



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

February 24, 2022

The Honorable Jacqueline M. Lacy  
State's Attorney, Vermilion County  
Rita B. Garman Vermilion County Courthouse  
7 North Vermilion Street, Suite 201  
Danville, Illinois 61832

Dear Ms. Lacy:

I have your letter inquiring whether recently-enacted section 18-233 of the Property Tax Extension Limitation Law (PTELL) (added by Public Act 102-519, effective August 20, 2021, to be codified at 35 ILCS 200/18-233) applies to non-PTELL counties, such as Vermilion County. Because of your need for an expedited response, we will comment informally on your request.

**BACKGROUND**

The General Assembly enacted PTELL (35 ILCS 200/18-185 *et seq.* (West 2020)) to limit increases in property tax extensions and to address the unpredictable variations in amounts levied by non-home-rule taxing districts in counties in which PTELL applies. *See* Public Act 87-017, Preamble, effective October 1, 1991; *see also* 35 ILCS 200/18-185 (West 2020), as amended by Public Acts 102-263, effective August 6, 2021; 102-311, effective August 6, 2021; 102-519, effective August 20, 2021; 102-558, effective August 20, 2021. PTELL automatically applies to non-home-rule taxing districts in a county of 3,000,000 or more inhabitants, counties that are contiguous to a county of 3,000,000 or more inhabitants, and taxing districts situated in whole or in part within a county or counties where PTELL has been adopted by referendum. 35 ILCS 200/18-185 (West 2020), as amended by Public Acts 102-263, effective August 6, 2021; 102-311, effective August 6, 2021; 102-519, effective August 20, 2021; 102-558, effective August 20, 2021; 35 ILCS 200/18-213 (West 2020). In PTELL counties, non-home-rule units of local government that possess the authority to levy taxes are subject to the rate limitations set out in PTELL: a taxing district's tax extension may not be increased over the previous year's extension by more than 5% or by the percentage increase in the Consumer Price Index, whichever is less, without referendum approval. 35 ILCS 200/18-205 (West 2020).

## ANALYSIS

Public Act 102-519, effective August 20, 2021, among other things,<sup>1</sup> adds a new section 18-233 to PTELL, which provides:

Beginning in levy year 2021, a taxing district levy shall be increased by a prior year adjustment whenever an assessment decrease due to the issuance of a certificate of error, a court order issued pursuant to an assessment valuation complaint under Section 23-15,<sup>2</sup> or a final administrative decision of the Property Tax Appeal Board results in a refund from the taxing district of a portion of the property tax revenue distributed to the taxing district. On or before November 15 of each year, the county treasurer shall certify the aggregate refunds paid by a taxing district during such 12-month period for purposes of this Section. For purposes of the Property Tax Extension Limitation Law, the taxing district's most recent aggregate extension base shall not include the prior year adjustment authorized under this Section.

---

<sup>1</sup>In addition to non-substantive amendments, other changes made by Public Act 102-519 include: (i) amendments to the definition of "aggregate extension base" in section 18-185 of PTELL (35 ILCS 200/18-185 (West 2020)) with respect to tax year 2022 levies of home equity assurance programs that levied at least \$1,000,000 in property taxes in levy years 2019 and 2020; (ii) adding a new section 4.3 to the Home Equity Assurance Act (added by Public Act 102-519, effective August 20, 2021, to be codified at 65 ILCS 95/4.3) providing that the governing commission of a home equity assurance program that levied at least \$1,000,000 in property taxes in levy year 2019 or 2020 may not levy any property tax in levy year 2021; (iii) amendments to section 21-150 of the Property Tax Code (35 ILCS 200/21-150 (West 2020)) relating to the time for applying for judgments and orders of sale for taxes and special assessments on delinquent properties to allow more time for same as a result of delays due to a statewide COVID-19 public health emergency; (iv) amendments to section 21-205 of the Property Tax Code (35 ILCS 200/21-205 (West 2020)) relating to tax sale procedures; authorizing counties of under 275,000 inhabitants to implement the "single bidder rule," as defined therein, for tax sales; (v) amendments to section 21-145 of the Property Tax Code (35 ILCS 200/21-145 (West 2020)) relating to scavenger sales; providing that a scavenger sale must be held at least every two years except where the sale was delayed as a result of a statewide COVID-19 public health emergency; (vi) amendments to section 21-260 of the Property Tax Code (35 ILCS 200/21-260 (West 2020)) relating to collector's scavenger sales, authorizing the use of electronic automated sales in addition to public sales; and (vii) adding a new section 21-261 to the Property Tax Code (added by Public Act 102-519, effective August 20, 2021, to be codified at 35 ILCS 200/21-261) also relating to the authorization of electronic automated scavenger sales.

<sup>2</sup>See 35 ILCS 200/23-15 (West 2020) (tax objection procedure and hearing).

The Honorable Jacqueline Lacy

February 24, 2022

Page 3

Section 18-233 thus automatically increases a taxing district's levy by the amount of certain prior year adjustments (specifically, adjustments that result in property tax refunds) to make the taxing district whole for revenue it otherwise would have lost as a result of erroneous property tax assessments.

Subsequent to the enactment of Public Act 102-519, questions arose concerning whether section 18-233 applies only to PTELL taxing districts or to all taxing districts regardless of PTELL status. On November 16, 2021, the Illinois Department of Revenue issued a memorandum (IDOR Memorandum) to assessing officials<sup>3</sup> that provides, in pertinent part:

The Department finds that, because Section 18-233 is located within the Property Tax Code and there is no restrictive language limiting its applicability to PTELL districts only, the application of the section should be for all taxing districts. The intent of the statute seems targeted for taxing districts that have lost equalized assessed value following reductions for certificates of error, court orders and Property Tax Appeal Board decisions.

There is no indication in the first two sentences [of Section 18-233] that appear to limit the adjustments and the reporting requirement to only taxing districts subject to PTELL. Furthermore, this interpretation is further supported because the third sentence starts with, "[f]or purposes of the *Property Tax Extension Limitation Law*," which makes a clarification how this section would impact a PTELL taxing district. The insertion of this language would be superfluous if the rest of the section did not apply to all counties. (Emphasis in original.) IDOR Memorandum, at 3.

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly, the best indicator of which is the plain language of the statute. *Valfer v. Evanston Northwestern Healthcare*, 2016 IL 119220, ¶ 22, 55 N.E.3d 319, 326 (2016). Where statutory language is clear and unambiguous, it must be given effect as written. *Klaine v. Southern Illinois Hospital Services*, 2016 IL 118217, ¶ 14, 47 N.E.3d 966, 970 (2016). Where statutory language is ambiguous, however, it is appropriate to examine the legislative history to determine intent. *BAC Home Loans Servicing, LP v. Mitchell*, 2014 IL 116311, ¶ 38, 6 N.E.3d 162, 170 (2014).

---

<sup>3</sup>Memorandum to Assessing Officials from Local Government Services Bureau, Illinois Department of Revenue: Adjustments for Certificates of Error, Certain Court Orders, or Final Administrative Decisions of the Property Tax Appeal Board (November 16, 2021).

Section 18-233 of PTELL provides, in pertinent part, that "[b]eginning in levy year 2021, a *taxing district levy* shall be increased by a prior year adjustment whenever an assessment decrease due to [specified events] results in a refund *from the taxing district* of a portion of the property tax revenue distributed *to the taxing district*." (Emphasis added.) Section 18-233 thus plainly applies to "taxing districts."

When a statute defines the terms it uses, those terms must be construed according to the definition contained in the statute. *State Farm Mutual Automobile Insurance Co. v. Universal Underwriters Group*, 182 Ill. 2d 240, 244, 695 N.E.2d 848, 850 (1998). While the term "taxing district" applicable to the Property Tax Code as a whole (35 ILCS 200/1-1 *et seq.* (West 2020)) is defined to mean "[a]ny unit of local government, school district or community college district with the power to levy taxes[.]" (35 ILCS 200/1-150 (West 2020)), PTELL provides a more limited definition of the term. Specifically, section 18-185 of PTELL (35 ILCS 200/18-185 (West 2020), as amended by Public Acts 102-263, effective August 6, 2021; 102-311, effective August 6, 2021; 102-519, effective August 20, 2021; 102-558, effective August 20, 2021) defines "taxing district" as follows:

*"Taxing district" has the same meaning provided in Section 1-150 [of the Property Tax Code], except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213,<sup>4</sup> "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213. (Emphasis added.)*

The language of section 18-185 of PTELL, which defines the scope of the term "taxing district" for purposes of PTELL, unequivocally limits the meaning of that term to taxing districts that are subject to PTELL by virtue of geographic location (*i.e.*, Cook County and the collar counties) or referendum. All PTELL taxing districts are "unit[s] of local government, school district[s] or community college district[s] with the power to levy taxes" as generally defined by section 1-150 of the Property Tax Code. However, not all taxing districts for

---

<sup>4</sup>See 35 ILCS 200/18-213 (West 2020) (referenda on the applicability of PTELL).

purposes of the Property Tax Code are PTELL taxing districts. Accordingly, a comparison of the plain language of the definition of "taxing district" applicable to provisions of the Property Tax Code generally (35 ILCS 200/1-150 (West 2020)) and the plain language of the definition of "taxing district" applicable to PTELL clearly indicates that section 18-233 applies only to taxing districts that are subject to PTELL.<sup>5</sup>

The IDOR Memorandum asserts that the last sentence in section 18-233, which provides that "[f]or purposes of the Property Tax Extension Limitation Law, the taxing district's most recent aggregate extension base shall not include the prior year adjustment authorized under this Section[,]," supports a conclusion that the section applies to both PTELL and non-PTELL taxing districts. To the extent that this language provides any ambiguity to the entirety of the provision, the legislative debates for Senate Bill 508, which as enacted became Public Act 102-519, and which added section 18-233 of PTELL, address the intended meaning of the last sentence.<sup>6</sup>

*[T]o provide clarity for county clerks and ensure that the levy authority created in section 18-233 is outside the PTELL limitation, [the] floor amendment also adds the following language to section 18-233: for the purposes of the Property Tax Extension Limitation Law, the taxing districts' most recent aggregate extension base shall not include the prior year adjustment authorized under this section. (Emphasis added.)*  
Remarks of Senator Hastings, May 31, 2021, Senate Debate on Senate Bill No. 508 (Senate Audio Floor Debate).

Senator Hastings' remarks thus indicate that the reference to PTELL in the last sentence of what is now section 18-233 is merely intended to clarify that the assessment error adjustments contemplated by section 18-233 of PTELL do not impact the rate cap calculations to which PTELL taxing districts are subject.

---

<sup>5</sup>We would further note that the General Assembly did not elect to reference the assessment error adjustment provisions of section 18-233 in any other provision of the Property Tax Code. See note 1. The levy adjustment provisions of section 18-233 are referenced solely within PTELL.

<sup>6</sup>Transcripts of the Senate and House floor debates on Senate Bill 508 are not yet available on the Illinois General Assembly's website (<https://www.ilga.gov/senate/transcripts/default.asp>; <https://www.ilga.gov/house/transcripts/default.asp>). The debate language quoted in this letter is taken from this office's transcription of the relevant portions of the floor debates of the Senate and House for Senate Bill 508 using audio recordings obtained from the Secretary of the Senate and the Clerk of the House.

We would further note that a review of the legislative debates for Senate Bill 508 supports the interpretation that section 18-233 applies only to taxing districts in which PTELL applies. Notably, Senator DeWitte explained the purpose of the language in what is now section 18-233 as follows:

*Senate Bill 508 amends the Property Tax Extension Limitation Law known as PTELL, under the Property Tax Code, to provide that a taxing district's aggregate extension base will be adjusted in the following levy year to account for certificates of error and board of review or PTAB [Property Tax Appeal Board] decisions issued in the previous levy year. In a nutshell ladies and gentlemen this bill assures that any appropriation assessed to a government entity will be paid the following year at 100% of that assessment without the adjustments being made. Those adjustments in assessment will be moved to the following levy year. (Emphasis added.) Remarks of Senator DeWitte, April 22, 2021, Senate Debate on Senate Bill No. 508 (Senate Audio Floor Debate).*

Additionally, Representative Reick provided the below explanation of the impetus for the language in what is now section 18-233 of PTELL:

*What we have here folks is a situation where we have an appeal that happened in Senator DeWitte's district that resulted in a pretty remarkable change in the property tax levy for that company and what we're looking at here is a request to maintain the levy for the local districts at that level for one year. (Emphasis added.) Remarks of Representative Reick, May 31, 2021, House Debate on Senate Bill No. 508 (House Audio Floor Debate).*

Senator DeWitte serves the 33<sup>rd</sup> Legislative District, which includes Kane and McHenry Counties.<sup>7</sup> Kane County and McHenry County are both contiguous to Cook County and

---

<sup>7</sup>See Illinois Blue Book 59, 92 (2021-2022).

therefore are subject to PTELL.<sup>8</sup> The legislative debates thus evince an intent that the language of section 18-233 of PTELL applies only to taxing districts that are subject to PTELL.

### CONCLUSION

Based on our analysis of relevant statutory provisions and the legislative history discussed above, the assessment error adjustment provisions of section 18-233 of the Property Tax Extension Limitation Law are applicable only to taxing districts that are subject to PTELL and are not applicable to other taxing districts that are not subject to PTELL.

In closing, we note that there are two bills pending in the General Assembly that would repeal section 18-233 of PTELL and add modified versions of section 18-233 to a new section in the Property Tax Code applicable to all Illinois taxing districts as defined in section 1-150 of the Property Tax Code. 102<sup>nd</sup> Ill. Gen. Assem., House Bill 4130, 2021 Sess.; 102<sup>nd</sup> Ill. Gen. Assem., Senate Bill 3204, 2022 Sess. House Bill 4130 was referred to the House Rules Committee on September 9, 2021, and Senate Bill 3204 was referred to the Senate Assignments Committee on January 14, 2022. As of the date of this letter, no further action has been taken on either bill. You may wish to monitor these bills as well as any other proposed legislation that would amend the Property Tax Code to apply the assessment error adjustment provisions to all Illinois taxing districts.

---

<sup>8</sup>Senator DeWitte also made the following remarks during debate on Senate Bill 508:

I want to thank Senator Hastings for helping out with this legislation. The core legislation in this bill was SB 508 which was the PTELL legislation that gives every government entity on everyone's property tax bill 100% of their assessed valuation the following year when it pays out. Any corrections or credits are then incorporated into the following year's total assessment. This is a very good bill for all of your government entities in your districts. I think they will be very pleased to know that the money they are assessed in one year they can count on seeing to help run their government entities the following year. Remarks of Senator DeWitte, May 31, 2021, Senate Debate on Senate Bill No. 508 (Senate Audio Floor Debate).

The reference to "every government entity[.]" if read on its own, could be interpreted to evince an intent that the language applies to all taxing districts and not solely to those subject to PTELL. However, the continued references to PTELL, coupled with the other remarks concerning what is now section 18-233 of PTELL, indicate that the language was intended to apply only to PTELL taxing districts.

The Honorable Jacqueline Lacy  
February 24, 2022  
Page 8

This is not an official opinion of the Attorney General. If we may be of further assistance, please advise.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kristin M. Creel".

KRISTIN M. CREEL  
Assistant Attorney General  
Chief, Opinions Bureau

KMC:KAS:an