

1 AMENDMENT TO SENATE BILL 873

2 AMENDMENT NO. _____. Amend Senate Bill 873 by replacing
3 the title with the following:

4 "AN ACT concerning taxes."; and

5 by replacing everything after the enacting clause with the
6 following:

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

9 (30 ILCS 105/5.595 new)

10 Sec. 5.595. The Tax Recovery Fund.

11 (30 ILCS 105/6z-59 new)

12 Sec. 6z-59. The Tax Recovery Fund. There is created in
13 the State treasury the Tax Recovery Fund. Through December
14 31, 2010, all moneys received from the rental, authorized
15 under Section 2705-555 of the Department of Transportation
16 Law of the Civil Administrative Code of Illinois, of land,
17 buildings, or improvements on property held for development
18 of an airport in Will County by the Department of
19 Transportation shall be remitted to the State Treasurer for
20 payment into the Tax Recovery Fund. Subject to appropriation,

1 the moneys in the Fund shall be expended with the following
2 priority: (1) to compensate units of local government for
3 property taxes that would have been extended and collected on
4 Will County real property before ownership by the State for
5 the development of the airport (tax compensation); then (2)
6 to pay maintenance and repair costs for that real property.
7 Expenditures for these purposes may be made by the Department
8 of Transportation without regard to the fiscal year in which
9 tax compensation liability and property maintenance and
10 repair costs were incurred. Unexpended moneys in the Fund
11 shall not be transferred or allocated by the Comptroller or
12 Treasurer to any other fund nor shall the Governor authorize
13 the transfer or allocation of those moneys to any other fund.
14 After December 31, 2010, all moneys received from the rental,
15 authorized under Section 2705-555 of the Department of
16 Transportation Law of the Civil Administrative Code of
17 Illinois, of land, buildings, or improvements on property
18 held for the development of an airport in Will County by the
19 Department of Transportation shall not be remitted to the Tax
20 Recovery Fund but shall instead be paid to the General
21 Revenue Fund. The balance remaining in the Tax Recovery Fund
22 on December 31, 2010 shall first be expended to compensate
23 units of local government for taxes for the 2010 property tax
24 assessment year and prorated through December 31, 2010, and
25 then transferred to the General Revenue Fund for the purpose
26 of debt service on State bonds issued to provide funds for
27 airport land acquisition in Will County.

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

30 (35 ILCS 200/15-55)

31 Sec. 15-55. State property. All property belonging to
32 the State of Illinois is exempt. However, the State agency

1 holding title shall file the certificate of ownership and use
2 required by Section 15-10, together with a copy of any
3 written lease or agreement, in effect on March 30 of the
4 assessment year, concerning parcels of 1 acre or more, or an
5 explanation of the terms of any oral agreement under which
6 the property is leased, subleased or rented.

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

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

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

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

29 (b) the establishment of footpaths, trails and
30 other protected areas;

31 (c) the conservation of the proper use of natural
32 resources or the promotion of the study of plant and
33 animal communities and of other phases of ecology,
34 natural history and conservation;

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

3 (e) similar public recreational activities
4 conducted by the Illinois Prairie Path Corporation.

5 No lien shall attach to the property of the State. No tax
6 liability shall become the obligation of or be enforceable
7 against Illinois Prairie Path Corporation.

8 However, the lessee of each parcel of real property in
9 Will 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 units of local government for taxes that
13 would have been extended and collected on Will County real
14 property before ownership by the State for the development of
15 the airport, the Will County Supervisor of Assessments shall
16 certify, in writing, to the Department of Transportation, the
17 amount of assessed taxes for each such parcel for the 2001
18 property tax year. The Department of Transportation shall pay
19 to the Will County Treasurer, from the Tax Recovery Fund, on
20 or before July 1 of each year, the amount of rent collected
21 for each parcel during the previous year (tax compensation).
22 The payment, however, shall not exceed, for each parcel, the
23 assessed tax amount for the 2001 property tax year. The tax
24 compensation shall terminate on December 31, 2010. It is the
25 duty of the Department of Transportation to file with the
26 Office of the Will County Supervisor of Assessments an
27 affidavit stating the termination date for rental of each
28 such parcel due to airport construction. The affidavit shall
29 include the property identification number for each such
30 parcel. In no instance shall tax compensation for property
31 owned by the State be deemed delinquent or bear interest. In
32 no instance shall a lien attach to the property of the State.
33 In no instance shall the State be required to pay property
34 tax compensation in excess of the Tax Recovery Fund's

1 balance.

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

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law."