

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 Section 15-185 as follows:

6 (35 ILCS 200/15-185)

7 Sec. 15-185. Exemption for leaseback property and
8 qualified leased property.

9 (a) Notwithstanding anything in this Code to the contrary,
10 all property owned by a municipality with a population of over
11 500,000 inhabitants, a unit of local government whose
12 jurisdiction includes territory located in whole or in part
13 within a municipality with a population of over 500,000
14 inhabitants, or a municipality with home rule powers that is
15 contiguous to a municipality with a population of over 500,000
16 inhabitants, shall remain exempt from taxation and any
17 leasehold interest in that property shall not be subject to
18 taxation under Section 9-195 if the property is directly or
19 indirectly leased, sold, or otherwise transferred to another
20 entity whose property is not exempt and immediately thereafter
21 is the subject of a leaseback or other agreement that directly
22 or indirectly gives the municipality or unit of local
23 government (i) a right to use, control, and possess the

1 property or (ii) a right to require the other entity, or the
2 other entity's designee or assignee, to use the property in the
3 performance of services for the municipality or unit of local
4 government. Property shall no longer be exempt under this
5 subsection as of the date when the right of the municipality or
6 unit of local government to use, control, and possess the
7 property or to require the performance of services is
8 terminated and the municipality or unit of local government no
9 longer has any option to purchase or otherwise reacquire the
10 interest in the property which was transferred by the
11 municipality or unit of local government.

12 (b) Notwithstanding anything in this Code to the contrary,
13 all property owned by a municipality with a population of over
14 500,000 inhabitants, a unit of local government whose
15 jurisdiction includes territory located in whole or in part
16 within a municipality with a population of over 500,000
17 inhabitants, or a municipality with home rule powers that is
18 contiguous to a municipality with a population of over 500,000
19 inhabitants, shall remain exempt from taxation and any
20 leasehold interest in that property is not subject to taxation
21 under Section 9-195 if the property, including dedicated public
22 property, is used by a municipality or other unit of local
23 government for the purpose of an airport or parking or for
24 waste disposal or processing or for the purposes of a port
25 district and is leased for continued use for the same purpose
26 to another entity whose property is not exempt.

1 For the purposes of this subsection (b), "airport" does not
2 include any airport property, as defined under Section 10 of
3 the O'Hare Modernization Act.

4 Any transaction described under this subsection must be
5 undertaken in accordance with all appropriate federal laws and
6 regulations.

7 (c) For purposes of this Section, "municipality" means a
8 municipality as defined in Section 1-1-2 of the Illinois
9 Municipal Code, and "unit of local government" means a unit of
10 local government as defined in Article VII, Section 1 of the
11 Constitution of the State of Illinois. The provisions of this
12 Section supersede and control over any conflicting provisions
13 of this Code.

14 (Source: P.A. 96-779, eff. 8-28-09.)