



Sen. Dan Cronin

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09300HB6760sam001

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1 AMENDMENT TO HOUSE BILL 6760

2 AMENDMENT NO. _____. Amend House Bill 6760 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 15-35 as follows:

6 (35 ILCS 200/15-35)

7 Sec. 15-35. Schools. All property donated by the United
8 States for school purposes, and all property of schools, not
9 sold or leased or otherwise used with a view to profit, is
10 exempt, whether owned by a resident or non-resident of this
11 State or by a corporation incorporated in any state of the
12 United States. Also exempt is:

13 (a) property of schools which is leased to a
14 municipality to be used for municipal purposes on a
15 not-for-profit basis;

16 (b) property of schools on which the schools are
17 located and any other property of schools used by the
18 schools exclusively for school purposes, including, but
19 not limited to, student residence halls, dormitories and
20 other housing facilities for students and their spouses and
21 children, staff housing facilities, and school-owned and
22 operated dormitory or residence halls occupied in whole or
23 in part by students who belong to fraternities, sororities,
24 or other campus organizations;

1 (c) property donated, granted, received or used for
2 public school, college, theological seminary, university,
3 or other educational purposes, whether held in trust or
4 absolutely;

5 (d) in counties with more than 200,000 inhabitants
6 which classify property, property (including interests in
7 land and other facilities) on or adjacent to (even if
8 separated by a public street, alley, sidewalk, parkway or
9 other public way) the grounds of a school, if that property
10 is used by an academic, research or professional society,
11 institute, association or organization which serves the
12 advancement of learning in a field or fields of study
13 taught by the school and which property is not used with a
14 view to profit;

15 (e) property owned by a school district. The exemption
16 under this subsection is not affected by any transaction in
17 which, for the purpose of obtaining financing, the school
18 district, directly or indirectly, leases or otherwise
19 transfers the property to another for which or whom
20 property is not exempt and immediately after the lease or
21 transfer enters into a leaseback or other agreement that
22 directly or indirectly gives the school district a right to
23 use, control, and possess the property. In the case of a
24 conveyance of the property, the school district must retain
25 an option to purchase the property at a future date or,
26 within the limitations period for reverters, the property
27 must revert back to the school district.

28 (1) If the property has been conveyed as described
29 in this subsection, the property is no longer exempt
30 under this Section as of the date when:

31 (A) the right of the school district to use,
32 control, and possess the property is terminated;

33 (B) the school district no longer has an option
34 to purchase or otherwise acquire the property; and

1 (C) there is no provision for a reverter of the
2 property to the school district within the
3 limitations period for reverters.

4 (2) Pursuant to Sections 15-15 and 15-20 of this
5 Code, the school district shall notify the chief county
6 assessment officer of any transaction under this
7 subsection. The chief county assessment officer shall
8 determine initial and continuing compliance with the
9 requirements of this subsection for tax exemption.
10 Failure to notify the chief county assessment officer
11 of a transaction under this subsection or to otherwise
12 comply with the requirements of Sections 15-15 and
13 15-20 of this Code shall, in the discretion of the
14 chief county assessment officer, constitute cause to
15 terminate the exemption, notwithstanding any other
16 provision of this Code.

17 (3) No provision of this subsection shall be
18 construed to affect the obligation of the school
19 district to which an exemption certificate has been
20 issued under this Section from its obligation under
21 Section 15-10 of this Code to file an annual
22 certificate of status or to notify the chief county
23 assessment officer of transfers of interest or other
24 changes in the status of the property as required by
25 this Code.

26 (4) The changes made by this amendatory Act of the
27 91st General Assembly are declarative of existing law
28 and shall not be construed as a new enactment; ~~and~~

29 (f) in counties with more than 200,000 inhabitants
30 which classify property, property of a corporation, which
31 is an exempt entity under paragraph (3) of Section 501(c)
32 of the Internal Revenue Code or its successor law, used by
33 the corporation for the following purposes: (1) conducting
34 continuing education for professional development of

1 personnel in energy-related industries; (2) maintaining a
2 library of energy technology information available to
3 students and the public free of charge; and (3) conducting
4 research in energy and environment, which research results
5 could be ultimately accessible to persons involved in
6 education; and -

7 (g) property for which a school district enters into a
8 contract to purchase for its administrative offices and,
9 for the purpose of obtaining financing, the school
10 district, prior to the transfer of title to the school
11 district, transfers or otherwise assigns its interest in
12 the contract to another entity for which the property is
13 not otherwise exempt and, thereafter, the school district
14 enters into a lease or other agreement that, directly or
15 indirectly, gives the school district the right to use,
16 control, and possess the property. The lease or other
17 agreement shall satisfy the ownership requirement for
18 property tax exemption purposes under this Act if the
19 school district retains an option to purchase the property
20 at a future date. The property shall be exempt even if the
21 title holder, through a trust agreement or otherwise,
22 issues certificates of participation, the proceeds of
23 which will be used to finance the acquisition of the
24 property. The changes made by this amendatory Act of the
25 93rd General Assembly are declarative of existing law and
26 shall not be construed as a new enactment.

27 (Source: P.A. 91-513, eff. 8-13-99; 91-578, eff. 8-14-99;
28 92-16, eff. 6-28-01.)".