the
12 United States mails addressed to the person or persons in whose
13 name the general taxes for the last preceding year were paid on
14 each property lying within the special service area. A notice
15 shall be mailed not less than 10 days prior to the time set for
16 the public hearing. In the event taxes for the last preceding
17 year were not paid, the notice shall be sent to the person last
18 listed on the tax rolls prior to that year as the owner of the
19 property. A list of the names and addresses of the individuals
20 and entities to whom the notice will be sent by mail shall be
21 published at the time notice is given and shall be available at
22 the public hearing.

23 (Source: P.A. 97-1053, eff. 1-1-13.)

24 (35 ILCS 200/27-55)

25 Sec. 27-55. Authorization ~~Objection~~ petition.

1 Notwithstanding any other provision of law, on and after the
2 effective date of this amendatory Act of the 99th General
3 Assembly, no special service area may be created or enlarged;
4 no special service area tax may be levied, imposed, or
5 increased; and no bonds may be issued for the provision of
6 special services within the area, unless ~~if~~ a petition signed
7 by at least ~~20%~~ ~~51%~~ of the taxpayers of record of all property
8 ~~electors residing~~ within the special service area ~~or and~~ by at
9 least ~~20%~~ ~~51%~~ of the taxpayers ~~owners~~ of record of the land
10 included within the boundaries of the special service area is
11 filed with the municipal clerk or county clerk, as the case may
12 be, ~~authorizing within 60 days following the final adjournment~~
13 ~~of the public hearing, objecting to~~ the creation of the special
14 service district, the enlargement of the area, the levy or
15 imposition of a tax or the issuance of bonds for the provision
16 of special services to the area, or to a proposed increase in
17 the tax rate, as the case may be. The petition must be filed
18 within 60 days following the final adjournment of the public
19 hearing. Only one taxpayer of record may sign an authorization
20 petition for any single property index number within the
21 proposed special service area. For the purposes of signing the
22 petition, "taxpayer of record" means either (i) any person in
23 whose name the general taxes for the last preceding year were
24 paid, as demonstrated by a copy of the tax bill or
25 documentation from the assessor or clerk, or (ii) any person in
26 whose name title is held, as demonstrated by a copy of the last

1 recorded deed to the property. Any authorized agent may sign a
2 petition on behalf of an entity, and that person's
3 certification of his or her authority to sign shall be
4 presumptive evidence of his or her authority to sign. A
5 beneficiary of a land trust may sign the petition with respect
6 to the property held by that land trust, and that person's
7 certification that he or she is a beneficiary shall be
8 presumptive evidence of his or her authorization to sign.
9 ~~Taxpayers, the district shall not be created or enlarged, or~~
10 ~~the tax shall not be levied or imposed nor the rate increased,~~
11 ~~or no bonds may be issued. The subject matter of the petition~~
12 ~~shall not be proposed relative to any signatories of the~~
13 ~~petition within the next 2 years. Each resident of the special~~
14 ~~service area registered to vote at the time of the public~~
15 ~~hearing held with regard to the special service area shall be~~
16 ~~considered an elector. Each person in whose name legal title to~~
17 ~~land included within the boundaries of the special service area~~
18 ~~is held according to the records of the county in which the~~
19 ~~land is located shall be considered an owner of record. Owners~~
20 ~~of record shall be determined at the time of the public hearing~~
21 ~~held with regard to a special service area. Land owned in the~~
22 ~~name of a land trust, corporation, estate or partnership shall~~
23 ~~be considered to have a single owner of record.~~

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

1 Sec. 27-100. Special service area commissions.

2 (a) Notwithstanding any other provision of law, no member
3 of a special service area commission may be an owner or board
4 member of the service provider agency selected for that special
5 service area.

6 (b) Notwithstanding any other provision of law, no business
7 owned by a member of a special service area commission or an
8 employee of the municipality may, for valuable consideration,
9 provide goods or services in connection with the special
10 service area.

11 (c) Notwithstanding any other provision of law, with
12 respect to special service area commissions established on or
13 after the effective date of this amendatory Act of the 99th
14 General Assembly, at least one member of the special service
15 area commission shall be an owner of homestead property, as
16 defined in Section 15-175, located within the special service
17 area.

18 (d) This Section is a limitation under subsection (i) of
19 Section 6 of Article VII of the Illinois Constitution on the
20 concurrent exercise by home rule units of powers and functions
21 exercised by the State.

22 (35 ILCS 200/27-105 new)

23 Sec. 27-105. Lines of credit. Special service area
24 commissions may not establish a loan or line of credit in
25 connection with the special service area. Service provider

1 agencies in those municipalities may establish a loan or line
2 of credit in connection with the special service area; however,
3 financing under this Section may not be secured by future tax
4 revenue generated by the special service area. This Section is
5 a limitation under subsection (i) of Section 6 of Article VII
6 of the Illinois Constitution on the concurrent exercise by home
7 rule units of powers and functions exercised by the State.

8 (35 ILCS 200/27-110 new)

9 Sec. 27-110. Special service area moneys used in the next
10 fiscal year. Notwithstanding any other provision of law, if
11 there is excess money remaining in a special service area fund
12 at the end of a fiscal year, then the corporate authorities may
13 use that excess money to provide special services within the
14 special service area in the next fiscal year, provided that the
15 total amount used for purposes other than capital expenditures
16 may not exceed 25% of the previous fiscal year's budget for the
17 special service area. This Section is a limitation under
18 subsection (i) of Section 6 of Article VII of the Illinois
19 Constitution on the concurrent exercise by home rule units of
20 powers and functions exercised by the State.

21 (35 ILCS 200/27-115 new)

22 Sec. 27-115. Special service area audits. Each special
23 service area commission shall cause an audit of the funds and
24 accounts of the special service area to be submitted to the

1 corporate authorities of the municipality at least annually.
2 The audit shall be made in accordance with generally accepted
3 auditing standards. This Section is a limitation under
4 subsection (i) of Section 6 of Article VII of the Illinois
5 Constitution on the concurrent exercise by home rule units of
6 powers and functions exercised by the State.

7 (35 ILCS 200/27-120 new)

8 Sec. 27-120. Terms of special service areas.
9 Notwithstanding any other provision of law, each special
10 service area established on or after the effective date of this
11 amendatory Act of the 99th General Assembly shall expire on
12 December 31 of the tenth levy year after the special service
13 area takes effect, unless an earlier date is specified in the
14 ordinance proposing the establishment of the special service
15 area. A special service area established on or after the
16 effective date of this amendatory Act of the 99th General
17 Assembly may be renewed once for an additional period of not
18 more than 15 years if a petition proposing the extension signed
19 by at least 20% of the electors residing within the special
20 service area and by at least 20% of the owners of record of the
21 land included within the boundaries of the special service area
22 is filed with the municipal clerk not less than 60 days prior
23 to expiration of the special service area. This Section is a
24 limitation under subsection (i) of Section 6 of Article VII of
25 the Illinois Constitution on the concurrent exercise by home

1 rule units of powers and functions exercised by the State.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".