



Sen. Toi W. Hutchinson

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10100SB1379sam001

LRB101 05239 HLH 56940 a

1 AMENDMENT TO SENATE BILL 1379

2 AMENDMENT NO. _____. Amend Senate Bill 1379 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 9-155 and 9-160 and by adding Division 6 to Article 9
6 as follows:

7 (35 ILCS 200/9-155)

8 Sec. 9-155. Valuation in general assessment years.

9 (a) On or before June 1 in each general assessment year in
10 all counties with less than 3,000,000 inhabitants, and as soon
11 as he or she reasonably can in each general assessment year in
12 counties with 3,000,000 or more inhabitants, or if any such
13 county is divided into assessment districts as provided in
14 Sections 9-215 through 9-225, as soon as he or she reasonably
15 can in each general assessment year in those districts, the
16 assessor, in person or by deputy, shall actually view and

1 determine as near as practicable the value of each property
2 listed for taxation as of January 1 of that year, or as
3 provided in Section 9-180, and assess the property at 33 1/3%
4 of its fair cash value, or in accordance with Sections 10-110
5 through 10-140 and 10-170 through 10-200, or in accordance with
6 a county ordinance adopted under Section 4 of Article IX of the
7 Constitution of Illinois. The assessor or deputy shall set
8 down, in the books furnished for that purpose the assessed
9 valuation of properties in one column, the assessed value of
10 improvements in another, and the total valuation in a separate
11 column.

12 (b) When determining the value of property for assessment
13 purposes under this Code, the assessor may consider all
14 relevant information pertaining to the fair cash value of the
15 property, including, but not limited to, income and expense
16 data submitted under this Code, sales data, property
17 characteristics data, construction cost data, appraisals, and
18 other valuation information pertaining to the property
19 concerned and similar types of properties.

20 (Source: P.A. 86-1481; 87-1189; 88-455.)

21 (35 ILCS 200/9-160)

22 Sec. 9-160. Valuation in years other than general
23 assessment years.

24 (a) On or before June 1 in each year other than the general
25 assessment year, in all counties with less than 3,000,000

1 inhabitants, and as soon as he or she reasonably can in
2 counties with 3,000,000 or more inhabitants, the assessor shall
3 list and assess all property which becomes taxable and which is
4 not upon the general assessment, and also make and return a
5 list of all new or added buildings, structures or other
6 improvements of any kind, the value of which had not been
7 previously added to or included in the valuation of the
8 property on which such improvements have been made, specifying
9 the property on which each of the improvements has been made,
10 the kind of improvement and the value which, in his or her
11 opinion, has been added to the property by the improvements.
12 The assessment shall also include or exclude, on a
13 proportionate basis in accordance with the provisions of
14 Section 9-180, all new or added buildings, structures or other
15 improvements, the value of which was not included in the
16 valuation of the property for that year, and all improvements
17 which were destroyed or removed. In case of the destruction or
18 injury by fire, flood, cyclone, storm or otherwise, or removal
19 of any structures of any kind, or of the destruction of or any
20 injury to orchard timber, ornamental trees or groves, the value
21 of which has been included in any former valuation of the
22 property, the assessor shall determine as near as practicable
23 how much the value of the property has been diminished, and
24 make return thereof.

25 (b) Beginning January 1, 1996, the authority within a unit
26 of local government that is responsible for issuing building or

1 occupancy permits shall notify the chief county assessment
2 officer, by December 31 of the assessment year, when a full or
3 partial occupancy permit has been issued for a parcel of real
4 property. The chief county assessment officer shall include in
5 the assessment of the property for the current year the
6 proportionate value of new or added improvements on that
7 property from the date the occupancy permit was issued or from
8 the date the new or added improvement was inhabitable and fit
9 for occupancy or for intended customary use until December 31
10 of that year. If the chief county assessment officer has
11 already certified the books for the year, the board of review
12 or interim board of review shall assess the new or added
13 improvements on a proportionate basis for the year in which the
14 occupancy permit was issued or the new or added improvement was
15 inhabitable and fit for occupancy or for intended customary
16 use. The proportionate value of the new or added improvements
17 may be assessed by the board of review or interim board of
18 review as omitted property pursuant to Sections 9-265, 9-270,
19 16-50 and 16-140 in a subsequent year on a proportionate basis
20 for the year in which the occupancy permit was issued or the
21 new or added improvement was inhabitable and fit for occupancy
22 or for intended customary use if it was not assessed in that
23 year.

24 (c) When determining the value of property for assessment
25 purposes under this Code, the assessor may consider all
26 relevant information pertaining to the fair cash value of the

1 property, including, but not limited to, income and expense
2 data submitted under this Act, sales data, property
3 characteristics data, construction cost data, appraisals, and
4 other valuation information pertaining to the property
5 concerned and similar types of properties.

6 (Source: P.A. 91-486, eff. 1-1-00.)

7 (35 ILCS 200/Art. 9 Div. 6 heading new)

8 Division 6. Income Producing Property

9 (35 ILCS 200/9-280 new)

10 Sec. 9-280. Definitions. As used in this Article:

11 "Income and expense data" means annual reports or documents
12 created in the ordinary course of business documenting income
13 generated from and expenses associated with income producing
14 property. The term "income and expense data" includes federal
15 income tax returns related to income producing property, such
16 as Internal Revenue Service Schedule E or Schedule 8825, annual
17 reports, rent rolls, and certified or uncertified annual income
18 and expense statements reflecting revenue and costs
19 attributable to the property for the current and immediately
20 preceding calendar year.

21 "Income producing property" means non-owner-occupied real
22 property that is owned for the purpose of generating income
23 from the property itself, whether or not that property actually
24 generates income in a particular year, and includes hotels and

1 motels, parking garages and lots, senior and adult care
2 facilities, gas stations, and self-storage facilities, but
3 does not include:

4 (1) property with an assessed value of \$100,000 or less
5 in the most recent assessment year;

6 (2) residential property containing 6 or fewer
7 dwelling units; or

8 (3) property assessed as a farm under Section 10-110 of
9 this Code.

10 "Property" has the meaning set forth in Section 1-130 of
11 this Code and includes contiguous parcels or property index
12 numbers that comprise one functional property location.

13 (35 ILCS 200/9-281 new)

14 Sec. 9-281. Income producing properties.

15 (a) In counties with 3,000,000 or more inhabitants,
16 taxpayers of income producing property shall submit income and
17 expense data annually to the chief county assessment officer on
18 or before July 1 of each year. The chief county assessment
19 officer may extend the time within which taxpayers are required
20 to submit income and expense data under this Section for good
21 cause shown in accordance with rules adopted under this
22 Section. Taxpayers shall certify under oath in a signed
23 notarized attestation that such information is true, accurate,
24 and complete.

25 In counties with fewer than 3,000,000 inhabitants, the

1 county board may provide by resolution that taxpayers of income
2 producing property shall submit income and expense data
3 annually to the chief county assessment officer on or before
4 March 30 of each year. The chief county assessment officer may
5 extend the time within which taxpayers are required to submit
6 income and expense data under this Section for good cause shown
7 in accordance with rules adopted under this Section. Taxpayers
8 shall certify under oath in a signed notarized attestation that
9 such information is true, accurate, and complete.

10 (b) The chief county assessment officer of (i) a county
11 with 3,000,000 more inhabitants or (ii) a county that has
12 adopted by resolution the provisions of subsection (a) shall
13 establish rules regarding the submission of income and expense
14 data and the administration of this Section in the county. The
15 income and expense data may be submitted in electronic form.

16 (c) If a taxpayer fails to submit income and expense data
17 as required under this Section within the time prescribed, or
18 within an extended period as permitted by the chief county
19 assessment officer, the assessor shall send notice to the
20 taxpayer of the failure to comply. If the taxpayer fails to
21 submit the required data within 60 days after such notice is
22 sent, the taxpayer shall pay a penalty to the chief county
23 assessment officer of 0.5% of the prior year's assessed value
24 for the property at issue, but in no case shall the taxpayer be
25 obligated to pay more than \$100,000 per property.

26 The State's Attorney of the county in which the property is

1 located shall have power to act on behalf of the people and the
2 chief county assessment officer to initiate or enforce the
3 provisions of this Section, including the power to compel by
4 subpoena the production of taxpayer income and expense data
5 that is required to be produced under this Section.

6 (d) Penalties collected by the chief county assessment
7 officer under this Section for a taxpayer's failure to timely
8 submit income and expense data shall be collected in the same
9 manner as other fees collected by the chief county assessment
10 officer. Seventy-five percent of such revenue shall be
11 deposited into a fund to support data modernization and
12 implementation and enforcement of this Section, and 25% of the
13 revenue shall be distributed to the county treasurer and
14 deposited in the county's general fund of the county in which
15 the property is located.

16 (e) Any personal data such as federal identification or
17 social security numbers and income tax forms that are included
18 in income and expense data produced under this Section shall be
19 deemed private information and exempt from disclosure under the
20 Freedom of Information Act. Non-personal income and expense
21 data shall not be subject to disclosure in accordance with the
22 Freedom of Information Act or other applicable law. Nothing in
23 this Section prohibits a chief county assessment officer from
24 disclosing compiled and anonymized income and expense data.

25 (f) All information received by the chief county assessment
26 officer from income and expense data filed under this Article

1 shall be used only for official purposes. Any person who
2 divulges such information, other than when data is compiled and
3 anonymized as permitted in this Article or when the information
4 is released in accordance with a proper judicial order or as
5 otherwise provided by law, shall be subject to a fine not to
6 exceed \$1,000 and disciplined up to and including termination
7 of employment with the chief county assessment officer.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".