



Sen. Don Harmon

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LRB097 03253 HLH 55296 a

1 AMENDMENT TO HOUSE BILL 363

2 AMENDMENT NO. _____. Amend House Bill 363 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 18-190 and 18-205 as follows:

6 (35 ILCS 200/18-190)

7 Sec. 18-190. Direct referendum; new rate or increased
8 limiting rate.

9 (a) If a new rate is authorized by statute to be imposed
10 without referendum or is subject to a backdoor referendum, as
11 defined in Section 28-2 of the Election Code, the governing
12 body of the affected taxing district before levying the new
13 rate shall submit the new rate to direct referendum under the
14 provisions of this Section and of Article 28 of the Election
15 Code. Notwithstanding the provisions, requirements, or
16 limitations of any other law, any tax levied for the 2005 levy

1 year and all subsequent levy years by any taxing district
2 subject to this Law may be extended at a rate exceeding the
3 rate established for that tax by referendum or statute,
4 provided that the rate does not exceed the statutory ceiling
5 above which the tax is not authorized to be further increased
6 either by referendum or in any other manner. Notwithstanding
7 the provisions, requirements, or limitations of any other law,
8 all taxing districts subject to this Law shall follow the
9 provisions of this Section whenever seeking referenda approval
10 after March 21, 2006 to (i) levy a new tax rate authorized by
11 statute or (ii) increase the limiting rate applicable to the
12 taxing district. All taxing districts subject to this Law are
13 authorized to seek referendum approval of each proposition
14 described and set forth in this Section.

15 The proposition seeking to obtain referendum approval to
16 levy a new tax rate as authorized in clause (i) shall be in
17 substantially the following form:

18 Shall ... (insert legal name, number, if any, and
19 county or counties of taxing district and geographic or
20 other common name by which a school or community college
21 district is known and referred to), Illinois, be authorized
22 to levy a new tax for ... purposes and have an additional
23 tax of ...% of the equalized assessed value of the taxable
24 property therein extended for such purposes?

25 The votes must be recorded as "Yes" or "No".

26 The proposition seeking to obtain referendum approval to

1 increase the limiting rate as authorized in clause (ii) shall
2 be in substantially the following form:

3 Shall the limiting rate under the Property Tax
4 Extension Limitation Law for ... (insert legal name,
5 number, if any, and county or counties of taxing district
6 and geographic or other common name by which a school or
7 community college district is known and referred to),
8 Illinois, be increased by an additional amount equal to
9 ...% above the limiting rate for the purpose of...(insert
10 purpose) for levy year ... (insert the most recent levy
11 year for which the limiting rate of the taxing district is
12 known at the time the submission of the proposition is
13 initiated by the taxing district) and be equal to ...% of
14 the equalized assessed value of the taxable property
15 therein for levy year(s) (insert each levy year for which
16 the increase will be applicable, which years must be
17 consecutive and may not exceed 4)?

18 The votes must be recorded as "Yes" or "No".

19 The ballot for any proposition submitted pursuant to this
20 Section shall have printed thereon, but not as a part of the
21 proposition submitted, only the following supplemental
22 information (which shall be supplied to the election authority
23 by the taxing district) in substantially the following form:

24 (1) The approximate amount of taxes extendable at the
25 most recently extended limiting rate is \$..., and the
26 approximate amount of taxes extendable if the proposition

1 is approved is \$....

2 (2) For the ... (insert the first levy year for which
3 the new rate or increased limiting rate will be applicable)
4 levy year the approximate amount of the additional tax
5 extendable against property containing a single family
6 residence and having a fair market value at the time of the
7 referendum of \$100,000 is estimated to be \$....

8 (3) Based upon an average annual percentage increase
9 (or decrease) in the market value of such property of %...
10 (insert percentage equal to the average annual percentage
11 increase or decrease for the prior 3 levy years, at the
12 time the submission of the proposition is initiated by the
13 taxing district, in the amount of (A) the equalized
14 assessed value of the taxable property in the taxing
15 district less (B) the new property included in the
16 equalized assessed value), the approximate amount of the
17 additional tax extendable against such property for the ...
18 levy year is estimated to be \$... and for the ... levy year
19 is estimated to be \$

20 (4) If the proposition is approved, the aggregate
21 extension for ... (insert each levy year for which the
22 increase will apply) will be determined by the limiting
23 rate set forth in the proposition, rather than the
24 otherwise applicable limiting rate calculated under the
25 provisions of the Property Tax Extension Limitation Law
26 (commonly known as the Property Tax Cap Law).

1 The approximate amount of taxes extendable shown in paragraph
2 (1) shall be computed upon the last known equalized assessed
3 value of taxable property in the taxing district (at the time
4 the submission of the proposition is initiated by the taxing
5 district). Paragraph (3) shall be included only if the
6 increased limiting rate will be applicable for more than one
7 levy year and shall list each levy year for which the increased
8 limiting rate will be applicable. The additional tax shown for
9 each levy year shall be the approximate dollar amount of the
10 increase over the amount of the most recently completed
11 extension at the time the submission of the proposition is
12 initiated by the taxing district. The approximate amount of the
13 additional taxes extendable shall be calculated (i) without
14 regard to any property tax exemptions and (ii) based upon the
15 percentage level of assessment prescribed for such property by
16 statute or by ordinance of the county board in counties which
17 classify property for purposes of taxation in accordance with
18 Section 4 of Article IX of the Constitution multiplied by the
19 most recent final equalization factor certified to the county
20 clerk by the Department of Revenue at the time the taxing
21 district initiates the submission of the proposition to the
22 electors. Paragraph (4) shall be included if the proposition
23 concerns a limiting rate increase but shall not be included if
24 the proposition concerns a new rate. Any notice required to be
25 published in connection with the submission of the proposition
26 shall also contain this supplemental information and shall not

1 contain any other supplemental information regarding the
2 proposition. Any error, miscalculation, or inaccuracy in
3 computing any amount set forth on the ballot and in the notice
4 that is not deliberate shall not invalidate or affect the
5 validity of any proposition approved. Notice of the referendum
6 shall be published and posted as otherwise required by law, and
7 the submission of the proposition shall be initiated as
8 provided by law.

9 If a majority of all ballots cast on the proposition are in
10 favor of the proposition, the following provisions shall be
11 applicable to the extension of taxes for the taxing district:

12 (A) a new tax rate shall be first effective for the
13 levy year in which the new rate is approved;

14 (B) if the proposition provides for a new tax rate, the
15 taxing district is authorized to levy a tax after the
16 canvass of the results of the referendum by the election
17 authority for the purposes for which the tax is authorized;

18 (C) a limiting rate increase shall be first effective
19 for the levy year in which the limiting rate increase is
20 approved, provided that the taxing district may elect to
21 have a limiting rate increase be effective for the levy
22 year prior to the levy year in which the limiting rate
23 increase is approved unless the extension of taxes for the
24 prior levy year occurs 30 days or less after the canvass of
25 the results of the referendum by the election authority in
26 any county in which the taxing district is located;

1 (D) in order for the limiting rate increase to be first
2 effective for the levy year prior to the levy year of the
3 referendum, the taxing district must certify its election
4 to have the limiting rate increase be effective for the
5 prior levy year to the clerk of each county in which the
6 taxing district is located not more than 2 days after the
7 date the results of the referendum are canvassed by the
8 election authority; and

9 (E) if the proposition provides for a limiting rate
10 increase, the increase may be effective regardless of
11 whether the proposition is approved before or after the
12 taxing district adopts or files its levy for any levy year.

13 Rates required to extend taxes on levies subject to a
14 backdoor referendum in each year there is a levy are not new
15 rates or rate increases under this Section if a levy has been
16 made for the fund in one or more of the preceding 3 levy years.
17 Changes made by this amendatory Act of 1997 to this Section in
18 reference to rates required to extend taxes on levies subject
19 to a backdoor referendum in each year there is a levy are
20 declarative of existing law and not a new enactment.

21 (b) Whenever other applicable law authorizes a taxing
22 district subject to the limitation with respect to its
23 aggregate extension provided for in this Law to issue bonds or
24 other obligations either without referendum or subject to
25 backdoor referendum, the taxing district may elect for each
26 separate bond issuance to submit the question of the issuance

1 of the bonds or obligations directly to the voters of the
2 taxing district, and if the referendum passes the taxing
3 district is not required to comply with any backdoor referendum
4 procedures or requirements set forth in the other applicable
5 law. The direct referendum shall be initiated by ordinance or
6 resolution of the governing body of the taxing district, and
7 the question shall be certified to the proper election
8 authorities in accordance with the provisions of the Election
9 Code.

10 (Source: P.A. 96-764, eff. 8-25-09.)

11 (35 ILCS 200/18-205)

12 Sec. 18-205. Referendum to increase the extension
13 limitation. A taxing district is limited to an extension
14 limitation of 5% or the percentage increase in the Consumer
15 Price Index during the 12-month calendar year preceding the
16 levy year, whichever is less. A taxing district may increase
17 its extension limitation for one or more levy years if that
18 taxing district holds a referendum before the levy date for the
19 first levy year at which a majority of voters voting on the
20 issue approves adoption of a higher extension limitation.
21 Referenda shall be conducted at a regularly scheduled election
22 in accordance with the Election Code. The question shall be
23 presented in substantially the following manner for all
24 elections held after March 21, 2006:

25 Shall the extension limitation under the Property Tax

1 Extension Limitation Law for (insert the legal name,
2 number, if any, and county or counties of the taxing
3 district and geographic or other common name by which a
4 school or community college district is known and referred
5 to), Illinois, be increased from the lesser of 5% or the
6 percentage increase in the Consumer Price Index over the
7 prior levy year to (insert the percentage of the proposed
8 increase)% per year for (insert each levy year for which
9 the increased extension limitation will apply)?

10 The votes must be recorded as "Yes" or "No".

11 If a majority of voters voting on the issue approves the
12 adoption of the increase, the increase shall be applicable for
13 each levy year specified.

14 The ballot for any question submitted pursuant to this
15 Section shall have printed thereon, but not as a part of the
16 question submitted, only the following supplemental
17 information (which shall be supplied to the election authority
18 by the taxing district) in substantially the following form:

19 (1) For the (insert the first levy year for which the
20 increased extension limitation will be applicable) levy
21 year the approximate amount of the additional tax
22 extendable against property containing a single family
23 residence and having a fair market value at the time of the
24 referendum of \$100,000 is estimated to be \$....

25 (2) Based upon an average annual percentage increase
26 (or decrease) in the market value of such property of ...%

1 (insert percentage equal to the average annual percentage
2 increase or decrease for the prior 3 levy years, at the
3 time the submission of the question is initiated by the
4 taxing district, in the amount of (A) the equalized
5 assessed value of the taxable property in the taxing
6 district less (B) the new property included in the
7 equalized assessed value), the approximate amount of the
8 additional tax extendable against such property for the ...
9 levy year is estimated to be \$... and for the ... levy year
10 is estimated to be \$....

11 Paragraph (2) shall be included only if the increased
12 extension limitation will be applicable for more than one year
13 and shall list each levy year for which the increased extension
14 limitation will be applicable. The additional tax shown for
15 each levy year shall be the approximate dollar amount of the
16 increase over the amount of the most recently completed
17 extension at the time the submission of the question is
18 initiated by the taxing district. The approximate amount of the
19 additional tax extendable shall be calculated by using (A) the
20 lesser of 5% or the percentage increase in the Consumer Price
21 Index for the prior levy year (or an estimate of the percentage
22 increase for the prior levy year if the increase is unavailable
23 at the time the submission of the question is initiated by the
24 taxing district), (B) the percentage increase proposed in the
25 question, and (C) the last known equalized assessed value and
26 aggregate extension base of the taxing district at the time the

1 submission of the question is initiated by the taxing district.
2 The approximate amount of the tax extendable shall be
3 calculated (i) without regard to any property tax exemptions
4 and (ii) based upon the percentage level of assessment
5 prescribed for such property by statute or by ordinance of the
6 county board in counties which classify property for purposes
7 of taxation in accordance with Section 4 of Article IX of the
8 Constitution multiplied by the most recent final equalization
9 factor certified to the county clerk by the Department of
10 Revenue at the time the taxing district initiates the
11 submission of the proposition to the electors. Any notice
12 required to be published in connection with the submission of
13 the question shall also contain this supplemental information
14 and shall not contain any other supplemental information. Any
15 error, miscalculation, or inaccuracy in computing any amount
16 set forth on the ballot or in the notice that is not deliberate
17 shall not invalidate or affect the validity of any proposition
18 approved. Notice of the referendum shall be published and
19 posted as otherwise required by law, and the submission of the
20 question shall be initiated as provided by law.

21 (Source: P.A. 94-976, eff. 6-30-06.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."