



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5026

Introduced 2/8/2024, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

35 ILCS 200/9-145
35 ILCS 200/10-166
35 ILCS 200/10-167
35 ILCS 200/10-168

Amends the Property Tax Code. Provides that, for the purposes of assessment, property registered in perpetuity with the register of areas under the Illinois Natural Areas Preservation Act is considered to be encumbered by a public easement and shall be depreciated to a level at which its value is \$5 per acre, and any improvement, dwelling, or other appurtenant structure present on that land shall be valued at 33 1/3% of its fair cash value. Provides that a conservation right on land preserving a habitat for plant and animal species that are native to Illinois (currently, State or federal endangered or threatened species or federal candidate species) is considered to provide a demonstrated public benefit. Provides that a conservation right on land located adjacent to a park, conservation area, nature preserve, or other land or water area that is publicly owned or otherwise permanently protected for conservation purposes is considered to provide a demonstrated public benefit if the conservation right on that land furthers the conservation purposes of the adjacent protected area. Effective immediately.

LRB103 38604 HLH 68740 b

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 Sections 9-145, 10-166, 10-167, and 10-168 as follows:

6 (35 ILCS 200/9-145)

7 Sec. 9-145. Statutory level of assessment. Except in
8 counties with more than 200,000 inhabitants which classify
9 property for purposes of taxation, property shall be valued as
10 follows:

11 (a) Each tract or lot of property shall be valued at 33
12 1/3% of its fair cash value.

13 (b) Each taxable leasehold estate shall be valued at
14 33 1/3% of its fair cash value.

15 (c) Each building or structure which is located on the
16 right of way of any canal, railroad or other company
17 leased or granted to another company or person for a term
18 of years, shall be valued at 33 1/3% of its fair cash
19 value.

20 (d) Any property on which there is a coal or other
21 mine, or stone or other quarry, shall be valued at 33 1/3%
22 of its fair cash value. Oil, gas and other minerals,
23 except coal, shall have value and be assessed separately

1 at 33 1/3% of the fair cash value of such oil, gas and
2 other minerals. Coal shall be assessed separately at 33
3 1/3% of the coal reserve economic value, as provided in
4 Sections 10-170 through 10-200.

5 (e) In the assessment of property encumbered by public
6 easement, any depreciation occasioned by such easement
7 shall be deducted in the valuation of such property. Any
8 property dedicated as a nature preserve or as a nature
9 preserve buffer under the Illinois Natural Areas
10 Preservation Act, for the purposes of this paragraph, is
11 encumbered by a public easement and shall be depreciated
12 for assessment purposes to a level at which its valuation
13 shall be \$1 per acre or portion thereof. For the purposes
14 of this paragraph, any property registered in perpetuity
15 under Section 16 of the Illinois Natural Areas
16 Preservation Act is encumbered by a public easement and
17 shall be depreciated for assessment purposes to a level at
18 which its valuation is \$5 per acre, or portion thereof,
19 and any improvement, dwelling, or other appurtenant
20 structure present on that land shall be valued at 33 1/3%
21 of its fair cash value.

22 This Section is subject to and modified by Sections 10-110
23 through 10-140 and 11-5 through 11-65.

24 (Source: P.A. 91-497, eff. 1-1-00.)

25 (35 ILCS 200/10-166)

1 Sec. 10-166. Land ~~Registered land or land~~ encumbered by
2 conservation rights; valuation. Except in counties with more
3 than 200,000 inhabitants that classify property for the
4 purpose of taxation, to the extent any portion of any lot,
5 parcel, or tract of land is ~~(i) registered in perpetuity under~~
6 ~~Section 16 of the Illinois Natural Areas Preservation Act, or~~
7 ~~(ii)~~ encumbered in perpetuity by a conservation right, as
8 defined in the Real Property Conservation Rights Act, if the
9 conservation right has been conveyed and accepted in
10 accordance with Section 2 of the Real Property Conservation
11 Rights Act, recorded under Section 5 of that Act, and yields a
12 public benefit as defined in Section 10-167 of this Act, upon
13 application under Section 10-168, the portion of the lot,
14 parcel, or tract of land ~~registered or~~ encumbered shall be
15 valued at 3% ~~8-1/3%~~ of its fair market value estimated as if it
16 were not ~~registered or~~ encumbered; and any improvement,
17 dwelling, or other appurtenant structure present on any
18 ~~registered or~~ encumbered portion of land shall be valued at
19 33-1/3% of its fair market value. Beginning with the 1995 tax
20 year in counties with more than 200,000 inhabitants that
21 classify property for the purpose of taxation, to the extent
22 any portion of a lot, parcel, or tract of land is ~~(i)~~
23 ~~registered in perpetuity under Section 16 of the Illinois~~
24 ~~Natural Areas Preservation Act or~~ ~~(ii)~~ encumbered in
25 perpetuity by a conservation right, as defined in the Real
26 Property Conservation Rights Act, if the conservation right

1 has been conveyed and accepted in accordance with Section 2 of
2 the Real Property Conservation Rights Act, recorded under
3 Section 5 of that Act, and yields a public benefit as defined
4 in Section 10-167 of this Code, upon application under Section
5 10-168, the portion of the lot, parcel, or tract of land
6 ~~registered or~~ encumbered shall be valued at 25% of that
7 percentage of its fair market value established under this
8 Code, by an ordinance adopted under Section 4 of Article IX of
9 the Illinois Constitution, or both, as the case may be; and any
10 improvement, dwelling, or other appurtenant structure present
11 on any ~~registered or~~ encumbered portion of the land shall be
12 valued at that percentage of fair market value established
13 under this Code, by an ordinance adopted under Section 4 of
14 Article IX of the Illinois Constitution, or both, as the case
15 may be. To qualify for valuation under this Section, the
16 ~~registration agreement or~~ conservation right establishing an
17 encumbrance shall: (1) prohibit the construction of any other
18 structure on the ~~registered or~~ encumbered land except
19 replacement structures, no larger than the previous structures
20 which are replaced, that do not interfere with or destroy the
21 features of the land that are intended to be protected by the
22 ~~registration or~~ conservation right; and (2) confine existing
23 and future structures on the encumbered land to building
24 envelopes.

25 As used in this Section, "building envelope" means a
26 clearly defined portion of the encumbered land in which

1 buildings and structures may exist, the location of which does
2 not interfere with or destroy the features of the land that are
3 intended to be protected by the conservation right.

4 The valuation provided for in this Section shall not apply
5 to any land that has been valued as open space land under
6 Section 10-155.

7 (Source: P.A. 88-657, eff. 1-1-95.)

8 (35 ILCS 200/10-167)

9 Sec. 10-167. Definition of public benefit; certification.

10 (a) A conservation right on land shall be considered to
11 provide a demonstrated public benefit if the Department of
12 Natural Resources certifies that it protects in perpetuity at
13 least one of the following:

14 (1) Land providing a regular opportunity for public
15 access to outdoor recreation or outdoor education.

16 (2) Land preserving habitat for plant and animal
17 species that are native to Illinois ~~State or federal~~
18 ~~endangered or threatened species or federal candidate~~
19 ~~species as defined in the Code of Federal Regulations (50~~
20 ~~CFR 424.02).~~

21 (3) Land identified in the Illinois Natural Areas
22 Inventory.

23 (4) Land determined to be eligible for registration
24 under Section 16 of the Illinois Natural Areas
25 Preservation Act.

1 (5) Land contributing to the ecological viability of a
2 park, conservation area, nature preserve, or other high
3 quality native terrestrial or aquatic area that is
4 publicly owned or otherwise protected.

5 (6) Land included in, or consistent with a federal,
6 State, regional, or local government policy or plan for
7 the conservation of wildlife habitat or open space, for
8 the restoration or protection of lakes and streams, or for
9 the protection of scenic areas.

10 (7) Land located adjacent to a park, conservation
11 area, nature preserve, or other land or water area that is
12 publicly owned or otherwise permanently protected for
13 conservation purposes, if the conservation right on that
14 land furthers the conservation purposes of the adjacent
15 protected area.

16 (b) The person liable for taxes on the land shall submit an
17 application to the Department of Natural Resources requesting
18 certification that the land meets one of the criteria
19 established in subsection (a). The application shall be in a
20 form furnished by the Department of Natural Resources. Within
21 30 days of receipt of a complete and correct application for
22 certification, the Department of Natural Resources shall
23 determine whether the land encumbered by a conservation right
24 provides a demonstrated public benefit and shall inform the
25 applicant in writing of the decision.

26 (Source: P.A. 91-357, eff. 7-29-99.)

1 (35 ILCS 200/10-168)

2 Sec. 10-168. Valuation of ~~registered land or~~ land
3 encumbered by conservation rights; application process.

4 (a) The person liable for taxes on land eligible for
5 assessment under Section 10-166 must file a verified
6 application requesting the ~~registered land or~~ conservation
7 rights valuation with the chief county assessment officer by
8 January 31 of the first year that the valuation is desired. If
9 the application is not filed by January 31, the taxpayer
10 waives the right to claim that valuation for that year. The
11 application shall be in the form prescribed by the Department
12 and shall contain information as may reasonably be required to
13 determine whether the applicant meets the requirements of
14 Section 10-166. If the application shows the applicant is
15 entitled to the valuation, the chief county assessment officer
16 shall approve it and maintain that valuation until notified as
17 provided in Section 10-169. Otherwise, the application shall
18 be rejected. The application shall be accompanied by the
19 certification provided for in Section 10-167, if required.

20 (b) When the application has been filed with and approved
21 by the chief county assessment officer, he or she shall
22 determine the valuation of the land as otherwise permitted by
23 law and as required under Section 10-166, and shall keep a
24 record of that valuation.

25 (Source: P.A. 88-657, eff. 1-1-95.)

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