



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 1608

2 AMENDMENT NO. _____. Amend Senate Bill 1608 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 18-155 and by adding Section 18-156 as follows:

6 (35 ILCS 200/18-155)

7 Sec. 18-155. Apportionment of taxes for district in two or
8 more counties. The burden of taxation of property in taxing
9 districts that lie in more than one county shall be fairly
10 apportioned as provided in Article IX, Section 7, of the
11 Constitution of 1970.

12 The Department may, and on written request made before July
13 1 to the Department shall, proceed to apportion the tax burden.
14 The request may be made only by an assessor, chief county
15 assessment officer, Board of Review, Board of Appeals,
16 overlapping taxing district or 25 or more interested taxpayers.

1 The request shall specify one or more taxing districts in the
2 county which lie in one or more other specified counties, and
3 also specify the civil townships, if any, in which the
4 overlapping taxing districts lie. When the Department has
5 received a written request for equalization for overlapping tax
6 districts as provided in this Section, the Department shall
7 promptly notify the county clerk and county treasurer of each
8 county affected by that request that tax bills with respect to
9 property in the parts of the county which are affected by the
10 request may not be prepared or mailed until the Department
11 certifies the apportionment among counties of the taxing
12 districts' levies, except as provided in subsection (c) of this
13 Section. To apportion, the Department shall:

14 (a) On or before December 31 of that year cause an
15 assessment ratio study to be made in each township in which
16 each of the named overlapping taxing districts lies, using
17 equalized assessed values as certified by the county clerk, and
18 an analysis of property transfers prior to January 1 of that
19 year. The property transfers shall be in an amount deemed
20 reasonable and proper by the Department. The Department may
21 conduct hearings, at which the evidence shall be limited to the
22 written presentation of assessment ratio study data.

23 (b) Request from the County Clerk in each County in which
24 the overlapping taxing districts lie, certification of the
25 portion of the assessed value of the prior year for each
26 overlapping taxing district's portion of each township.

1 Beginning with the 1999 taxable year, for those counties that
2 classify property by county ordinance pursuant to subsection
3 (b) of Section 4 of Article IX of the Illinois Constitution,
4 the certification shall be listed by property class as provided
5 in the classification ordinance. The clerk shall return the
6 certification within 30 days of receipt of the request.

7 (c) Use the township assessment ratio studies to apportion
8 the amount to be raised by taxation upon property within the
9 district so that each county in which the district lies bears
10 that burden of taxation as though all parts of the overlapping
11 taxing district had been assessed at the same proportion of
12 actual value. The Department shall certify to each County
13 Clerk, by March 15, the percent of burden. Except as provided
14 below, the County Clerk shall apply the percentage to the
15 extension as provided in Section 18-45 to determine the amount
16 of tax to be raised in the county.

17 If the Department does not certify the percent of burden in
18 the time prescribed, the county clerk shall use the most recent
19 prior certification to determine the amount of tax to be raised
20 in the county.

21 If the use of a prior certified percentage results in over
22 or under extension for the overlapping taxing district in the
23 county using same, the county clerk shall make appropriate
24 adjustments in the subsequent year, except as provided by
25 Section 18-156. Any adjustments necessitated by the procedure
26 authorized by this Section shall be made by increasing or

1 decreasing the tax extension by fund for each taxing district
2 where a prior certified percentage was used. No tax rate limit
3 shall render any part of a tax levy illegally excessive which
4 has been apportioned as herein provided. The percentages
5 certified by the Department shall remain until changed by
6 reason of another assessment ratio study made under this
7 Section.

8 To determine whether an overlapping district has met any
9 qualifying rate prescribed by law for eligibility for State
10 aid, the tax rate of the district shall be considered to be
11 that rate which would have produced the same amount of revenue
12 had the taxes of the district been extended at a uniform rate
13 throughout the district, even if by application of this Section
14 the actual rate of extension in a portion of the district is
15 less than the qualifying rate.

16 (Source: P.A. 90-594, eff. 6-24-98.)

17 (35 ILCS 200/18-156 new)

18 Sec. 18-156. Correction of apportionment of taxes for a
19 district in 2 or more counties.

20 (a) Definitions. For the purposes of this Section, these
21 definitions shall apply:

22 "Apportioned property tax levy" means the total property
23 tax extension of a taxing district in one or more counties that
24 has been apportioned by the Department pursuant to Section
25 18-155.

1 "Over-apportionment" means that any single county's share
2 of an apportioned property tax levy is subsequently determined
3 to exceed 105% of what that county's share should have been.

4 (b) If, subsequent to the calculation of an apportioned
5 property tax levy, the Department determines that an
6 over-apportionment has taken place, the Department shall
7 notify the county clerk and county treasurer of each county
8 affected by the incorrect apportionment and shall provide those
9 county clerks and county treasurers with correct apportionment
10 data.

11 (c) If the notification under this Section is made prior to
12 the due date of the final installment of property tax payments
13 for that taxable year, the county treasurer of a county where
14 an over-apportionment has taken place may, at the treasurer's
15 sole discretion, issue a refund of the over-apportioned amount
16 by either a reduced final installment, a refund of taxes paid,
17 or both, to each taxpayer who is entitled to a refund because
18 of the over-apportionment. Additionally, if the treasurer of
19 the county where an over-apportionment has taken place issues a
20 refund under this subsection, the county treasurer of each
21 other county affected by the incorrect apportionment shall
22 issue a corrected final installment or an additional bill for
23 the amount owed as a result of the under-apportionment of that
24 county's share of the property tax levy to each taxpayer whose
25 taxes were underpaid as a result of the apportionment error.

26 (d) Any refund issued under subsection (c) due to any

1 over-apportionment may be made from funds held by the county
2 treasurer for the specific taxing district that was the subject
3 of the over-apportionment; once those funds have been disbursed
4 to the taxing districts, the authority of the county treasurer
5 to issue refunds under subsection (c) ends.

6 (e) This Section applies for taxable year 2015 and
7 thereafter.

8 Section 10. The Uniform Penalty and Interest Act is amended
9 by changing Section 3-3 as follows:

10 (35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

11 Sec. 3-3. Penalty for failure to file or pay.

12 (a) This subsection (a) is applicable before January 1,
13 1996. A penalty of 5% of the tax required to be shown due on a
14 return shall be imposed for failure to file the tax return on
15 or before the due date prescribed for filing determined with
16 regard for any extension of time for filing (penalty for late
17 filing or nonfiling). If any unprocessable return is corrected
18 and filed within 21 days after notice by the Department, the
19 late filing or nonfiling penalty shall not apply. If a penalty
20 for late filing or nonfiling is imposed in addition to a
21 penalty for late payment, the total penalty due shall be the
22 sum of the late filing penalty and the applicable late payment
23 penalty. Beginning on the effective date of this amendatory Act
24 of 1995, in the case of any type of tax return required to be

1 filed more frequently than annually, when the failure to file
2 the tax return on or before the date prescribed for filing
3 (including any extensions) is shown to be nonfraudulent and has
4 not occurred in the 2 years immediately preceding the failure
5 to file on the prescribed due date, the penalty imposed by
6 Section 3-3(a) shall be abated.

7 (a-5) This subsection (a-5) is applicable to returns due on
8 and after January 1, 1996 and on or before December 31, 2000. A
9 penalty equal to 2% of the tax required to be shown due on a
10 return, up to a maximum amount of \$250, determined without
11 regard to any part of the tax that is paid on time or by any
12 credit that was properly allowable on the date the return was
13 required to be filed, shall be imposed for failure to file the
14 tax return on or before the due date prescribed for filing
15 determined with regard for any extension of time for filing.
16 However, if any return is not filed within 30 days after notice
17 of nonfiling mailed by the Department to the last known address
18 of the taxpayer contained in Department records, an additional
19 penalty amount shall be imposed equal to the greater of \$250 or
20 2% of the tax shown on the return. However, the additional
21 penalty amount may not exceed \$5,000 and is determined without
22 regard to any part of the tax that is paid on time or by any
23 credit that was properly allowable on the date the return was
24 required to be filed (penalty for late filing or nonfiling). If
25 any unprocessable return is corrected and filed within 30 days
26 after notice by the Department, the late filing or nonfiling

1 penalty shall not apply. If a penalty for late filing or
2 nonfiling is imposed in addition to a penalty for late payment,
3 the total penalty due shall be the sum of the late filing
4 penalty and the applicable late payment penalty. In the case of
5 any type of tax return required to be filed more frequently
6 than annually, when the failure to file the tax return on or
7 before the date prescribed for filing (including any
8 extensions) is shown to be nonfraudulent and has not occurred
9 in the 2 years immediately preceding the failure to file on the
10 prescribed due date, the penalty imposed by Section 3-3(a-5)
11 shall be abated.

12 (a-10) This subsection (a-10) is applicable to returns due
13 on and after January 1, 2001. A penalty equal to 2% of the tax
14 required to be shown due on a return, up to a maximum amount of
15 \$250, reduced by any tax that is paid on time or by any credit
16 that was properly allowable on the date the return was required
17 to be filed, shall be imposed for failure to file the tax
18 return on or before the due date prescribed for filing
19 determined with regard for any extension of time for filing.
20 However, if any return is not filed within 30 days after notice
21 of nonfiling mailed by the Department to the last known address
22 of the taxpayer contained in Department records, an additional
23 penalty amount shall be imposed equal to the greater of \$250 or
24 2% of the tax shown on the return. However, the additional
25 penalty amount may not exceed \$5,000 and is determined without
26 regard to any part of the tax that is paid on time or by any

1 credit that was properly allowable on the date the return was
2 required to be filed (penalty for late filing or nonfiling). If
3 any unprocessable return is corrected and filed within 30 days
4 after notice by the Department, the late filing or nonfiling
5 penalty shall not apply. If a penalty for late filing or
6 nonfiling is imposed in addition to a penalty for late payment,
7 the total penalty due shall be the sum of the late filing
8 penalty and the applicable late payment penalty. In the case of
9 any type of tax return required to be filed more frequently
10 than annually, when the failure to file the tax return on or
11 before the date prescribed for filing (including any
12 extensions) is shown to be nonfraudulent and has not occurred
13 in the 2 years immediately preceding the failure to file on the
14 prescribed due date, the penalty imposed by this subsection
15 (a-10) ~~Section 3-3(a-10)~~ shall be abated. This subsection
16 (a-10) does not apply to transaction reporting returns required
17 by Section 3 of the Retailers' Occupation Tax Act and Section 9
18 of the Use Tax Act that would not, when properly prepared and
19 filed, result in the imposition of a tax; however, those
20 returns are subject to the penalty set forth in subsection
21 (a-15).

22 (a-15) ~~A In addition to any other penalties imposed by law~~
23 ~~for the failure to file a return, a~~ penalty of \$100 shall be
24 imposed for failure to file a transaction reporting return
25 required by Section 3 of the Retailers' Occupation Tax Act and
26 Section 9 of the Use Tax Act on or before the date a return is

1 required to be filed; provided, however, that this ~~.—This~~
2 penalty shall be imposed only if ~~regardless of whether~~ the
3 return when properly prepared and filed would not result in the
4 imposition of a tax. If such a transaction reporting return
5 would result in the imposition of a tax when properly prepared
6 and filed, then that return is subject to the provisions of
7 subsection (a-10).

8 (b) This subsection is applicable before January 1, 1998. A
9 penalty of 15% of the tax shown on the return or the tax
10 required to be shown due on the return shall be imposed for
11 failure to pay:

12 (1) the tax shown due on the return on or before the
13 due date prescribed for payment of that tax, an amount of
14 underpayment of estimated tax, or an amount that is
15 reported in an amended return other than an amended return
16 timely filed as required by subsection (b) of Section 506
17 of the Illinois Income Tax Act (penalty for late payment or
18 nonpayment of admitted liability); or

19 (2) the full amount of any tax required to be shown due
20 on a return and which is not shown (penalty for late
21 payment or nonpayment of additional liability), within 30
22 days after a notice of arithmetic error, notice and demand,
23 or a final assessment is issued by the Department. In the
24 case of a final assessment arising following a protest and
25 hearing, the 30-day period shall not begin until all
26 proceedings in court for review of the final assessment

1 have terminated or the period for obtaining a review has
2 expired without proceedings for a review having been
3 instituted. In the case of a notice of tax liability that
4 becomes a final assessment without a protest and hearing,
5 the penalty provided in this paragraph (2) shall be imposed
6 at the expiration of the period provided for the filing of
7 a protest.

8 (b-5) This subsection is applicable to returns due on and
9 after January 1, 1998 and on or before December 31, 2000. A
10 penalty of 20% of the tax shown on the return or the tax
11 required to be shown due on the return shall be imposed for
12 failure to pay:

13 (1) the tax shown due on the return on or before the
14 due date prescribed for payment of that tax, an amount of
15 underpayment of estimated tax, or an amount that is
16 reported in an amended return other than an amended return
17 timely filed as required by subsection (b) of Section 506
18 of the Illinois Income Tax Act (penalty for late payment or
19 nonpayment of admitted liability); or

20 (2) the full amount of any tax required to be shown due
21 on a return and which is not shown (penalty for late
22 payment or nonpayment of additional liability), within 30
23 days after a notice of arithmetic error, notice and demand,
24 or a final assessment is issued by the Department. In the
25 case of a final assessment arising following a protest and
26 hearing, the 30-day period shall not begin until all

1 proceedings in court for review of the final assessment
2 have terminated or the period for obtaining a review has
3 expired without proceedings for a review having been
4 instituted. In the case of a notice of tax liability that
5 becomes a final assessment without a protest and hearing,
6 the penalty provided in this paragraph (2) shall be imposed
7 at the expiration of the period provided for the filing of
8 a protest.

9 (b-10) This subsection (b-10) is applicable to returns due
10 on and after January 1, 2001 and on or before December 31,
11 2003. A penalty shall be imposed for failure to pay:

12 (1) the tax shown due on a return on or before the due
13 date prescribed for payment of that tax, an amount of
14 underpayment of estimated tax, or an amount that is
15 reported in an amended return other than an amended return
16 timely filed as required by subsection (b) of Section 506
17 of the Illinois Income Tax Act (penalty for late payment or
18 nonpayment of admitted liability). The amount of penalty
19 imposed under this subsection (b-10) (1) shall be 2% of any
20 amount that is paid no later than 30 days after the due
21 date, 5% of any amount that is paid later than 30 days
22 after the due date and not later than 90 days after the due
23 date, 10% of any amount that is paid later than 90 days
24 after the due date and not later than 180 days after the
25 due date, and 15% of any amount that is paid later than 180
26 days after the due date. If notice and demand is made for

1 the payment of any amount of tax due and if the amount due
2 is paid within 30 days after the date of the notice and
3 demand, then the penalty for late payment or nonpayment of
4 admitted liability under this subsection (b-10)(1) on the
5 amount so paid shall not accrue for the period after the
6 date of the notice and demand.

7 (2) the full amount of any tax required to be shown due
8 on a return and that is not shown (penalty for late payment
9 or nonpayment of additional liability), within 30 days
10 after a notice of arithmetic error, notice and demand, or a
11 final assessment is issued by the Department. In the case
12 of a final assessment arising following a protest and
13 hearing, the 30-day period shall not begin until all
14 proceedings in court for review of the final assessment
15 have terminated or the period for obtaining a review has
16 expired without proceedings for a review having been
17 instituted. The amount of penalty imposed under this
18 subsection (b-10)(2) shall be 20% of any amount that is not
19 paid within the 30-day period. In the case of a notice of
20 tax liability that becomes a final assessment without a
21 protest and hearing, the penalty provided in this
22 subsection (b-10)(2) shall be imposed at the expiration of
23 the period provided for the filing of a protest.

24 (b-15) This subsection (b-15) is applicable to returns due
25 on and after January 1, 2004 and on or before December 31,
26 2004. A penalty shall be imposed for failure to pay the tax

1 shown due or required to be shown due on a return on or before
2 the due date prescribed for payment of that tax, an amount of
3 underpayment of estimated tax, or an amount that is reported in
4 an amended return other than an amended return timely filed as
5 required by subsection (b) of Section 506 of the Illinois
6 Income Tax Act (penalty for late payment or nonpayment of
7 admitted liability). The amount of penalty imposed under this
8 subsection (b-15)(1) shall be 2% of any amount that is paid no
9 later than 30 days after the due date, 10% of any amount that
10 is paid later than 30 days after the due date and not later
11 than 90 days after the due date, 15% of any amount that is paid
12 later than 90 days after the due date and not later than 180
13 days after the due date, and 20% of any amount that is paid
14 later than 180 days after the due date. If notice and demand is
15 made for the payment of any amount of tax due and if the amount
16 due is paid within 30 days after the date of this notice and
17 demand, then the penalty for late payment or nonpayment of
18 admitted liability under this subsection (b-15)(1) on the
19 amount so paid shall not accrue for the period after the date
20 of the notice and demand.

21 (b-20) This subsection (b-20) is applicable to returns due
22 on and after January 1, 2005.

23 (1) A penalty shall be imposed for failure to pay,
24 prior to the due date for payment, any amount of tax the
25 payment of which is required to be made prior to the filing
26 of a return or without a return (penalty for late payment

1 or nonpayment of estimated or accelerated tax). The amount
2 of penalty imposed under this paragraph (1) shall be 2% of
3 any amount that is paid no later than 30 days after the due
4 date and 10% of any amount that is paid later than 30 days
5 after the due date.

6 (2) A penalty shall be imposed for failure to pay the
7 tax shown due or required to be shown due on a return on or
8 before the due date prescribed for payment of that tax or
9 an amount that is reported in an amended return other than
10 an amended return timely filed as required by subsection
11 (b) of Section 506 of the Illinois Income Tax Act (penalty
12 for late payment or nonpayment of tax). The amount of
13 penalty imposed under this paragraph (2) shall be 2% of any
14 amount that is paid no later than 30 days after the due
15 date, 10% of any amount that is paid later than 30 days
16 after the due date and prior to the date the Department has
17 initiated an audit or investigation of the taxpayer, and
18 20% of any amount that is paid after the date the
19 Department has initiated an audit or investigation of the
20 taxpayer; provided that the penalty shall be reduced to 15%
21 if the entire amount due is paid not later than 30 days
22 after the Department has provided the taxpayer with an
23 amended return (following completion of an occupation,
24 use, or excise tax audit) or a form for waiver of
25 restrictions on assessment (following completion of an
26 income tax audit); provided further that the reduction to

1 15% shall be rescinded if the taxpayer makes any claim for
2 refund or credit of the tax, penalties, or interest
3 determined to be due upon audit, except in the case of a
4 claim filed pursuant to subsection (b) of Section 506 of
5 the Illinois Income Tax Act or to claim a carryover of a
6 loss or credit, the availability of which was not
7 determined in the audit. For purposes of this paragraph
8 (2), any overpayment reported on an original return that
9 has been allowed as a refund or credit to the taxpayer
10 shall be deemed to have not been paid on or before the due
11 date for payment and any amount paid under protest pursuant
12 to the provisions of the State Officers and Employees Money
13 Disposition Act shall be deemed to have been paid after the
14 Department has initiated an audit and more than 30 days
15 after the Department has provided the taxpayer with an
16 amended return (following completion of an occupation,
17 use, or excise tax audit) or a form for waiver of
18 restrictions on assessment (following completion of an
19 income tax audit).

20 (3) The penalty imposed under this subsection (b-20)
21 shall be deemed assessed at the time the tax upon which the
22 penalty is computed is assessed, except that, if the
23 reduction of the penalty imposed under paragraph (2) of
24 this subsection (b-20) to 15% is rescinded because a claim
25 for refund or credit has been filed, the increase in
26 penalty shall be deemed assessed at the time the claim for

1 refund or credit is filed.

2 (c) For purposes of the late payment penalties, the basis
3 of the penalty shall be the tax shown or required to be shown
4 on a return, whichever is applicable, reduced by any part of
5 the tax which is paid on time and by any credit which was
6 properly allowable on the date the return was required to be
7 filed.

8 (d) A penalty shall be applied to the tax required to be
9 shown even if that amount is less than the tax shown on the
10 return.

11 (e) This subsection (e) is applicable to returns due before
12 January 1, 2001. If both a subsection (b)(1) or (b-5)(1)
13 penalty and a subsection (b)(2) or (b-5)(2) penalty are
14 assessed against the same return, the subsection (b)(2) or
15 (b-5)(2) penalty shall be assessed against only the additional
16 tax found to be due.

17 (e-5) This subsection (e-5) is applicable to returns due on
18 and after January 1, 2001. If both a subsection (b-10)(1)
19 penalty and a subsection (b-10)(2) penalty are assessed against
20 the same return, the subsection (b-10)(2) penalty shall be
21 assessed against only the additional tax found to be due.

22 (f) If the taxpayer has failed to file the return, the
23 Department shall determine the correct tax according to its
24 best judgment and information, which amount shall be prima
25 facie evidence of the correctness of the tax due.

26 (g) The time within which to file a return or pay an amount

1 of tax due without imposition of a penalty does not extend the
2 time within which to file a protest to a notice of tax
3 liability or a notice of deficiency.

4 (h) No return shall be determined to be unprocessable
5 because of the omission of any information requested on the
6 return pursuant to Section 2505-575 of the Department of
7 Revenue Law (20 ILCS 2505/2505-575).

8 (i) If a taxpayer has a tax liability for the taxable
9 period ending after June 30, 1983 and prior to July 1, 2002
10 that is eligible for amnesty under the Tax Delinquency Amnesty
11 Act and the taxpayer fails to satisfy the tax liability during
12 the amnesty period provided for in that Act for that taxable
13 period, then the penalty imposed by the Department under this
14 Section shall be imposed in an amount that is 200% of the
15 amount that would otherwise be imposed under this Section.

16 (j) If a taxpayer has a tax liability for the taxable
17 period ending after June 30, 2002 and prior to July 1, 2009
18 that is eligible for amnesty under the Tax Delinquency Amnesty
19 Act, except for any tax liability reported pursuant to Section
20 506(b) of the Illinois Income Tax Act (35 ILCS 5/506(b)) that
21 is not final, and the taxpayer fails to satisfy the tax
22 liability during the amnesty period provided for in that Act
23 for that taxable period, then the penalty imposed by the
24 Department under this Section shall be imposed in an amount
25 that is 200% of the amount that would otherwise be imposed
26 under this Section.

1 (Source: P.A. 98-425, eff. 8-16-13.)

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