



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1228

Introduced 1/30/2013, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

35 ILCS 200/23-10

Amends the Property Tax Code. With respect to tax objection complaints, provides that the custodian of the funds for each taxing district that may be affected by the complaint or amended complaint has the right to representation by counsel of the taxing district's own choosing and is not required to accept representation by the State's Attorney. Requires the taxing district to notify the party filing the complaint and the State's Attorney if the district elects to use its own representation. Effective immediately.

LRB098 07938 HLH 38026 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 23-10 as follows:

6 (35 ILCS 200/23-10)

7 Sec. 23-10. Tax objections and copies. Beginning with the
8 2003 tax year, in counties with 3,000,000 or more inhabitants,
9 the person paying the taxes due as provided in Section 23-5 may
10 file a tax objection complaint under Section 23-15 within 165
11 days after the first penalty date of the final installment of
12 taxes for the year in question. Beginning with the 2003 tax
13 year, in counties with less than 3,000,000 inhabitants, the
14 person paying the taxes due as provided in Section 23-5 may
15 file a tax objection complaint under Section 23-15 within 75
16 days after the first penalty date of the final installment of
17 taxes for the year in question. However, in all counties in
18 cases in which the complaint is permitted to be filed without
19 payment under Section 23-5, it must be filed prior to the entry
20 of judgment under Section 21-175. In addition, the time
21 specified for payment of the tax provided in Section 23-5 shall
22 not be construed to delay or prevent the entry of judgment
23 against, or the sale of, tax delinquent property if the taxes

1 have not been paid prior to the entry of judgment under Section
2 21-175. An objection to an assessment for any year shall not be
3 allowed by the court, however, if an administrative remedy was
4 available by complaint to the board of appeals or board of
5 review under Section 16-55 or Section 16-115, unless that
6 remedy was exhausted prior to the filing of the tax objection
7 complaint.

8 When any complaint is filed with the court in a county with
9 less than 3,000,000 inhabitants, the plaintiff shall file 3
10 copies of the complaint with the clerk of the circuit court.
11 Any complaint or amendment thereto shall contain (i) on the
12 first page a listing of the taxing districts against which the
13 complaint is directed and (ii) a summary of the reasons for the
14 tax objections set forth in the complaint with enough copies of
15 the summary to be distributed to each of the taxing districts
16 against which the complaint is directed. Within 10 days after
17 the complaint is filed, the clerk of the circuit court shall
18 deliver one copy to the State's Attorney and one copy to the
19 county clerk, taking their receipts therefor. The county clerk
20 shall, within 30 days from the last day for the filing of
21 complaints, notify the duly elected or appointed custodian of
22 funds for each taxing district that may be affected by the
23 complaint, stating (i) that a complaint has been filed and (ii)
24 the summary of the reasons for the tax objections set forth in
25 the complaint. Any amendment to a complaint, except any
26 amendment permitted to be made in open court during the course

1 of a hearing on the complaint, shall also be filed in
2 triplicate, with one copy delivered to the State's Attorney and
3 one copy delivered to the county clerk by the clerk of the
4 circuit court. The State's Attorney shall within 10 days of
5 receiving his or her copy of the amendment notify the duly
6 elected or appointed custodian of funds for each taxing
7 district whose tax monies may be affected by the amendment,
8 stating (i) that the amendment has been filed and (ii) the
9 summary of the reasons for the tax objections set forth in the
10 amended complaint. The State's Attorney shall also notify the
11 custodian and the county clerk in writing of the date, time and
12 place of any hearing before the court to be held upon the
13 complaint or amended complaint not later than 4 days prior to
14 the hearing. The notices provided in this Section shall be by
15 letter addressed to the custodian or the county clerk and may
16 be mailed by regular mail, postage prepaid, postmarked within
17 the required period, but not less than 4 days before a hearing.

18 The duly elected or appointed custodian of the funds for
19 each taxing district that may be affected by the complaint or
20 amended complaint has the right to representation by counsel of
21 the taxing district's own choosing and is not required to
22 accept representation by the State's Attorney for the county in
23 which the action is brought. Any taxing district electing to
24 use its own representation shall provide notice to the party
25 filing the complaint and to the State's Attorney within 30 days
26 after the filing of the complaint or amendment.

1 (Source: P.A. 93-378, eff. 7-24-03.)

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