



Sen. Don Harmon

Filed: 5/27/2009

09600HB4046sam002

LRB096 11803 HLH 27558 a

1 AMENDMENT TO HOUSE BILL 4046

2 AMENDMENT NO. _____. Amend House Bill 4046 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 15-185 as follows:

6 (35 ILCS 200/15-185)

7 Sec. 15-185. Exemption for leaseback property and
8 qualified leased property.

9 (a) Notwithstanding anything in this Code to the contrary,
10 all property owned by a municipality with a population of over
11 500,000 inhabitants, ~~or~~ a unit of local government whose
12 jurisdiction includes territory located in whole or in part
13 within a municipality with a population of over 500,000
14 inhabitants, or a municipality with home rule powers that is
15 contiguous to a municipality with a population of over 500,000
16 inhabitants, shall remain exempt from taxation and any

1 leasehold interest in that property shall not be subject to
2 taxation under Section 9-195 if the property is directly or
3 indirectly leased, sold, or otherwise transferred to another
4 entity whose property is not exempt and immediately thereafter
5 is the subject of a leaseback or other agreement that directly
6 or indirectly gives the municipality or unit of local
7 government (i) a right to use, control, and possess the
8 property or (ii) a right to require the other entity, or the
9 other entity's designee or assignee, to use the property in the
10 performance of services for the municipality or unit of local
11 government. Property shall no longer be exempt under this
12 subsection as of the date when the right of the municipality or
13 unit of local government to use, control, and possess the
14 property or to require the performance of services is
15 terminated and the municipality or unit of local government no
16 longer has any option to purchase or otherwise reacquire the
17 interest in the property which was transferred by the
18 municipality or unit of local government.

19 (b) Notwithstanding anything in this Code to the contrary,
20 all property owned by a municipality with a population of over
21 500,000 inhabitants, ~~or~~ a unit of local government whose
22 jurisdiction includes territory located in whole or in part
23 within a municipality with a population of over 500,000
24 inhabitants, or a municipality with home rule powers that is
25 contiguous to a municipality with a population of over 500,000
26 inhabitants, shall remain exempt from taxation and any

1 leasehold interest in that property is not subject to taxation
2 under Section 9-195 if the property, including dedicated public
3 property, is used by a municipality or other unit of local
4 government for the purpose of an airport or parking or for
5 waste disposal or processing and is leased for continued use
6 for the same purpose to another entity whose property is not
7 exempt.

8 For the purposes of this subsection (b), "airport" does not
9 include any airport property, as defined under Section 10 of
10 the O'Hare Modernization Act.

11 Any transaction described under this subsection must be
12 undertaken in accordance with all appropriate federal laws and
13 regulations.

14 (c) For purposes of this Section, "municipality" means a
15 municipality as defined in Section 1-1-2 of the Illinois
16 Municipal Code, and "unit of local government" means a unit of
17 local government as defined in Article VII, Section 1 of the
18 Constitution of the State of Illinois. The provisions of this
19 Section supersede and control over any conflicting provisions
20 of this Code.

21 (Source: P.A. 93-19, eff. 6-20-03; 94-750, eff. 5-9-06.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."