



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0973

Introduced 2/3/2005, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

35 ILCS 200/20-115
35 ILCS 200/20-120
35 ILCS 200/20-165
35 ILCS 200/21-295
35 ILCS 516/235

Amends the Property Tax Code. Provides that the county collector may transmit the report of the amount of county taxes received to the county clerk in an electronic format. In a Section concerning accounts for the collector and treasurer, requires the each county clerk and county collector to keep, in written or electronic format, an account stating the amount of county tax to be collected, and the county tax received by him or her from sales and redemptions of forfeited property, and any other county funds that come into the collector's hands (now, each county clerk must keep the account with the county collector). Deletes provisions concerning procedures for the operation of the accounts. Provides that all persons paying money into the county treasury, for all purposes except the county taxes, must deposit the money with the treasurer (now, all persons paying money into the treasury must first obtain, from the county clerk, an order to the treasurer to collect the money). In a Section concerning the lists of errors and inability to collect, deletes a provision that the lists shall be verified by affidavit of the county collector. Amends the Property Tax Code and the Mobile Home Local Services Tax Enforcement Act in a Sections concerning the indemnity funds. Provides that the county collector shall report annually to the county clerk (now, the Circuit Court) on the condition and income of the fund. Effective immediately.

LRB094 07313 BDD 37471 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 20-115, 20-120, 20-165, and 21-295 as follows:

6 (35 ILCS 200/20-115)

7 Sec. 20-115. Report of taxes collected; credits. The county
8 collector shall, on the first of every month, report to the
9 county clerk, in writing, which may be transmitted
10 electronically, the amount of county tax received during the
11 preceding month. The county collector shall keep the account as
12 collector of taxes separate from the account as county
13 treasurer. He or she shall credit the account as collector with
14 the amount of his or her monthly reports to the county clerk,
15 and with the amount of bankruptcies, removals, errors,
16 forfeitures, and other credits allowed him or her on settlement
17 with the county board. As county treasurer, he or she shall
18 charge himself or herself with the amount shown in his or her
19 monthly report to the county clerk and such other amounts as
20 may be received as county treasurer. The county board may
21 examine the account and vouchers at any time, by committee or
22 otherwise.

23 (Source: Laws 1939, p. 886; P.A. 88-455.)

24 (35 ILCS 200/20-120)

25 Sec. 20-120. Accounts for collector and treasurer. Each
26 county clerk and county collector shall keep, in written or
27 electronic format, an account stating ~~with the county~~
28 ~~collector, charging him or her with~~ the amount of county tax to
29 be collected, and ~~with~~ the county tax received by him or her
30 from sales and redemptions of forfeited property, and any other
31 county funds that shall come into the collector's hands. All

1 ~~The county clerk shall credit the collector with the amounts~~
2 ~~ascertained as required in Section 20-115, charged to the~~
3 ~~county treasurer's account monthly and with the amount of~~
4 ~~county tax on bankruptcies, removals, errors, forfeited~~
5 ~~property, and other credits. The county clerks shall also keep~~
6 ~~a treasurer's account with the county treasurer of their~~
7 ~~counties. The treasurer shall be charged with the amount of~~
8 ~~money reported in the collector's monthly statements required~~
9 ~~by Section 20-115, and all amounts paid to the county~~
10 ~~treasurers from sources other than the county. It is the duty~~
11 ~~of all persons paying money into the county treasury, for all~~
12 ~~purposes except the county taxes, must deposit it with ~~to first~~~~
13 ~~obtain from the county clerk an order to the treasurer to~~
14 ~~collect the money.~~ The treasurer shall give duplicate receipts
15 to the person paying, one to be ~~countersigned by the county~~
16 ~~clerk and~~ retained by the person paying and the other filed in
17 the county treasurer's ~~clerk's~~ office. ~~The amount shall be~~
18 ~~charged against the treasurer.~~

19 (Source: Laws 1939, p. 886; P.A. 88-455.)

20 (35 ILCS 200/20-165)

21 Sec. 20-165. List of errors and inability to collect. On or
22 before the third Monday in December, annually, the county
23 collector shall make out and file with the county clerk a
24 detailed list of errors in assessment of property and errors in
25 footing of tax books, giving in each case a description of the
26 property, the valuation and amount of each tax and special
27 assessment, and cause of error. ~~The lists shall be verified by~~
28 ~~affidavit of the county collector.~~ County collectors, in cases
29 of removals and bankruptcies of taxpayers, may give the same
30 cause for the inability to collect as sworn to by the township
31 collectors, stating in their return that such was the statement
32 made by the township collector, and that the tax still remains
33 uncollected.

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

1 (35 ILCS 200/21-295)

2 Sec. 21-295. Creation of indemnity fund.

3 (a) In counties of less than 3,000,000 inhabitants, each
4 person purchasing any property at a sale under this Code shall
5 pay to the County Collector, prior to the issuance of any
6 certificate of purchase, a fee of \$20 for each item purchased.
7 A like sum shall be paid for each year that all or a portion of
8 subsequent taxes are paid by the tax purchaser and posted to
9 the tax judgment, sale, redemption and forfeiture record where
10 the underlying certificate of purchase is recorded.

11 (a-5) In counties of 3,000,000 or more inhabitants, each
12 person purchasing property at a sale under this Code shall pay
13 to the County Collector a fee of \$80 for each item purchased
14 plus an additional sum equal to 5% of taxes, interest, and
15 penalties paid by the purchaser, including the taxes, interest,
16 and penalties paid under Section 21-240. In these counties, the
17 certificate holder shall also pay to the County Collector a fee
18 of \$80 for each year that all or a portion of subsequent taxes
19 are paid by the tax purchaser and posted to the tax judgment,
20 sale, redemption, and forfeiture record, plus an additional sum
21 equal to 5% of all subsequent taxes, interest, and penalties.
22 The additional 5% fees are not required after December 31,
23 2006. The changes to this subsection made by this amendatory
24 Act of the 91st General Assembly are not a new enactment, but
25 declaratory of existing law.

26 (b) The amount paid prior to issuance of the certificate of
27 purchase pursuant to subsection (a) or (a-5) shall be included
28 in the purchase price of the property in the certificate of
29 purchase and all amounts paid under this Section shall be
30 included in the amount required to redeem under Section 21-355.
31 Except as otherwise provided in subsection (b) of Section
32 21-300, all money received under subsection (a) or (a-5) shall
33 be paid by the Collector to the County Treasurer of the County
34 in which the land is situated, for the purpose of an indemnity
35 fund. The County Treasurer, as trustee of that fund, shall
36 invest all of that fund, principal and income, in his or her

1 hands from time to time, if not immediately required for
2 payments of indemnities under subsection (a) of Section 21-305,
3 in investments permitted by the Illinois State Board of
4 Investment under Article 22A of the Illinois Pension Code. The
5 county collector shall report annually to the county clerk
6 ~~Circuit Court~~ on the condition and income of the fund. The
7 indemnity fund shall be held to satisfy judgments obtained
8 against the County Treasurer, as trustee of the fund. No
9 payment shall be made from the fund, except upon a judgment of
10 the court which ordered the issuance of a tax deed.

11 (Source: P.A. 91-564, eff. 8-14-99; 91-924, eff. 7-7-00.)

12 Section 10. The Mobile Home Local Services Tax Enforcement
13 Act is amended by changing Section 235 as follows:

14 (35 ILCS 516/235)

15 Sec. 235. Creation of indemnity fund.

16 (a) Each person purchasing any mobile home at a sale under
17 this Act shall pay to the county collector, prior to the
18 issuance of any certificate of purchase, a fee of \$20 for each
19 item purchased. A like sum shall be paid for each year that all
20 or a portion of subsequent taxes are paid by the tax purchaser
21 and posted to the tax judgment, sale, redemption and forfeiture
22 record where the underlying certificate of purchase is
23 recorded.

24 (b) The amount paid prior to issuance of the certificate of
25 purchase pursuant to subsection (a) shall be included in the
26 purchase price of the mobile home in the certificate of
27 purchase and all amounts paid under this Section shall be
28 included in the amount required to redeem under Section 300.
29 Except as otherwise provided in subsection (b) of Section 240,
30 all money received under subsection (a) shall be paid by the
31 collector to the county treasurer of the county in which the
32 mobile home is situated, for the purpose of an indemnity fund.
33 The county treasurer, as trustee of that fund, shall invest all
34 of that fund, principal and income, in his or her hands from

1 time to time, if not immediately required for payments of
2 indemnities under subsection (a) of Section 245, in investments
3 permitted by the Illinois State Board of Investment under
4 Article 22A of the Illinois Pension Act. The county collector
5 shall report annually to the county clerk ~~circuit court~~ on the
6 condition and income of the fund. The indemnity fund shall be
7 held to satisfy judgments obtained against the county
8 treasurer, as trustee of the fund. No payment shall be made
9 from the fund, except upon a judgment of the court which
10 ordered the issuance of a tax certificate of title.

11 (Source: P.A. 92-807, eff. 1-1-03.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.