



Rep. William "Will" Davis

Filed: 5/7/2024

10300HB1287ham002

LRB103 05701 HLH 72948 a

1 AMENDMENT TO HOUSE BILL 1287

2 AMENDMENT NO. _____. Amend House Bill 1287 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from
10 disclosure under this Section, but also contains information
11 that is not exempt from disclosure, the public body may elect
12 to redact the information that is exempt. The public body
13 shall make the remaining information available for inspection
14 and copying. Subject to this requirement, the following shall
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from

1 disclosure by federal or State law or rules and
2 regulations implementing federal or State law.

3 (b) Private information, unless disclosure is required
4 by another provision of this Act, a State or federal law,
5 or a court order.

6 (b-5) Files, documents, and other data or databases
7 maintained by one or more law enforcement agencies and
8 specifically designed to provide information to one or
9 more law enforcement agencies regarding the physical or
10 mental status of one or more individual subjects.

11 (c) Personal information contained within public
12 records, the disclosure of which would constitute a
13 clearly unwarranted invasion of personal privacy, unless
14 the disclosure is consented to in writing by the
15 individual subjects of the information. "Unwarranted
16 invasion of personal privacy" means the disclosure of
17 information that is highly personal or objectionable to a
18 reasonable person and in which the subject's right to
19 privacy outweighs any legitimate public interest in
20 obtaining the information. The disclosure of information
21 that bears on the public duties of public employees and
22 officials shall not be considered an invasion of personal
23 privacy.

24 (d) Records in the possession of any public body
25 created in the course of administrative enforcement
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the
2 extent that disclosure would:

3 (i) interfere with pending or actually and
4 reasonably contemplated law enforcement proceedings
5 conducted by any law enforcement or correctional
6 agency that is the recipient of the request;

7 (ii) interfere with active administrative
8 enforcement proceedings conducted by the public body
9 that is the recipient of the request;

10 (iii) create a substantial likelihood that a
11 person will be deprived of a fair trial or an impartial
12 hearing;

13 (iv) unavoidably disclose the identity of a
14 confidential source, confidential information
15 furnished only by the confidential source, or persons
16 who file complaints with or provide information to
17 administrative, investigative, law enforcement, or
18 penal agencies; except that the identities of
19 witnesses to traffic crashes, traffic crash reports,
20 and rescue reports shall be provided by agencies of
21 local government, except when disclosure would
22 interfere with an active criminal investigation
23 conducted by the agency that is the recipient of the
24 request;

25 (v) disclose unique or specialized investigative
26 techniques other than those generally used and known

1 or disclose internal documents of correctional
2 agencies related to detection, observation, or
3 investigation of incidents of crime or misconduct, and
4 disclosure would result in demonstrable harm to the
5 agency or public body that is the recipient of the
6 request;

7 (vi) endanger the life or physical safety of law
8 enforcement personnel or any other person; or

9 (vii) obstruct an ongoing criminal investigation
10 by the agency that is the recipient of the request.

11 (d-5) A law enforcement record created for law
12 enforcement purposes and contained in a shared electronic
13 record management system if the law enforcement agency
14 that is the recipient of the request did not create the
15 record, did not participate in or have a role in any of the
16 events which are the subject of the record, and only has
17 access to the record through the shared electronic record
18 management system.

19 (d-6) Records contained in the Officer Professional
20 Conduct Database under Section 9.2 of the Illinois Police
21 Training Act, except to the extent authorized under that
22 Section. This includes the documents supplied to the
23 Illinois Law Enforcement Training Standards Board from the
24 Illinois State Police and Illinois State Police Merit
25 Board.

26 (d-7) Information gathered or records created from the

1 use of automatic license plate readers in connection with
2 Section 2-130 of the Illinois Vehicle Code.

3 (e) Records that relate to or affect the security of
4 correctional institutions and detention facilities.

5 (e-5) Records requested by persons committed to the
6 Department of Corrections, Department of Human Services
7 Division of Mental Health, or a county jail if those
8 materials are available in the library of the correctional
9 institution or facility or jail where the inmate is
10 confined.

11 (e-6) Records requested by persons committed to the
12 Department of Corrections, Department of Human Services
13 Division of Mental Health, or a county jail if those
14 materials include records from staff members' personnel
15 files, staff rosters, or other staffing assignment
16 information.

17 (e-7) Records requested by persons committed to the
18 Department of Corrections or Department of Human Services
19 Division of Mental Health if those materials are available
20 through an administrative request to the Department of
21 Corrections or Department of Human Services Division of
22 Mental Health.

23 (e-8) Records requested by a person committed to the
24 Department of Corrections, Department of Human Services
25 Division of Mental Health, or a county jail, the
26 disclosure of which would result in the risk of harm to any

1 person or the risk of an escape from a jail or correctional
2 institution or facility.

3 (e-9) Records requested by a person in a county jail
4 or committed to the Department of Corrections or
5 Department of Human Services Division of Mental Health,
6 containing personal information pertaining to the person's
7 victim or the victim's family, including, but not limited
8 to, a victim's home address, home telephone number, work
9 or school address, work telephone number, social security
10 number, or any other identifying information, except as
11 may be relevant to a requester's current or potential case
12 or claim.

13 (e-10) Law enforcement records of other persons
14 requested by a person committed to the Department of
15 Corrections, Department of Human Services Division of
16 Mental Health, or a county jail, including, but not
17 limited to, arrest and booking records, mug shots, and
18 crime scene photographs, except as these records may be
19 relevant to the requester's current or potential case or
20 claim.

21 (f) Preliminary drafts, notes, recommendations,
22 memoranda, and other records in which opinions are
23 expressed, or policies or actions are formulated, except
24 that a specific record or relevant portion of a record
25 shall not be exempt when the record is publicly cited and
26 identified by the head of the public body. The exemption

1 provided in this paragraph (f) extends to all those
2 records of officers and agencies of the General Assembly
3 that pertain to the preparation of legislative documents.

4 (g) Trade secrets and commercial or financial
5 information obtained from a person or business where the
6 trade secrets or commercial or financial information are
7 furnished under a claim that they are proprietary,
8 privileged, or confidential, and that disclosure of the
9 trade secrets or commercial or financial information would
10 cause competitive harm to the person or business, and only
11 insofar as the claim directly applies to the records
12 requested.

13 The information included under this exemption includes
14 all trade secrets and commercial or financial information
15 obtained by a public body, including a public pension
16 fund, from a private equity fund or a privately held
17 company within the investment portfolio of a private
18 equity fund as a result of either investing or evaluating
19 a potential investment of public funds in a private equity
20 fund. The exemption contained in this item does not apply
21 to the aggregate financial performance information of a
22 private equity fund, nor to the identity of the fund's
23 managers or general partners. The exemption contained in
24 this item does not apply to the identity of a privately
25 held company within the investment portfolio of a private
26 equity fund, unless the disclosure of the identity of a

1 privately held company may cause competitive harm.

2 Nothing contained in this paragraph (g) shall be
3 construed to prevent a person or business from consenting
4 to disclosure.

5 (h) Proposals and bids for any contract, grant, or
6 agreement, including information which if it were
7 disclosed would frustrate procurement or give an advantage
8 to any person proposing to enter into a contractor
9 agreement with the body, until an award or final selection
10 is made. Information prepared by or for the body in
11 preparation of a bid solicitation shall be exempt until an
12 award or final selection is made.

13 (i) Valuable formulae, computer geographic systems,
14 designs, drawings, and research data obtained or produced
15 by any public body when disclosure could reasonably be
16 expected to produce private gain or public loss. The
17 exemption for "computer geographic systems" provided in
18 this paragraph (i) does not extend to requests made by
19 news media as defined in Section 2 of this Act when the
20 requested information is not otherwise exempt and the only
21 purpose of the request is to access and disseminate
22 information regarding the health, safety, welfare, or
23 legal rights of the general public.

24 (j) The following information pertaining to
25 educational matters:

26 (i) test questions, scoring keys, and other

1 examination data used to administer an academic
2 examination;

3 (ii) information received by a primary or
4 secondary school, college, or university under its
5 procedures for the evaluation of faculty members by
6 their academic peers;

7 (iii) information concerning a school or
8 university's adjudication of student disciplinary
9 cases, but only to the extent that disclosure would
10 unavoidably reveal the identity of the student; and

11 (iv) course materials or research materials used
12 by faculty members.

13 (k) Architects' plans, engineers' technical
14 submissions, and other construction related technical
15 documents for projects not constructed or developed in
16 whole or in part with public funds and the same for
17 projects constructed or developed with public funds,
18 including, but not limited to, power generating and
19 distribution stations and other transmission and
20 distribution facilities, water treatment facilities,
21 airport facilities, sport stadiums, convention centers,
22 and all government owned, operated, or occupied buildings,
23 but only to the extent that disclosure would compromise
24 security.

25 (l) Minutes of meetings of public bodies closed to the
26 public as provided in the Open Meetings Act until the

1 public body makes the minutes available to the public
2 under Section 2.06 of the Open Meetings Act.

3 (m) Communications between a public body and an
4 attorney or auditor representing the public body that
5 would not be subject to discovery in litigation, and
6 materials prepared or compiled by or for a public body in
7 anticipation of a criminal, civil, or administrative
8 proceeding upon the request of an attorney advising the
9 public body, and materials prepared or compiled with
10 respect to internal audits of public bodies.

11 (n) Records relating to a public body's adjudication
12 of employee grievances or disciplinary cases; however,
13 this exemption shall not extend to the final outcome of
14 cases in which discipline is imposed.

15 (o) Administrative or technical information associated
16 with automated data processing operations, including, but
17 not limited to, software, operating protocols, computer
18 program abstracts, file layouts, source listings, object
19 modules, load modules, user guides, documentation
20 pertaining to all logical and physical design of
21 computerized systems, employee manuals, and any other
22 information that, if disclosed, would jeopardize the
23 security of the system or its data or the security of
24 materials exempt under this Section.

25 (p) Records relating to collective negotiating matters
26 between public bodies and their employees or

1 representatives, except that any final contract or
2 agreement shall be subject to inspection and copying.

3 (q) Test questions, scoring keys, and other
4 examination data used to determine the qualifications of
5 an applicant for a license or employment.

6 (r) The records, documents, and information relating
7 to real estate purchase negotiations until those
8 negotiations have been completed or otherwise terminated.
9 With regard to a parcel involved in a pending or actually
10 and reasonably contemplated eminent domain proceeding
11 under the Eminent Domain Act, records, documents, and
12 information relating to that parcel shall be exempt except
13 as may be allowed under discovery rules adopted by the
14 Illinois Supreme Court. The records, documents, and
15 information relating to a real estate sale shall be exempt
16 until a sale is consummated.

17 (s) Any and all proprietary information and records
18 related to the operation of an intergovernmental risk
19 management association or self-insurance pool or jointly
20 self-administered health and accident cooperative or pool.
21 Insurance or self-insurance (including any
22 intergovernmental risk management association or
23 self-insurance pool) claims, loss or risk management
24 information, records, data, advice, or communications.

25 (t) Information contained in or related to
26 examination, operating, or condition reports prepared by,

1 on behalf of, or for the use of a public body responsible
2 for the regulation or supervision of financial
3 institutions, insurance companies, or pharmacy benefit
4 managers, unless disclosure is otherwise required by State
5 law.

6 (u) Information that would disclose or might lead to
7 the disclosure of secret or confidential information,
8 codes, algorithms, programs, or private keys intended to
9 be used to create electronic signatures under the Uniform
10 Electronic Transactions Act.

11 (v) Vulnerability assessments, security measures, and
12 response policies or plans that are designed to identify,
13 prevent, or respond to potential attacks upon a
14 community's population or systems, facilities, or
15 installations, but only to the extent that disclosure
16 could reasonably be expected to expose the vulnerability
17 or jeopardize the effectiveness of the measures, policies,
18 or plans, or the safety of the personnel who implement
19 them or the public. Information exempt under this item may
20 include such things as details pertaining to the
21 mobilization or deployment of personnel or equipment, to
22 the operation of communication systems or protocols, to
23 cybersecurity vulnerabilities, or to tactical operations.

24 (w) (Blank).

25 (x) Maps and other records regarding the location or
26 security of generation, transmission, distribution,

1 storage, gathering, treatment, or switching facilities
2 owned by a utility, by a power generator, or by the
3 Illinois Power Agency.

4 (y) Information contained in or related to proposals,
5 bids, or negotiations related to electric power
6 procurement under Section 1-75 of the Illinois Power
7 Agency Act and Section 16-111.5 of the Public Utilities
8 Act that is determined to be confidential and proprietary
9 by the Illinois Power Agency or by the Illinois Commerce
10 Commission.

11 (z) Information about students exempted from
12 disclosure under Section 10-20.38 or 34-18.29 of the
13 School Code, and information about undergraduate students
14 enrolled at an institution of higher education exempted
15 from disclosure under Section 25 of the Illinois Credit
16 Card Marketing Act of 2009.

17 (aa) Information the disclosure of which is exempted
18 under the Viatical Settlements Act of 2009.

19 (bb) Records and information provided to a mortality
20 review team and records maintained by a mortality review
21 team appointed under the Department of Juvenile Justice
22 Mortality Review Team Act.

23 (cc) Information regarding interments, entombments, or
24 inurnments of human remains that are submitted to the
25 Cemetery Oversight Database under the Cemetery Care Act or
26 the Cemetery Oversight Act, whichever is applicable.

1 (dd) Correspondence and records (i) that may not be
2 disclosed under Section 11-9 of the Illinois Public Aid
3 Code or (ii) that pertain to appeals under Section 11-8 of
4 the Illinois Public Aid Code.

5 (ee) The names, addresses, or other personal
6 information of persons who are minors and are also
7 participants and registrants in programs of park
8 districts, forest preserve districts, conservation
9 districts, recreation agencies, and special recreation
10 associations.

11 (ff) The names, addresses, or other personal
12 information of participants and registrants in programs of
13 park districts, forest preserve districts, conservation
14 districts, recreation agencies, and special recreation
15 associations where such programs are targeted primarily to
16 minors.

17 (gg) Confidential information described in Section
18 1-100 of the Illinois Independent Tax Tribunal Act of
19 2012.

20 (hh) The report submitted to the State Board of
21 Education by the School Security and Standards Task Force
22 under item (8) of subsection (d) of Section 2-3.160 of the
23 School Code and any information contained in that report.

24 (ii) Records requested by persons committed to or
25 detained by the Department of Human Services under the
26 Sexually Violent Persons Commitment Act or committed to

1 the Department of Corrections under the Sexually Dangerous
2 Persons Act if those materials: (i) are available in the
3 library of the facility where the individual is confined;
4 (ii) include records from staff members' personnel files,
5 staff rosters, or other staffing assignment information;
6 or (iii) are available through an administrative request
7 to the Department of Human Services or the Department of
8 Corrections.

9 (jj) Confidential information described in Section
10 5-535 of the Civil Administrative Code of Illinois.

11 (kk) The public body's credit card numbers, debit card
12 numbers, bank account numbers, Federal Employer
13 Identification Number, security code numbers, passwords,
14 and similar account information, the disclosure of which
15 could result in identity theft or impersonation or defrauding
16 of a governmental entity or a person.

17 (ll) Records concerning the work of the threat
18 assessment team of a school district, including, but not
19 limited to, any threat assessment procedure under the
20 School Safety Drill Act and any information contained in
21 the procedure.

22 (mm) Information prohibited from being disclosed under
23 subsections (a) and (b) of Section 15 of the Student
24 Confidential Reporting Act.

25 (nn) Proprietary information submitted to the
26 Environmental Protection Agency under the Drug Take-Back

1 Act.

2 (oo) Records described in subsection (f) of Section
3 3-5-1 of the Unified Code of Corrections.

4 (pp) Any and all information regarding burials,
5 interments, or entombments of human remains as required to
6 be reported to the Department of Natural Resources
7 pursuant either to the Archaeological and Paleontological
8 Resources Protection Act or the Human Remains Protection
9 Act.

10 (qq) ~~(pp)~~ Reports described in subsection (e) of
11 Section 16-15 of the Abortion Care Clinical Training
12 Program Act.

13 (rr) ~~(pp)~~ Information obtained by a certified local
14 health department under the Access to Public Health Data
15 Act.

16 (ss) ~~(pp)~~ For a request directed to a public body that
17 is also a HIPAA-covered entity, all information that is
18 protected health information, including demographic
19 information, that may be contained within or extracted
20 from any record held by the public body in compliance with
21 State and federal medical privacy laws and regulations,
22 including, but not limited to, the Health Insurance
23 Portability and Accountability Act and its regulations, 45
24 CFR Parts 160 and 164. As used in this paragraph,
25 "HIPAA-covered entity" has the meaning given to the term
26 "covered entity" in 45 CFR 160.103 and "protected health

1 information" has the meaning given to that term in 45 CFR
2 160.103.

3 (tt) Financial records and data related to real estate
4 income, expenses, and occupancy submitted by or on behalf
5 of a property owner to a chief county assessment officer,
6 except if submitted as part of an assessment appeal.
7 However, nothing in this paragraph (tt) prohibits a chief
8 county assessment officer from disclosing compiled and
9 anonymized data, and nothing in this paragraph (tt) shall
10 be construed to permit the chief county assessment officer
11 to withhold from public disclosure methodologies and
12 compiled and anonymized data used by any assessing
13 official in the valuation of property for assessment
14 purposes.

15 (1.5) Any information exempt from disclosure under the
16 Judicial Privacy Act shall be redacted from public records
17 prior to disclosure under this Act.

18 (2) A public record that is not in the possession of a
19 public body but is in the possession of a party with whom the
20 agency has contracted to perform a governmental function on
21 behalf of the public body, and that directly relates to the
22 governmental function and is not otherwise exempt under this
23 Act, shall be considered a public record of the public body,
24 for purposes of this Act.

25 (3) This Section does not authorize withholding of
26 information or limit the availability of records to the

1 public, except as stated in this Section or otherwise provided
2 in this Act.

3 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
4 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
5 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
6 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
7 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
8 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
9 9-7-23.)

10 Section 10. The Property Tax Code is amended by adding
11 Division 6 to Article 9 as follows:

12 (35 ILCS 200/Art. 9 Div. 6 heading new)

13 Division 6. Physical Descriptions of Income-Producing Property

14 (35 ILCS 200/9-280 new)

15 Sec. 9-280. Definitions. As used in this Division:

16 "Income" means revenue generated by the real property and
17 directed to or received by the property owner in the form of
18 rent from unrelated persons or entities and ancillary revenue
19 payable to the owner from unrelated persons or entities and
20 generated exclusively from the operation of the real property.

21 "Income" includes revenue from parking or other amenities
22 provided to or for the benefit of the property's tenants.

23 "Income" does not include revenue generated from personal

1 property, including, but not limited to, revenue from a
2 business enterprise that is operated on the real property or
3 improvements made to the property by a tenant.

4 "Income-producing property" means property that is not
5 owner-occupied property, as defined in this Section, and that
6 is owned for the purpose of generating income from the
7 property itself, regardless of whether the property actually
8 generates income in a particular year. "Income-producing
9 property" does not include:

10 (1) property with a market value of \$500,000 or less
11 in the most recent assessment year for which an assessment
12 is certified;

13 (2) residential property containing fewer than 7
14 residential units;

15 (3) property assessed under Article 10 of this Code
16 and stadiums that are not qualified property under Section
17 10-215 that have a seating capacity of 20,000 or more and
18 host major professional sporting events;

19 (4) property assessed by the Department under Article
20 11 of this Code;

21 (5) property that is owned or leased by a hospital
22 licensed under the Hospital Licensing Act or operated
23 under the University of Illinois Hospital Act, including
24 any hospital affiliate that directly or indirectly
25 controls, is controlled by, or is under common control
26 with a hospital; and

1 (6) property that is owned or leased by a facility
2 licensed under the Nursing Home Care Act that is an
3 intermediate or skilled facility.

4 "Owner-occupied property" means real property that is used
5 or occupied by its owner or by a related person or entity as
6 described in subsection (b) of Section 267 of the Internal
7 Revenue Code.

8 "Physical description" means the land size and information
9 about the construction type, year built, total development
10 size, number of buildings, number of stories in each building,
11 and the capacity of structured parking garages, measured in
12 the number of parking spaces. "Physical description" also
13 includes the following:

14 (1) for residential property of 7 or more units:

15 (A) whether any rented area is below grade;

16 (B) the number of studio, 1-bedroom, 2-bedroom,
17 3-bedroom, and larger units;

18 (C) whether or not the property offers tenants
19 access to a pool area;

20 (D) whether or not the property offers tenants
21 access to an exercise area; and

22 (E) whether any units in the building are enrolled
23 in any government-administered affordable housing
24 program.

25 (2) for office properties, a description of the net
26 rentable area of the property and a statement indicating

1 whether the owner represents to actual or prospective
2 tenants that the office space can accommodate x-ray or
3 magnetic resonance imaging (MRI) equipment or surgical
4 procedures;

5 (3) for retail properties, a description of the net
6 rentable area;

7 (4) for industrial properties:

8 (A) the size and location of any office area or
9 areas on the property;

10 (B) the number of loading bay doors;

11 (C) whether the clear ceiling height on the first
12 floor is at least 18 feet but less than 24 feet, at
13 least 24 feet but less than 30 feet, or at least 30
14 feet;

15 (D) whether the property provides refrigerated
16 storage; and

17 (E) if the property is a data center, whether the
18 total electrical capacity in the property is: (i) less
19 than 250 megawatts; (ii) at least 250 megawatts but
20 less than 500 megawatts; (iii) at least 500 megawatts
21 but less than one gigawatt; (iv) at least one gigawatt
22 but less than 5 gigawatts; or (v) 5 or more gigawatts;
23 and

24 (5) for hospitality properties, a statement indicating
25 whether the property has more than 10,000 square feet of
26 conference area and the room count.

1 "Property" has the meaning set forth in Section 1-130 of
2 this Code and includes contiguous parcels or property index
3 numbers that comprise one functional property location.

4 (35 ILCS 200/9-290 new)

5 Sec. 9-290. Real property descriptions.

6 (a) This Section applies to all counties with 3,000,000 or
7 more inhabitants and to all other counties in which the county
8 board provides, by ordinance or resolution, that owners of
9 income-producing properties must comply with this Section.

10 (b) In counties with 3,000,000 or more inhabitants, the
11 provisions of this Section apply as follows:

12 (1) if the general assessment year for the property is
13 2026, this Section applies from the effective date of this
14 amendatory Act of the 103rd General Assembly until
15 December 31, 2028;

16 (2) if the general assessment year for the property is
17 2027, this Section applies from the effective date of this
18 amendatory Act of the 103rd General Assembly until
19 December 31, 2029; and

20 (3) if the general assessment year for the property is
21 2028, this Section applies from the effective date of this
22 amendatory Act of the 103rd General Assembly until
23 December 31, 2030.

24 In counties with fewer than 3,000,000 inhabitants, the
25 provisions of this Section apply on and after the effective

1 date of the ordinance or resolution adopted by the county
2 board under subsection (a) and until December 31 of the fourth
3 year following the adoption of the ordinance or resolution. In
4 counties with fewer than 3,000,000 inhabitants, any ordinance
5 or resolution providing that owners of income-producing
6 properties must comply with this Section shall be adopted no
7 later than December 31, 2029.

8 (c) For the applicable period set forth in subsection (b),
9 owners of income-producing properties in the county shall file
10 physical descriptions of their properties with the chief
11 county assessment officer in the form and manner determined by
12 the chief county assessment officer. Such a filing by the
13 owner is required only after the chief assessment officer
14 notifies the owner of the property of the request for
15 information. That notice shall include an individualized
16 statement specifying all physical description information that
17 the assessor's office has on record or recorded against the
18 property and shall contain a statement that the owner may
19 confirm the information if no changes are required. A filing
20 by the owner that no changes are required is compliance with
21 the request for information. The notice shall include
22 description records or a link to an Internet resource of
23 description records for that property.

24 (d) A request for information under subsection (c) may be
25 issued to a property only once during one general reassessment
26 cycle for the property. A response to the request for

1 information shall be submitted to the chief county assessment
2 officer within 90 days after the chief county assessment
3 officer mails the notice to the property owner under
4 subsection (c).

5 (e) If, upon receiving a request for information under
6 this Section, the owner of a property fails to submit the
7 required physical description within 90 days after the chief
8 county assessment officer mails the notice to the property
9 owner and fails to adequately explain why no submission is
10 required, the owner shall pay a penalty to the chief county
11 assessment officer as determined by the chief county
12 assessment officer of up to 0.025% of the prior year's market
13 value for the property at issue, as indicated by the most
14 recent certified assessed value, but in no case shall the
15 owner be required to pay more than a maximum penalty of \$1,000
16 per property. All penalties under this Section shall be
17 deposited into the county's general fund or as otherwise
18 allocated by the county board. The penalty under this Section
19 shall be waived if, upon notice of failure to file and the
20 imposition of the penalty, the owner provides the requested
21 physical descriptions within 30 days after the postmark date
22 of the notice of failure to file and the imposition of the
23 penalty. An owner who responds to a request for information
24 received under this Section with good faith efforts based on
25 reasonable information and belief, or who, upon diligent
26 investigation, is unable to provide specific requested

1 information and provides an answer to this effect, shall be
2 determined to be in substantial compliance with this Section
3 and shall not be subject to a penalty. Responses to requests
4 for information under this Section consistent with documents
5 from the sale or transfer of the property to the current owner
6 or with published advertisements made by the owner to current
7 or prospective tenants, unless the owner has modified those
8 particular aspects of the property since the sale, transfer,
9 lease, or lease proffer, shall be deemed to be made in good
10 faith. The owner may explain the reasons for any
11 inconsistencies and be deemed to have responded in good faith,
12 and any inconsistencies related to documents from the sale or
13 transfer of the property prepared by a prior owner shall not be
14 attributable to the current owner. The chief county assessment
15 officer shall review all submissions and determine whether the
16 owner provided sufficient evidence that the owner was not
17 required to report a property description or that the
18 submission complies based on available documentation.

19 (f) If a party is dissatisfied with a decision of the chief
20 county assessment officer, the party may request review of
21 that decision. Upon such a request, at least 30 days' notice
22 shall be provided to the party of a hearing to be conducted by
23 a hearing officer designated by the chief county assessment
24 officer. If a party is dissatisfied with a hearing officer's
25 decision, the party may appeal that decision to the circuit
26 court of the county in which the property is located as a final

1 administrative decision under the Administrative Review Law.
2 If a party is unsuccessful at hearing, the penalty imposed
3 under this Section shall bear interest at 0.05% per month
4 thereafter, beginning 21 days after the date of the decision
5 or 21 days after the date of the issuance of a final decision
6 on administrative review, as applicable.

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