



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2535

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

35 ILCS 145/3	from Ch. 120, par. 481b.33
55 ILCS 5/5-1030	from Ch. 34, par. 5-1030
65 ILCS 5/8-3-14	from Ch. 24, par. 8-3-14
65 ILCS 5/8-3-14a	
65 ILCS 5/11-74.3-6	
70 ILCS 210/13	from Ch. 85, par. 1233
70 ILCS 3205/19	from Ch. 85, par. 6019
70 ILCS 3210/105	

Amends the Hotel Operators' Occupation Tax Act, the Counties Code, the Illinois Municipal Code, the Metropolitan Pier and Exposition Authority Act, the Illinois Sports Facilities Authority Act, and the Downstate Illinois Sports Facilities Authority Act. Provides that no tax is imposed under the Acts on the renting, leasing, or letting of hotel rooms to the American Red Cross for the provision or coordination of disaster relief services. Effective immediately.

LRB100 06800 HLH 16848 b

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 Hotel Operators' Occupation Tax Act is
5 amended by changing Section 3 as follows:

6 (35 ILCS 145/3) (from Ch. 120, par. 481b.33)

7 Sec. 3. Rate; exemptions ~~Exemption~~.

8 (a) A tax is imposed upon persons engaged in the business
9 of renting, leasing or letting rooms in a hotel at the rate of
10 5% of 94% of the gross rental receipts from such renting,
11 leasing or letting, excluding, however, from gross rental
12 receipts, the proceeds of such renting, leasing or letting to
13 permanent residents of that hotel and proceeds from the tax
14 imposed under subsection (c) of Section 13 of the Metropolitan
15 Pier and Exposition Authority Act.

16 (b) Commencing on the first day of the first month after
17 the month this amendatory Act of 1984 becomes law, there shall
18 be imposed an additional tax upon persons engaged in the
19 business of renting, leasing or letting rooms in a hotel at the
20 rate of 1% of 94% of the gross rental receipts from such
21 renting, leasing or letting, excluding, however, from gross
22 rental receipts, the proceeds of such renting, leasing or
23 letting to permanent residents of that hotel and proceeds from

1 the tax imposed under subsection (c) of Section 13 of the
2 Metropolitan Pier and Exposition Authority Act.

3 (c) No funds received pursuant to this Act shall be used to
4 advertise for or otherwise promote new competition in the hotel
5 business.

6 (d) However, such tax is not imposed upon the privilege of
7 engaging in any business in Interstate Commerce or otherwise,
8 which business may not, under the Constitution and Statutes of
9 the United States, be made the subject of taxation by this
10 State. In addition, the tax is not imposed upon gross rental
11 receipts for which the hotel operator is prohibited from
12 obtaining reimbursement for the tax from the customer by reason
13 of a federal treaty.

14 (e) Persons subject to the tax imposed by this Act may
15 reimburse themselves for their tax liability under this Act by
16 separately stating such tax as an additional charge, which
17 charge may be stated in combination, in a single amount, with
18 any tax imposed pursuant to Sections 8-3-13 and 8-3-14 of the
19 Illinois Municipal Code, and Section 25.05-10 of "An Act to
20 revise the law in relation to counties".

21 (f) If any hotel operator collects an amount (however
22 designated) which purports to reimburse such operator for hotel
23 operators' occupation tax liability measured by receipts which
24 are not subject to hotel operators' occupation tax, or if any
25 hotel operator, in collecting an amount (however designated)
26 which purports to reimburse such operator for hotel operators'

1 occupation tax liability measured by receipts which are subject
2 to tax under this Act, collects more from the customer than the
3 operators' hotel operators' occupation tax liability in the
4 transaction is, the customer shall have a legal right to claim
5 a refund of such amount from such operator. However, if such
6 amount is not refunded to the customer for any reason, the
7 hotel operator is liable to pay such amount to the Department.

8 (g) Notwithstanding any other provision of law, the tax is
9 not imposed on the renting, leasing, or letting of hotel rooms
10 to the American Red Cross for the provision or coordination of
11 disaster relief services. The exemption under this subsection
12 for the renting, leasing, or letting of hotel rooms to the
13 American Red Cross shall not apply except during the provision
14 or coordination of disaster relief services.

15 (Source: P.A. 87-733.)

16 Section 10. The Counties Code is amended by changing
17 Section 5-1030 as follows:

18 (55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

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

20 (a) The corporate authorities of any county may by
21 ordinance impose a tax upon all persons engaged in such county
22 in the business of renting, leasing or letting rooms in a hotel
23 which is not located within a city, village, or incorporated
24 town that imposes a tax under Section 8-3-14 of the Illinois

1 Municipal Code, as defined in "The Hotel Operators' Occupation
2 Tax Act", at a rate not to exceed 5% of the gross rental
3 receipts from such renting, leasing or letting, excluding,
4 however, from gross rental receipts, the proceeds of such
5 renting, leasing or letting to permanent residents of that
6 hotel, and may provide for the administration and enforcement
7 of the tax, and for the collection thereof from the persons
8 subject to the tax, as the corporate authorities determine to
9 be necessary or practicable for the effective administration of
10 the tax.

11 (b) With the consent of municipalities representing at
12 least 67% of the population of Winnebago County, as determined
13 by the 2010 federal decennial census and as expressed by
14 resolution of the corporate authorities of those
15 municipalities, the county board of Winnebago County may, by
16 ordinance, impose a tax upon all persons engaged in the county
17 in the business of renting, leasing, or letting rooms in a
18 hotel that imposes a tax under Section 8-3-14 of the Illinois
19 Municipal Code, as defined in "The Hotel Operators' Occupation
20 Tax Act", at a rate not to exceed 2% of the gross rental
21 receipts from renting, leasing, or letting, excluding,
22 however, from gross rental receipts, the proceeds of the
23 renting, leasing, or letting to permanent residents of that
24 hotel, and may provide for the administration and enforcement
25 of the tax, and for the collection thereof from the persons
26 subject to the tax, as the county board determines to be

1 necessary or practicable for the effective administration of
2 the tax. The tax shall be instituted on a county-wide basis and
3 shall be in addition to any tax imposed by this or any other
4 provision of law. The revenue generated under this subsection
5 shall be accounted for and segregated from all other funds of
6 the county and shall be utilized solely for either: (1)
7 encouraging, supporting, marketing, constructing, or
8 operating, either directly by the county or through other
9 taxing bodies within the county, sports, arts, or other
10 entertainment or tourism facilities or programs for the purpose
11 of promoting tourism, competitiveness, job growth, and for the
12 general health and well-being of the citizens of the county; or
13 (2) payment towards debt services on bonds issued for the
14 purposes set forth in this subsection.

15 (c) A Tourism Facility Board shall be established,
16 comprised of a representative from the county and from each
17 municipality that has approved the imposition of the tax under
18 subsection (b) of this Section.

19 (1) A Board member's vote is weighted based on the
20 municipality's population relative to the population of
21 the county, with the county representing the population
22 within unincorporated areas of the county. Representatives
23 from the Rockford Park District and Rockford Area
24 Convention and Visitors Bureau shall serve as ex-officio
25 members with no voting rights.

26 (2) The Board must meet not less frequently than once

1 per year to direct the use of revenues collected from the
2 tax imposed under subsection (b) of this Section that are
3 not already directed for use pursuant to an
4 intergovernmental agreement between the county and another
5 entity represented on the Board, including the ex-officio
6 members, and for any other reason the Board deems
7 necessary. Affirmative actions of the Board shall require a
8 weighted vote of Board members representing not less than
9 67% of the population of the county.

10 (3) The Board shall not be a separate unit of local
11 government, shall have no paid staff, and members of the
12 Board shall receive no compensation or reimbursement of
13 expenses from proceeds of the tax imposed under subsection
14 (b) of this Section.

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

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

25 An ordinance or resolution imposing a tax hereunder or
26 effecting a change in the rate thereof shall be effective on

1 the first day of the calendar month next following its passage
2 and required publication.

3 The amounts collected by any county pursuant to this
4 Section shall be expended to promote tourism; conventions;
5 expositions; theatrical, sports and cultural activities within
6 that county or otherwise to attract nonresident overnight
7 visitors to the county.

8 Any county may agree with any unit of local government,
9 including any authority defined as a metropolitan exposition,
10 auditorium and office building authority, fair and exposition
11 authority, exposition and auditorium authority, or civic
12 center authority created pursuant to provisions of Illinois law
13 and the territory of which unit of local government or
14 authority is co-extensive with or wholly within such county, to
15 impose and collect for a period not to exceed 40 years, any
16 portion or all of the tax authorized pursuant to this Section
17 and to transmit such tax so collected to such unit of local
18 government or authority. The amount so paid shall be expended
19 by any such unit of local government or authority for the
20 purposes for which such tax is authorized. Any such agreement
21 must be authorized by resolution or ordinance, as the case may
22 be, of such county and unit of local government or authority,
23 and such agreement may provide for the irrevocable imposition
24 and collection of said tax at such rate, or amount as limited
25 by a given rate, as may be agreed upon for the full period of
26 time set forth in such agreement; and such agreement may

1 further provide for any other terms as deemed necessary or
2 advisable by such county and such unit of local government or
3 authority. Any such agreement shall be binding and enforceable
4 by either party to such agreement. Such agreement entered into
5 pursuant to this Section shall not in any event constitute an
6 indebtedness of such county subject to any limitation imposed
7 by statute or otherwise.

8 Notwithstanding any other provision of law, the tax is not
9 imposed on the renting, leasing, or letting of hotel rooms to
10 the American Red Cross for the provision or coordination of
11 disaster relief services. This exemption for the renting,
12 leasing, or letting of hotel rooms to the American Red Cross
13 shall not apply except during the provision or coordination of
14 disaster relief services.

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

16 Section 15. The Illinois Municipal Code is amended by
17 changing Sections 8-3-14, 8-3-14a, and 11-74.3-6 as follows:

18 (65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

19 Sec. 8-3-14. Municipal hotel operators' occupation tax.
20 The corporate authorities of any municipality may impose a tax
21 upon all persons engaged in such municipality in the business
22 of renting, leasing or letting rooms in a hotel, as defined in
23 "The Hotel Operators' Occupation Tax Act," at a rate not to
24 exceed 6% in the City of East Peoria and in the Village of

1 Morton and 5% in all other municipalities of the gross rental
2 receipts from such renting, leasing or letting, excluding,
3 however, from gross rental receipts, the proceeds of such
4 renting, leasing or letting to permanent residents of that
5 hotel and proceeds from the tax imposed under subsection (c) of
6 Section 13 of the Metropolitan Pier and Exposition Authority
7 Act, and may provide for the administration and enforcement of
8 the tax, and for the collection thereof from the persons
9 subject to the tax, as the corporate authorities determine to
10 be necessary or practicable for the effective administration of
11 the tax. The municipality may not impose a tax under this
12 Section if it imposes a tax under Section 8-3-14a.

13 Persons subject to any tax imposed pursuant to authority
14 granted by this Section may reimburse themselves for their tax
15 liability for such tax by separately stating such tax as an
16 additional charge, which charge may be stated in combination,
17 in a single amount, with State tax imposed under "The Hotel
18 Operators' Occupation Tax Act".

19 Nothing in this Section shall be construed to authorize a
20 municipality to impose a tax upon the privilege of engaging in
21 any business which under the constitution of the United States
22 may not be made the subject of taxation by this State.

23 The amounts collected by any municipality pursuant to this
24 Section shall be expended by the municipality solely to promote
25 tourism and conventions within that municipality or otherwise
26 to attract nonresident overnight visitors to the municipality.

1 No funds received pursuant to this Section shall be used to
2 advertise for or otherwise promote new competition in the hotel
3 business.

4 Notwithstanding any other provision of law, the tax is not
5 imposed on the renting, leasing, or letting of hotel rooms to
6 the American Red Cross for the provision or coordination of
7 disaster relief services. This exemption for the renting,
8 leasing, or letting of hotel rooms to the American Red Cross
9 shall not apply except during the provision or coordination of
10 disaster relief services.

11 (Source: P.A. 95-967, eff. 9-23-08; 96-238, eff. 8-11-09.)

12 (65 ILCS 5/8-3-14a)

13 Sec. 8-3-14a. Municipal hotel use tax.

14 (a) The corporate authorities of any municipality may
15 impose a tax upon the privilege of renting or leasing rooms in
16 a hotel within the municipality at a rate not to exceed 5% of
17 the rental or lease payment. The corporate authorities may
18 provide for the administration and enforcement of the tax and
19 for the collection thereof from the persons subject to the tax,
20 as the corporate authorities determine to be necessary or
21 practical for the effective administration of the tax.

22 (b) Each hotel in the municipality shall collect the tax
23 from the person making the rental or lease payment at the time
24 that the payment is tendered to the hotel. The hotel shall, as
25 trustee, remit the tax to the municipality.

1 (c) The tax authorized under this Section does not apply to
2 any rental or lease payment by a permanent resident of that
3 hotel or to any payment made to any hotel that is subject to
4 the tax imposed under subsection (c) of Section 13 of the
5 Metropolitan Pier and Exposition Authority Act. A municipality
6 may not impose a tax under this Section if it imposes a tax
7 under Section 8-3-14. Nothing in this Section may be construed
8 to authorize a municipality to impose a tax upon the privilege
9 of engaging in any business that under the Constitution of the
10 United States may not be made the subject of taxation by this
11 State.

12 (c-5) Notwithstanding any other provision of law, the tax
13 is not imposed on the renting or leasing of hotel rooms to the
14 American Red Cross for the provision or coordination of
15 disaster relief services. This exemption for the renting,
16 leasing, or letting of hotel rooms to the American Red Cross
17 shall not apply except during the provision or coordination of
18 disaster relief services.

19 (d) The moneys collected by a municipality under this
20 Section may be expended solely to promote tourism and
21 conventions within that municipality or otherwise to attract
22 nonresident overnight visitors to the municipality. No moneys
23 received under this Section may be used to advertise for or
24 otherwise promote new competition in the hotel business.

25 (e) As used in this Section, "hotel" has the meaning set
26 forth in Section 2 of the Hotel Operators' Occupation Tax Act.

1 (Source: P.A. 96-238, eff. 8-11-09.)

2 (65 ILCS 5/11-74.3-6)

3 Sec. 11-74.3-6. Business district revenue and obligations;
4 business district tax allocation fund.

5 (a) If the corporate authorities of a municipality have
6 approved a business district plan, have designated a business
7 district, and have elected to impose a tax by ordinance
8 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
9 each year after the date of the approval of the ordinance but
10 terminating upon the date all business district project costs
11 and all obligations paying or reimbursing business district
12 project costs, if any, have been paid, but in no event later
13 than the dissolution date, all amounts generated by the
14 retailers' occupation tax and service occupation tax shall be
15 collected and the tax shall be enforced by the Department of
16 Revenue in the same manner as all retailers' occupation taxes
17 and service occupation taxes imposed in the municipality
18 imposing the tax and all amounts generated by the hotel
19 operators' occupation tax shall be collected and the tax shall
20 be enforced by the municipality in the same manner as all hotel
21 operators' occupation taxes imposed in the municipality
22 imposing the tax. The corporate authorities of the municipality
23 shall deposit the proceeds of the taxes imposed under
24 subsections (10) and (11) of Section 11-74.3-3 into a special
25 fund of the municipality called the "[Name of] Business

1 District Tax Allocation Fund" for the purpose of paying or
2 reimbursing business district project costs and obligations
3 incurred in the payment of those costs.

4 (b) The corporate authorities of a municipality that has
5 designated a business district under this Law may, by
6 ordinance, impose a Business District Retailers' Occupation
7 Tax upon all persons engaged in the business of selling
8 tangible personal property, other than an item of tangible
9 personal property titled or registered with an agency of this
10 State's government, at retail in the business district at a
11 rate not to exceed 1% of the gross receipts from the sales made
12 in the course of such business, to be imposed only in 0.25%
13 increments. The tax may not be imposed on food for human
14 consumption that is to be consumed off the premises where it is
15 sold (other than alcoholic beverages, soft drinks, and food
16 that has been prepared for immediate consumption),
17 prescription and nonprescription medicines, drugs, medical
18 appliances, modifications to a motor vehicle for the purpose of
19 rendering it usable by a person with a disability, and insulin,
20 urine testing materials, syringes, and needles used by
21 diabetics, for human use.

22 The tax imposed under this subsection and all civil
23 penalties that may be assessed as an incident thereof shall be
24 collected and enforced by the Department of Revenue. The
25 certificate of registration that is issued by the Department to
26 a retailer under the Retailers' Occupation Tax Act shall permit

1 the retailer to engage in a business that is taxable under any
2 ordinance or resolution enacted pursuant to this subsection
3 without registering separately with the Department under such
4 ordinance or resolution or under this subsection. The
5 Department of Revenue shall have full power to administer and
6 enforce this subsection; to collect all taxes and penalties due
7 under this subsection in the manner hereinafter provided; and
8 to determine all rights to credit memoranda arising on account
9 of the erroneous payment of tax or penalty under this
10 subsection. In the administration of, and compliance with, this
11 subsection, the Department and persons who are subject to this
12 subsection shall have the same rights, remedies, privileges,
13 immunities, powers and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties, exclusions,
15 exemptions, and definitions of terms and employ the same modes
16 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
17 through 2-65 (in respect to all provisions therein other than
18 the State rate of tax), 2c through 2h, 3 (except as to the
19 disposition of taxes and penalties collected), 4, 5, 5a, 5c,
20 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
21 12, 13, and 14 of the Retailers' Occupation Tax Act and all
22 provisions of the Uniform Penalty and Interest Act, as fully as
23 if those provisions were set forth herein.

24 Persons subject to any tax imposed under this subsection
25 may reimburse themselves for their seller's tax liability under
26 this subsection by separately stating the tax as an additional

1 charge, which charge may be stated in combination, in a single
2 amount, with State taxes that sellers are required to collect
3 under the Use Tax Act, in accordance with such bracket
4 schedules as the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this subsection to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified and to the person named in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the business district retailers' occupation
12 tax fund.

13 The Department shall immediately pay over to the State
14 Treasurer, ex officio, as trustee, all taxes, penalties, and
15 interest collected under this subsection for deposit into the
16 business district retailers' occupation tax fund.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the Department
19 of Revenue, the Comptroller shall order transferred, and the
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
21 local sales tax increment, as defined in the Innovation
22 Development and Economy Act, collected under this subsection
23 during the second preceding calendar month for sales within a
24 STAR bond district.

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to named municipalities
3 from the business district retailers' occupation tax fund, the
4 municipalities to be those from which retailers have paid taxes
5 or penalties under this subsection to the Department during the
6 second preceding calendar month. The amount to be paid to each
7 municipality shall be the amount (not including credit
8 memoranda) collected under this subsection during the second
9 preceding calendar month by the Department plus an amount the
10 Department determines is necessary to offset any amounts that
11 were erroneously paid to a different taxing body, and not
12 including an amount equal to the amount of refunds made during
13 the second preceding calendar month by the Department, less 2%
14 of that amount, which shall be deposited into the Tax
15 Compliance and Administration Fund and shall be used by the
16 Department, subject to appropriation, to cover the costs of the
17 Department in administering and enforcing the provisions of
18 this subsection, on behalf of such municipality, and not
19 including any amount that the Department determines is
20 necessary to offset any amounts that were payable to a
21 different taxing body but were erroneously paid to the
22 municipality, and not including any amounts that are
23 transferred to the STAR Bonds Revenue Fund. Within 10 days
24 after receipt by the Comptroller of the disbursement
25 certification to the municipalities provided for in this
26 subsection to be given to the Comptroller by the Department,

1 the Comptroller shall cause the orders to be drawn for the
2 respective amounts in accordance with the directions contained
3 in the certification. The proceeds of the tax paid to
4 municipalities under this subsection shall be deposited into
5 the Business District Tax Allocation Fund by the municipality.

6 An ordinance imposing or discontinuing the tax under this
7 subsection or effecting a change in the rate thereof shall
8 either (i) be adopted and a certified copy thereof filed with
9 the Department on or before the first day of April, whereupon
10 the Department, if all other requirements of this subsection
11 are met, shall proceed to administer and enforce this
12 subsection as of the first day of July next following the
13 adoption and filing; or (ii) be adopted and a certified copy
14 thereof filed with the Department on or before the first day of
15 October, whereupon, if all other requirements of this
16 subsection are met, the Department shall proceed to administer
17 and enforce this subsection as of the first day of January next
18 following the adoption and filing.

19 The Department of Revenue shall not administer or enforce
20 an ordinance imposing, discontinuing, or changing the rate of
21 the tax under this subsection, until the municipality also
22 provides, in the manner prescribed by the Department, the
23 boundaries of the business district and each address in the
24 business district in such a way that the Department can
25 determine by its address whether a business is located in the
26 business district. The municipality must provide this boundary

1 and address information to the Department on or before April 1
2 for administration and enforcement of the tax under this
3 subsection by the Department beginning on the following July 1
4 and on or before October 1 for administration and enforcement
5 of the tax under this subsection by the Department beginning on
6 the following January 1. The Department of Revenue shall not
7 administer or enforce any change made to the boundaries of a
8 business district or address change, addition, or deletion
9 until the municipality reports the boundary change or address
10 change, addition, or deletion to the Department in the manner
11 prescribed by the Department. The municipality must provide
12 this boundary change information or address change, addition,
13 or deletion to the Department on or before April 1 for
14 administration and enforcement by the Department of the change
15 beginning on the following July 1 and on or before October 1
16 for administration and enforcement by the Department of the
17 change beginning on the following January 1. The retailers in
18 the business district shall be responsible for charging the tax
19 imposed under this subsection. If a retailer is incorrectly
20 included or excluded from the list of those required to collect
21 the tax under this subsection, both the Department of Revenue
22 and the retailer shall be held harmless if they reasonably
23 relied on information provided by the municipality.

24 A municipality that imposes the tax under this subsection
25 must submit to the Department of Revenue any other information
26 as the Department may require for the administration and

1 enforcement of the tax.

2 When certifying the amount of a monthly disbursement to a
3 municipality under this subsection, the Department shall
4 increase or decrease the amount by an amount necessary to
5 offset any misallocation of previous disbursements. The offset
6 amount shall be the amount erroneously disbursed within the
7 previous 6 months from the time a misallocation is discovered.

8 Nothing in this subsection shall be construed to authorize
9 the municipality to impose a tax upon the privilege of engaging
10 in any business which under the Constitution of the United
11 States may not be made the subject of taxation by this State.

12 If a tax is imposed under this subsection (b), a tax shall
13 also be imposed under subsection (c) of this Section.

14 (c) If a tax has been imposed under subsection (b), a
15 Business District Service Occupation Tax shall also be imposed
16 upon all persons engaged, in the business district, in the
17 business of making sales of service, who, as an incident to
18 making those sales of service, transfer tangible personal
19 property within the business district, either in the form of
20 tangible personal property or in the form of real estate as an
21 incident to a sale of service. The tax shall be imposed at the
22 same rate as the tax imposed in subsection (b) and shall not
23 exceed 1% of the selling price of tangible personal property so
24 transferred within the business district, to be imposed only in
25 0.25% increments. The tax may not be imposed on food for human
26 consumption that is to be consumed off the premises where it is

1 sold (other than alcoholic beverages, soft drinks, and food
2 that has been prepared for immediate consumption),
3 prescription and nonprescription medicines, drugs, medical
4 appliances, modifications to a motor vehicle for the purpose of
5 rendering it usable by a person with a disability, and insulin,
6 urine testing materials, syringes, and needles used by
7 diabetics, for human use.

8 The tax imposed under this subsection and all civil
9 penalties that may be assessed as an incident thereof shall be
10 collected and enforced by the Department of Revenue. The
11 certificate of registration which is issued by the Department
12 to a retailer under the Retailers' Occupation Tax Act or under
13 the Service Occupation Tax Act shall permit such registrant to
14 engage in a business which is taxable under any ordinance or
15 resolution enacted pursuant to this subsection without
16 registering separately with the Department under such
17 ordinance or resolution or under this subsection. The
18 Department of Revenue shall have full power to administer and
19 enforce this subsection; to collect all taxes and penalties due
20 under this subsection; to dispose of taxes and penalties so
21 collected in the manner hereinafter provided; and to determine
22 all rights to credit memoranda arising on account of the
23 erroneous payment of tax or penalty under this subsection. In
24 the administration of, and compliance with this subsection, the
25 Department and persons who are subject to this subsection shall
26 have the same rights, remedies, privileges, immunities, powers

1 and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties, exclusions, exemptions,
3 and definitions of terms and employ the same modes of procedure
4 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
5 (in respect to all provisions therein other than the State rate
6 of tax), 4 (except that the reference to the State shall be to
7 the business district), 5, 7, 8 (except that the jurisdiction
8 to which the tax shall be a debt to the extent indicated in
9 that Section 8 shall be the municipality), 9 (except as to the
10 disposition of taxes and penalties collected, and except that
11 the returned merchandise credit for this tax may not be taken
12 against any State tax), 10, 11, 12 (except the reference
13 therein to Section 2b of the Retailers' Occupation Tax Act), 13
14 (except that any reference to the State shall mean the
15 municipality), the first paragraph of Section 15, and Sections
16 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
17 provisions of the Uniform Penalty and Interest Act, as fully as
18 if those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority
20 granted in this subsection may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, which charge may be stated in
23 combination, in a single amount, with State tax that servicemen
24 are authorized to collect under the Service Use Tax Act, in
25 accordance with such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this subsection to a claimant instead of issuing
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified, and to the person named, in such notification
6 from the Department. Such refund shall be paid by the State
7 Treasurer out of the business district retailers' occupation
8 tax fund.

9 The Department shall forthwith pay over to the State
10 Treasurer, ex-officio, as trustee, all taxes, penalties, and
11 interest collected under this subsection for deposit into the
12 business district retailers' occupation tax fund.

13 As soon as possible after the first day of each month,
14 beginning January 1, 2011, upon certification of the Department
15 of Revenue, the Comptroller shall order transferred, and the
16 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
17 local sales tax increment, as defined in the Innovation
18 Development and Economy Act, collected under this subsection
19 during the second preceding calendar month for sales within a
20 STAR bond district.

21 After the monthly transfer to the STAR Bonds Revenue Fund,
22 on or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to named municipalities
25 from the business district retailers' occupation tax fund, the
26 municipalities to be those from which suppliers and servicemen

1 have paid taxes or penalties under this subsection to the
2 Department during the second preceding calendar month. The
3 amount to be paid to each municipality shall be the amount (not
4 including credit memoranda) collected under this subsection
5 during the second preceding calendar month by the Department,
6 less 2% of that amount, which shall be deposited into the Tax
7 Compliance and Administration Fund and shall be used by the
8 Department, subject to appropriation, to cover the costs of the
9 Department in administering and enforcing the provisions of
10 this subsection, and not including an amount equal to the
11 amount of refunds made during the second preceding calendar
12 month by the Department on behalf of such municipality, and not
13 including any amounts that are transferred to the STAR Bonds
14 Revenue Fund. Within 10 days after receipt, by the Comptroller,
15 of the disbursement certification to the municipalities,
16 provided for in this subsection to be given to the Comptroller
17 by the Department, the Comptroller shall cause the orders to be
18 drawn for the respective amounts in accordance with the
19 directions contained in such certification. The proceeds of the
20 tax paid to municipalities under this subsection shall be
21 deposited into the Business District Tax Allocation Fund by the
22 municipality.

23 An ordinance imposing or discontinuing the tax under this
24 subsection or effecting a change in the rate thereof shall
25 either (i) be adopted and a certified copy thereof filed with
26 the Department on or before the first day of April, whereupon

1 the Department, if all other requirements of this subsection
2 are met, shall proceed to administer and enforce this
3 subsection as of the first day of July next following the
4 adoption and filing; or (ii) be adopted and a certified copy
5 thereof filed with the Department on or before the first day of
6 October, whereupon, if all other conditions of this subsection
7 are met, the Department shall proceed to administer and enforce
8 this subsection as of the first day of January next following
9 the adoption and filing.

10 The Department of Revenue shall not administer or enforce
11 an ordinance imposing, discontinuing, or changing the rate of
12 the tax under this subsection, until the municipality also
13 provides, in the manner prescribed by the Department, the
14 boundaries of the business district in such a way that the
15 Department can determine by its address whether a business is
16 located in the business district. The municipality must provide
17 this boundary and address information to the Department on or
18 before April 1 for administration and enforcement of the tax
19 under this subsection by the Department beginning on the
20 following July 1 and on or before October 1 for administration
21 and enforcement of the tax under this subsection by the
22 Department beginning on the following January 1. The Department
23 of Revenue shall not administer or enforce any change made to
24 the boundaries of a business district or address change,
25 addition, or deletion until the municipality reports the
26 boundary change or address change, addition, or deletion to the

1 Department in the manner prescribed by the Department. The
2 municipality must provide this boundary change information or
3 address change, addition, or deletion to the Department on or
4 before April 1 for administration and enforcement by the
5 Department of the change beginning on the following July 1 and
6 on or before October 1 for administration and enforcement by
7 the Department of the change beginning on the following January
8 1. The retailers in the business district shall be responsible
9 for charging the tax imposed under this subsection. If a
10 retailer is incorrectly included or excluded from the list of
11 those required to collect the tax under this subsection, both
12 the Department of Revenue and the retailer shall be held
13 harmless if they reasonably relied on information provided by
14 the municipality.

15 A municipality that imposes the tax under this subsection
16 must submit to the Department of Revenue any other information
17 as the Department may require for the administration and
18 enforcement of the tax.

19 Nothing in this subsection shall be construed to authorize
20 the municipality to impose a tax upon the privilege of engaging
21 in any business which under the Constitution of the United
22 States may not be made the subject of taxation by the State.

23 If a tax is imposed under this subsection (c), a tax shall
24 also be imposed under subsection (b) of this Section.

25 (d) By ordinance, a municipality that has designated a
26 business district under this Law may impose an occupation tax

1 upon all persons engaged in the business district in the
2 business of renting, leasing, or letting rooms in a hotel, as
3 defined in the Hotel Operators' Occupation Tax Act, at a rate
4 not to exceed 1% of the gross rental receipts from the renting,
5 leasing, or letting of hotel rooms within the business
6 district, to be imposed only in 0.25% increments, excluding,
7 however, from gross rental receipts the proceeds of renting,
8 leasing, or letting to permanent residents of a hotel, as
9 defined in the Hotel Operators' Occupation Tax Act, and
10 proceeds from the tax imposed under subsection (c) of Section
11 13 of the Metropolitan Pier and Exposition Authority Act.

12 The tax imposed by the municipality under this subsection
13 and all civil penalties that may be assessed as an incident to
14 that tax shall be collected and enforced by the municipality
15 imposing the tax. The municipality shall have full power to
16 administer and enforce this subsection, to collect all taxes
17 and penalties due under this subsection, to dispose of taxes
18 and penalties so collected in the manner provided in this
19 subsection, and to determine all rights to credit memoranda
20 arising on account of the erroneous payment of tax or penalty
21 under this subsection. In the administration of and compliance
22 with this subsection, the municipality and persons who are
23 subject to this subsection shall have the same rights,
24 remedies, privileges, immunities, powers, and duties, shall be
25 subject to the same conditions, restrictions, limitations,
26 penalties, and definitions of terms, and shall employ the same

1 modes of procedure as are employed with respect to a tax
2 adopted by the municipality under Section 8-3-14 of this Code.

3 Persons subject to any tax imposed under the authority
4 granted in this subsection may reimburse themselves for their
5 tax liability for that tax by separately stating that tax as an
6 additional charge, which charge may be stated in combination,
7 in a single amount, with State taxes imposed under the Hotel
8 Operators' Occupation Tax Act, and with any other tax.

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

13 The proceeds of the tax imposed under this subsection shall
14 be deposited into the Business District Tax Allocation Fund.

15 Notwithstanding any other provision of law, the tax under
16 this subsection (d) is not imposed on the renting, leasing, or
17 letting of hotel rooms to the American Red Cross for the
18 provision or coordination of disaster relief services. This
19 exemption for the renting, leasing, or letting of hotel rooms
20 to the American Red Cross shall not apply except during the
21 provision or coordination of disaster relief services.

22 (e) Obligations secured by the Business District Tax
23 Allocation Fund may be issued to provide for the payment or
24 reimbursement of business district project costs. Those
25 obligations, when so issued, shall be retired in the manner
26 provided in the ordinance authorizing the issuance of those

1 obligations by the receipts of taxes imposed pursuant to
2 subsections (10) and (11) of Section 11-74.3-3 and by other
3 revenue designated or pledged by the municipality. A
4 municipality may in the ordinance pledge, for any period of
5 time up to and including the dissolution date, all or any part
6 of the funds in and to be deposited in the Business District
7 Tax Allocation Fund to the payment of business district project
8 costs and obligations. Whenever a municipality pledges all of
9 the funds to the credit of a business district tax allocation
10 fund to secure obligations issued or to be issued to pay or
11 reimburse business district project costs, the municipality
12 may specifically provide that funds remaining to the credit of
13 such business district tax allocation fund after the payment of
14 such obligations shall be accounted for annually and shall be
15 deemed to be "surplus" funds, and such "surplus" funds shall be
16 expended by the municipality for any business district project
17 cost as approved in the business district plan. Whenever a
18 municipality pledges less than all of the monies to the credit
19 of a business district tax allocation fund to secure
20 obligations issued or to be issued to pay or reimburse business
21 district project costs, the municipality shall provide that
22 monies to the credit of the business district tax allocation
23 fund and not subject to such pledge or otherwise encumbered or
24 required for payment of contractual obligations for specific
25 business district project costs shall be calculated annually
26 and shall be deemed to be "surplus" funds, and such "surplus"

1 funds shall be expended by the municipality for any business
2 district project cost as approved in the business district
3 plan.

4 No obligation issued pursuant to this Law and secured by a
5 pledge of all or any portion of any revenues received or to be
6 received by the municipality from the imposition of taxes
7 pursuant to subsection (10) of Section 11-74.3-3, shall be
8 deemed to constitute an economic incentive agreement under
9 Section 8-11-20, notwithstanding the fact that such pledge
10 provides for the sharing, rebate, or payment of retailers'
11 occupation taxes or service occupation taxes imposed pursuant
12 to subsection (10) of Section 11-74.3-3 and received or to be
13 received by the municipality from the development or
14 redevelopment of properties in the business district.

15 Without limiting the foregoing in this Section, the
16 municipality may further secure obligations secured by the
17 business district tax allocation fund with a pledge, for a
18 period not greater than the term of the obligations and in any
19 case not longer than the dissolution date, of any part or any
20 combination of the following: (i) net revenues of all or part
21 of any business district project; (ii) taxes levied or imposed
22 by the municipality on any or all property in the municipality,
23 including, specifically, taxes levied or imposed by the
24 municipality in a special service area pursuant to the Special
25 Service Area Tax Law; (iii) the full faith and credit of the
26 municipality; (iv) a mortgage on part or all of the business

1 district project; or (v) any other taxes or anticipated
2 receipts that the municipality may lawfully pledge.

3 Such obligations may be issued in one or more series, bear
4 such date or dates, become due at such time or times as therein
5 provided, but in any case not later than (i) 20 years after the
6 date of issue or (ii) the dissolution date, whichever is
7 earlier, bear interest payable at such intervals and at such
8 rate or rates as set forth therein, except as may be limited by
9 applicable law, which rate or rates may be fixed or variable,
10 be in such denominations, be in such form, either coupon,
11 registered, or book-entry, carry such conversion, registration
12 and exchange privileges, be subject to defeasance upon such
13 terms, have such rank or priority, be executed in such manner,
14 be payable in such medium or payment at such place or places
15 within or without the State, make provision for a corporate
16 trustee within or without the State with respect to such
17 obligations, prescribe the rights, powers, and duties thereof
18 to be exercised for the benefit of the municipality and the
19 benefit of the owners of such obligations, provide for the
20 holding in trust, investment, and use of moneys, funds, and
21 accounts held under an ordinance, provide for assignment of and
22 direct payment of the moneys to pay such obligations or to be
23 deposited into such funds or accounts directly to such trustee,
24 be subject to such terms of redemption with or without premium,
25 and be sold at such price, all as the corporate authorities
26 shall determine. No referendum approval of the electors shall

1 be required as a condition to the issuance of obligations
2 pursuant to this Law except as provided in this Section.

3 In the event the municipality authorizes the issuance of
4 obligations pursuant to the authority of this Law secured by
5 the full faith and credit of the municipality, or pledges ad
6 valorem taxes pursuant to this subsection, which obligations
7 are other than obligations which may be issued under home rule
8 powers provided by Section 6 of Article VII of the Illinois
9 Constitution or which ad valorem taxes are other than ad
10 valorem taxes which may be pledged under home rule powers
11 provided by Section 6 of Article VII of the Illinois
12 Constitution or which are levied in a special service area
13 pursuant to the Special Service Area Tax Law, the ordinance
14 authorizing the issuance of those obligations or pledging those
15 taxes shall be published within 10 days after the ordinance has
16 been adopted, in a newspaper having a general circulation
17 within the municipality. The publication of the ordinance shall
18 be accompanied by a notice of (i) the specific number of voters
19 required to sign a petition requesting the question of the
20 issuance of the obligations or pledging such ad valorem taxes
21 to be submitted to the electors; (ii) the time within which the
22 petition must be filed; and (iii) the date of the prospective
23 referendum. The municipal clerk shall provide a petition form
24 to any individual requesting one.

25 If no petition is filed with the municipal clerk, as
26 hereinafter provided in this Section, within 21 days after the

1 publication of the ordinance, the ordinance shall be in effect.
2 However, if within that 21-day period a petition is filed with
3 the municipal clerk, signed by electors numbering not less than
4 15% of the number of electors voting for the mayor or president
5 at the last general municipal election, asking that the
6 question of issuing obligations using full faith and credit of
7 the municipality as security for the cost of paying or
8 reimbursing business district project costs, or of pledging
9 such ad valorem taxes for the payment of those obligations, or
10 both, be submitted to the electors of the municipality, the
11 municipality shall not be authorized to issue obligations of
12 the municipality using the full faith and credit of the
13 municipality as security or pledging such ad valorem taxes for
14 the payment of those obligations, or both, until the
15 proposition has been submitted to and approved by a majority of
16 the voters voting on the proposition at a regularly scheduled
17 election. The municipality shall certify the proposition to the
18 proper election authorities for submission in accordance with
19 the general election law.

20 The ordinance authorizing the obligations may provide that
21 the obligations shall contain a recital that they are issued
22 pursuant to this Law, which recital shall be conclusive
23 evidence of their validity and of the regularity of their
24 issuance.

25 In the event the municipality authorizes issuance of
26 obligations pursuant to this Law secured by the full faith and

1 credit of the municipality, the ordinance authorizing the
2 obligations may provide for the levy and collection of a direct
3 annual tax upon all taxable property within the municipality
4 sufficient to pay the principal thereof and interest thereon as
5 it matures, which levy may be in addition to and exclusive of
6 the maximum of all other taxes authorized to be levied by the
7 municipality, which levy, however, shall be abated to the
8 extent that monies from other sources are available for payment
9 of the obligations and the municipality certifies the amount of
10 those monies available to the county clerk.

11 A certified copy of the ordinance shall be filed with the
12 county clerk of each county in which any portion of the
13 municipality is situated, and shall constitute the authority
14 for the extension and collection of the taxes to be deposited
15 in the business district tax allocation fund.

16 A municipality may also issue its obligations to refund, in
17 whole or in part, obligations theretofore issued by the
18 municipality under the authority of this Law, whether at or
19 prior to maturity. However, the last maturity of the refunding
20 obligations shall not be expressed to mature later than the
21 dissolution date.

22 In the event a municipality issues obligations under home
23 rule powers or other legislative authority, the proceeds of
24 which are pledged to pay or reimburse business district project
25 costs, the municipality may, if it has followed the procedures
26 in conformance with this Law, retire those obligations from

1 funds in the business district tax allocation fund in amounts
2 and in such manner as if those obligations had been issued
3 pursuant to the provisions of this Law.

4 No obligations issued pursuant to this Law shall be
5 regarded as indebtedness of the municipality issuing those
6 obligations or any other taxing district for the purpose of any
7 limitation imposed by law.

8 Obligations issued pursuant to this Law shall not be
9 subject to the provisions of the Bond Authorization Act.

10 (f) When business district project costs, including,
11 without limitation, all obligations paying or reimbursing
12 business district project costs have been paid, any surplus
13 funds then remaining in the Business District Tax Allocation
14 Fund shall be distributed to the municipal treasurer for
15 deposit into the general corporate fund of the municipality.
16 Upon payment of all business district project costs and
17 retirement of all obligations paying or reimbursing business
18 district project costs, but in no event more than 23 years
19 after the date of adoption of the ordinance imposing taxes
20 pursuant to subsection (10) or (11) of Section 11-74.3-3, the
21 municipality shall adopt an ordinance immediately rescinding
22 the taxes imposed pursuant to subsection (10) or (11) of
23 Section 11-74.3-3.

24 (Source: P.A. 99-143, eff. 7-27-15.)

25 Section 20. The Metropolitan Pier and Exposition Authority

1 Act is amended by changing Section 13 as follows:

2 (70 ILCS 210/13) (from Ch. 85, par. 1233)

3 Sec. 13. (a) The Authority shall not have power to levy
4 taxes for any purpose, except as provided in subsections (b),
5 (c), (d), (e), and (f).

6 (b) By ordinance the Authority shall, as soon as
7 practicable after the effective date of this amendatory Act of
8 1991, impose a Metropolitan Pier and Exposition Authority
9 Retailers' Occupation Tax upon all persons engaged in the
10 business of selling tangible personal property at retail within
11 the territory described in this subsection at the rate of 1.0%
12 of the gross receipts (i) from the sale of food, alcoholic
13 beverages, and soft drinks sold for consumption on the premises
14 where sold and (ii) from the sale of food, alcoholic beverages,
15 and soft drinks sold for consumption off the premises where
16 sold by a retailer whose principal source of gross receipts is
17 from the sale of food, alcoholic beverages, and soft drinks
18 prepared for immediate consumption.

19 The tax imposed under this subsection and all civil
20 penalties that may be assessed as an incident to that tax shall
21 be collected and enforced by the Illinois Department of
22 Revenue. The Department shall have full power to administer and
23 enforce this subsection, to collect all taxes and penalties so
24 collected in the manner provided in this subsection, and to
25 determine all rights to credit memoranda arising on account of

1 the erroneous payment of tax or penalty under this subsection.
2 In the administration of and compliance with this subsection,
3 the Department and persons who are subject to this subsection
4 shall have the same rights, remedies, privileges, immunities,
5 powers, and duties, shall be subject to the same conditions,
6 restrictions, limitations, penalties, exclusions, exemptions,
7 and definitions of terms, and shall employ the same modes of
8 procedure applicable to this Retailers' Occupation Tax as are
9 prescribed in Sections 1, 2 through 2-65 (in respect to all
10 provisions of those Sections other than the State rate of
11 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
12 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
13 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January
14 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and
15 after January 1, 1994, all applicable provisions of the Uniform
16 Penalty and Interest Act that are not inconsistent with this
17 Act, as fully as if provisions contained in those Sections of
18 the Retailers' Occupation Tax Act were set forth in this
19 subsection.

20 Persons subject to any tax imposed under the authority
21 granted in this subsection may reimburse themselves for their
22 seller's tax liability under this subsection by separately
23 stating that tax as an additional charge, which charge may be
24 stated in combination, in a single amount, with State taxes
25 that sellers are required to collect under the Use Tax Act,
26 pursuant to bracket schedules as the Department may prescribe.

1 The retailer filing the return shall, at the time of filing the
2 return, pay to the Department the amount of tax imposed under
3 this subsection, less a discount of 1.75%, which is allowed to
4 reimburse the retailer for the expenses incurred in keeping
5 records, preparing and filing returns, remitting the tax, and
6 supplying data to the Department on request.

7 Whenever the Department determines that a refund should be
8 made under this subsection to a claimant instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause a warrant to be drawn for the
11 amount specified and to the person named in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of the Metropolitan Pier and Exposition Authority
14 trust fund held by the State Treasurer as trustee for the
15 Authority.

16 Nothing in this subsection authorizes the Authority to
17 impose a tax upon the privilege of engaging in any business
18 that under the Constitution of the United States may not be
19 made the subject of taxation by this State.

20 The Department shall forthwith pay over to the State
21 Treasurer, ex officio, as trustee for the Authority, all taxes
22 and penalties collected under this subsection for deposit into
23 a trust fund held outside of the State Treasury.

24 As soon as possible after the first day of each month,
25 beginning January 1, 2011, upon certification of the Department
26 of Revenue, the Comptroller shall order transferred, and the

1 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
2 local sales tax increment, as defined in the Innovation
3 Development and Economy Act, collected under this subsection
4 during the second preceding calendar month for sales within a
5 STAR bond district.

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 amounts to be paid under subsection (g) of this Section, which
10 shall be the amounts, not including credit memoranda, collected
11 under this subsection during the second preceding calendar
12 month by the Department, less any amounts determined by the
13 Department to be necessary for the payment of refunds, less 2%
14 of such balance, which sum shall be deposited by the State
15 Treasurer into the Tax Compliance and Administration Fund in
16 the State Treasury from which it shall be appropriated to the
17 Department to cover the costs of the Department in
18 administering and enforcing the provisions of this subsection,
19 and less any amounts that are transferred to the STAR Bonds
20 Revenue Fund. Within 10 days after receipt by the Comptroller
21 of the certification, the Comptroller shall cause the orders to
22 be drawn for the remaining amounts, and the Treasurer shall
23 administer those amounts as required in subsection (g).

24 A certificate of registration issued by the Illinois
25 Department of Revenue to a retailer under the Retailers'
26 Occupation Tax Act shall permit the registrant to engage in a

1 business that is taxed under the tax imposed under this
2 subsection, and no additional registration shall be required
3 under the ordinance imposing the tax or under this subsection.

4 A certified copy of any ordinance imposing or discontinuing
5 any tax under this subsection or effecting a change in the rate
6 of that tax shall be filed with the Department, whereupon the
7 Department shall proceed to administer and enforce this
8 subsection on behalf of the Authority as of the first day of
9 the third calendar month following the date of filing.

10 The tax authorized to be levied under this subsection may
11 be levied within all or any part of the following described
12 portions of the metropolitan area:

13 (1) that portion of the City of Chicago located within
14 the following area: Beginning at the point of intersection
15 of the Cook County - DuPage County line and York Road, then
16 North along York Road to its intersection with Touhy
17 Avenue, then east along Touhy Avenue to its intersection
18 with the Northwest Tollway, then southeast along the
19 Northwest Tollway to its intersection with Lee Street, then
20 south along Lee Street to Higgins Road, then south and east
21 along Higgins Road to its intersection with Mannheim Road,
22 then south along Mannheim Road to its intersection with
23 Irving Park Road, then west along Irving Park Road to its
24 intersection with the Cook County - DuPage County line,
25 then north and west along the county line to the point of
26 beginning; and

1 (2) that portion of the City of Chicago located within
2 the following area: Beginning at the intersection of West
3 55th Street with Central Avenue, then east along West 55th
4 Street to its intersection with South Cicero Avenue, then
5 south along South Cicero Avenue to its intersection with
6 West 63rd Street, then west along West 63rd Street to its
7 intersection with South Central Avenue, then north along
8 South Central Avenue to the point of beginning; and

9 (3) that portion of the City of Chicago located within
10 the following area: Beginning at the point 150 feet west of
11 the intersection of the west line of North Ashland Avenue
12 and the north line of West Diversey Avenue, then north 150
13 feet, then east along a line 150 feet north of the north
14 line of West Diversey Avenue extended to the shoreline of
15 Lake Michigan, then following the shoreline of Lake
16 Michigan (including Navy Pier and all other improvements
17 fixed to land, docks, or piers) to the point where the
18 shoreline of Lake Michigan and the Adlai E. Stevenson
19 Expressway extended east to that shoreline intersect, then
20 west along the Adlai E. Stevenson Expressway to a point 150
21 feet west of the west line of South Ashland Avenue, then
22 north along a line 150 feet west of the west line of South
23 and North Ashland Avenue to the point of beginning.

24 The tax authorized to be levied under this subsection may
25 also be levied on food, alcoholic beverages, and soft drinks
26 sold on boats and other watercraft departing from and returning

1 to the shoreline of Lake Michigan (including Navy Pier and all
2 other improvements fixed to land, docks, or piers) described in
3 item (3).

4 (c) By ordinance the Authority shall, as soon as
5 practicable after the effective date of this amendatory Act of
6 1991, impose an occupation tax upon all persons engaged in the
7 corporate limits of the City of Chicago in the business of
8 renting, leasing, or letting rooms in a hotel, as defined in
9 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of
10 the gross rental receipts from the renting, leasing, or letting
11 of hotel rooms within the City of Chicago, excluding, however,
12 from gross rental receipts the proceeds of renting, leasing, or
13 letting to permanent residents of a hotel, as defined in that
14 Act. Gross rental receipts shall not include charges that are
15 added on account of the liability arising from any tax imposed
16 by the State or any governmental agency on the occupation of
17 renting, leasing, or letting rooms in a hotel.

18 The tax imposed by the Authority under this subsection and
19 all civil penalties that may be assessed as an incident to that
20 tax shall be collected and enforced by the Illinois Department
21 of Revenue. The certificate of registration that is issued by
22 the Department to a lessor under the Hotel Operators'
23 Occupation Tax Act shall permit that registrant to engage in a
24 business that is taxable under any ordinance enacted under this
25 subsection without registering separately with the Department
26 under that ordinance or under this subsection. The Department

1 shall have full power to administer and enforce this
2 subsection, to collect all taxes and penalties due under this
3 subsection, to dispose of taxes and penalties so collected in
4 the manner provided in this subsection, and to determine all
5 rights to credit memoranda arising on account of the erroneous
6 payment of tax or penalty under this subsection. In the
7 administration of and compliance with this subsection, the
8 Department and persons who are subject to this subsection shall
9 have the same rights, remedies, privileges, immunities,
10 powers, and duties, shall be subject to the same conditions,
11 restrictions, limitations, penalties, and definitions of
12 terms, and shall employ the same modes of procedure as are
13 prescribed in the Hotel Operators' Occupation Tax Act (except
14 where that Act is inconsistent with this subsection), as fully
15 as if the provisions contained in the Hotel Operators'
16 Occupation Tax Act were set out in this subsection.

17 Whenever the Department determines that a refund should be
18 made under this subsection to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause a warrant to be drawn for the
21 amount specified and to the person named in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of the Metropolitan Pier and Exposition Authority
24 trust fund held by the State Treasurer as trustee for the
25 Authority.

26 Persons subject to any tax imposed under the authority

1 granted in this subsection may reimburse themselves for their
2 tax liability for that tax by separately stating that tax as an
3 additional charge, which charge may be stated in combination,
4 in a single amount, with State taxes imposed under the Hotel
5 Operators' Occupation Tax Act, the municipal tax imposed under
6 Section 8-3-13 of the Illinois Municipal Code, and the tax
7 imposed under Section 19 of the Illinois Sports Facilities
8 Authority Act.

9 The person filing the return shall, at the time of filing
10 the return, pay to the Department the amount of tax, less a
11 discount of 2.1% or \$25 per calendar year, whichever is
12 greater, which is allowed to reimburse the operator for the
13 expenses incurred in keeping records, preparing and filing
14 returns, remitting the tax, and supplying data to the
15 Department on request.

16 The Department shall forthwith pay over to the State
17 Treasurer, ex officio, as trustee for the Authority, all taxes
18 and penalties collected under this subsection for deposit into
19 a trust fund held outside the State Treasury. On or before the
20 25th day of each calendar month, the Department shall certify
21 to the Comptroller the amounts to be paid under subsection (g)
22 of this Section, which shall be the amounts (not including
23 credit memoranda) collected under this subsection during the
24 second preceding calendar month by the Department, less any
25 amounts determined by the Department to be necessary for
26 payment of refunds. Within 10 days after receipt by the

1 Comptroller of the Department's certification, the Comptroller
2 shall cause the orders to be drawn for such amounts, and the
3 Treasurer shall administer those amounts as required in
4 subsection (g).

5 A certified copy of any ordinance imposing or discontinuing
6 a tax under this subsection or effecting a change in the rate
7 of that tax shall be filed with the Illinois Department of
8 Revenue, whereupon the Department shall proceed to administer
9 and enforce this subsection on behalf of the Authority as of
10 the first day of the third calendar month following the date of
11 filing.

12 Notwithstanding any other provision of law, the tax is not
13 imposed on the renting, leasing, or letting of hotel rooms to
14 the American Red Cross for the provision or coordination of
15 disaster relief services. This exemption for the renting,
16 leasing, or letting of hotel rooms to the American Red Cross
17 shall not apply except during the provision or coordination of
18 disaster relief services.

19 (d) By ordinance the Authority shall, as soon as
20 practicable after the effective date of this amendatory Act of
21 1991, impose a tax upon all persons engaged in the business of
22 renting automobiles in the metropolitan area at the rate of 6%
23 of the gross receipts from that business, except that no tax
24 shall be imposed on the business of renting automobiles for use
25 as taxicabs or in livery service. The tax imposed under this
26 subsection and all civil penalties that may be assessed as an

1 incident to that tax shall be collected and enforced by the
2 Illinois Department of Revenue. The certificate of
3 registration issued by the Department to a retailer under the
4 Retailers' Occupation Tax Act or under the Automobile Renting
5 Occupation and Use Tax Act shall permit that person to engage
6 in a business that is taxable under any ordinance enacted under
7 this subsection without registering separately with the
8 Department under that ordinance or under this subsection. The
9 Department shall have full power to administer and enforce this
10 subsection, to collect all taxes and penalties due under this
11 subsection, to dispose of taxes and penalties so collected in
12 the manner provided in this subsection, and to determine all
13 rights to credit memoranda arising on account of the erroneous
14 payment of tax or penalty under this subsection. In the
15 administration of and compliance with this subsection, the
16 Department and persons who are subject to this subsection shall
17 have the same rights, remedies, privileges, immunities,
18 powers, and duties, be subject to the same conditions,
19 restrictions, limitations, penalties, and definitions of
20 terms, and employ the same modes of procedure as are prescribed
21 in Sections 2 and 3 (in respect to all provisions of those
22 Sections other than the State rate of tax; and in respect to
23 the provisions of the Retailers' Occupation Tax Act referred to
24 in those Sections, except as to the disposition of taxes and
25 penalties collected, except for the provision allowing
26 retailers a deduction from the tax to cover certain costs, and

1 except that credit memoranda issued under this subsection may
2 not be used to discharge any State tax liability) of the
3 Automobile Renting Occupation and Use Tax Act, as fully as if
4 provisions contained in those Sections of that Act were set
5 forth in this subsection.

6 Persons subject to any tax imposed under the authority
7 granted in this subsection may reimburse themselves for their
8 tax liability under this subsection by separately stating that
9 tax as an additional charge, which charge may be stated in
10 combination, in a single amount, with State tax that sellers
11 are required to collect under the Automobile Renting Occupation
12 and Use Tax Act, pursuant to bracket schedules as the
13 Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this subsection to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause a warrant to be drawn for the
18 amount specified and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the Metropolitan Pier and Exposition Authority
21 trust fund held by the State Treasurer as trustee for the
22 Authority.

23 The Department shall forthwith pay over to the State
24 Treasurer, ex officio, as trustee, all taxes and penalties
25 collected under this subsection for deposit into a trust fund
26 held outside the State Treasury. On or before the 25th day of

1 each calendar month, the Department shall certify to the
2 Comptroller the amounts to be paid under subsection (g) of this
3 Section (not including credit memoranda) collected under this
4 subsection during the second preceding calendar month by the
5 Department, less any amount determined by the Department to be
6 necessary for payment of refunds. Within 10 days after receipt
7 by the Comptroller of the Department's certification, the
8 Comptroller shall cause the orders to be drawn for such
9 amounts, and the Treasurer shall administer those amounts as
10 required in subsection (g).

11 Nothing in this subsection authorizes the Authority to
12 impose a tax upon the privilege of engaging in any business
13 that under the Constitution of the United States may not be
14 made the subject of taxation by this State.

15 A certified copy of any ordinance imposing or discontinuing
16 a tax under this subsection or effecting a change in the rate
17 of that tax shall be filed with the Illinois Department of
18 Revenue, whereupon the Department shall proceed to administer
19 and enforce this subsection on behalf of the Authority as of
20 the first day of the third calendar month following the date of
21 filing.

22 (e) By ordinance the Authority shall, as soon as
23 practicable after the effective date of this amendatory Act of
24 1991, impose a tax upon the privilege of using in the
25 metropolitan area an automobile that is rented from a rentor
26 outside Illinois and is titled or registered with an agency of

1 this State's government at a rate of 6% of the rental price of
2 that automobile, except that no tax shall be imposed on the
3 privilege of using automobiles rented for use as taxicabs or in
4 livery service. The tax shall be collected from persons whose
5 Illinois address for titling or registration purposes is given
6 as being in the metropolitan area. The tax shall be collected
7 by the Department of Revenue for the Authority. The tax must be
8 paid to the State or an exemption determination must be
9 obtained from the Department of Revenue before the title or
10 certificate of registration for the property may be issued. The
11 tax or proof of exemption may be transmitted to the Department
12 by way of the State agency with which or State officer with
13 whom the tangible personal property must be titled or
14 registered if the Department and that agency or State officer
15 determine that this procedure will expedite the processing of
16 applications for title or registration.

17 The Department shall have full power to administer and
18 enforce this subsection, to collect all taxes, penalties, and
19 interest due under this subsection, to dispose of taxes,
20 penalties, and interest so collected in the manner provided in
21 this subsection, and to determine all rights to credit
22 memoranda or refunds arising on account of the erroneous
23 payment of tax, penalty, or interest under this subsection. In
24 the administration of and compliance with this subsection, the
25 Department and persons who are subject to this subsection shall
26 have the same rights, remedies, privileges, immunities,

1 powers, and duties, be subject to the same conditions,
2 restrictions, limitations, penalties, and definitions of
3 terms, and employ the same modes of procedure as are prescribed
4 in Sections 2 and 4 (except provisions pertaining to the State
5 rate of tax; and in respect to the provisions of the Use Tax
6 Act referred to in that Section, except provisions concerning
7 collection or refunding of the tax by retailers, except the
8 provisions of Section 19 pertaining to claims by retailers,
9 except the last paragraph concerning refunds, and except that
10 credit memoranda issued under this subsection may not be used
11 to discharge any State tax liability) of the Automobile Renting
12 Occupation and Use Tax Act, as fully as if provisions contained
13 in those Sections of that Act were set forth in this
14 subsection.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause a warrant to be drawn for the
19 amount specified and to the person named in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the Metropolitan Pier and Exposition Authority
22 trust fund held by the State Treasurer as trustee for the
23 Authority.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex officio, as trustee, all taxes, penalties, and
26 interest collected under this subsection for deposit into a

1 trust fund held outside the State Treasury. On or before the
2 25th day of each calendar month, the Department shall certify
3 to the State Comptroller the amounts to be paid under
4 subsection (g) of this Section, which shall be the amounts (not
5 including credit memoranda) collected under this subsection
6 during the second preceding calendar month by the Department,
7 less any amounts determined by the Department to be necessary
8 for payment of refunds. Within 10 days after receipt by the
9 State Comptroller of the Department's certification, the
10 Comptroller shall cause the orders to be drawn for such
11 amounts, and the Treasurer shall administer those amounts as
12 required in subsection (g).

13 A certified copy of any ordinance imposing or discontinuing
14 a tax or effecting a change in the rate of that tax shall be
15 filed with the Illinois Department of Revenue, whereupon the
16 Department shall proceed to administer and enforce this
17 subsection on behalf of the Authority as of the first day of
18 the third calendar month following the date of filing.

19 (f) By ordinance the Authority shall, as soon as
20 practicable after the effective date of this amendatory Act of
21 1991, impose an occupation tax on all persons, other than a
22 governmental agency, engaged in the business of providing
23 ground transportation for hire to passengers in the
24 metropolitan area at a rate of (i) \$4 per taxi or livery
25 vehicle departure with passengers for hire from commercial
26 service airports in the metropolitan area, (ii) for each

1 departure with passengers for hire from a commercial service
2 airport in the metropolitan area in a bus or van operated by a
3 person other than a person described in item (iii): \$18 per bus
4 or van with a capacity of 1-12 passengers, \$36 per bus or van
5 with a capacity of 13-24 passengers, and \$54 per bus or van
6 with a capacity of over 24 passengers, and (iii) for each
7 departure with passengers for hire from a commercial service
8 airport in the metropolitan area in a bus or van operated by a
9 person regulated by the Interstate Commerce Commission or
10 Illinois Commerce Commission, operating scheduled service from
11 the airport, and charging fares on a per passenger basis: \$2
12 per passenger for hire in each bus or van. The term "commercial
13 service airports" means those airports receiving scheduled
14 passenger service and enplaning more than 100,000 passengers
15 per year.

16 In the ordinance imposing the tax, the Authority may
17 provide for the administration and enforcement of the tax and
18 the collection of the tax from persons subject to the tax as
19 the Authority determines to be necessary or practicable for the
20 effective administration of the tax. The Authority may enter
21 into agreements as it deems appropriate with any governmental
22 agency providing for that agency to act as the Authority's
23 agent to collect the tax.

24 In the ordinance imposing the tax, the Authority may
25 designate a method or methods for persons subject to the tax to
26 reimburse themselves for the tax liability arising under the

1 ordinance (i) by separately stating the full amount of the tax
2 liability as an additional charge to passengers departing the
3 airports, (ii) by separately stating one-half of the tax
4 liability as an additional charge to both passengers departing
5 from and to passengers arriving at the airports, or (iii) by
6 some other method determined by the Authority.

7 All taxes, penalties, and interest collected under any
8 ordinance adopted under this subsection, less any amounts
9 determined to be necessary for the payment of refunds and less
10 the taxes, penalties, and interest attributable to any increase
11 in the rate of tax authorized by Public Act 96-898, shall be
12 paid forthwith to the State Treasurer, ex officio, for deposit
13 into a trust fund held outside the State Treasury and shall be
14 administered by the State Treasurer as provided in subsection
15 (g) of this Section. All taxes, penalties, and interest
16 attributable to any increase in the rate of tax authorized by
17 Public Act 96-898 shall be paid by the State Treasurer as
18 follows: 25% for deposit into the Convention Center Support
19 Fund, to be used by the Village of Rosemont for the repair,
20 maintenance, and improvement of the Donald E. Stephens
21 Convention Center and for debt service on debt instruments
22 issued for those purposes by the village and 75% to the
23 Authority to be used for grants to an organization meeting the
24 qualifications set out in Section 5.6 of this Act, provided the
25 Metropolitan Pier and Exposition Authority has entered into a
26 marketing agreement with such an organization.

1 (g) Amounts deposited from the proceeds of taxes imposed by
2 the Authority under subsections (b), (c), (d), (e), and (f) of
3 this Section and amounts deposited under Section 19 of the
4 Illinois Sports Facilities Authority Act shall be held in a
5 trust fund outside the State Treasury and shall be administered
6 by the Treasurer as follows:

7 (1) An amount necessary for the payment of refunds with
8 respect to those taxes shall be retained in the trust fund
9 and used for those payments.

10 (2) On July 20 and on the 20th of each month
11 thereafter, provided that the amount requested in the
12 annual certificate of the Chairman of the Authority filed
13 under Section 8.25f of the State Finance Act has been
14 appropriated for payment to the Authority, 1/8 of the local
15 tax transfer amount, together with any cumulative
16 deficiencies in the amounts transferred into the McCormick
17 Place Expansion Project Fund under this subparagraph (2)
18 during the fiscal year for which the certificate has been
19 filed, shall be transferred from the trust fund into the
20 McCormick Place Expansion Project Fund in the State
21 treasury until 100% of the local tax transfer amount has
22 been so transferred. "Local tax transfer amount" shall mean
23 the amount requested in the annual certificate, minus the
24 reduction amount. "Reduction amount" shall mean \$41.7
25 million in fiscal year 2011, \$36.7 million in fiscal year
26 2012, \$36.7 million in fiscal year 2013, \$36.7 million in

1 fiscal year 2014, and \$31.7 million in each fiscal year
2 thereafter until 2032, provided that the reduction amount
3 shall be reduced by (i) the amount certified by the
4 Authority to the State Comptroller and State Treasurer
5 under Section 8.25 of the State Finance Act, as amended,
6 with respect to that fiscal year and (ii) in any fiscal
7 year in which the amounts deposited in the trust fund under
8 this Section exceed \$318.3 million, exclusive of amounts
9 set aside for refunds and for the reserve account, one
10 dollar for each dollar of the deposits in the trust fund
11 above \$318.3 million with respect to that year, exclusive
12 of amounts set aside for refunds and for the reserve
13 account.

14 (3) On July 20, 2010, the Comptroller shall certify to
15 the Governor, the Treasurer, and the Chairman of the
16 Authority the 2010 deficiency amount, which means the
17 cumulative amount of transfers that were due from the trust
18 fund to the McCormick Place Expansion Project Fund in
19 fiscal years 2008, 2009, and 2010 under Section 13(g) of
20 this Act, as it existed prior to May 27, 2010 (the
21 effective date of Public Act 96-898), but not made. On July
22 20, 2011 and on July 20 of each year through July 20, 2014,
23 the Treasurer shall calculate for the previous fiscal year
24 the surplus revenues in the trust fund and pay that amount
25 to the Authority. On July 20, 2015 and on July 20 of each
26 year thereafter, as long as bonds and notes issued under

1 Section 13.2 or bonds and notes issued to refund those
2 bonds and notes are outstanding, the Treasurer shall
3 calculate for the previous fiscal year the surplus revenues
4 in the trust fund and pay one-half of that amount to the
5 State Treasurer for deposit into the General Revenue Fund
6 until the 2010 deficiency amount has been paid and shall
7 pay the balance of the surplus revenues to the Authority.
8 "Surplus revenues" means the amounts remaining in the trust
9 fund on June 30 of the previous fiscal year (A) after the
10 State Treasurer has set aside in the trust fund (i) amounts
11 retained for refunds under subparagraph (1) and (ii) any
12 amounts necessary to meet the reserve account amount and
13 (B) after the State Treasurer has transferred from the
14 trust fund to the General Revenue Fund 100% of any
15 post-2010 deficiency amount. "Reserve account amount"
16 means \$15 million in fiscal year 2011 and \$30 million in
17 each fiscal year thereafter. The reserve account amount
18 shall be set aside in the trust fund and used as a reserve
19 to be transferred to the McCormick Place Expansion Project
20 Fund in the event the proceeds of taxes imposed under this
21 Section 13 are not sufficient to fund the transfer required
22 in subparagraph (2). "Post-2010 deficiency amount" means
23 any deficiency in transfers from the trust fund to the
24 McCormick Place Expansion Project Fund with respect to
25 fiscal years 2011 and thereafter. It is the intention of
26 this subparagraph (3) that no surplus revenues shall be

1 paid to the Authority with respect to any year in which a
2 post-2010 deficiency amount has not been satisfied by the
3 Authority.

4 Moneys received by the Authority as surplus revenues may be
5 used (i) for the purposes of paying debt service on the bonds
6 and notes issued by the Authority, including early redemption
7 of those bonds or notes, (ii) for the purposes of repair,
8 replacement, and improvement of the grounds, buildings, and
9 facilities of the Authority, and (iii) for the corporate
10 purposes of the Authority in fiscal years 2011 through 2015 in
11 an amount not to exceed \$20,000,000 annually or \$80,000,000
12 total, which amount shall be reduced \$0.75 for each dollar of
13 the receipts of the Authority in that year from any contract
14 entered into with respect to naming rights at McCormick Place
15 under Section 5(m) of this Act. When bonds and notes issued
16 under Section 13.2, or bonds or notes issued to refund those
17 bonds and notes, are no longer outstanding, the balance in the
18 trust fund shall be paid to the Authority.

19 (h) The ordinances imposing the taxes authorized by this
20 Section shall be repealed when bonds and notes issued under
21 Section 13.2 or bonds and notes issued to refund those bonds
22 and notes are no longer outstanding.

23 (Source: P.A. 97-333, eff. 8-12-11; 98-463, eff. 8-16-13.)

24 Section 25. The Illinois Sports Facilities Authority Act is
25 amended by changing Section 19 as follows:

1 (70 ILCS 3205/19) (from Ch. 85, par. 6019)

2 Sec. 19. Tax. The Authority may impose an occupation tax
3 upon all persons engaged in the City of Chicago in the business
4 of renting, leasing or letting rooms in a hotel, as defined in
5 The Hotel Operators' Occupation Tax Act, at a rate not to
6 exceed 2% of the gross rental receipts from the renting,
7 leasing or letting of hotel rooms located within the City of
8 Chicago, excluding, however, from gross rental receipts, the
9 proceeds of such renting, leasing or letting to permanent
10 residents of that hotel and proceeds from the tax imposed under
11 subsection (c) of Section 13 of the Metropolitan Pier and
12 Exposition Authority Act.

13 The tax imposed by the Authority pursuant to this Section
14 and all civil penalties that may be assessed as an incident
15 thereof shall be collected and enforced by the State Department
16 of Revenue. The certificate of registration which is issued by
17 the Department to a lessor under The Hotel Operators'
18 Occupation Tax Act shall permit such registrant to engage in a
19 business which is taxable under any ordinance or resolution
20 enacted pursuant to this Section without registering
21 separately with the Department under such ordinance or
22 resolution or under this Section. The Department shall have
23 full power to administer and enforce this Section; to collect
24 all taxes and penalties due hereunder; to dispose of taxes and
25 penalties so collected in the manner provided in this Section,

1 and to determine all rights to credit memoranda, arising on
2 account of the erroneous payment of tax or penalty hereunder.
3 In the administration of, and compliance with, this Section,
4 the Department and persons who are subject to this Section
5 shall have the same rights, remedies, privileges, immunities,
6 powers and duties, and be subject to the same conditions,
7 restrictions, limitations, penalties and definitions of terms,
8 and employ the same modes of procedure, as are prescribed in
9 The Hotel Operators' Occupation Tax Act (except where that Act
10 is inconsistent herewith), as the same is now or may hereafter
11 be amended, as fully as if the provisions contained in The
12 Hotel Operators' Occupation Tax Act were set forth herein.

13 Whenever the Department determines that a refund should be
14 made under this Section to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the warrant to be drawn for the
17 amount specified, and to the person named, in such notification
18 from the Department. Such refund shall be paid by the State
19 Treasurer out of the amounts held by the State Treasurer as
20 trustee for the Authority.

21 Persons subject to any tax imposed pursuant to authority
22 granted by this Section may reimburse themselves for their tax
23 liability for such tax by separately stating such tax as an
24 additional charge, which charge may be stated in combination,
25 in a single amount, with State tax imposed under The Hotel
26 Operators' Occupation Tax Act, the municipal tax imposed under

1 Section 8-3-13 of the Illinois Municipal Code, and the tax
2 imposed under Section 13 of the Metropolitan Pier and
3 Exposition Authority Act.

4 The Department shall forthwith pay over to the State
5 Treasurer, ex-officio, as trustee for the Authority, all taxes
6 and penalties collected hereunder for deposit in a trust fund
7 outside the State Treasury. On or before the 25th day of each
8 calendar month, the Department shall certify to the Comptroller
9 the amount to be paid to or on behalf of the Authority from
10 amounts collected hereunder by the Department, and deposited
11 into such trust fund during the second preceding calendar
12 month. The amount to be paid to or on behalf of the Authority
13 shall be the amount (not including credit memoranda) collected
14 hereunder during such second preceding calendar month by the
15 Department, less an amount equal to the amount of refunds
16 authorized during such second preceding calendar month by the
17 Department on behalf of the Authority, and less 4% of such
18 balance, which sum shall be retained by the State Treasurer to
19 cover the costs incurred by the Department in administering and
20 enforcing the provisions of this Section, as provided herein.
21 Each such monthly certification by the Department shall also
22 certify to the Comptroller the amount to be so retained by the
23 State Treasurer for payment into the General Revenue Fund of
24 the State Treasury.

25 Each monthly certification by the Department shall
26 certify, of the amount paid to or on behalf of the Authority,

1 (i) the portion to be paid to the Authority, (ii) the portion
2 to be paid into the General Revenue Fund of the State Treasury
3 on behalf of the Authority as repayment of amounts advanced to
4 the Authority pursuant to appropriation from the Illinois
5 Sports Facilities Fund.

6 With respect to each State fiscal year, of the total amount
7 to be paid to or on behalf of the Authority, the Department
8 shall certify that payments shall first be made directly to the
9 Authority in an amount equal to any difference between the
10 annual amount certified by the Chairman of the Authority
11 pursuant to Section 8.25-4 of the State Finance Act and the
12 amount appropriated to the Authority from the Illinois Sports
13 Facilities Fund. Next, the Department shall certify that
14 payment shall be made into the General Revenue Fund of the
15 State Treasury in an amount equal to the difference between (i)
16 the lesser of (x) the amount appropriated from the Illinois
17 Sports Facilities Fund to the Authority and (y) the annual
18 amount certified by the Chairman of the Authority pursuant to
19 Section 8.25-4 of the State Finance Act and (ii) \$10,000,000.
20 The Department shall certify that all additional amounts shall
21 be paid to the Authority and used for its corporate purposes.

22 Within 10 days after receipt, by the Comptroller, of the
23 Department's monthly certification of amounts to be paid to or
24 on behalf of the Authority and amounts to be paid into the
25 General Revenue Fund, the Comptroller shall cause the warrants
26 to be drawn for the respective amounts in accordance with the

1 directions contained in such certification.

2 Amounts collected by the Department and paid to the
3 Authority pursuant to this Section shall be used for the
4 corporate purposes of the Authority. On June 15, 1992 and on
5 each June 15 thereafter, the Authority shall repay to the State
6 Treasurer all amounts paid to it under this Section and
7 otherwise remaining available to the Authority after providing
8 for (i) payment of principal and interest on, and other
9 payments related to, its obligations issued or to be issued
10 under Section 13 of the Act, including any deposits required to
11 reserve funds created under any indenture or resolution
12 authorizing issuance of the obligations and payments to
13 providers of credit enhancement, (ii) payment of obligations
14 under the provisions of any management agreement with respect
15 to a facility or facilities owned by the Authority or of any
16 assistance agreement with respect to any facility for which
17 financial assistance is provided under this Act, and payment of
18 other capital and operating expenses of the Authority,
19 including any deposits required to reserve funds created for
20 repair and replacement of capital assets and to meet the
21 obligations of the Authority under any management agreement or
22 assistance agreement. Amounts repaid by the Authority to the
23 State Treasurer hereunder shall be treated as repayment of
24 amounts deposited into the Illinois Sports Facilities Fund and
25 credited to the Subsidy Account and used for the corporate
26 purposes of the Authority. The State Treasurer shall deposit

1 \$5,000,000 of the amount received into the General Revenue
2 Fund; thereafter, at the beginning of each fiscal year the
3 State Treasurer shall certify to the State Comptroller for all
4 prior fiscal years the cumulative amount of any deficiencies in
5 repayments to the City of Chicago of amounts in the Local
6 Government Distributive Fund that would otherwise have been
7 allocated to the City of Chicago under the State Revenue
8 Sharing Act but instead were paid into the General Revenue Fund
9 under Section 6 of the Hotel Operators' Occupation Tax Act and
10 that have not been reimbursed, and the Comptroller shall,
11 during the fiscal year at the beginning of which the
12 certification was made, cause warrants to be drawn from the
13 amount received for the repayment of that cumulative amount to
14 the City of Chicago until that cumulative amount has been fully
15 reimbursed; thereafter, the State Treasurer shall deposit the
16 balance of the amount received into the trust fund established
17 outside the State Treasury under subsection (g) of Section 13
18 of the Metropolitan Pier and Exposition Authority Act.

19 Nothing in this Section shall be construed to authorize the
20 Authority to impose a tax upon the privilege of engaging in any
21 business which under the constitution of the United States may
22 not be made the subject of taxation by this State.

23 An ordinance or resolution imposing or discontinuing a tax
24 hereunder or effecting a change in the rate thereof shall be
25 effective on the first day of the second calendar month next
26 following the month in which the ordinance or resolution is

1 passed.

2 If the Authority levies a tax authorized by this Section it
3 shall transmit to the Department of Revenue not later than 5
4 days after the adoption of the ordinance or resolution a
5 certified copy of the ordinance or resolution imposing such tax
6 whereupon the Department of Revenue shall proceed to administer
7 and enforce this Section on behalf of the Authority. Upon a
8 change in rate of a tax levied hereunder, or upon the
9 discontinuance of the tax, the Authority shall not later than 5
10 days after the effective date of the ordinance or resolution
11 discontinuing the tax or effecting a change in rate transmit to
12 the Department of Revenue a certified copy of the ordinance or
13 resolution effecting such change or discontinuance.

14 Notwithstanding any other provision of law, the tax is not
15 imposed on the renting, leasing, or letting of hotel rooms to
16 the American Red Cross for the provision or coordination of
17 disaster relief services. This exemption for the renting,
18 leasing, or letting of hotel rooms to the American Red Cross
19 shall not apply except during the provision or coordination of
20 disaster relief services.

21 (Source: P.A. 91-935, eff. 6-1-01.)

22 Section 30. The Downstate Illinois Sports Facilities
23 Authority Act is amended by changing Section 105 as follows:

24 (70 ILCS 3210/105)

1 Sec. 105. Tax. The Authority may impose an occupation tax
2 upon all persons engaged in the business of renting, leasing,
3 or letting rooms in a hotel, as defined in the Hotel Operators'
4 Occupation Tax Act, at a rate not to exceed 2% of the gross
5 rental receipts from the renting, leasing or letting of hotel
6 rooms. The taxing may be imposed, however, only if approved by
7 ordinance of the municipality within which the tax is to be
8 imposed.

9 The tax imposed by the Authority pursuant to this Section
10 and all civil penalties that may be assessed as an incident
11 thereof shall be collected and enforced by the State Department
12 of Revenue. The certificate of registration which is issued by
13 the Department to a lessor under the Hotel Operators'
14 Occupation Tax Act shall permit such registrant to engage in a
15 business which is taxable under any ordinance or resolution
16 enacted pursuant to this Section without registering
17 separately with the Department under such ordinance or
18 resolution or under this Section. The Department shall have
19 full power to administer and enforce this Section; to collect
20 all taxes and penalties due hereunder; to dispose of taxes and
21 penalties so collected in the manner provided in this Section,
22 and to determine all rights to credit memoranda, arising on
23 account of the erroneous payment of tax or penalty hereunder.
24 In the administration of, and compliance with, this Section,
25 the Department and persons who are subject to this Section
26 shall have the same rights, remedies, privileges, immunities,

1 powers and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties and definitions of terms,
3 and employ the same modes of procedure, as are prescribed in
4 the Hotel Operators' Occupation Tax Act (except where that Act
5 is inconsistent herewith), as the same is now or may hereafter
6 be amended, as fully as if the provisions contained in the
7 Hotel Operators' Occupation Tax Act were set forth herein.

8 Whenever the Department determines that a refund should be
9 made under this Section to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the warrant to be drawn for the
12 amount specified, and to the person named, in such notification
13 from the Department. Such refund shall be paid by the State
14 Treasurer out of the amounts held by the State Treasurer as
15 trustee for the Authority.

16 Persons subject to any tax imposed pursuant to authority
17 granted by this Section may reimburse themselves for their tax
18 liability for such tax by separately stating such tax as an
19 additional charge, which charge may be stated in combination,
20 in a single amount, with State tax imposed under the Hotel
21 Operators' Occupation Tax Act.

22 The Department shall forthwith pay over to the State
23 Treasurer, ex-officio, as trustee for the Authority, all taxes
24 and penalties collected hereunder for deposit in a trust fund
25 outside the State Treasury. On or before the 25th day of each
26 calendar month, the Department shall certify to the Comptroller

1 the amount to be paid to or on behalf of the Authority from
2 amounts collected hereunder by the Department, and deposited
3 into such trust fund during the second preceding calendar
4 month. The amount to be paid to or on behalf of the Authority
5 shall be the amount (not including credit memoranda) collected
6 hereunder during such second preceding calendar month by the
7 Department, less an amount equal to the amount of refunds
8 authorized during such second preceding calendar month by the
9 Department on behalf of the Authority, and less 4% of such
10 balance, which sum shall be retained by the State Treasurer to
11 cover the costs incurred by the Department in administering and
12 enforcing the provisions of this Section, as provided herein.
13 Each such monthly certification by the Department shall also
14 certify to the Comptroller the amount to be so retained by the
15 State Treasurer for payment into the General Revenue Fund of
16 the State Treasury.

17 Amounts collected by the Department and paid to the
18 Authority pursuant to this Section shall be used for the
19 corporate purposes of the Authority.

20 Nothing in this Section shall be construed to authorize the
21 Authority to impose a tax upon the privilege of engaging in any
22 business which under the constitution of the United States may
23 not be made the subject of taxation by this State.

24 An ordinance or resolution imposing or discontinuing a tax
25 hereunder or effecting a change in the rate thereof shall be
26 effective on the first day of the second calendar month next

1 following the month in which the ordinance or resolution is
2 passed.

3 If the Authority levies a tax authorized by this Section it
4 shall transmit to the Department of Revenue not later than 5
5 days after the adoption of the ordinance or resolution a
6 certified copy of the ordinance or resolution imposing such tax
7 whereupon the Department of Revenue shall proceed to administer
8 and enforce this Section on behalf of the Authority. Upon a
9 change in rate of a tax levied hereunder, or upon the
10 discontinuance of the tax, the Authority shall not later than 5
11 days after the effective date of the ordinance or resolution
12 discontinuing the tax or effecting a change in rate transmit to
13 the Department of Revenue a certified copy of the ordinance or
14 resolution effecting such change or discontinuance.

15 Notwithstanding any other provision of law, the tax is not
16 imposed on the renting, leasing, or letting of hotel rooms to
17 the American Red Cross for the provision or coordination of
18 disaster relief services. This exemption for the renting or
19 leasing of hotel rooms to the American Red Cross shall not
20 apply except during the provision or coordination of disaster
21 relief services.

22 (Source: P.A. 93-227, eff. 1-1-04.)

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