



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 3408

2 AMENDMENT NO. _____. Amend Senate Bill 3408 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 9-195, 15-60, and 21-95 as follows:

6 (35 ILCS 200/9-195)

7 Sec. 9-195. Leasing of exempt property.

8 (a) Except as provided in Sections 15-35, 15-55, 15-60,
9 15-100, 15-103, 15-160, and 15-185, when property which is
10 exempt from taxation is leased to another whose property is not
11 exempt, and the leasing of which does not make the property
12 taxable, the leasehold estate and the appurtenances shall be
13 listed as the property of the lessee thereof, or his or her
14 assignee. Taxes on that property shall be collected in the same
15 manner as on property that is not exempt, and the lessee shall
16 be liable for those taxes. However, no tax lien shall attach to

1 the exempt real estate. The changes made by this amendatory Act
2 of 1997 and by this amendatory Act of the 91st General Assembly
3 are declaratory of existing law and shall not be construed as a
4 new enactment. The changes made by Public Acts 88-221 and
5 88-420 that are incorporated into this Section by this
6 amendatory Act of 1993 are declarative of existing law and are
7 not a new enactment.

8 (b) The provisions of this Section regarding taxation of
9 leasehold interests in exempt property do not apply to any
10 leasehold interest created pursuant to any transaction
11 described in subsection (e) of Section 15-35, subsection (c-5)
12 or (g) of Section 15-60, subsection (b) of Section 15-100,
13 Section 15-103, Section 15-160, or Section 15-185.

14 (Source: P.A. 97-1161, eff. 6-1-13.)

15 (35 ILCS 200/15-60)

16 Sec. 15-60. Taxing district property. All property
17 belonging to any county or municipality used exclusively for
18 the maintenance of the poor is exempt, as is all property owned
19 by a taxing district that is being held for future expansion or
20 development, except if leased by the taxing district to lessees
21 for use for other than public purposes.

22 Also exempt are:

23 (a) all swamp or overflowed lands belonging to any
24 county;

25 (b) all public buildings belonging to any county,

1 township, or municipality, with the ground on which the
2 buildings are erected;

3 (c) all property owned by any municipality located
4 within its incorporated limits. Any such property leased by
5 a municipality shall remain exempt, and the leasehold
6 interest of the lessee shall be assessed under Section
7 9-195 of this Act, (i) for a lease entered into on or after
8 January 1, 1994, unless the lease expressly provides that
9 this exemption shall not apply; (ii) for a lease entered
10 into on or after the effective date of Public Act 87-1280
11 and before January 1, 1994, unless the lease expressly
12 provides that this exemption shall not apply or unless
13 evidence other than the lease itself substantiates the
14 intent of the parties to the lease that this exemption
15 shall not apply; and (iii) for a lease entered into before
16 the effective date of Public Act 87-1280, if the terms of
17 the lease do not bind the lessee to pay the taxes on the
18 leased property or if, notwithstanding the terms of the
19 lease, the municipality has filed or hereafter files a
20 timely exemption petition or complaint with respect to
21 property consisting of or including the leased property for
22 an assessment year which includes part or all of the first
23 12 months of the lease period. The foregoing clause (iii)
24 added by Public Act 87-1280 shall not operate to exempt
25 property for any assessment year as to which no timely
26 exemption petition or complaint has been filed by the

1 municipality or as to which an administrative or court
2 decision denying exemption has become final and
3 nonappealable. For each assessment year or portion thereof
4 that property is made exempt by operation of the foregoing
5 clause (iii), whether such year or portion is before or
6 after the effective date of Public Act 87-1280, the
7 leasehold interest of the lessee shall, if necessary, be
8 considered omitted property for purposes of this Act;

9 (c-5) Notwithstanding clause (i) of subsection (c),
10 all property owned by a municipality with a population of
11 over 500,000 that is used for toll road or toll bridge
12 purposes and that is leased for those purposes to another
13 entity whose property is not exempt shall remain exempt,
14 and any leasehold interest in the property shall not be
15 subject to taxation under Section 9-195 of this Act;

16 (d) all property owned by any municipality located
17 outside its incorporated limits but within the same county
18 when used as a tuberculosis sanitarium, farm colony in
19 connection with a house of correction, or nursery, garden,
20 or farm, or for the growing of shrubs, trees, flowers,
21 vegetables, and plants for use in beautifying,
22 maintaining, and operating playgrounds, parks, parkways,
23 public grounds, buildings, and institutions owned or
24 controlled by the municipality;

25 (e) all property owned by a township and operated as
26 senior citizen housing under Sections 35-50 through

1 35-50.6 of the Township Code; ~~and~~

2 (f) all property owned by the Executive Board of the
3 Mutual Aid Box Alarm System (MABAS), a unit of
4 intergovernmental cooperation, that is used for the public
5 purpose of disaster preparedness and response for units of
6 local government and the State of Illinois pursuant to
7 Section 10 of Article VII of the Illinois Constitution and
8 the Intergovernmental Cooperation Act; and -

9 (g) all property owned by a county of more than
10 3,000,000 inhabitants, or by one or more municipalities
11 within such a county, for which a land bank has been
12 created pursuant to an ordinance or intergovernmental
13 agreement in order to promote redevelopment or reuse of
14 vacant, abandoned, or tax-delinquent properties, to
15 support targeted efforts to stabilize neighborhoods, and
16 to stimulate residential, commercial, and industrial
17 development; all property owned by a county of more than
18 3,000,000 inhabitants, or one or more municipalities
19 within such a county, for which a land bank has been
20 created pursuant to an ordinance or intergovernmental
21 agreement, that is leased for land banking purposes to
22 another entity whose property is not exempt shall remain
23 exempt, and any leasehold interest in the property shall
24 not be subject to taxation under Section 9-195 of this Act
25 for a period of 10 years.

26 All property owned by any municipality outside of its

1 corporate limits is exempt if used exclusively for municipal or
2 public purposes.

3 For purposes of this Section, "municipality" means a
4 municipality, as defined in Section 1-1-2 of the Illinois
5 Municipal Code.

6 (Source: P.A. 98-206, eff. 1-1-14.)

7 (35 ILCS 200/21-95)

8 Sec. 21-95. Tax abatement after acquisition by a
9 governmental unit. When any county, municipality, school
10 district, or park district acquires property through the
11 foreclosure of a lien, through a judicial deed, through the
12 foreclosure of receivership certificate lien, or by acceptance
13 of a deed of conveyance in lieu of foreclosing any lien against
14 the property, or when a government unit acquires property under
15 the Abandoned Housing Rehabilitation Act, or when any county or
16 other taxing district acquires a deed for property under
17 Section 21-90 or Sections 21-145 and 21-260, or when any
18 county, municipality, school district, or park district
19 acquires title to property that was to be transferred to that
20 county, municipality, school district, or park district under
21 the terms of an annexation agreement, development agreement,
22 donation agreement, plat of subdivision, or zoning ordinance by
23 an entity that has been dissolved or is being dissolved or has
24 been in bankruptcy proceedings or is in bankruptcy proceedings,
25 or when a county of more than 3,000,000 inhabitants, or one or

1 more municipalities within a county of more than 3,000,000
2 inhabitants, for which a land bank has been created pursuant to
3 an ordinance or intergovernmental agreement, acquires property
4 for land bank purposes as described in subsection (g) of
5 Section 15-60, all due or unpaid property taxes and existing
6 liens for unpaid property taxes imposed or pending under any
7 law or ordinance of this State or any of its political
8 subdivisions shall become null and void.

9 (Source: P.A. 96-1142, eff. 7-21-10.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.38 as follows:

12 (30 ILCS 805/8.38 new)

13 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 98th General Assembly.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."