

AN ACT concerning revenue.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Property Tax Code is amended by adding Divisions 16 and 17 to Article 10 as follows:

(35 ILCS 200/Art. 10 Div. 16 heading new)

DIVISION 16. CONSERVATION STEWARDSHIP LAW

(35 ILCS 200/10-400 new)

Sec. 10-400. Short title; findings and policy.

(a) This Division may be cited as the Conservation Stewardship Law.

(b) The General Assembly finds that it is in the best interest of this State to maintain, preserve, conserve, and manage unimproved land to assure the protection of these limited and unique environmental resources for the economic and social well-being of the State and its citizens.

The General Assembly further finds that, to maximize voluntary taxpayer participation in conservation programs, conservation should be recognized as a legitimate land use and taxpayers should have a full range of incentive programs from which to choose.

Therefore, the General Assembly declares that it is in the

public interest to prevent the forced conversion of unimproved land to more intensive uses as a result of economic pressures caused by the property tax system at values incompatible with their preservation and management as unimproved land, and that a program should be designed to permit the continued availability of this land for these purposes.

The General Assembly further declares that the following provisions are intended to allow for the conservation, management, and assessment of unimproved land generally suitable for the perpetual growth and preservation of such land in this State.

(35 ILCS 200/10-405 new)

Sec. 10-405. Definitions. As used in this Division:

"Unimproved land" means woodlands, prairie, wetlands, or other vacant and undeveloped land that is not used for any residential or commercial purpose that materially disturbs the land.

"Conservation management plan" means a plan approved by the Department of Natural Resources that specifies conservation and management practices, including uses that will be conducted to preserve and restore unimproved land.

"Managed land" means unimproved land of 5 contiguous acres or more that is subject to a conservation management plan.

(35 ILCS 200/10-410 new)

Sec. 10-410. Conservation management plan; rules. The Department of Natural Resources shall adopt rules specifying the form and content of a conservation management plan sufficient for managed land to be valued under this Division. The rules adopted under this Section must require a description of the managed land and must specify the conservation and management practices that are appropriate to preserve and maintain unimproved land in this State and any other conservation practices.

(35 ILCS 200/10-415 new)

Sec. 10-415. Plan submission and review; approval.

(a) A taxpayer requesting special valuation of unimproved land under this Division must first submit a conservation management plan for that land to the Department of Natural Resources for review. The Department of Natural Resources shall review each submitted plan for compliance with the standards and criteria set forth in its rules.

(b) Upon approval, the Department of Natural Resources shall issue to the taxpayer a written declaration that the land is subject to a conservation management plan approved by the Department of Natural Resources.

(c) The Department of Natural Resources shall reapprove the plan every 10 years and revise it when necessary or appropriate.

(d) If a plan is not approved, then the Department of

Natural Resources shall state the reasons for the denial and provide the taxpayer an opportunity to amend the plan to conform to the requirements of this Division. If the application is denied a second time, the taxpayer may appeal the decision to an independent 3-member panel to be established within the Department of Natural Resources.

(e) The submission of an application for a conservation management plan under this Section or of a forestry management plan under Section 10-150 shall be treated as compliance with the requirements of that plan until the Department of Natural Resources can review the application. The Department of Natural Resources shall certify, to the Department, these applications as being approved plans for the purpose of this Division.

(35 ILCS 200/10-420 new)

Sec. 10-420. Special valuation of managed land; exceptions.

(a) In all counties, except for Cook County, beginning with assessments made in 2008 and thereafter, managed land for which an application has been approved under Section 10-415 that contains 5 or more contiguous acres is valued at 5% of its fair cash value.

(b) The special valuation under this Section does not apply to (i) any land that has been assessed as farmland under Sections 10-110 through 10-145, (ii) land valued under Section 10-152 or 10-153, (iii) land valued as open space under Section

10-155, (iv) land certified under Section 10-167, or (v) any property dedicated as a nature preserve or a nature preserve buffer under the Illinois Natural Areas Preservation Act and assessed in accordance with subsection (e) of Section 9-145.

(35 ILCS 200/10-425 new)

Sec. 10-425. Certification.

(a) The Department of Natural Resources shall certify to the Department a list of applications approved under Section 10-415. This list must contain the following information for each approved application:

- (1) the name and address of the taxpayer;
- (2) the county in which the land is located;
- (3) the size and each property index number or legal description of the land that was approved; and
- (4) copies of the taxpayer's approved conservation management plan.

(b) Within 30 days after the receipt of this information, the Department shall notify in writing the chief county assessment officer of each parcel of land covered by an approved conservation management plan and application. The chief county assessment officer shall determine the valuation of the land as otherwise permitted by law and as required under Section 10-420 of this Division, and shall list them separately.

(35 ILCS 200/10-430 new)

Sec. 10-430. Withdrawal from special valuation.

(a) If any of the following events occur, then the Department of Natural Resources shall withdraw all or a portion of the land from special valuation:

(1) the Department of Natural Resources determines, based on field inspections or from any other reasonable evidence, that the land no longer meets the criteria under this Division; or

(2) the failure of the taxpayer to respond to a request from the Department of Natural Resources or the chief county assessment officer of each county in which the property is located for data regarding the use of the land or other similar information pertinent to the continued special valuation of the land.

(b) A determination by the Department of Natural Resources to withdraw land from the special valuation under this Act is effective on the following January 1 of the assessment year in which the withdrawal occurred.

(c) The Department of Natural Resources shall notify the chief county assessment officer and the Department in writing of any land withdrawn from special valuation. Upon withdrawal, additional taxes must be calculated as provided in Section 10-445.

(35 ILCS 200/10-435 new)

Sec. 10-435. Recapture.

(a) If, in any taxable year that the taxpayer receives a special valuation under Section 10-470, the taxpayer does not comply with the conservation management plan, then the taxpayer shall, by the following September 1, pay to the county treasurer the difference between: (i) the taxes paid for that year and; (ii) what the taxes for that year would have been based on a valuation otherwise permitted by law.

(b) If the amount under subsection (a) is not paid by the following September 1, then that amount is considered to be delinquent property taxes.

(c) If a taxpayer who currently owns land in (i) a forestry management plan under Section 10-150 or (ii) land registered or encumbered by conservation rights under Section 10-166 that would qualify for the tax assessment under this Division, then the taxpayer may apply for reassessment under this Division and shall not be penalized for doing so.

(35 ILCS 200/10-440 new)

Sec. 10-440. Sale or transfer of unimproved land. The sale or transfer of unimproved land does not affect the valuation of the land, unless there is a change in the use of the land or the acreage requirement is no longer met. Any tract of land containing less than 5 acres after a sale or transfer may be reclassified by the chief county assessment officer and valued as otherwise permitted by law. The taxpayer and the Department

of Natural Resources may revise a conservation management plan whenever there is a change in the ownership of the affected land.

(35 ILCS 200/10-445 new)

Sec. 10-445. Rules. The Department of Natural Resources shall adopt rules to implement and administer this Act.

(35 ILCS 200/Art. 10 Div. 17 heading new)

DIVISION 17. WOODED ACREAGE ASSESSMENT TRANSITION LAW

(35 ILCS 200/10-500 new)

Sec. 10-500. Short title. This Division may be cited as the Wooded Acreage Assessment Transition Law.

(35 ILCS 200/10-505 new)

Sec. 10-505. Wooded acreage defined. For the purposes of this Division 17, "wooded acreage" means any parcel of unimproved real property that:

(1) can be defined as "wooded acreage" by the United States Department of Labor Bureau of Land Management;

(2) is at least 5 contiguous acres;

(3) does not qualify as cropland, permanent pasture, other farmland, or wasteland under Section 10-125 of this Code;

(4) is not managed under a forestry management plan and

considered to be other farmland under Section 10-150 of this Code;

(5) does not qualify for another preferential assessment under this Code; and

(6) is owned by the taxpayer on October 1, 2007.

(35 ILCS 200/10-510 new)

Sec. 10-510. Assessment of wooded acreage.

(a) If wooded acreage was classified as farmland during the 2006 assessment year, then the property shall be assessed by multiplying the current fair cash value of the property by the transition percentage. The chief county assessment officer shall determine the transition percentage for the property by dividing (i) the property's 2006 equalized assessed value as farmland by (ii) the 2006 fair cash value of the property.

(b) The wooded acreage shall continue to be assessed under the provisions of this Section through any assessment year in which the property is transferred or no longer qualifies as wooded acreage under Section 10-505, and the property must be assessed as otherwise permitted by law beginning the following assessment year.

(35 ILCS 200/10-515 new)

Sec. 10-515. Notice requirement. If the owner of property subject to this Division is a corporation, partnership, limited liability company, trust, or other similar entity, then it

shall report to the chief county assessment officer any change in ownership interest or beneficial interest. If, after October 1, 2007, the ownership interests or beneficial interests in such an entity change by more than 50% from those interests as they existed on October 1, 2007, then the property no longer qualifies to receive the preferential assessment treatment of the wooded acreage under this Division, and the property must be assessed as otherwise permitted by law beginning the following assessment year.

(35 ILCS 200/10-520 new)

Sec. 10-520. Cook County exempt. This Division 17 does not apply to any property located within Cook County.

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