



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0512

Introduced 2/17/2005, by Sen. James F. Clayborne, Jr.

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-185
55 ILCS 5/5-1025

from Ch. 34, par. 5-1025

Amends the Counties Code. Provides that in counties of less than 1,000,000 inhabitants, a county board may levy and collect, annually, a tax of not to exceed 0.05% of the value of all taxable property in the county, for the expense of conducting elections and maintaining a system of permanent registration of voters. Provides for the end, in the calendar year that this new tax is collected and disbursed, of the requirement that the county board pay over to any municipal board of election commissioners in the county, for the expense of conducting elections and maintaining a system of permanent registration of voters, general taxes collected by the county. Amends the Property Tax Extension Limitation Law in the Property Tax Code. Exempts the extension for taxes for the expense of conducting elections and maintaining a system of permanent registration of voters from the limitation on property tax extensions. Effective immediately.

LRB094 07314 JAM 37472 b

FISCAL NOTE ACT
MAY APPLY

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 Section 18-185 as follows:

6 (35 ILCS 200/18-185)

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

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

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

1 provided in Section 18-213, "taxing district" also includes
2 those taxing districts made subject to this Law as provided in
3 Section 18-213.

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

1 (b), (c), (e), and (h) of this definition for non-referendum
2 obligations, except obligations initially issued pursuant to
3 referendum; (j) made for payments of principal and interest on
4 bonds issued under Section 15 of the Local Government Debt
5 Reform Act; (k) made by a school district that participates in
6 the Special Education District of Lake County, created by
7 special education joint agreement under Section 10-22.31 of the
8 School Code, for payment of the school district's share of the
9 amounts required to be contributed by the Special Education
10 District of Lake County to the Illinois Municipal Retirement
11 Fund under Article 7 of the Illinois Pension Code; the amount
12 of any extension under this item (k) shall be certified by the
13 school district to the county clerk; (l) made to fund expenses
14 of providing joint recreational programs for the handicapped
15 under Section 5-8 of the Park District Code or Section 11-95-14
16 of the Illinois Municipal Code; (m) made for temporary
17 relocation loan repayment purposes pursuant to Sections 2-3.77
18 and 17-2.2d of the School Code; ~~and~~ (n) made for payment of
19 principal and interest on any bonds issued under the authority
20 of Section 17-2.2d of the School Code; ~~and~~ (o) ~~(m)~~ made for
21 contributions to a firefighter's pension fund created under
22 Article 4 of the Illinois Pension Code, to the extent of the
23 amount certified under item (5) of Section 4-134 of the
24 Illinois Pension Code; and (p) made for the expense of
25 conducting elections and maintaining a system of permanent
26 registration of voters under Section 5-1025 of the Counties
27 Code.

28 "Aggregate extension" for the taxing districts to which
29 this Law did not apply before the 1995 levy year (except taxing
30 districts subject to this Law in accordance with Section
31 18-213) means the annual corporate extension for the taxing
32 district and those special purpose extensions that are made
33 annually for the taxing district, excluding special purpose
34 extensions: (a) made for the taxing district to pay interest or
35 principal on general obligation bonds that were approved by
36 referendum; (b) made for any taxing district to pay interest or

1 principal on general obligation bonds issued before March 1,
2 1995; (c) made for any taxing district to pay interest or
3 principal on bonds issued to refund or continue to refund those
4 bonds issued before March 1, 1995; (d) made for any taxing
5 district to pay interest or principal on bonds issued to refund
6 or continue to refund bonds issued after March 1, 1995 that
7 were approved by referendum; (e) made for any taxing district
8 to pay interest or principal on revenue bonds issued before
9 March 1, 1995 for payment of which a property tax levy or the
10 full faith and credit of the unit of local government is
11 pledged; however, a tax for the payment of interest or
12 principal on those bonds shall be made only after the governing
13 body of the unit of local government finds that all other
14 sources for payment are insufficient to make those payments;
15 (f) made for payments under a building commission lease when
16 the lease payments are for the retirement of bonds issued by
17 the commission before March 1, 1995 to pay for the building
18 project; (g) made for payments due under installment contracts
19 entered into before March 1, 1995; (h) made for payments of
20 principal and interest on bonds issued under the Metropolitan
21 Water Reclamation District Act to finance construction
22 projects initiated before October 1, 1991; (h-4) made for
23 stormwater management purposes by the Metropolitan Water
24 Reclamation District of Greater Chicago under Section 12 of the
25 Metropolitan Water Reclamation District Act; (i) made for
26 payments of principal and interest on limited bonds, as defined
27 in Section 3 of the Local Government Debt Reform Act, in an
28 amount not to exceed the debt service extension base less the
29 amount in items (b), (c), and (e) of this definition for
30 non-referendum obligations, except obligations initially
31 issued pursuant to referendum and bonds described in subsection
32 (h) of this definition; (j) made for payments of principal and
33 interest on bonds issued under Section 15 of the Local
34 Government Debt Reform Act; (k) made for payments of principal
35 and interest on bonds authorized by Public Act 88-503 and
36 issued under Section 20a of the Chicago Park District Act for

1 aquarium or museum projects; (l) made for payments of principal
2 and interest on bonds authorized by Public Act 87-1191 or
3 93-601 and (i) issued pursuant to Section 21.2 of the Cook
4 County Forest Preserve District Act, (ii) issued under Section
5 42 of the Cook County Forest Preserve District Act for
6 zoological park projects, or (iii) issued under Section 44.1 of
7 the Cook County Forest Preserve District Act for botanical
8 gardens projects; (m) made pursuant to Section 34-53.5 of the
9 School Code, whether levied annually or not; (n) made to fund
10 expenses of providing joint recreational programs for the
11 handicapped under Section 5-8 of the Park District Code or
12 Section 11-95-14 of the Illinois Municipal Code; (o) made by
13 the Chicago Park District for recreational programs for the
14 handicapped under subsection (c) of Section 7.06 of the Chicago
15 Park District Act; ~~and~~ (p) made for contributions to a
16 firefighter's pension fund created under Article 4 of the
17 Illinois Pension Code, to the extent of the amount certified
18 under item (5) of Section 4-134 of the Illinois Pension Code;
19 and (q) made for the expense of conducting elections and
20 maintaining a system of permanent registration of voters under
21 Section 5-1025 of the Counties Code.

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

1 district is held; (d) made for any taxing district to pay
2 interest or principal on bonds issued to refund or continue to
3 refund bonds issued after the date on which the referendum
4 making this Law applicable to the taxing district is held if
5 the bonds were approved by referendum after the date on which
6 the referendum making this Law applicable to the taxing
7 district is held; (e) made for any taxing district to pay
8 interest or principal on revenue bonds issued before the date
9 on which the referendum making this Law applicable to the
10 taxing district is held for payment of which a property tax
11 levy or the full faith and credit of the unit of local
12 government is pledged; however, a tax for the payment of
13 interest or principal on those bonds shall be made only after
14 the governing body of the unit of local government finds that
15 all other sources for payment are insufficient to make those
16 payments; (f) made for payments under a building commission
17 lease when the lease payments are for the retirement of bonds
18 issued by the commission before the date on which the
19 referendum making this Law applicable to the taxing district is
20 held to pay for the building project; (g) made for payments due
21 under installment contracts entered into before the date on
22 which the referendum making this Law applicable to the taxing
23 district is held; (h) made for payments of principal and
24 interest on limited bonds, as defined in Section 3 of the Local
25 Government Debt Reform Act, in an amount not to exceed the debt
26 service extension base less the amount in items (b), (c), and
27 (e) of this definition for non-referendum obligations, except
28 obligations initially issued pursuant to referendum; (i) made
29 for payments of principal and interest on bonds issued under
30 Section 15 of the Local Government Debt Reform Act; (j) made
31 for a qualified airport authority to pay interest or principal
32 on general obligation bonds issued for the purpose of paying
33 obligations due under, or financing airport facilities
34 required to be acquired, constructed, installed or equipped
35 pursuant to, contracts entered into before March 1, 1996 (but
36 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; and (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 "Aggregate extension" for all taxing districts to which
9 this Law applies in accordance with paragraph (2) of subsection
10 (e) of Section 18-213 means the annual corporate extension for
11 the taxing district and those special purpose extensions that
12 are made annually for the taxing district, excluding special
13 purpose extensions: (a) made for the taxing district to pay
14 interest or principal on general obligation bonds that were
15 approved by referendum; (b) made for any taxing district to pay
16 interest or principal on general obligation bonds issued before
17 the effective date of this amendatory Act of 1997; (c) made for
18 any taxing district to pay interest or principal on bonds
19 issued to refund or continue to refund those bonds issued
20 before the effective date of this amendatory Act of 1997; (d)
21 made for any taxing district to pay interest or principal on
22 bonds issued to refund or continue to refund bonds issued after
23 the effective date of this amendatory Act of 1997 if the bonds
24 were approved by referendum after the effective date of this
25 amendatory Act of 1997; (e) made for any taxing district to pay
26 interest or principal on revenue bonds issued before the
27 effective date of this amendatory Act of 1997 for payment of
28 which a property tax levy or the full faith and credit of the
29 unit of local government is pledged; however, a tax for the
30 payment of interest or principal on those bonds shall be made
31 only after the governing body of the unit of local government
32 finds that all other sources for payment are insufficient to
33 make those payments; (f) made for payments under a building
34 commission lease when the lease payments are for the retirement
35 of bonds issued by the commission before the effective date of
36 this amendatory Act of 1997 to pay for the building project;

1 (g) made for payments due under installment contracts entered
2 into before the effective date of this amendatory Act of 1997;
3 (h) made for payments of principal and interest on limited
4 bonds, as defined in Section 3 of the Local Government Debt
5 Reform Act, in an amount not to exceed the debt service
6 extension base less the amount in items (b), (c), and (e) of
7 this definition for non-referendum obligations, except
8 obligations initially issued pursuant to referendum; (i) made
9 for payments of principal and interest on bonds issued under
10 Section 15 of the Local Government Debt Reform Act; (j) made
11 for a qualified airport authority to pay interest or principal
12 on general obligation bonds issued for the purpose of paying
13 obligations due under, or financing airport facilities
14 required to be acquired, constructed, installed or equipped
15 pursuant to, contracts entered into before March 1, 1996 (but
16 not including any amendments to such a contract taking effect
17 on or after that date); (k) made to fund expenses of providing
18 joint recreational programs for the handicapped under Section
19 5-8 of the Park District Code or Section 11-95-14 of the
20 Illinois Municipal Code; ~~and~~ (l) made for contributions to a
21 firefighter's pension fund created under Article 4 of the
22 Illinois Pension Code, to the extent of the amount certified
23 under item (5) of Section 4-134 of the Illinois Pension Code; and
24 and (m) made for the expense of conducting elections and
25 maintaining a system of permanent registration of voters under
26 Section 5-1025 of the Counties Code.

27 "Debt service extension base" means an amount equal to that
28 portion of the extension for a taxing district for the 1994
29 levy year, or for those taxing districts subject to this Law in
30 accordance with Section 18-213, except for those subject to
31 paragraph (2) of subsection (e) of Section 18-213, for the levy
32 year in which the referendum making this Law applicable to the
33 taxing district is held, or for those taxing districts subject
34 to this Law in accordance with paragraph (2) of subsection (e)
35 of Section 18-213 for the 1996 levy year, constituting an
36 extension for payment of principal and interest on bonds issued

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

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

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

35 "Levy year" has the same meaning as "year" under Section
36 1-155.

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

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

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

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

29 Except as otherwise provided in this Section, "limiting
30 rate" means a fraction the numerator of which is the last
31 preceding aggregate extension base times an amount equal to one
32 plus the extension limitation defined in this Section and the
33 denominator of which is the current year's equalized assessed
34 value of all real property in the territory under the
35 jurisdiction of the taxing district during the prior levy year.
36 For those taxing districts that reduced their aggregate

1 extension for the last preceding levy year, the highest
2 aggregate extension in any of the last 3 preceding levy years
3 shall be used for the purpose of computing the limiting rate.
4 The denominator shall not include new property. The denominator
5 shall not include the recovered tax increment value.

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

10 Section 10. The Counties Code is amended by changing
11 Section 5-1025 as follows:

12 (55 ILCS 5/5-1025) (from Ch. 34, par. 5-1025)

13 Sec. 5-1025. Tax for expense of conducting elections and
14 maintaining system of permanent registration of voters.

15 (a) In counties of more than 1,000,000 inhabitants, a
16 county board may levy and collect, in odd numbered years, a tax
17 of not to exceed .05% of the value, as equalized or assessed by
18 the Department of Revenue, of all the taxable property in the
19 county, for the expense of conducting elections and maintaining
20 a system of permanent registration of voters. Such tax shall
21 not be included within any statutory limitation of rate or
22 amount for other county purposes, but shall be excluded
23 therefrom and be in addition thereto and in excess thereof;
24 provided that this tax shall not be levied or collected on
25 property situated within the jurisdiction of any municipal
26 board of election commissioners.

27 (b) In counties of 1,000,000 or fewer inhabitants, a county
28 board may levy and collect, annually, a tax of not to exceed
29 0.05% of the value, as equalized or assessed by the Department
30 of Revenue, of all taxable property in the county, for the
31 expense of conducting elections and maintaining a system of
32 permanent registration of voters, provided that the county
33 shall pay over to any municipal board of election commissioners
34 in the county, for the expense of conducting elections and

1 maintaining a system of permanent registration of voters, the
2 proceeds of the tax collected on property situated within the
3 jurisdiction of that board.

4 The tax imposed under this subsection (b) shall not be
5 included within any statutory limitation of rate or amount for
6 other county purposes, but shall be excluded therefrom and be
7 in addition thereto and in excess thereof.

8 Proceeds of taxes paid over by counties to municipal boards
9 of election commissioners under this subsection (b) shall be in
10 addition to such sums as may be required to be paid by counties
11 under Section 6-70 of the Election Code.

12 (c) Beginning with calendar year 1986 and annually
13 thereafter, until the calendar year that taxes collected under
14 subsection (b) are collected and disbursed, any county with
15 less than 1,000,000 inhabitants shall pay over to any municipal
16 board of election commissioners in the county, for the expense
17 of conducting elections and maintaining a system of permanent
18 registration of voters, an amount at least equal to the
19 proceeds of the tax collected on property situated within the
20 jurisdiction of that board under this Section during calendar
21 year 1985; provided, however, such amount shall be increased or
22 decreased annually in proportion to any increase or decrease in
23 the equalized assessed valuation of such municipality. Such
24 amount shall be payable from the tax levied and collected under
25 Section 5-1024.

26 (Source: P.A. 86-962.)

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