

1 AMENDMENT TO HOUSE BILL 2234

2 AMENDMENT NO. _____. Amend House Bill 2234 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 16-170, 16-175, 16-180, 16-185, and 17-10 and by
6 adding Sections 16-186 and 18-53 as follows:

7 (35 ILCS 200/16-170)
8 Sec. 16-170. Hearings.

9 (a) A hearing shall be granted if any party to the
10 appeal so requests, and, upon motion of any party to the
11 appeal or by direction of the Property Tax Appeal Board, any
12 appeal may be set down for a hearing, with proper notice to
13 the interested parties. Notice to all interested taxing
14 bodies shall be deemed to have been given when delivered by
15 the board of review to served-upon the State's Attorney of
16 the county from which the appeal has been taken, except that
17 in cases involving a requested change of assessed value of
18 \$300,000 or more on non-farm property other than that
19 consisting solely of 6 or fewer residential units notice
20 shall also be given as provided in Section 16-180.

21 (b) Hearings may be held before less than a majority of
22 the members of the Property Tax Appeal Board, and the

1 chairman may assign members or hearing officers to hold
 2 hearings. Such hearings shall be open to the public and
 3 shall be conducted in accordance with the rules of practice
 4 and procedure promulgated by the Board. In all cases the
 5 Board shall ensure that all parties are notified at least 60
 6 days in advance of any scheduled hearing date.

7 (c) In all cases the Property Tax Appeal The Board, on
 8 the Board's own motion or on motion of any party, shall any
 9 ~~member--or--hearing-officer--may~~ require the production of any
 10 books, records, papers or other documents within the
 11 possession or control of any party that are ~~may-be-material~~
 12 ~~or~~ relevant as evidence in any pending matter. The Board's
 13 rules, and any order requiring the production of documents
 14 pursuant thereto, shall provide a reasonable opportunity to
 15 all parties to review the documents produced and to introduce
 16 them in evidence ~~pending--before--it-and-necessary-for-the~~
 17 ~~making-of-a-just-decision.~~

18 (Source: P.A. 76-689; 88-455.)

19 (35 ILCS 200/16-175)

20 Sec. 16-175. Case management and discovery procedures;
 21 required disclosure of information in certain cases; expert
 22 witnesses; subpoenas.

23 (a) In cases involving a requested change of assessed
 24 value of \$300,000 or more on non-farm property other than
 25 that consisting solely of 6 or fewer residential units, the
 26 following procedures shall apply:

27 (1) The Property Tax Appeal Board shall schedule a
 28 case management conference within 70 to 90 days after the
 29 commencement of the appeal. The conference shall include
 30 the appellant, the taxpayer of record if other than the
 31 appellant, the State's Attorney, and any intervening
 32 taxing bodies. The parties shall discuss the possible
 33 settlement of the case. If a settlement cannot be reached

1 at the conference, the Board shall issue a case
2 management order scheduling any necessary discovery, any
3 further prehearing conferences as may be necessary, and
4 the hearing. The case management order shall provide for
5 the exchange among the parties of the information
6 concerning any expert and lay witnesses as enumerated in
7 Illinois Supreme Court Rule 213, subdivisions (f)(1)
8 through (f)(3), if such an exchange has not already
9 occurred.

10 (2) Within 60 days after each party's first filing
11 in the case, the following information and documents, if
12 any, within that party's possession and control, shall be
13 submitted to the Property Tax Appeal Board and to each
14 opposing party:

15 (A) Each party shall submit copies of any
16 appraisal or other written estimate of value
17 pertaining to the subject property that has a date
18 of valuation within the period of 2 years prior to
19 and through the subject tax year. The board of
20 review need not, however, submit appraisals or
21 estimates of value not commissioned by it, which are
22 in its file solely because of prior submissions by
23 the taxpayer.

24 (B) The taxpayer shall submit any contracts and
25 closing statements relating to a transfer of
26 ownership of the subject property within the period
27 of 2 years prior to and through the subject tax
28 year.

29 (C) Each party shall submit an affidavit
30 attesting that the information provided in
31 compliance with this subdivision (a)(2) is complete
32 to the best of that party's knowledge, information,
33 and belief.

34 (3) Discovery, including issuance of subpoenas on

1 the Board's own motion or on request of any party, shall
2 be allowed subject to the same rules as are applied in
3 the circuit courts of the State, as near as may be.

4 (b) The following procedures shall apply in all cases:

5 (1) The name of any independent or controlled expert
6 witness, as defined in Illinois Supreme Court Rule 213,
7 subsection (f), who will be called by any party to
8 testify at a hearing before the Property Tax Appeal Board
9 and any reports or documents that will be used during the
10 witness' testimony must be disclosed to the Board and to
11 each opposing party at least 30 days prior to the date of
12 hearing. The testimony of any witness whose identity,
13 report, or documents have not been disclosed as required
14 by this subdivision (b)(1) shall be barred.

15 (2) An appraisal or valuation report may be
16 presented and testified to by any qualified
17 representative of either a governmental office on whose
18 behalf the report was prepared or an appraisal firm with
19 which the original author of the report was affiliated.
20 Any such representative of a governmental office or
21 appraisal firm shall, however, for all purposes related
22 to his or her testimony, accept the same responsibility
23 as the original author of the report for the opinions and
24 other matters contained in the report.

25 (c) In all cases the Chairman of the Property Tax Appeal
26 Board or his or her designee may issue subpoenas. Subpoenas
27 whieh shall be served by any person lawfully authorized to
28 serve a subpoena under the laws of the State of Illinois. In
29 case of disobedience to a subpoena, the Board may petition
30 any circuit court of the State for an order requiring the
31 attendance and testimony of witnesses or production of
32 documents. Witnesses attending any hearing held by the
33 Property Tax Appeal Board, pursuant to any subpoena, shall be
34 paid the same fees and mileage that are paid witnesses in the

1 circuit courts of the State.

2 (Source: P.A. 83-1250; 88-455.)

3 (35 ILCS 200/16-180)

4 Sec. 16-180. Procedure for review and correction of
5 assessments determination-of-correct-assessment.

6 (a) The Property Tax Appeal Board shall establish by
7 rules an expeditious informal procedure for the review and,
8 if necessary, determination-of the correction of the correct
9 assessment of property which is the subject of an appeal. The
10 rules of practice and procedure of the Property Tax Appeal
11 Board shall differentiate cases involving a requested change
12 of assessed value of \$300,000 or more on non-farm property
13 other than that consisting solely of 6 or fewer residential
14 units from cases involving other categories of property. In
15 cases involving only such other categories of property, the
16 Board shall provide a simplified The procedure, to the extent
17 that the Board considers practicable, that shall eliminate
18 formal rules of pleading, practice and evidence. In all
19 other cases the rules of evidence and motion practice as
20 applied in the circuit courts of the State shall be applied
21 in the procedure established by the Board. In all cases, and
22 except for any reasonable filing fee determined by the Board,
23 may-provide-that costs shall be in the discretion of the
24 Board.

25 (b) In cases subject to the simplified procedure under
26 subsection (a) of this Section, the Property Tax Appeal Board
27 rules may provide that each party's documentary evidence be
28 submitted to the Board, which shall furnish copies of such
29 evidence to the other parties in advance of the hearing. In
30 cases not subject to the simplified procedure, the rules of
31 the Board shall provide that:

32 (1) documentary evidence shall be directly exchanged
33 among the parties with copies provided to the Board; and

1 (2) all petitions, motions, correspondence or other
2 papers to be filed with the Board subsequent to the
3 original appellant's petition shall be filed together
4 with a certificate of counsel or other proof that copies
5 thereof have been served directly upon all other parties
6 in the same manner as required in practice in the circuit
7 courts of the State.

8 (c) A copy of the appellant's petition shall be mailed
9 by the clerk of the Property Tax Appeal Board to the board of
10 review or-board-of-appeals whose decision is being appealed.
11 In all cases where-a-change-in-assessed-valuation-of-\$100,000
12 or-more-is-sought, the board of review or-board-of-appeals
13 shall deliver a copy of the petition or notice thereof to the
14 State's Attorney of the county in which the board of review
15 sits within 14 days after its receipt of the petition from
16 the Board. Except in cases subject to the simplified
17 procedure under subsection (a) of this Section, the appellant
18 shall also serve notice of the appeal by mailing a copy of
19 the petition to the chief business official of any
20 municipality, school district, and community college district
21 in which the subject property is situated, and to the
22 taxpayer of record if the taxpayer is not the appellant,
23 within 14 days after filing the petition. The appellant shall
24 file a certificate of counsel or other proof of service with
25 the Board. Failure of a municipality, school district, or
26 community college district to receive the notice shall not
27 invalidate a taxpayer's petition, but any appellant's failure
28 to mail notice and file a proof of service as provided in
29 this Section shall be grounds for dismissal of the petition.

30 (d) Any petition to intervene in the appeal by a party
31 other than the taxpayer shall be filed no later than 45 days
32 after appellant's mailing of the notice under this Section,
33 or after the board of review's delivery of the petition or
34 notice thereof to the State's Attorney, whichever is later.

1 The taxpayer may intervene, if necessary, at any time prior
 2 to the hearing. serve a copy of the petition on all taxing
 3 districts as shown on the last available tax bill. The
 4 chairman of the Property Tax Appeal Board shall provide for
 5 the speedy hearing of all such appeals.

6 (e) All appeals shall be considered de novo based solely
 7 upon the evidence, issues, and legal argument submitted to
 8 the Property Tax Appeal Board, without regard to whether such
 9 evidence, issues, and legal argument were previously
 10 submitted to the board of review. Where no complaint has been
 11 made to the board of review of the county where the property
 12 is located and the appeal is based solely on the effect of an
 13 equalizing factor assigned to all property or to a class of
 14 property by the board of review, the Property Tax Appeal
 15 Board shall not grant a reduction in assessment greater than
 16 the amount that was added as the result of the equalizing
 17 factor.

18 (Source: P.A. 88-455; 89-671, eff. 8-14-96.)

19 (35 ILCS 200/16-185)

20 Sec. 16-185. Presumption and burden of proof; decisions.

21 (a) The assessment resulting from the decision of the
 22 board of review shall be presumed to be correct and legal,
 23 but the presumption is rebuttable. When market value is the
 24 subject of the appeal, the appellant shall have the burden of
 25 proving any contested matter of fact by a preponderance of
 26 the evidence. When uniformity is the basis of the appeal, the
 27 appellant shall have the burden of proving any contested
 28 matter of fact by clear and convincing evidence. When market
 29 value is the basis of the appeal, the Property Tax Appeal
 30 Board shall consider the appellant's valuation claim without
 31 regard to the correctness of any practice, procedure, or
 32 method of valuation followed by the assessor or board of
 33 review in making or reviewing the assessment, and without

1 regard to the intent or motivation of any assessing official.

2 (b) The Property Tax Appeal Board shall make a decision
3 in each appeal ~~or case appealed to it, and the decision shall~~
4 be based upon equity and the weight of evidence and not upon
5 constructive fraud, and the decision shall be binding upon
6 appellant and officials of government. The extension of
7 taxes on any assessment so appealed shall not be delayed by
8 any proceeding before the Board, and, in case the assessment
9 is altered by the Board, any taxes extended upon the
10 unauthorized assessment or part thereof shall be abated, or,
11 if already paid, shall be refunded with interest as provided
12 in Section 23-20.

13 The decision or order of the Property Tax Appeal Board in
14 any such appeal, shall, within 10 days thereafter, be
15 certified at no charge to the appellant and to the proper
16 authorities, including the board of review ~~or board of~~
17 ~~appeals~~ whose decision was appealed, the county clerk who
18 extends taxes upon the assessment in question, and the county
19 collector who collects property taxes upon such assessment.

20 (c) If no complaint has been made to the board of review
21 of the county where the property is located and the appeal is
22 based solely on the effect of an equalizing factor assigned
23 to all property or to a class of property by the board of
24 review, the Property Tax Appeal Board shall not grant a
25 reduction in assessment greater than the amount that was
26 added as the result of the equalizing factor.

27 (d) If the Property Tax Appeal Board renders a decision
28 lowering the assessment of a particular parcel after the
29 deadline for filing complaints with the board of review ~~or~~
30 ~~board of appeals~~ or after adjournment of the session of the
31 board of review ~~or board of appeals~~ at which assessments for
32 the subsequent year are being considered, the taxpayer may,
33 within 30 days after the date of written notice of the
34 Property Tax Appeal Board's decision, appeal the assessment

1 for the subsequent year directly to the Property Tax Appeal
2 Board.

3 (e) If the Property Tax Appeal Board renders a decision
4 lowering the assessment of a particular parcel on which a
5 residence occupied by the owner is situated, such reduced
6 assessment, subject to equalization, shall remain in effect
7 for the remainder of the general assessment period as
8 provided in Sections 9-215 through 9-225, unless that parcel
9 is subsequently sold in an arm's length transaction
10 establishing a fair cash value for the parcel that is
11 different from the fair cash value on which the Board's
12 assessment is based, or unless the decision of the Property
13 Tax Appeal Board is reversed or modified upon review.

14 (Source: P.A. 88-455; 88-660, eff. 9-16-94; 89-671, eff.
15 8-14-96.)

16 (35 ILCS 200/16-186 new)

17 Sec. 16-186. Limitation on assessment level claims in
18 counties that classify.

19 (a) Notwithstanding any other provision of this Code,
20 except as otherwise provided in this Section, in appeals
21 arising in counties that classify property for purposes of
22 taxation pursuant to an ordinance adopted in accordance with
23 Section 9-150, the Property Tax Appeal Board shall have no
24 jurisdiction to consider whether a level of assessment other
25 than the level specified in the classifying ordinance should
26 apply to the property which is the subject of the appeal.
27 Such issues shall not be considered by the Property Tax
28 Appeal Board in its review and correction of assessments
29 under Sections 16-180 and 16-185 and related Sections.

30 (b) The limitation provided in this Section shall not
31 apply in cases where the only subject of the appeal is a
32 property assessed within any classification that includes
33 single family residences under the ordinance adopted in

1 accordance with Section 9-150. Nothing in this subsection,
2 however, shall be construed to accord presumptive validity to
3 Department ratio studies of property within any
4 classification that includes single family residences nor
5 shall this subsection be construed as prohibiting the
6 introduction of evidence or argument by any party disputing
7 the methodology or conclusions of these studies.

8 (35 ILCS 200/17-10)

9 Sec. 17-10. Sales ratio studies.

10 (a) The Department shall monitor the quality of local
11 assessments by designing, preparing and using ratio studies,
12 and shall use the results as the basis for equalization
13 decisions. In compiling sales ratio studies, the Department
14 shall exclude from the reported sales price of any property
15 any amounts included for personal property and, for sales
16 occurring through December 31, 1999, shall exclude seller
17 paid points. The Department shall not include in its sales
18 ratio studies sales of property which have been platted and
19 for which an increase in the assessed valuation is restricted
20 by Section 10-30. The Department shall not include in its
21 sales ratio studies the initial sale of residential property
22 that has been converted to condominium property.

23 When the declaration required under the Real Estate
24 Transfer Tax Law contains financing information required
25 under Section 31-25, the Department shall adjust sales prices
26 to exclude seller-paid points and shall adjust sales prices
27 to "cash value" when seller related financing is used that is
28 different than the prevailing cost of cash. The prevailing
29 cost of cash for sales occurring on or after January 1, 1992
30 shall be established as the monthly average 30-year fixed
31 Primary Mortgage Market Survey rate for the North Central
32 Region as published weekly by the Federal Home Loan Mortgage
33 Corporation, as computed by the Department, or such other

1 rate as determined by the Department. This rate shall be
2 known as the survey rate. For sales occurring on or after
3 January 1, 1992, through December 31, 1999, adjustments in
4 the prevailing cost of cash shall be made only after the
5 survey rate has been at or above 13% for 12 consecutive
6 months and will continue until the survey rate has been below
7 13% for 12 consecutive months. For sales occurring on or
8 after January 1, 2000, adjustments for seller paid points and
9 adjustments in the prevailing cost of cash shall be made only
10 after the survey rate has been at or above 13% for 12
11 consecutive months and will continue until the survey rate
12 has been below 13% for 12 consecutive months. The Department
13 shall make public its adjustment procedure upon request.

14 (b) The General Assembly finds and declares that it has
15 been and is the policy of this State that ratio studies by
16 the Department pursuant to this Section and related Sections
17 are designed and conducted for purposes of the State
18 equalization process as set forth in Article 17 of this Code.
19 Notwithstanding any other provision of this Code, except as
20 otherwise provided in this Section, no ratio studies
21 conducted pursuant to any provision of this Code by the
22 Department shall be admitted in evidence in assessment appeal
23 proceedings before boards of review or the Property Tax
24 Appeal Board under Article 16 of this Code. The studies by
25 the Department, and any conclusions based on those studies,
26 shall not be considered by the Property Tax Appeal Board
27 under Sections 16-180 and 16-185 and related Sections or by
28 boards of review under Sections 16-20, 16-95, and related
29 Sections.

30 (c) Nothing in subsection (b) of this Section prohibits
31 boards of review or the Property Tax Appeal Board from
32 complying with the requirement of Section 9-145, where
33 applicable, that property in designated counties be valued at
34 "33-1/3%" of its "fair cash value" as defined in this Code.

1 (d) In cases arising in counties that classify property
2 for purposes of taxation pursuant to an ordinance adopted in
3 accordance with Section 9-150, the limitation provided in
4 subsection (b) of this Section shall not apply where the only
5 subject of the appeal is a property assessed within any
6 classification that includes single family residences under
7 the ordinance adopted in accordance with Section 9-150.
8 Nothing in this subsection, however, shall be construed to
9 accord presumptive validity to Department studies of property
10 within any classification that includes single family
11 residences nor shall this subsection be construed as
12 prohibiting the introduction of evidence or argument by any
13 party disputing the methodology or conclusions of those
14 studies.

15 (Source: P.A. 91-555, eff. 1-1-00.)

16 (35 ILCS 200/18-53 new)

17 Sec. 18-53. Recovery of revenue lost due to tax refunds.

18 (a) When a taxing district is required to refund a
19 portion of the property tax revenue distributed to that
20 taxing district because of a decision of the Property Tax
21 Appeal Board, an assessment or exemption decision of the
22 Department of Revenue, a court order issued pursuant to an
23 assessment valuation complaint under subdivision (b)(3) of
24 Section 23-15, or an administrative decision of a local
25 assessing official reducing the assessed value of a property
26 within the district, that taxing district may, without
27 referendum, adopt a levy to recapture the revenue lost by the
28 refund or refunds. The recapture levy must not exceed an
29 amount equal to the aggregate refunds paid by the district
30 for the prior fiscal year. Within 45 days after a request by
31 a taxing district, the county treasurer must certify the
32 aggregate refunds paid by a taxing district for purposes of
33 this Section. For purposes of the Property Tax Extension

1 Limitation Law, the taxing district's aggregate extension
2 base shall not include the recapture levy authorized under
3 this Section.

4 (b) Whenever the county treasurer certifies aggregate
5 refunds at the request of a taxing district under this
6 Section, the treasurer shall keep records of the individual
7 refunds included in the aggregate. All such information shall
8 be provided to the county clerk. The county clerk shall keep
9 a record of such information and of any recapture levy that
10 may thereafter be extended, so that the amount of such
11 extension may be distinguished from any other levies and
12 extensions for that district. The county treasurer's and the
13 county clerk's records under this Section shall be available
14 to the public upon request.

15 (c) Any taxpayer who has received a refund of taxes paid
16 on his or her property, which refund has been included in a
17 recapture levy by a particular taxing district under this
18 Section, shall have the right to have the extension of such
19 district's levy against his or her property abated to the
20 extent such extension exceeds \$500. The abatement shall be
21 granted only upon application as provided in this Section.
22 For purposes of this Section, the "property" for which the
23 recapture extension may be abated is defined as one or more
24 parcels which were the subject of a consolidated refund. If
25 the taxing district's recapture levy and extension was made
26 in a lesser amount than the aggregate of all refunds
27 certified by the treasurer for that district, each abatement
28 shall reflect that same proportionate reduction.

29 (d) A taxpayer seeking an abatement under this Section
30 shall apply to the county treasurer no later than the due
31 date under Section 23-10 for tax objection complaints
32 regarding tax levies of the year for which the recapture levy
33 was extended. The county treasurer may prescribe the form in
34 which the application shall be made. The application shall

1 include a copy of the decision or order that gave rise to the
2 refund and shall specify the abatement claimed. The
3 treasurer, assisted if necessary by the county clerk, shall
4 confirm whether the refund identified in the application was
5 included within the appropriate treasurer's certification of
6 aggregate refunds, and upon such confirmation the abatement
7 shall be allowed as provided in this Section. If the taxes
8 abated have been paid they shall be refunded. If the
9 treasurer cannot determine whether the application should be
10 allowed, or otherwise denies the application, any taxpayer
11 who has paid the tax subject to the claimed abatement may
12 petition the circuit court for a refund in the time and
13 manner provided in Section 20-175. Any refund granted
14 pursuant to an abatement shall not be included in a recapture
15 levy under this Section.

16 (e) The county treasurer and county clerk shall mark
17 their records to reflect any abatement under this Section.

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