

SB2611



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2611

Introduced 2/16/2016, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

35 ILCS 405/6

from Ch. 120, par. 405A-6

Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Removes a requirement that Illinois transfer tax returns must be filed with the State Treasurer. Effective immediately.

LRB099 16087 HLH 40411 b

A BILL FOR

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 Illinois Estate and Generation-Skipping
5 Transfer Tax Act is amended by changing Section 6 as follows:

6 (35 ILCS 405/6) (from Ch. 120, par. 405A-6)

7 Sec. 6. Returns and payments.

8 (a) Due Dates. The Illinois transfer tax shall be paid and
9 the Illinois transfer tax return shall be filed on the due date
10 or dates, respectively, including extensions, for paying the
11 federal transfer tax and filing the related federal return.

12 (b) Installment payments and deferral. In the event that
13 any portion of the federal transfer tax is deferred or to be
14 paid in installments under the provisions of the Internal
15 Revenue Code, the portion of the Illinois transfer tax which is
16 subject to deferral or payable in installments shall be
17 determined by multiplying the Illinois transfer tax by a
18 fraction, the numerator of which is the gross value of the
19 assets included in the transferred property having a tax situs
20 in this State and which give rise to the deferred or
21 installment payment under the Internal Revenue Code, and the
22 denominator of which is the gross value of all assets included
23 in the transferred property having a tax situs in this State.

1 Deferred payments and installment payments, with interest,
2 shall be paid at the same time and in the same manner as
3 payments of the federal transfer tax are required to be made
4 under the applicable Sections of the Internal Revenue Code,
5 provided that the rate of interest on unpaid amounts of
6 Illinois transfer tax shall be determined under this Act.
7 Acceleration of payment under this Section shall occur under
8 the same circumstances and in the same manner as provided in
9 the Internal Revenue Code.

10 (c) Who shall file and pay. The Illinois transfer tax
11 return (including any supplemental or amended return) shall be
12 filed, and the Illinois transfer tax (including any additional
13 tax that may become due) shall be paid by the same person or
14 persons, respectively, who are required to pay the federal
15 transfer tax and file the federal return, or who would have
16 been required to pay a federal transfer tax and file a federal
17 return if a federal transfer tax were due.

18 (d) Where to file return. The executed Illinois transfer
19 tax return shall be filed with the Attorney General. ~~In~~
20 ~~addition, for payments made prior to July 1, 2012, a copy of~~
21 ~~the Illinois transfer tax return shall be filed with the county~~
22 ~~treasurer to whom the Illinois transfer tax is paid, determined~~
23 ~~under subsection (c) of this Section, and, for payments made on~~
24 ~~or after July 1, 2012, a copy of the Illinois transfer tax~~
25 ~~return shall be filed with the State Treasurer.~~

26 (e) Where to pay tax. The Illinois transfer tax shall be

1 paid according to the following rules:

2 (1) Illinois Estate Tax. Prior to July 1, 2012, the
3 Illinois estate tax shall be paid to the treasurer of the
4 county in which the decedent was a resident on the date of
5 the decedent's death or, if the decedent was not a resident
6 of this State on the date of death, the county in which the
7 greater part, by gross value, of the transferred property
8 with a tax situs in this State is located.

9 (2) Illinois Generation-Skipping Transfer Tax. Prior
10 to July 1, 2012, the Illinois generation-skipping transfer
11 tax involving transferred property from or in a resident
12 trust shall be paid to the county treasurer for the county
13 in which the grantor resided at the time the trust became
14 irrevocable (in the case of an inter vivos trust) or the
15 county in which the decedent resided at death (in the case
16 of a trust created by the will of a decedent). In the case
17 of an Illinois generation-skipping transfer tax involving
18 transferred property from or in a non-resident trust, the
19 Illinois generation-skipping transfer tax shall be paid to
20 the county treasurer for the county in which the greater
21 part, by gross value, of the transferred property with a
22 tax situs in this State is located.

23 (3) Payments on or after July 1, 2012. On or after July
24 1, 2012, both the Illinois estate tax and the Illinois
25 generation-skipping transfer tax shall be paid directly to
26 the State Treasurer.

1 (f) Forms; confidentiality. The Illinois transfer tax
2 return shall be in all respects in the manner and form
3 prescribed by the regulations of the Attorney General. At the
4 same time the Illinois transfer tax return is filed, the person
5 required to file shall also file with the Attorney General a
6 copy of the related federal return. For individuals dying after
7 December 31, 2005, in cases where no federal return is required
8 to be filed, the person required to file an Illinois return
9 shall also file with the Attorney General schedules of assets
10 in the manner and form prescribed by the Attorney General. The
11 Illinois transfer tax return and the copy of the federal return
12 filed with the Attorney General, the county treasurer, or the
13 State Treasurer shall be confidential, and the Attorney
14 General, each county treasurer, and the State Treasurer and all
15 of their assistants or employees are prohibited from divulging
16 in any manner any of the contents of those returns, except only
17 in a proceeding instituted under the provisions of this Act.

18 (g) County Treasurer shall accept payment. Prior to July 1,
19 2012, no county treasurer shall refuse to accept payment of any
20 amount due under this Act on the grounds that the county
21 treasurer has not yet received a copy of the appropriate
22 Illinois transfer tax return.

23 (h) Beginning July 1, 2012, the State Treasurer shall not
24 refuse to accept payment of any amount due under this Act on
25 the grounds that the State Treasurer has not yet received a
26 copy of the appropriate Illinois transfer tax return.

1 (Source: P.A. 97-732, eff. 6-30-12.)

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