



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4500**

Introduced 02/03/04, by Robert S. Molaro

**SYNOPSIS AS INTRODUCED:**

35 ILCS 200/23-20  
35 ILCS 200/23-35

Amends the Property Tax Code. Provides that there shall be deducted from any refund of taxes that would otherwise be ordered as the result of any rate objections that are sustained an amount equal to 5% of the objector's pro rata share of the refunds that were sought in any rate objections that are overruled. Includes additional situations under which an objection to a tax levied by a municipality shall not be sustained if certain conditions are met. Expands the means by which a municipality may meet those conditions. Provides that, for the purposes of tax objections based on budget or appropriation ordinances, "municipality" means all municipal corporations in, and political subdivisions of, this State (now, excepts from this definition a number of units of local government). Makes other changes. Effective immediately.

LRB093 20113 SJM 45858 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 23-20 and 23-35 as follows:

6 (35 ILCS 200/23-20)

7 Sec. 23-20. Effect of protested payments; refunds. No  
8 protest shall prevent or be a cause of delay in the  
9 distribution of tax collections to the taxing districts of any  
10 taxes collected which were not paid under protest. If the final  
11 order of the Property Tax Appeal Board or of a court results in  
12 a refund to the taxpayer, refunds shall be made by the  
13 collector from funds remaining in the Protest Fund until such  
14 funds are exhausted and thereafter from the next funds  
15 collected beginning in the second full calendar year after  
16 entry of the final order until full payment of the refund and  
17 interest thereon has been made. There shall be deducted from  
18 any refund of taxes that would otherwise be ordered as a result  
19 of any rate objections that are sustained an amount equal to 5%  
20 of the objector's pro rata share of the refunds that were  
21 sought in any rate objections that are overruled; provided,  
22 however, that objections that are voluntarily dismissed shall  
23 not be construed as objections that are overruled and provided  
24 that the deduction resulting from overruled rate objections  
25 shall not exceed the refund that would otherwise have been  
26 ordered as a result of rate objections that are sustained.  
27 Interest from the date of payment, regardless of whether the  
28 payment was made before the effective date of this amendatory  
29 Act of 1997, or from the date payment is due, whichever is  
30 later, to the date of refund shall also be paid to the taxpayer  
31 at the rate of 5% per year. The changes made by this amendatory  
32 Act of the 93rd General Assembly apply to all final refund

1 orders entered on or after the effective date of this  
2 amendatory Act of the 93rd General Assembly.

3 (Source: P.A. 90-556, eff. 12-12-97.)

4 (35 ILCS 200/23-35)

5 Sec. 23-35. Tax objection based on budget or appropriation  
6 ordinance. Notwithstanding the provisions of Section 23-10, no  
7 objection to any property tax levied by any municipality shall  
8 be sustained by any court because of (i) the forms of any  
9 budget or appropriation ordinance, or the degree of itemization  
10 or classification of items therein, or the reasonableness of  
11 any amount budgeted or appropriated thereby or (ii) the  
12 transfer of assets from one fund or use to another fund or use,  
13 or any other matter that is included in the budget or  
14 appropriation ordinance and could be cured prior to the  
15 adoption of the final budget and appropriation ordinance, if:

16 (a) a tentative budget and appropriation ordinance was  
17 prepared at the direction of the governing body of the  
18 municipality and made conveniently available to public  
19 inspection for at least 30 days prior to the public hearing  
20 specified below and to final action thereon, or any other  
21 time that may be required by the municipality's enabling  
22 act;

23 (b) at least one public hearing has been held by the  
24 governing body as to the tentative budget and appropriation  
25 ordinance prior to final action thereon, and notice of the  
26 time and place where copies of the tentative budget and  
27 appropriation ordinances are available for public  
28 inspection, and the time and place of the hearing, has been  
29 given by publication in a newspaper published in the  
30 municipality at least 30 days prior to the time of the  
31 hearing, or any other time that may be required by the  
32 municipality's enabling act, or, if there is no newspaper  
33 published in the municipality, notice of the public hearing  
34 has been given by publication in a newspaper of general  
35 circulation in the municipality; and

1 (c) the budget and appropriation ordinance finally  
2 adopted is substantially identical, as to the matters to  
3 which objection is made, with the tentative budget and  
4 appropriation ordinance submitted for discussion at the  
5 public hearing, unless the taxpayer making the objection  
6 has made the same objection in writing and with the same  
7 specificity to the governing body of the municipality on or  
8 prior to the date of the public hearing ~~adoption of the~~  
9 ~~budget and appropriation ordinance.~~

10 "Municipality", as used in this Section, means all  
11 municipal corporations in, and political subdivisions of, this  
12 State ~~except the following: counties; cities, villages and~~  
13 ~~incorporated towns; sanitary districts created under the~~  
14 ~~Metropolitan Water Reclamation District Act; forest preserve~~  
15 ~~districts having a population of 3,000,000 or more, created~~  
16 ~~under the Cook County Forest Preserve Park District Act; boards~~  
17 ~~of education of school districts in cities exceeding 1,000,000~~  
18 ~~inhabitants; the Chicago Park District created under the~~  
19 ~~Chicago Park District Act; and park districts as defined in~~  
20 ~~subsection (b) of Section 1-3 of the Park District Code.~~

21 The changes made by this amendatory Act of the 93rd General  
22 Assembly apply to all property tax levies based on budgets or  
23 appropriation ordinances adopted on or after the effective date  
24 of this amendatory Act of the 93rd General Assembly.

25 (Source: P.A. 91-357, eff. 7-29-99.)

26 Section 99. Effective date. This Act takes effect upon  
27 becoming law.