



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3204

Introduced 1/14/2022, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-53 new
35 ILCS 200/18-185
35 ILCS 200/18-233 rep.
105 ILCS 5/2-3.33

from Ch. 122, par. 2-3.33

Amends the Property Tax Code. Repeals provisions concerning levy adjustments for certificates of error, court orders, and final administrative decisions of the Property Tax Appeal Board. 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. Amends the School Code to make conforming changes. Effective immediately.

LRB102 22780 HLH 31929 b

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

19 (b) Except as provided in subsection (b-5), the recapture
20 levy must not exceed an amount equal to the aggregate refunds
21 of principal taxes (excluding any interest) paid by the
22 district for the prior calendar year. At the district's
23 option, the total amount to be recaptured for the prior

1 calendar year may be levied and extended in up to 3 successive
2 annual installments, but the total of all installments shall
3 not exceed the amount allowed under this Section for a single
4 levy. Each single recapture levy or installment of a recapture
5 levy must be included as a separate line item in the district's
6 regular levy ordinance, and the ordinance must specify for
7 each item the year of recapture and whether the item is the
8 first, second, or third installment of the total recapture for
9 that year. The total amount of all recapture line items in any
10 one levy ordinance shall not exceed the greater of: (i) 5% of
11 the aggregate amount of all other items included in that
12 ordinance except for debt service; or (ii) one-third of the
13 amount of the full refund awarded to any taxpayers described
14 in subsection (b-5). Within 45 days after a request by a taxing
15 district, the county treasurer must certify the aggregate
16 refunds paid by a taxing district for purposes of this
17 Section. For purposes of the Property Tax Extension Limitation
18 Law, the taxing district's aggregate extension base does not
19 include the recapture levy authorized under this Section.

20 (b-5) For refunds paid to taxpayers under the conditions
21 described in subsection (a) whose property before the decision
22 awarding the refund had a total equalized assessed value
23 comprising 35% or more of the total equalized assessed value
24 within the district for the tax year that was the subject of
25 the decision, the recapture levy must not exceed an amount
26 equal to the aggregate refunds of principal taxes (excluding

1 any interest) paid by the district for the cumulative total of
2 the prior three calendar years.

3 (c) Whenever the county treasurer certifies aggregate
4 refunds at the request of a taxing district under this
5 Section, the treasurer shall keep records of the individual
6 refunds included in the aggregate. That information shall be
7 provided to the county clerk. The county clerk shall keep a
8 record of that information and of any recapture levy that may
9 thereafter be extended, so that the amount of that extension
10 may be distinguished from any other levies and extensions for
11 that district. The county treasurer's and the county clerk's
12 records under this Section must be made available to the
13 public upon request.

14 (d) Except for taxpayers described in subsection (b-5), a
15 taxpayer who has received a refund of taxes paid on his or her
16 property that has been included in a recapture levy or levies
17 by one or more taxing districts under this Section has the
18 right to have a portion of the refund amount included in the
19 extension of each district's recapture levy against his or her
20 property abated to the extent that the refund amount included
21 in each district's recapture levy exceeds \$1,000. The
22 abatement may be granted only upon application as provided in
23 this Section, and submission of the application shall not
24 delay or otherwise affect the normal tax extension and billing
25 process. For purposes of this Section, the property for which
26 the recapture extension may be abated is defined as one or more

1 parcels that were the subject of a consolidated refund. If the
2 taxing district's recapture levy and extension was made in a
3 lesser amount than the aggregate of all refunds certified by
4 the treasurer for that district, each abatement shall reflect
5 that same proportionate reduction.

6 (e) A taxpayer seeking an abatement under this Section
7 shall apply to the county treasurer after the issuance of the
8 second installment of the tax bill that includes the amount
9 sought to be abated, but no later than the due date under
10 Section 23-10 for tax objection complaints regarding tax
11 levies of the year for which the recapture levy was extended.
12 The county treasurer may prescribe the form in which the
13 application shall be made. The application shall include a
14 copy of the decision or order giving rise to the refund and
15 must specify the abatement claimed. The treasurer, assisted if
16 necessary by the county clerk, shall confirm (i) whether the
17 refund identified in the application was included within the
18 appropriate treasurer's certification of aggregate refunds and
19 (ii) the percentage that the refund represents of the total
20 recapture levy, and, upon such confirmation, the abatement
21 must be allowed as provided in this Section. If the taxes
22 abated have been paid, the abatement amount must be refunded.
23 The treasurer shall determine whether to allow or deny the
24 application and shall advise the applicant of the
25 determination within 90 days after its submission, and a
26 failure to make an express determination within that time

1 shall be deemed a denial. If the treasurer cannot determine
2 whether the application should be allowed, or otherwise denies
3 the application, any taxpayer who has paid the tax subject to
4 the claimed abatement may petition the circuit court for a
5 refund in the time and manner provided in Section 20-175. Any
6 refund granted pursuant to an abatement may not be included in
7 a recapture levy under this Section.

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

12 (35 ILCS 200/18-185)

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

16 "Consumer Price Index" means the Consumer Price Index for
17 All Urban Consumers for all items published by the United
18 States Department of Labor.

19 "Extension limitation" means (a) the lesser of 5% or the
20 percentage increase in the Consumer Price Index during the
21 12-month calendar year preceding the levy year or (b) the rate
22 of increase approved by voters under Section 18-205.

23 "Affected county" means a county of 3,000,000 or more
24 inhabitants or a county contiguous to a county of 3,000,000 or
25 more inhabitants.

1 "Taxing district" has the same meaning provided in Section
2 1-150, except as otherwise provided in this Section. For the
3 1991 through 1994 levy years only, "taxing district" includes
4 only each non-home rule taxing district having the majority of
5 its 1990 equalized assessed value within any county or
6 counties contiguous to a county with 3,000,000 or more
7 inhabitants. Beginning with the 1995 levy year, "taxing
8 district" includes only each non-home rule taxing district
9 subject to this Law before the 1995 levy year and each non-home
10 rule taxing district not subject to this Law before the 1995
11 levy year having the majority of its 1994 equalized assessed
12 value in an affected county or counties. Beginning with the
13 levy year in which this Law becomes applicable to a taxing
14 district as provided in Section 18-213, "taxing district" also
15 includes those taxing districts made subject to this Law as
16 provided in Section 18-213.

17 "Aggregate extension" for taxing districts to which this
18 Law applied before the 1995 levy year means the annual
19 corporate extension for the taxing district and those special
20 purpose extensions that are made annually for the taxing
21 district, excluding special purpose extensions: (a) made for
22 the taxing district to pay interest or principal on general
23 obligation bonds that were approved by referendum; (b) made
24 for any taxing district to pay interest or principal on
25 general obligation bonds issued before October 1, 1991; (c)
26 made for any taxing district to pay interest or principal on

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

1 of principal and interest on bonds issued under Section 15 of
2 the Local Government Debt Reform Act; (k) made by a school
3 district that participates in the Special Education District
4 of Lake County, created by special education joint agreement
5 under Section 10-22.31 of the School Code, for payment of the
6 school district's share of the amounts required to be
7 contributed by the Special Education District of Lake County
8 to the Illinois Municipal Retirement Fund under Article 7 of
9 the Illinois Pension Code; the amount of any extension under
10 this item (k) shall be certified by the school district to the
11 county clerk; (l) made to fund expenses of providing joint
12 recreational programs for persons with disabilities under
13 Section 5-8 of the Park District Code or Section 11-95-14 of
14 the Illinois Municipal Code; (m) made for temporary relocation
15 loan repayment purposes pursuant to Sections 2-3.77 and
16 17-2.2d of the School Code; (n) made for payment of principal
17 and interest on any bonds issued under the authority of
18 Section 17-2.2d of the School Code; (o) made for contributions
19 to a firefighter's pension fund created under Article 4 of the
20 Illinois Pension Code, to the extent of the amount certified
21 under item (5) of Section 4-134 of the Illinois Pension Code;
22 ~~and~~ (p) made for road purposes in the first year after a
23 township assumes the rights, powers, duties, assets, property,
24 liabilities, obligations, and responsibilities of a road
25 district abolished under the provisions of Section 6-133 of
26 the Illinois Highway Code; and (q) made as a recapture levy

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

2 "Aggregate extension" for the taxing districts to which
3 this Law did not apply before the 1995 levy year (except taxing
4 districts subject to this Law in accordance with Section
5 18-213) means the annual corporate extension for the taxing
6 district and those special purpose extensions that are made
7 annually for the taxing district, excluding special purpose
8 extensions: (a) made for the taxing district to pay interest
9 or principal on general obligation bonds that were approved by
10 referendum; (b) made for any taxing district to pay interest
11 or principal on general obligation bonds issued before March
12 1, 1995; (c) made for any taxing district to pay interest or
13 principal on bonds issued to refund or continue to refund
14 those bonds issued before March 1, 1995; (d) made for any
15 taxing district to pay interest or principal on bonds issued
16 to refund or continue to refund bonds issued after March 1,
17 1995 that were approved by referendum; (e) made for any taxing
18 district to pay interest or principal on revenue bonds issued
19 before March 1, 1995 for payment of which a property tax levy
20 or the full faith and credit of the unit of local government is
21 pledged; however, a tax for the payment of interest or
22 principal on those bonds shall be made only after the
23 governing body of the unit of local government finds that all
24 other sources for payment are insufficient to make those
25 payments; (f) made for payments under a building commission
26 lease when the lease payments are for the retirement of bonds

1 issued by the commission before March 1, 1995 to pay for the
2 building project; (g) made for payments due under installment
3 contracts entered into before March 1, 1995; (h) made for
4 payments of principal and interest on bonds issued under the
5 Metropolitan Water Reclamation District Act to finance
6 construction projects initiated before October 1, 1991; (h-4)
7 made for stormwater management purposes by the Metropolitan
8 Water Reclamation District of Greater Chicago under Section 12
9 of the Metropolitan Water Reclamation District Act; (i) made
10 for payments of principal and interest on limited bonds, as
11 defined in Section 3 of the Local Government Debt Reform Act,
12 in an amount not to exceed the debt service extension base less
13 the amount in items (b), (c), and (e) of this definition for
14 non-referendum obligations, except obligations initially
15 issued pursuant to referendum and bonds described in
16 subsection (h) of this definition; (j) made for payments of
17 principal and interest on bonds issued under Section 15 of the
18 Local Government Debt Reform Act; (k) made for payments of
19 principal and interest on bonds authorized by Public Act
20 88-503 and issued under Section 20a of the Chicago Park
21 District Act for aquarium or museum projects and bonds issued
22 under Section 20a of the Chicago Park District Act for the
23 purpose of making contributions to the pension fund
24 established under Article 12 of the Illinois Pension Code; (l)
25 made for payments of principal and interest on bonds
26 authorized by Public Act 87-1191 or 93-601 and (i) issued

1 pursuant to Section 21.2 of the Cook County Forest Preserve
2 District Act, (ii) issued under Section 42 of the Cook County
3 Forest Preserve District Act for zoological park projects, or
4 (iii) issued under Section 44.1 of the Cook County Forest
5 Preserve District Act for botanical gardens projects; (m) made
6 pursuant to Section 34-53.5 of the School Code, whether levied
7 annually or not; (n) made to fund expenses of providing joint
8 recreational programs for persons with disabilities under
9 Section 5-8 of the Park District Code or Section 11-95-14 of
10 the Illinois Municipal Code; (o) made by the Chicago Park
11 District for recreational programs for persons with
12 disabilities under subsection (c) of Section 7.06 of the
13 Chicago Park District Act; (p) made for contributions to a
14 firefighter's pension fund created under Article 4 of the
15 Illinois Pension Code, to the extent of the amount certified
16 under item (5) of Section 4-134 of the Illinois Pension Code;
17 (q) made by Ford Heights School District 169 under Section
18 17-9.02 of the School Code; ~~and~~ (r) made for the purpose of
19 making employer contributions to the Public School Teachers'
20 Pension and Retirement Fund of Chicago under Section 34-53 of
21 the School Code; and (s) made as a recapture levy under Section
22 18-53 of the Property Tax Code.

23 "Aggregate extension" for all taxing districts to which
24 this Law applies in accordance with Section 18-213, except for
25 those taxing districts subject to paragraph (2) of subsection
26 (e) of Section 18-213, means the annual corporate extension

1 for the taxing district and those special purpose extensions
2 that are made annually for the taxing district, excluding
3 special purpose extensions: (a) made for the taxing district
4 to pay interest or principal on general obligation bonds that
5 were approved by referendum; (b) made for any taxing district
6 to pay interest or principal on general obligation bonds
7 issued before the date on which the referendum making this Law
8 applicable to the taxing district is held; (c) made for any
9 taxing district to pay interest or principal on bonds issued
10 to refund or continue to refund those bonds issued before the
11 date on which the referendum making this Law applicable to the
12 taxing district is held; (d) made for any taxing district to
13 pay interest or principal on bonds issued to refund or
14 continue to refund bonds issued after the date on which the
15 referendum making this Law applicable to the taxing district
16 is held if the bonds were approved by referendum after the date
17 on which the referendum making this Law applicable to the
18 taxing district is held; (e) made for any taxing district to
19 pay interest or principal on revenue bonds issued before the
20 date on which the referendum making this Law applicable to the
21 taxing district is held for payment of which a property tax
22 levy or the full faith and credit of the unit of local
23 government is pledged; however, a tax for the payment of
24 interest or principal on those bonds shall be made only after
25 the governing body of the unit of local government finds that
26 all other sources for payment are insufficient to make those

1 payments; (f) made for payments under a building commission
2 lease when the lease payments are for the retirement of bonds
3 issued by the commission before the date on which the
4 referendum making this Law applicable to the taxing district
5 is held to pay for the building project; (g) made for payments
6 due under installment contracts entered into before the date
7 on which the referendum making this Law applicable to the
8 taxing district is held; (h) made for payments of principal
9 and interest on limited bonds, as defined in Section 3 of the
10 Local Government Debt Reform Act, in an amount not to exceed
11 the debt service extension base less the amount in items (b),
12 (c), and (e) of this definition for non-referendum
13 obligations, except obligations initially issued pursuant to
14 referendum; (i) made for payments of principal and interest on
15 bonds issued under Section 15 of the Local Government Debt
16 Reform Act; (j) made for a qualified airport authority to pay
17 interest or principal on general obligation bonds issued for
18 the purpose of paying obligations due under, or financing
19 airport facilities required to be acquired, constructed,
20 installed or equipped pursuant to, contracts entered into
21 before March 1, 1996 (but not including any amendments to such
22 a contract taking effect on or after that date); (k) made to
23 fund expenses of providing joint recreational programs for
24 persons with disabilities under Section 5-8 of the Park
25 District Code or Section 11-95-14 of the Illinois Municipal
26 Code; (l) made for contributions to a firefighter's pension

1 fund created under Article 4 of the Illinois Pension Code, to
2 the extent of the amount certified under item (5) of Section
3 4-134 of the Illinois Pension Code; ~~and~~ (m) made for the taxing
4 district to pay interest or principal on general obligation
5 bonds issued pursuant to Section 19-3.10 of the School Code;
6 and (n) made as a recapture levy under Section 18-53 of the
7 Property Tax Code.

8 "Aggregate extension" for all taxing districts to which
9 this Law applies in accordance with paragraph (2) of
10 subsection (e) of Section 18-213 means the annual corporate
11 extension for the taxing district and those special purpose
12 extensions that are made annually for the taxing district,
13 excluding special purpose extensions: (a) made for the taxing
14 district to pay interest or principal on general obligation
15 bonds that were approved by referendum; (b) made for any
16 taxing district to pay interest or principal on general
17 obligation bonds issued before March 7, 1997 (the effective
18 date of Public Act 89-718); (c) made for any taxing district to
19 pay interest or principal on bonds issued to refund or
20 continue to refund those bonds issued before March 7, 1997
21 (the effective date of Public Act 89-718); (d) made for any
22 taxing district to pay interest or principal on bonds issued
23 to refund or continue to refund bonds issued after March 7,
24 1997 (the effective date of Public Act 89-718) if the bonds
25 were approved by referendum after March 7, 1997 (the effective
26 date of Public Act 89-718); (e) made for any taxing district to

1 pay interest or principal on revenue bonds issued before March
2 7, 1997 (the effective date of Public Act 89-718) for payment
3 of which a property tax levy or the full faith and credit of
4 the unit of local government is pledged; however, a tax for the
5 payment of interest or principal on those bonds shall be made
6 only after the governing body of the unit of local government
7 finds that all other sources for payment are insufficient to
8 make those payments; (f) made for payments under a building
9 commission lease when the lease payments are for the
10 retirement of bonds issued by the commission before March 7,
11 1997 (the effective date of Public Act 89-718) to pay for the
12 building project; (g) made for payments due under installment
13 contracts entered into before March 7, 1997 (the effective
14 date of Public Act 89-718); (h) made for payments of principal
15 and interest on limited bonds, as defined in Section 3 of the
16 Local Government Debt Reform Act, in an amount not to exceed
17 the debt service extension base less the amount in items (b),
18 (c), and (e) of this definition for non-referendum
19 obligations, except obligations initially issued pursuant to
20 referendum; (i) made for payments of principal and interest on
21 bonds issued under Section 15 of the Local Government Debt
22 Reform Act; (j) made for a qualified airport authority to pay
23 interest or principal on general obligation bonds issued for
24 the purpose of paying obligations due under, or financing
25 airport facilities required to be acquired, constructed,
26 installed or equipped pursuant to, contracts entered into

1 before March 1, 1996 (but not including any amendments to such
2 a contract taking effect on or after that date); (k) made to
3 fund expenses of providing joint recreational programs for
4 persons with disabilities under Section 5-8 of the Park
5 District Code or Section 11-95-14 of the Illinois Municipal
6 Code; ~~and~~ (l) made for contributions to a firefighter's
7 pension fund created under Article 4 of the Illinois Pension
8 Code, to the extent of the amount certified under item (5) of
9 Section 4-134 of the Illinois Pension Code; and (m) made as a
10 recapture levy under Section 18-53 of the Property Tax Code.

11 "Debt service extension base" means an amount equal to
12 that portion of the extension for a taxing district for the
13 1994 levy year, or for those taxing districts subject to this
14 Law in accordance with Section 18-213, except for those
15 subject to paragraph (2) of subsection (e) of Section 18-213,
16 for the levy year in which the referendum making this Law
17 applicable to the taxing district is held, or for those taxing
18 districts subject to this Law in accordance with paragraph (2)
19 of subsection (e) of Section 18-213 for the 1996 levy year,
20 constituting an extension for payment of principal and
21 interest on bonds issued by the taxing district without
22 referendum, but not including excluded non-referendum bonds.
23 For park districts (i) that were first subject to this Law in
24 1991 or 1995 and (ii) whose extension for the 1994 levy year
25 for the payment of principal and interest on bonds issued by
26 the park district without referendum (but not including

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

26 "Special purpose extensions" include, but are not limited

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

8 "Aggregate extension base" means the taxing district's
9 last preceding aggregate extension as adjusted under Sections
10 18-135, 18-215, 18-230, 18-206, and 18-233. An adjustment
11 under Section 18-135 shall be made for the 2007 levy year and
12 all subsequent levy years whenever one or more counties within
13 which a taxing district is located (i) used estimated
14 valuations or rates when extending taxes in the taxing
15 district for the last preceding levy year that resulted in the
16 over or under extension of taxes, or (ii) increased or
17 decreased the tax extension for the last preceding levy year
18 as required by Section 18-135(c). Whenever an adjustment is
19 required under Section 18-135, the aggregate extension base of
20 the taxing district shall be equal to the amount that the
21 aggregate extension of the taxing district would have been for
22 the last preceding levy year if either or both (i) actual,
23 rather than estimated, valuations or rates had been used to
24 calculate the extension of taxes for the last levy year, or
25 (ii) the tax extension for the last preceding levy year had not
26 been adjusted as required by subsection (c) of Section 18-135.

1 Notwithstanding any other provision of law, for levy year
2 2012, the aggregate extension base for West Northfield School
3 District No. 31 in Cook County shall be \$12,654,592.

4 Notwithstanding any other provision of law, for levy year
5 2022, the aggregate extension base of a home equity assurance
6 program that levied at least \$1,000,000 in property taxes in
7 levy year 2019 or 2020 under the Home Equity Assurance Act
8 shall be the amount that the program's aggregate extension
9 base for levy year 2021 would have been if the program had
10 levied a property tax for levy year 2021.

11 "Levy year" has the same meaning as "year" under Section
12 1-155.

13 "New property" means (i) the assessed value, after final
14 board of review or board of appeals action, of new
15 improvements or additions to existing improvements on any
16 parcel of real property that increase the assessed value of
17 that real property during the levy year multiplied by the
18 equalization factor issued by the Department under Section
19 17-30, (ii) the assessed value, after final board of review or
20 board of appeals action, of real property not exempt from real
21 estate taxation, which real property was exempt from real
22 estate taxation for any portion of the immediately preceding
23 levy year, multiplied by the equalization factor issued by the
24 Department under Section 17-30, including the assessed value,
25 upon final stabilization of occupancy after new construction
26 is complete, of any real property located within the

1 boundaries of an otherwise or previously exempt military
2 reservation that is intended for residential use and owned by
3 or leased to a private corporation or other entity, (iii) in
4 counties that classify in accordance with Section 4 of Article
5 IX of the Illinois Constitution, an incentive property's
6 additional assessed value resulting from a scheduled increase
7 in the level of assessment as applied to the first year final
8 board of review market value, and (iv) any increase in
9 assessed value due to oil or gas production from an oil or gas
10 well required to be permitted under the Hydraulic Fracturing
11 Regulatory Act that was not produced in or accounted for
12 during the previous levy year. In addition, the county clerk
13 in a county containing a population of 3,000,000 or more shall
14 include in the 1997 recovered tax increment value for any
15 school district, any recovered tax increment value that was
16 applicable to the 1995 tax year calculations.

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

21 "Recovered tax increment value" means, except as otherwise
22 provided in this paragraph, the amount of the current year's
23 equalized assessed value, in the first year after a
24 municipality terminates the designation of an area as a
25 redevelopment project area previously established under the
26 Tax Increment Allocation Redevelopment Act in the Illinois

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

1 redevelopment project area established under the Tax Increment
2 Allocation Redevelopment Act in the Illinois Municipal Code,
3 the Industrial Jobs Recovery Law in the Illinois Municipal
4 Code, or the Economic Development Area Tax Increment
5 Allocation Act, "recovered tax increment value" means the
6 amount of the current year's equalized assessed value of each
7 taxable lot, block, tract, or parcel of real property removed
8 from the redevelopment project area over and above the initial
9 equalized assessed value of that real property before removal
10 from the redevelopment project area.

11 Except as otherwise provided in this Section, "limiting
12 rate" means a fraction the numerator of which is the last
13 preceding aggregate extension base times an amount equal to
14 one plus the extension limitation defined in this Section and
15 the denominator of which is the current year's equalized
16 assessed value of all real property in the territory under the
17 jurisdiction of the taxing district during the prior levy
18 year. For those taxing districts that reduced their aggregate
19 extension for the last preceding levy year, except for school
20 districts that reduced their extension for educational
21 purposes pursuant to Section 18-206, the highest aggregate
22 extension in any of the last 3 preceding levy years shall be
23 used for the purpose of computing the limiting rate. The
24 denominator shall not include new property or the recovered
25 tax increment value. If a new rate, a rate decrease, or a
26 limiting rate increase has been approved at an election held

1 after March 21, 2006, then (i) the otherwise applicable
2 limiting rate shall be increased by the amount of the new rate
3 or shall be reduced by the amount of the rate decrease, as the
4 case may be, or (ii) in the case of a limiting rate increase,
5 the limiting rate shall be equal to the rate set forth in the
6 proposition approved by the voters for each of the years
7 specified in the proposition, after which the limiting rate of
8 the taxing district shall be calculated as otherwise provided.

9 In the case of a taxing district that obtained referendum
10 approval for an increased limiting rate on March 20, 2012, the
11 limiting rate for tax year 2012 shall be the rate that
12 generates the approximate total amount of taxes extendable for
13 that tax year, as set forth in the proposition approved by the
14 voters; this rate shall be the final rate applied by the county
15 clerk for the aggregate of all capped funds of the district for
16 tax year 2012.

17 (Source: P.A. 102-263, eff. 8-6-21; 102-311, eff. 8-6-21;
18 102-519, eff. 8-20-21; 102-558, eff. 8-20-21; revised
19 10-5-21.)

20 (35 ILCS 200/18-233 rep.)

21 Section 10. The Property Tax Code is amended by repealing
22 Section 18-233.

23 Section 15. The School Code is amended by changing Section
24 2-3.33 as follows:

1 (105 ILCS 5/2-3.33) (from Ch. 122, par. 2-3.33)

2 Sec. 2-3.33. Recomputation of claims. To recompute within
3 3 years from the final date for filing of a claim any claim for
4 general State aid reimbursement to any school district and one
5 year from the final date for filing of a claim for
6 evidence-based funding if the claim has been found to be
7 incorrect and to adjust subsequent claims accordingly, and to
8 recompute and adjust any such claims within 6 years from the
9 final date for filing when there has been an adverse court or
10 administrative agency decision on the merits affecting the tax
11 revenues of the school district, but excluding revenue
12 recovered under Section 18-53 of the Property Tax Code.
13 However, no such adjustment shall be made regarding equalized
14 assessed valuation unless the district's equalized assessed
15 valuation is changed by greater than \$250,000 or 2%. Any
16 adjustments for claims recomputed for the 2016-2017 school
17 year and prior school years shall be applied to the
18 apportionment of evidence-based funding in Section 18-8.15 of
19 this Code beginning in the 2017-2018 school year and
20 thereafter. However, the recomputation of a claim for
21 evidence-based funding for a school district shall not require
22 the recomputation of claims for all districts, and the State
23 Board of Education shall only make recomputations of
24 evidence-based funding for those districts where an adjustment
25 is required.

1 Except in the case of an adverse court or administrative
2 agency decision, no recomputation of a State aid claim shall
3 be made pursuant to this Section as a result of a reduction in
4 the assessed valuation of a school district from the assessed
5 valuation of the district reported to the State Board of
6 Education by the Department of Revenue under Section 18-8.05
7 or 18-8.15 of this Code unless the requirements of Section
8 16-15 of the Property Tax Code and Section 2-3.84 of this Code
9 are complied with in all respects.

10 This paragraph applies to all requests for recomputation
11 of a general State aid or evidence-based funding claim
12 received after June 30, 2003. In recomputing a general State
13 aid or evidence-based funding claim that was originally
14 calculated using an extension limitation equalized assessed
15 valuation under paragraph (3) of subsection (G) of Section
16 18-8.05 of this Code or Section 18-8.15 of this Code, a
17 qualifying reduction in equalized assessed valuation shall be
18 deducted from the extension limitation equalized assessed
19 valuation that was used in calculating the original claim.

20 From the total amount of general State aid or
21 evidence-based funding to be provided to districts,
22 adjustments as a result of recomputation under this Section
23 together with adjustments under Section 2-3.84 must not exceed
24 \$25 million, in the aggregate for all districts under both
25 Sections combined, of the general State aid or evidence-based
26 funding appropriation in any fiscal year; if necessary,

1 amounts shall be prorated among districts. If it is necessary
2 to prorate claims under this paragraph, then that portion of
3 each prorated claim that is approved but not paid in the
4 current fiscal year may be resubmitted as a valid claim in the
5 following fiscal year.

6 (Source: P.A. 100-465, eff. 8-31-17.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.