

SB3212



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3212

Introduced 2/15/2018, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.6 rep.
35 ILCS 5/226

Amends the Illinois Income Tax Act. Provides that nothing in the Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with the natural disaster credit. Amends the Freedom of Information Act. Repeals a Section providing that nothing in the Act prohibits the disclosure of information by officials of a county or municipality involving reports of damaged property or the owners of damaged property if that disclosure is made to a township or county assessment official in connection with the natural disaster income tax credit.

LRB100 18360 HEP 36142 b

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 (5 ILCS 140/7.6 rep.)

5 Section 5. The Freedom of Information Act is amended by
6 repealing Section 7.6.

7 Section 10. The Illinois Income Tax Act is amended by
8 changing Section 226 as follows:

9 (35 ILCS 5/226)

10 Sec. 226. Natural disaster credit.

11 (a) For taxable years that begin on or after January 1,
12 2017 and begin prior to January 1, 2018, each taxpayer who owns
13 qualified real property located in a county in Illinois that
14 was declared a State disaster area by the Governor due to
15 flooding in 2017 is entitled to a credit against the taxes
16 imposed by subsections (a) and (b) of Section 201 of this Act
17 in an amount equal to the lesser of \$750 or the deduction
18 allowed (whether or not the taxpayer determines taxable income
19 under subsection (b) of Section 63 of the Internal Revenue
20 Code) with respect to the qualified property under Section 165
21 of the Internal Revenue Code, determined without regard to the
22 limitations imposed under subsection (h) of that Section. The

1 township assessor or, if the township assessor is unable, the
2 chief county assessment officer of the county in which the
3 property is located, shall issue a certificate to the taxpayer
4 identifying the taxpayer's property as damaged as a result of
5 the natural disaster. The certificate shall include the name
6 and address of the property owner, as well as the property
7 index number or permanent index number (PIN) of the damaged
8 property. The taxpayer shall attach a copy of such certificate
9 to the taxpayer's return for the taxable year for which the
10 credit is allowed.

11 (b) In no event shall a credit under this Section reduce a
12 taxpayer's liability to less than zero. If the amount of credit
13 exceeds the tax liability for the year, the excess may be
14 carried forward and applied to the tax liability for the 5
15 taxable years following the excess credit year. The tax credit
16 shall be applied to the earliest year for which there is a tax
17 liability. If there are credits for more than one year that are
18 available to offset liability, the earlier credit shall be
19 applied first.

20 (c) If the taxpayer is a partnership or Subchapter S
21 corporation, the credit shall be allowed to the partners or
22 shareholders in accordance with the determination of income and
23 distributive share of income under Sections 702 and 704 and
24 Subchapter S of the Internal Revenue Code.

25 (d) A taxpayer is not entitled to the credit under this
26 Section if the taxpayer receives a Natural Disaster Homestead

1 Exemption under Section 15-173 of the Property Tax Code with
2 respect to the qualified real property as a result of the
3 natural disaster.

4 (e) The township assessor or, if the township assessor is
5 unable to certify, the chief county assessment officer of the
6 county in which the property is located, shall certify to the
7 Department a listing of the properties located within the
8 county that have been damaged as a result of the natural
9 disaster (including the name and address of the property owner
10 and the property index number or permanent index number (PIN)
11 of each damage property).

12 (f) As used in this Section:

13 (1) "Qualified real property" means real property that
14 is: (i) the taxpayer's principal residence or owned by a
15 small business; (ii) damaged during the taxable year as a
16 result of a disaster; and (iii) not used in a rental or
17 leasing business.

18 (2) "Small business" has the meaning given to that term
19 in Section 1-75 of the Illinois Administrative Procedure
20 Act.

21 (g) Nothing in this Act prohibits the disclosure of
22 information by officials of a county or municipality involving
23 reports of damaged property or the owners of damaged property
24 if that disclosure is made to a township or county assessment
25 official in connection with a credit obtained or sought under
26 this Section.

SB3212

- 4 -

LRB100 18360 HEP 36142 b

1 (Source: P.A. 100-555, eff. 11-16-17.)