

1 AMENDMENT TO SENATE BILL 785

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 785 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding  
5 Sections 5.595 and 6z-59 as follows:

6 (30 ILCS 105/5.595 new)

7 Sec. 5.595. The Tax Recovery Fund.

8 (30 ILCS 105/6z-59 new)

9 Sec. 6z-59. The Tax Recovery Fund. There is created in  
10 the State treasury the Tax Recovery Fund. Through December  
11 31, 2010, all moneys received from the rental, authorized  
12 under Section 2705-555 of the Department of Transportation  
13 Law of the Civil Administrative Code of Illinois, of land,  
14 buildings, or improvements on property held for development  
15 of an airport in Will County by the Department of  
16 Transportation shall be remitted to the State Treasurer for  
17 payment into the Tax Recovery Fund. Subject to appropriation,  
18 the moneys in the Fund shall be expended with the following  
19 priority: (1) to compensate taxing districts for leasehold  
20 taxes then (2) to the General Revenue Fund less any money  
21 necessary to pay maintenance and repair costs for that real

1 property. The tax compensation shall be determined in  
2 accordance with Sections 9-195 and 15-55 of the Property Tax  
3 Code. Expenditures for these purposes may be made by  
4 Department of Transportation without regard to the fiscal  
5 year in which tax compensation liability and property  
6 maintenance and repair costs were incurred. Unexpended moneys  
7 in the Fund shall not be transferred or allocated by the  
8 Comptroller or Treasurer to any other fund nor shall the  
9 Governor authorize the transfer or allocation of those moneys  
10 to any other fund. After December 31, 2010, all moneys  
11 received from the rental, authorized under Section 2705-555  
12 of the Department of Transportation Law of the Civil  
13 Administrative Code of Illinois, of land, buildings, or  
14 improvements on property held for the development of an  
15 airport in Will County by the Department of Transportation  
16 shall not be remitted to the Tax Recovery Fund but shall  
17 instead be paid to the General Revenue Fund. The balance  
18 remaining in the Tax Recovery Fund on December 31, 2010 shall  
19 first be expended to compensate taxing districts for  
20 leasehold taxes for the 2010 tax assessment year, and then  
21 transferred to the General Revenue Fund for the purpose of  
22 debt service on State bonds issued to provide funds for  
23 airport land acquisition in Will County.

24 Section 10. The Property Tax Code is amended by changing  
25 Section 15-55 as follows:

26 (35 ILCS 200/15-55)

27 Sec. 15-55. State property. All property belonging to  
28 the State of Illinois is exempt. However, the State agency  
29 holding title shall file the certificate of ownership and use  
30 required by Section 15-10, together with a copy of any  
31 written lease or agreement, in effect on March 30 of the  
32 assessment year, concerning parcels of 1 acre or more, or an

1 explanation of the terms of any oral agreement under which  
2 the property is leased, subleased or rented.

3 The leased property shall be assessed to the lessee and  
4 the taxes thereon extended and billed to the lessee, and  
5 collected in the same manner as for property which is not  
6 exempt. The lessee shall be liable for the taxes and no lien  
7 shall attach to the property of the State.

8 For the purposes of this Section, the word "leases"  
9 includes licenses, franchises, operating agreements and other  
10 arrangements under which private individuals, associations or  
11 corporations are granted the right to use property of the  
12 Illinois State Toll Highway Authority and includes all  
13 property of the Authority used by others without regard to  
14 the size of the leased parcel.

15 However, all property of every kind belonging to the  
16 State of Illinois, which is or may hereafter be leased to the  
17 Illinois Prairie Path Corporation, shall be exempt from all  
18 assessments, taxation or collection, despite the making of  
19 any such lease, if it is used for:

20 (a) conservation, nature trail or any other  
21 charitable, scientific, educational or recreational  
22 purposes with public benefit, including the preserving  
23 and aiding in the preservation of natural areas, objects,  
24 flora, fauna or biotic communities;

25 (b) the establishment of footpaths, trails and  
26 other protected areas;

27 (c) the conservation of the proper use of natural  
28 resources or the promotion of the study of plant and  
29 animal communities and of other phases of ecology,  
30 natural history and conservation;

31 (d) the promotion of education in the fields of  
32 nature, preservation and conservation; or

33 (e) similar public recreational activities  
34 conducted by the Illinois Prairie Path Corporation.

1 No lien shall attach to the property of the State. No tax  
2 liability shall become the obligation of or be enforceable  
3 against Illinois Prairie Path Corporation.

4 However, the fair market rent of each parcel of real  
5 property in Will County owned by the State of Illinois for  
6 the purpose of developing an airport by the Department of  
7 Transportation shall include the assessed value of leasehold  
8 tax. The lessee of each parcel of real property in Will  
9 County owned by the State of Illinois for the purpose of  
10 developing an airport by the Department of Transportation  
11 shall not be liable for the taxes thereon. In order for the  
12 State to compensate taxing districts for the leasehold tax  
13 under this paragraph the Will County Supervisor of  
14 Assessments shall certify, in writing, to the Department of  
15 Transportation, the amount of leasehold taxes extended for  
16 the 2002 property tax year for each such exempt parcel. The  
17 Department of Transportation shall pay to the Will County  
18 Treasurer, from the Tax Recovery Fund, on or before July 1 of  
19 each year, the amount of leasehold taxes for each such exempt  
20 parcel as certified by the Will County Supervisor of  
21 Assessments. The tax compensation shall terminate on December  
22 31, 2010. It is the duty of the Department of Transportation  
23 to file with the Office of the Will County Supervisor of  
24 Assessments an affidavit stating the termination date for  
25 rental of each such parcel due to airport construction. The  
26 affidavit shall include the property identification number  
27 for each such parcel. In no instance shall tax compensation  
28 for property owned by the State be deemed delinquent or bear  
29 interest. In no instance shall a lien attach to the property  
30 of the State. In no instance shall the State be required to  
31 pay leasehold tax compensation in excess of the Tax Recovery  
32 Fund's balance.

33 Public Act 81-1026 applies to all leases or agreements  
34 entered into or renewed on or after September 24, 1979.

1 (Source: P.A. 86-413; 88-455.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law."