



Rep. Natalie A. Manley

Filed: 4/7/2014

09800HB3885ham002

LRB098 15457 HLH 58380 a

1 AMENDMENT TO HOUSE BILL 3885

2 AMENDMENT NO. _____. Amend House Bill 3885 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Retailers' Occupation Tax Act is amended by
5 changing Section 11 as follows:

6 (35 ILCS 120/11) (from Ch. 120, par. 450)

7 Sec. 11. All information received by the Department from
8 returns filed under this Act, or from any investigation
9 conducted under this Act, shall be confidential, except for
10 official purposes, and any person who divulges any such
11 information in any manner, except in accordance with a proper
12 judicial order or as otherwise provided by law, shall be guilty
13 of a Class B misdemeanor with a fine not to exceed \$7,500.

14 Nothing in this Act prevents the Director of Revenue from
15 publishing or making available to the public the names and
16 addresses of persons filing returns under this Act, or

1 reasonable statistics concerning the operation of the tax by
2 grouping the contents of returns so the information in any
3 individual return is not disclosed.

4 Nothing in this Act prevents the Director of Revenue from
5 divulging to the United States Government or the government of
6 any other state, ~~or any village that does not levy any real~~
7 ~~property taxes for village operations and that receives more~~
8 ~~than 60% of its general corporate revenue from taxes under the~~
9 ~~Use Tax Act, the Service Use Tax Act, the Service Occupation~~
10 ~~Tax Act, and the Retailers' Occupation Tax Act,~~ or any officer
11 or agency thereof, for exclusively official purposes,
12 information received by the Department in administering this
13 Act, provided that such other governmental agency agrees to
14 divulge requested tax information to the Department.

15 The Department's furnishing of information derived from a
16 taxpayer's return or from an investigation conducted under this
17 Act to the surety on a taxpayer's bond that has been furnished
18 to the Department under this Act, either to provide notice to
19 such surety of its potential liability under the bond or, in
20 order to support the Department's demand for payment from such
21 surety under the bond, is an official purpose within the
22 meaning of this Section.

23 The furnishing upon request of information obtained by the
24 Department from returns filed under this Act or investigations
25 conducted under this Act to the Illinois Liquor Control
26 Commission for official use is deemed to be an official purpose

1 within the meaning of this Section.

2 Notice to a surety of potential liability shall not be
3 given unless the taxpayer has first been notified, not less
4 than 10 days prior thereto, of the Department's intent to so
5 notify the surety.

6 The furnishing upon request of the Auditor General, or his
7 authorized agents, for official use, of returns filed and
8 information related thereto under this Act is deemed to be an
9 official purpose within the meaning of this Section.

10 Where an appeal or a protest has been filed on behalf of a
11 taxpayer, the furnishing upon request of the attorney for the
12 taxpayer of returns filed by the taxpayer and information
13 related thereto under this Act is deemed to be an official
14 purpose within the meaning of this Section.

15 The furnishing of financial information to a municipality
16 ~~home rule unit or non home rule unit that has imposed a tax~~
17 ~~similar to that imposed by this Act pursuant to its home rule~~
18 ~~powers or the successful passage of a public referendum by a~~
19 ~~majority of the registered voters of the community, or to any~~
20 ~~village that does not levy any real property taxes for village~~
21 ~~operations and that receives more than 60% of its general~~
22 ~~corporate revenue from taxes under the Use Tax Act, the Service~~
23 ~~Use Tax Act, the Service Occupation Tax Act, and the Retailers'~~
24 ~~Occupation Tax Act,~~ upon request of the Chief Executive
25 thereof, is an official purpose within the meaning of this
26 Section, provided the municipality ~~home rule unit, non home~~

1 ~~rule unit with referendum approval, or village that does not~~
2 ~~levy any real property taxes for village operations and that~~
3 ~~receives more than 60% of its general corporate revenue from~~
4 ~~taxes under the Use Tax Act, the Service Use Tax Act, the~~
5 ~~Service Occupation Tax Act, and the Retailers' Occupation Tax~~
6 ~~Act agrees in writing to the requirements of this Section.~~
7 Information provided to municipalities under this paragraph
8 shall be limited to: (1) the business name; (2) the business
9 address; (3) receipts distributed to the requesting
10 municipality that are directly related to the requesting
11 municipality's local share of the proceeds under the Use Tax
12 Act, the Service Use Tax Act, the Service Occupation Tax Act,
13 and the Retailers' Occupation Tax Act, and, if applicable, any
14 locally imposed retailers' occupation tax; and (4) a listing of
15 all businesses within the requesting municipality by account
16 identification number and address. On and after July 1, 2015,
17 the furnishing of financial information to municipalities
18 under this paragraph may be by electronic means.

19 ~~For a village that does not levy any real property taxes~~
20 ~~for village operations and that receives more than 60% of its~~
21 ~~general corporate revenue from taxes under the Use Tax Act,~~
22 ~~Service Use Tax Act, Service Occupation Tax Act, and Retailers'~~
23 ~~Occupation Tax Act, the officers eligible to receive~~
24 ~~information from the Department of Revenue under this Section~~
25 ~~are the village manager and the chief financial officer of the~~
26 ~~village.~~

1 Information so provided shall be subject to all
2 confidentiality provisions of this Section. The written
3 agreement shall provide for reciprocity, limitations on
4 access, disclosure, and procedures for requesting information.

5 The Department may make available to the Board of Trustees
6 of any Metro East Mass Transit District information contained
7 on transaction reporting returns required to be filed under
8 Section 3 of this Act that report sales made within the
9 boundary of the taxing authority of that Metro East Mass
10 Transit District, as provided in Section 5.01 of the Local Mass
11 Transit District Act. The disclosure shall be made pursuant to
12 a written agreement between the Department and the Board of
13 Trustees of a Metro East Mass Transit District, which is an
14 official purpose within the meaning of this Section. The
15 written agreement between the Department and the Board of
16 Trustees of a Metro East Mass Transit District shall provide
17 for reciprocity, limitations on access, disclosure, and
18 procedures for requesting information. Information so provided
19 shall be subject to all confidentiality provisions of this
20 Section.

21 The Director may make available to any State agency,
22 including the Illinois Supreme Court, which licenses persons to
23 engage in any occupation, information that a person licensed by
24 such agency has failed to file returns under this Act or pay
25 the tax, penalty and interest shown therein, or has failed to
26 pay any final assessment of tax, penalty or interest due under

1 this Act. The Director may make available to any State agency,
2 including the Illinois Supreme Court, information regarding
3 whether a bidder, contractor, or an affiliate of a bidder or
4 contractor has failed to collect and remit Illinois Use tax on
5 sales into Illinois, or any tax under this Act or pay the tax,
6 penalty, and interest shown therein, or has failed to pay any
7 final assessment of tax, penalty, or interest due under this
8 Act, for the limited purpose of enforcing bidder and contractor
9 certifications. The Director may make available to units of
10 local government and school districts that require bidder and
11 contractor certifications, as set forth in Sections 50-11 and
12 50-12 of the Illinois Procurement Code, information regarding
13 whether a bidder, contractor, or an affiliate of a bidder or
14 contractor has failed to collect and remit Illinois Use tax on
15 sales into Illinois, file returns under this Act, or pay the
16 tax, penalty, and interest shown therein, or has failed to pay
17 any final assessment of tax, penalty, or interest due under
18 this Act, for the limited purpose of enforcing bidder and
19 contractor certifications. For purposes of this Section, the
20 term "affiliate" means any entity that (1) directly,
21 indirectly, or constructively controls another entity, (2) is
22 directly, indirectly, or constructively controlled by another
23 entity, or (3) is subject to the control of a common entity.
24 For purposes of this Section, an entity controls another entity
25 if it owns, directly or individually, more than 10% of the
26 voting securities of that entity. As used in this Section, the

1 term "voting security" means a security that (1) confers upon
2 the holder the right to vote for the election of members of the
3 board of directors or similar governing body of the business or
4 (2) is convertible into, or entitles the holder to receive upon
5 its exercise, a security that confers such a right to vote. A
6 general partnership interest is a voting security.

7 The Director may make available to any State agency,
8 including the Illinois Supreme Court, units of local
9 government, and school districts, information regarding
10 whether a bidder or contractor is an affiliate of a person who
11 is not collecting and remitting Illinois Use taxes for the
12 limited purpose of enforcing bidder and contractor
13 certifications.

14 The Director may also make available to the Secretary of
15 State information that a limited liability company, which has
16 filed articles of organization with the Secretary of State, or
17 corporation which has been issued a certificate of
18 incorporation by the Secretary of State has failed to file
19 returns under this Act or pay the tax, penalty and interest
20 shown therein, or has failed to pay any final assessment of
21 tax, penalty or interest due under this Act. An assessment is
22 final when all proceedings in court for review of such
23 assessment have terminated or the time for the taking thereof
24 has expired without such proceedings being instituted.

25 The Director shall make available for public inspection in
26 the Department's principal office and for publication, at cost,

1 administrative decisions issued on or after January 1, 1995.
2 These decisions are to be made available in a manner so that
3 the following taxpayer information is not disclosed:

4 (1) The names, addresses, and identification numbers
5 of the taxpayer, related entities, and employees.

6 (2) At the sole discretion of the Director, trade
7 secrets or other confidential information identified as
8 such by the taxpayer, no later than 30 days after receipt
9 of an administrative decision, by such means as the
10 Department shall provide by rule.

11 The Director shall determine the appropriate extent of the
12 deletions allowed in paragraph (2). In the event the taxpayer
13 does not submit deletions, the Director shall make only the
14 deletions specified in paragraph (1).

15 The Director shall make available for public inspection and
16 publication an administrative decision within 180 days after
17 the issuance of the administrative decision. The term
18 "administrative decision" has the same meaning as defined in
19 Section 3-101 of Article III of the Code of Civil Procedure.
20 Costs collected under this Section shall be paid into the Tax
21 Compliance and Administration Fund.

22 Nothing contained in this Act shall prevent the Director
23 from divulging information to any person pursuant to a request
24 or authorization made by the taxpayer or by an authorized
25 representative of the taxpayer.

26 (Source: P.A. 93-25, eff. 6-20-03; 93-939, eff. 8-13-04;

1 94-1074, eff. 12-26-06.)

2 Section 99. Effective date. This Act takes effect on
3 January 1, 2015.".