

HB4614



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4614

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1030

from Ch. 34, par. 5-1030

Amends the Counties Code. Provides that the Tourism Facility Board shall include a representative from Winnebago County and from each municipality within Winnebago County (currently, only those counties and municipalities within Winnebago County who have approved the imposition of the tax under subsection (b) of this Section).

LRB098 15933 JLK 50980 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-1030 as follows:

6 (55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

7 Sec. 5-1030. Hotel rooms, tax on gross rental receipts.

8 (a) The corporate authorities of any county may by
9 ordinance impose a tax upon all persons engaged in such county
10 in the business of renting, leasing or letting rooms in a hotel
11 which is not located within a city, village, or incorporated
12 town that imposes a tax under Section 8-3-14 of the Illinois
13 Municipal Code, as defined in "The Hotel Operators' Occupation
14 Tax Act", at a rate not to exceed 5% of the gross rental
15 receipts from such renting, leasing or letting, excluding,
16 however, from gross rental receipts, the proceeds of such
17 renting, leasing or letting to permanent residents of that
18 hotel, and may provide for the administration and enforcement
19 of the tax, and for the collection thereof from the persons
20 subject to the tax, as the corporate authorities determine to
21 be necessary or practicable for the effective administration of
22 the tax.

23 (b) With the consent of municipalities representing at

1 least 67% of the population of Winnebago County, as determined
2 by the 2010 federal decennial census and as expressed by
3 resolution of the corporate authorities of those
4 municipalities, the county board of Winnebago County may, by
5 ordinance, impose a tax upon all persons engaged in the county
6 in the business of renting, leasing, or letting rooms in a
7 hotel that imposes a tax under Section 8-3-14 of the Illinois
8 Municipal Code, as defined in "The Hotel Operators' Occupation
9 Tax Act", at a rate not to exceed 2% of the gross rental
10 receipts from renting, leasing, or letting, excluding,
11 however, from gross rental receipts, the proceeds of the
12 renting, leasing, or letting to permanent residents of that
13 hotel, and may provide for the administration and enforcement
14 of the tax, and for the collection thereof from the persons
15 subject to the tax, as the county board determines to be
16 necessary or practicable for the effective administration of
17 the tax. The tax shall be instituted on a county-wide basis and
18 shall be in addition to any tax imposed by this or any other
19 provision of law. The revenue generated under this subsection
20 shall be accounted for and segregated from all other funds of
21 the county and shall be utilized solely for either: (1)
22 encouraging, supporting, marketing, constructing, or
23 operating, either directly by the county or through other
24 taxing bodies within the county, sports, arts, or other
25 entertainment or tourism facilities or programs for the purpose
26 of promoting tourism, competitiveness, job growth, and for the

1 general health and well-being of the citizens of the county; or
2 (2) payment towards debt services on bonds issued for the
3 purposes set forth in this subsection.

4 (c) A Tourism Facility Board shall be established,
5 comprised of a representative from Winnebago County ~~the county~~
6 and from each municipality within Winnebago County ~~that has~~
7 ~~approved the imposition of the tax under subsection (b) of this~~
8 ~~Section.~~

9 (1) A Board member's vote is weighted based on the
10 municipality's population relative to the population of
11 the county, with the county representing the population
12 within unincorporated areas of the county. Representatives
13 from the Rockford Park District and Rockford Area
14 Convention and Visitors Bureau shall serve as ex-officio
15 members with no voting rights.

16 (2) The Board must meet not less frequently than once
17 per year to direct the use of revenues collected from the
18 tax imposed under subsection (b) of this Section that are
19 not already directed for use pursuant to an
20 intergovernmental agreement between the county and another
21 entity represented on the Board, including the ex-officio
22 members, and for any other reason the Board deems
23 necessary. Affirmative actions of the Board shall require a
24 weighted vote of Board members representing not less than
25 67% of the population of the county.

26 (3) The Board shall not be a separate unit of local

1 government, shall have no paid staff, and members of the
2 Board shall receive no compensation or reimbursement of
3 expenses from proceeds of the tax imposed under subsection
4 (b) of this Section.

5 (d) Persons subject to any tax imposed pursuant to
6 authority granted by this Section may reimburse themselves for
7 their tax liability for such tax by separately stating such tax
8 as an additional charge, which charge may be stated in
9 combination, in a single amount, with State tax imposed under
10 "The Hotel Operators' Occupation Tax Act".

11 Nothing in this Section shall be construed to authorize a
12 county to impose a tax upon the privilege of engaging in any
13 business which under the Constitution of the United States may
14 not be made the subject of taxation by this State.

15 An ordinance or resolution imposing a tax hereunder or
16 effecting a change in the rate thereof shall be effective on
17 the first day of the calendar month next following its passage
18 and required publication.

19 The amounts collected by any county pursuant to this
20 Section shall be expended to promote tourism; conventions;
21 expositions; theatrical, sports and cultural activities within
22 that county or otherwise to attract nonresident overnight
23 visitors to the county.

24 Any county may agree with any unit of local government,
25 including any authority defined as a metropolitan exposition,
26 auditorium and office building authority, fair and exposition

1 authority, exposition and auditorium authority, or civic
2 center authority created pursuant to provisions of Illinois law
3 and the territory of which unit of local government or
4 authority is co-extensive with or wholly within such county, to
5 impose and collect for a period not to exceed 40 years, any
6 portion or all of the tax authorized pursuant to this Section
7 and to transmit such tax so collected to such unit of local
8 government or authority. The amount so paid shall be expended
9 by any such unit of local government or authority for the
10 purposes for which such tax is authorized. Any such agreement
11 must be authorized by resolution or ordinance, as the case may
12 be, of such county and unit of local government or authority,
13 and such agreement may provide for the irrevocable imposition
14 and collection of said tax at such rate, or amount as limited
15 by a given rate, as may be agreed upon for the full period of
16 time set forth in such agreement; and such agreement may
17 further provide for any other terms as deemed necessary or
18 advisable by such county and such unit of local government or
19 authority. Any such agreement shall be binding and enforceable
20 by either party to such agreement. Such agreement entered into
21 pursuant to this Section shall not in any event constitute an
22 indebtedness of such county subject to any limitation imposed
23 by statute or otherwise.

24 (Source: P.A. 98-313, eff. 8-12-13.)