



Sen. Michael E. Hastings

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LRB099 10020 HLH 35779 a

1 AMENDMENT TO HOUSE BILL 3159

2 AMENDMENT NO. _____. Amend House Bill 3159 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 18-165 as follows:

6 (35 ILCS 200/18-165)

7 Sec. 18-165. Abatement of taxes.

8 (a) Any taxing district, upon a majority vote of its
9 governing authority, may, after the determination of the
10 assessed valuation of its property, order the clerk of that
11 county to abate any portion of its taxes on the following types
12 of property:

13 (1) Commercial and industrial.

14 (A) The property of any commercial or industrial
15 firm, including but not limited to the property of (i)
16 any firm that is used for collecting, separating,

1 storing, or processing recyclable materials, locating
2 within the taxing district during the immediately
3 preceding year from another state, territory, or
4 country, or having been newly created within this State
5 during the immediately preceding year, or expanding an
6 existing facility, or (ii) any firm that is used for
7 the generation and transmission of electricity
8 locating within the taxing district during the
9 immediately preceding year or expanding its presence
10 within the taxing district during the immediately
11 preceding year by construction of a new electric
12 generating facility that uses natural gas as its fuel,
13 or any firm that is used for production operations at a
14 new, expanded, or reopened coal mine within the taxing
15 district, that has been certified as a High Impact
16 Business by the Illinois Department of Commerce and
17 Economic Opportunity. The property of any firm used for
18 the generation and transmission of electricity shall
19 include all property of the firm used for transmission
20 facilities as defined in Section 5.5 of the Illinois
21 Enterprise Zone Act. The abatement shall not exceed a
22 period of 10 years and the aggregate amount of abated
23 taxes for all taxing districts combined shall not
24 exceed \$4,000,000.

25 (A-5) Any property in the taxing district of a new
26 electric generating facility, as defined in Section

1 605-332 of the Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of
3 Illinois. The abatement shall not exceed a period of 10
4 years. The abatement shall be subject to the following
5 limitations:

6 (i) if the equalized assessed valuation of the
7 new electric generating facility is equal to or
8 greater than \$25,000,000 but less than
9 \$50,000,000, then the abatement may not exceed (i)
10 over the entire term of the abatement, 5% of the
11 taxing district's aggregate taxes from the new
12 electric generating facility and (ii) in any one
13 year of abatement, 20% of the taxing district's
14 taxes from the new electric generating facility;

15 (ii) if the equalized assessed valuation of
16 the new electric generating facility is equal to or
17 greater than \$50,000,000 but less than
18 \$75,000,000, then the abatement may not exceed (i)
19 over the entire term of the abatement, 10% of the
20 taxing district's aggregate taxes from the new
21 electric generating facility and (ii) in any one
22 year of abatement, 35% of the taxing district's
23 taxes from the new electric generating facility;

24 (iii) if the equalized assessed valuation of
25 the new electric generating facility is equal to or
26 greater than \$75,000,000 but less than

1 \$100,000,000, then the abatement may not exceed
2 (i) over the entire term of the abatement, 20% of
3 the taxing district's aggregate taxes from the new
4 electric generating facility and (ii) in any one
5 year of abatement, 50% of the taxing district's
6 taxes from the new electric generating facility;

7 (iv) if the equalized assessed valuation of
8 the new electric generating facility is equal to or
9 greater than \$100,000,000 but less than
10 \$125,000,000, then the abatement may not exceed
11 (i) over the entire term of the abatement, 30% of
12 the taxing district's aggregate taxes from the new
13 electric generating facility and (ii) in any one
14 year of abatement, 60% of the taxing district's
15 taxes from the new electric generating facility;

16 (v) if the equalized assessed valuation of the
17 new electric generating facility is equal to or
18 greater than \$125,000,000 but less than
19 \$150,000,000, then the abatement may not exceed
20 (i) over the entire term of the abatement, 40% of
21 the taxing district's aggregate taxes from the new
22 electric generating facility and (ii) in any one
23 year of abatement, 60% of the taxing district's
24 taxes from the new electric generating facility;

25 (vi) if the equalized assessed valuation of
26 the new electric generating facility is equal to or

1 greater than \$150,000,000, then the abatement may
2 not exceed (i) over the entire term of the
3 abatement, 50% of the taxing district's aggregate
4 taxes from the new electric generating facility
5 and (ii) in any one year of abatement, 60% of the
6 taxing district's taxes from the new electric
7 generating facility.

8 The abatement is not effective unless the owner of
9 the new electric generating facility agrees to repay to
10 the taxing district all amounts previously abated,
11 together with interest computed at the rate and in the
12 manner provided for delinquent taxes, in the event that
13 the owner of the new electric generating facility
14 closes the new electric generating facility before the
15 expiration of the entire term of the abatement.

16 The authorization of taxing districts to abate
17 taxes under this subdivision (a)(1)(A-5) expires on
18 January 1, 2010.

19 (B) The property of any commercial or industrial
20 development of at least (i) 500 acres or (ii) 225 acres
21 in the case of a commercial or industrial development
22 that applies for and is granted designation as a High
23 Impact Business under paragraph (F) of item (3) of
24 subsection (a) of Section 5.5 of the Illinois
25 Enterprise Zone Act, having been created within the
26 taxing district. The abatement shall not exceed a

1 period of 20 years and the aggregate amount of abated
2 taxes for all taxing districts combined shall not
3 exceed \$12,000,000.

4 (C) The property of any commercial or industrial
5 firm currently located in the taxing district that
6 expands a facility or its number of employees. The
7 abatement shall not exceed a period of 10 years and the
8 aggregate amount of abated taxes for all taxing
9 districts combined shall not exceed \$4,000,000. The
10 abatement period may be renewed at the option of the
11 taxing districts.

12 (2) Horse racing. Any property in the taxing district
13 which is used for the racing of horses and upon which
14 capital improvements consisting of expansion, improvement
15 or replacement of existing facilities have been made since
16 July 1, 1987. The combined abatements for such property
17 from all taxing districts in any county shall not exceed
18 \$5,000,000 annually and shall not exceed a period of 10
19 years.

20 (3) Auto racing. Any property designed exclusively for
21 the racing of motor vehicles. Such abatement shall not
22 exceed a period of 10 years.

23 (4) Academic or research institute. The property of any
24 academic or research institute in the taxing district that
25 (i) is an exempt organization under paragraph (3) of
26 Section 501(c) of the Internal Revenue Code, (ii) operates

1 for the benefit of the public by actually and exclusively
2 performing scientific research and making the results of
3 the research available to the interested public on a
4 non-discriminatory basis, and (iii) employs more than 100
5 employees. An abatement granted under this paragraph shall
6 be for at least 15 years and the aggregate amount of abated
7 taxes for all taxing districts combined shall not exceed
8 \$5,000,000.

9 (5) Housing for older persons. Any property in the
10 taxing district that is devoted exclusively to affordable
11 housing for older households. For purposes of this
12 paragraph, "older households" means those households (i)
13 living in housing provided under any State or federal
14 program that the Department of Human Rights determines is
15 specifically designed and operated to assist elderly
16 persons and is solely occupied by persons 55 years of age
17 or older and (ii) whose annual income does not exceed 80%
18 of the area gross median income, adjusted for family size,
19 as such gross income and median income are determined from
20 time to time by the United States Department of Housing and
21 Urban Development. The abatement shall not exceed a period
22 of 15 years, and the aggregate amount of abated taxes for
23 all taxing districts shall not exceed \$3,000,000.

24 (6) Historical society. For assessment years 1998
25 through 2018, the property of an historical society
26 qualifying as an exempt organization under Section

1 501(c)(3) of the federal Internal Revenue Code.

2 (7) Recreational facilities. Any property in the
3 taxing district (i) that is used for a municipal airport,
4 (ii) that is subject to a leasehold assessment under
5 Section 9-195 of this Code and (iii) which is sublet from a
6 park district that is leasing the property from a
7 municipality, but only if the property is used exclusively
8 for recreational facilities or for parking lots used
9 exclusively for those facilities. The abatement shall not
10 exceed a period of 10 years.

11 (8) Relocated corporate headquarters. If approval
12 occurs within 5 years after the effective date of this
13 amendatory Act of the 92nd General Assembly, any property
14 or a portion of any property in a taxing district that is
15 used by an eligible business for a corporate headquarters
16 as defined in the Corporate Headquarters Relocation Act.
17 Instead of an abatement under this paragraph (8), a taxing
18 district may enter into an agreement with an eligible
19 business to make annual payments to that eligible business
20 in an amount not to exceed the property taxes paid directly
21 or indirectly by that eligible business to the taxing
22 district and any other taxing districts for premises
23 occupied pursuant to a written lease and may make those
24 payments without the need for an annual appropriation. No
25 school district, however, may enter into an agreement with,
26 or abate taxes for, an eligible business unless the

1 municipality in which the corporate headquarters is
2 located agrees to provide funding to the school district in
3 an amount equal to the amount abated or paid by the school
4 district as provided in this paragraph (8). Any abatement
5 ordered or agreement entered into under this paragraph (8)
6 may be effective for the entire term specified by the
7 taxing district, except the term of the abatement or annual
8 payments may not exceed 20 years.

9 (9) United States Military Public/Private Residential
10 Developments. Each building, structure, or other
11 improvement designed, financed, constructed, renovated,
12 managed, operated, or maintained after January 1, 2006
13 under a "PPV Lease", as set forth under Division 14 of
14 Article 10, and any such PPV Lease.

15 (10) Property located in a business corridor that
16 qualifies for an abatement under Section 18-184.10.

17 (b) Upon a majority vote of its governing authority, any
18 municipality may, after the determination of the assessed
19 valuation of its property, order the county clerk to abate any
20 portion of its taxes on any property that is located within the
21 corporate limits of the municipality in accordance with Section
22 8-3-18 of the Illinois Municipal Code.

23 (c) If the corporate authorities of a school district
24 determine that the school district has on hand surplus funds
25 from any source, then, in that taxable year or in the next
26 taxable year, the corporate authorities may, by a majority

1 vote, order the county clerk to abate its taxes on all
2 residential property located within the corporate limits of the
3 school district in an amount not to exceed the amount of the
4 surplus.

5 (Source: P.A. 97-577, eff. 1-1-12; 97-636, eff. 6-1-12; 98-109,
6 eff. 7-25-13.)".