



Sen. Michael E. Hastings

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09900HB3211sam001

LRB099 09671 JLK 35608 a

1 AMENDMENT TO HOUSE BILL 3211

2 AMENDMENT NO. _____. Amend House Bill 3211 on page 2,
3 below line 6, by inserting the following:

4 "Section 10. The Illinois Estate and Generation-Skipping
5 Transfer Tax Act is amended by changing Section 6 as follows:

6 (35 ILCS 405/6) (from Ch. 120, par. 405A-6)

7 Sec. 6. Returns and payments.

8 (a) Due Dates. The Illinois transfer tax shall be paid and
9 the Illinois transfer tax return shall be filed on the due date
10 or dates, respectively, including extensions, for paying the
11 federal transfer tax and filing the related federal return.

12 (b) Installment payments and deferral. In the event that
13 any portion of the federal transfer tax is deferred or to be
14 paid in installments under the provisions of the Internal
15 Revenue Code, the portion of the Illinois transfer tax which is
16 subject to deferral or payable in installments shall be

1 determined by multiplying the Illinois transfer tax by a
2 fraction, the numerator of which is the gross value of the
3 assets included in the transferred property having a tax situs
4 in this State and which give rise to the deferred or
5 installment payment under the Internal Revenue Code, and the
6 denominator of which is the gross value of all assets included
7 in the transferred property having a tax situs in this State.
8 Deferred payments and installment payments, with interest,
9 shall be paid at the same time and in the same manner as
10 payments of the federal transfer tax are required to be made
11 under the applicable Sections of the Internal Revenue Code,
12 provided that the rate of interest on unpaid amounts of
13 Illinois transfer tax shall be determined under this Act.
14 Acceleration of payment under this Section shall occur under
15 the same circumstances and in the same manner as provided in
16 the Internal Revenue Code.

17 (c) Who shall file and pay. The Illinois transfer tax
18 return (including any supplemental or amended return) shall be
19 filed, and the Illinois transfer tax (including any additional
20 tax that may become due) shall be paid by the same person or
21 persons, respectively, who are required to pay the federal
22 transfer tax and file the federal return, or who would have
23 been required to pay a federal transfer tax and file a federal
24 return if a federal transfer tax were due.

25 (d) Where to file return. The executed Illinois transfer
26 tax return shall be filed with the Attorney General. ~~In~~

1 ~~addition, for payments made prior to July 1, 2012, a copy of~~
2 ~~the Illinois transfer tax return shall be filed with the county~~
3 ~~treasurer to whom the Illinois transfer tax is paid, determined~~
4 ~~under subsection (c) of this Section, and, for payments made on~~
5 ~~or after July 1, 2012, a copy of the Illinois transfer tax~~
6 ~~return shall be filed with the State Treasurer.~~

7 (e) Where to pay tax. The Illinois transfer tax shall be
8 paid according to the following rules:

9 (1) Illinois Estate Tax. Prior to July 1, 2012, the
10 Illinois estate tax shall be paid to the treasurer of the
11 county in which the decedent was a resident on the date of
12 the decedent's death or, if the decedent was not a resident
13 of this State on the date of death, the county in which the
14 greater part, by gross value, of the transferred property
15 with a tax situs in this State is located.

16 (2) Illinois Generation-Skipping Transfer Tax. Prior
17 to July 1, 2012, the Illinois generation-skipping transfer
18 tax involving transferred property from or in a resident
19 trust shall be paid to the county treasurer for the county
20 in which the grantor resided at the time the trust became
21 irrevocable (in the case of an inter vivos trust) or the
22 county in which the decedent resided at death (in the case
23 of a trust created by the will of a decedent). In the case
24 of an Illinois generation-skipping transfer tax involving
25 transferred property from or in a non-resident trust, the
26 Illinois generation-skipping transfer tax shall be paid to

1 the county treasurer for the county in which the greater
2 part, by gross value, of the transferred property with a
3 tax situs in this State is located.

4 (3) Payments on or after July 1, 2012. On or after July
5 1, 2012, both the Illinois estate tax and the Illinois
6 generation-skipping transfer tax shall be paid directly to
7 the State Treasurer.

8 (f) Forms; confidentiality. The Illinois transfer tax
9 return shall be in all respects in the manner and form
10 prescribed by the regulations of the Attorney General. At the
11 same time the Illinois transfer tax return is filed, the person
12 required to file shall also file with the Attorney General a
13 copy of the related federal return. For individuals dying after
14 December 31, 2005, in cases where no federal return is required
15 to be filed, the person required to file an Illinois return
16 shall also file with the Attorney General schedules of assets
17 in the manner and form prescribed by the Attorney General. The
18 Illinois transfer tax return and the copy of the federal return
19 filed with the Attorney General, the county treasurer, or the
20 State Treasurer shall be confidential, and the Attorney
21 General, each county treasurer, and the State Treasurer and all
22 of their assistants or employees are prohibited from divulging
23 in any manner any of the contents of those returns, except only
24 in a proceeding instituted under the provisions of this Act.

25 (g) County Treasurer shall accept payment. Prior to July 1,
26 2012, no county treasurer shall refuse to accept payment of any

1 amount due under this Act on the grounds that the county
2 treasurer has not yet received a copy of the appropriate
3 Illinois transfer tax return.

4 (h) Beginning July 1, 2012, the State Treasurer shall not
5 refuse to accept payment of any amount due under this Act on
6 the grounds that the State Treasurer has not yet received a
7 copy of the appropriate Illinois transfer tax return.

8 (Source: P.A. 97-732, eff. 6-30-12.)

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