



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3445

by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

35 ILCS 200/11-10
35 ILCS 200/11-15
35 ILCS 200/11-25

Amends the Property Tax Code. Provides that the term "pollution control facility" also includes any system, method, construction, device or appliance appurtenant thereto, or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of complying with federal or State requirements enacted or promulgated to eliminate, prevent, or reduce air pollution or water pollution. In a Section concerning valuation of pollution control facilities, removes a provision requiring the Department to consider the actual or probable net earnings attributable to the facilities in question, capitalized on the basis of their productive earning value to their owner. Provides that the effective date of a pollution control facility certificate shall be January 1 of the year in which the certificate is issued.

LRB100 08625 HLH 18759 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 Sections 11-10, 11-15, and 11-25 as follows:

6 (35 ILCS 200/11-10)

7 Sec. 11-10. Definition of pollution control facilities.

8 "Pollution control facilities" means any system, method,
9 construction, device or appliance appurtenant thereto, or any
10 portion of any building or equipment, that is designed,
11 constructed, installed or operated for the primary purpose of:

12 (a) eliminating, preventing, or reducing air or water
13 pollution, as the terms "air pollution" and "water pollution"
14 are defined in the Environmental Protection Act, or for
15 complying with federal or State requirements enacted or
16 promulgated to eliminate, prevent, or reduce air pollution or
17 water pollution; or

18 (b) treating, pretreating, modifying or disposing of any
19 potential solid, liquid or gaseous pollutant which if released
20 without treatment, pretreatment, modification or disposal
21 might be harmful, detrimental or offensive to human, plant or
22 animal life, or to property. "Pollution control facilities"
23 shall not include, however,

1 (1) any facility with the primary purpose of (i)
2 eliminating, containing, preventing or reducing
3 radioactive contaminants or energy, or (ii) treating waste
4 water produced by the nuclear generation of electric power,

5 (2) any large diameter pipes or piping systems used to
6 remove and disperse heat from water involved in the nuclear
7 generation of electric power,

8 (3) any facility operated by any person other than a
9 unit of government, whether within or outside of the
10 territorial boundaries of a unit of local government, for
11 sewage disposal or treatment, or

12 (4) land underlying a cooling pond.

13 (Source: P.A. 83-883; 88-455.)

14 (35 ILCS 200/11-15)

15 Sec. 11-15. Method of valuation for pollution control
16 facilities. To determine 33 1/3% of the fair cash value of any
17 certified pollution control facilities in assessing those
18 facilities, the Department shall take into consideration ~~the~~
19 ~~actual or probable net earnings attributable to the facilities~~
20 ~~in question, capitalized on the basis of their productive~~
21 ~~earning value to their owner;~~ the probable net value which
22 could be realized by their owner if the facilities were removed
23 and sold at a fair, voluntary sale, giving due account to the
24 expense of removal and condition of the particular facilities
25 in question; and other information as the Department may

1 consider as bearing on the fair cash value of the facilities to
2 their owner, consistent with the principles set forth in this
3 Section. ~~For the purposes of this Code, earnings shall be~~
4 ~~attributed to a pollution control facility only to the extent~~
5 ~~that its operation results in the production of a commercially~~
6 ~~saleable by product or increases the production or reduces the~~
7 ~~production costs of the products or services otherwise sold by~~
8 ~~the owner of such facility.~~

9 (Source: P.A. 83-121; 88-455.)

10 (35 ILCS 200/11-25)

11 Sec. 11-25. Certification procedure. Application for a
12 pollution control facility certificate shall be filed with the
13 Pollution Control Board in a manner and form prescribed in
14 regulations issued by that board. The application shall contain
15 appropriate and available descriptive information concerning
16 anything claimed to be entitled in whole or in part to tax
17 treatment as a pollution control facility. If it is found that
18 the claimed facility or relevant portion thereof is a pollution
19 control facility as defined in Section 11-10, the Pollution
20 Control Board, acting through its Chairman or his or her
21 specifically authorized delegate, shall enter a finding and
22 issue a certificate to that effect. The certificate shall
23 require tax treatment as a pollution control facility, but only
24 for the portion certified if only a portion is certified. The
25 effective date of a certificate shall be January 1 of the year

1 in which the certificate is issued ~~the date of application for~~
2 ~~the certificate or the date of the construction of the~~
3 ~~facility, which ever is later.~~

4 (Source: P.A. 76-2451; 88-455; revised 9-13-16.)