



Rep. Jay Hoffman

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1 AMENDMENT TO SENATE BILL 584

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 584 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 8-11-1.3 as follows:

6 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

7 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'  
8 Occupation Tax Act. The corporate authorities of a non-home  
9 rule municipality may impose a tax upon all persons engaged in  
10 the business of selling tangible personal property, other than  
11 on an item of tangible personal property which is titled and  
12 registered by an agency of this State's Government, at retail  
13 in the municipality for expenditure on public infrastructure or  
14 for property tax relief or both as defined in Section 8-11-1.2  
15 if approved by referendum as provided in Section 8-11-1.1, of  
16 the gross receipts from such sales made in the course of such

1 business. If the tax is approved by referendum on or after July  
2 14, 2010 (the effective date of Public Act 96-1057), the  
3 corporate authorities of a non-home rule municipality may,  
4 until July 1, 2030 ~~December 31, 2020~~, use the proceeds of the  
5 tax for expenditure on municipal operations, in addition to or  
6 in lieu of any expenditure on public infrastructure or for  
7 property tax relief. The tax imposed may not be more than 1%  
8 and may be imposed only in 1/4% increments. The tax may not be  
9 imposed on tangible personal property taxed at the 1% rate  
10 under the Retailers' Occupation Tax Act. The tax imposed by a  
11 municipality pursuant to this Section and all civil penalties  
12 that may be assessed as an incident thereof shall be collected  
13 and enforced by the State Department of Revenue. The  
14 certificate of registration which is issued by the Department  
15 to a retailer under the Retailers' Occupation Tax Act shall  
16 permit such retailer to engage in a business which is taxable  
17 under any ordinance or resolution enacted pursuant to this  
18 Section without registering separately with the Department  
19 under such ordinance or resolution or under this Section. The  
20 Department shall have full power to administer and enforce this  
21 Section; to collect all taxes and penalties due hereunder; to  
22 dispose of taxes and penalties so collected in the manner  
23 hereinafter provided, and to determine all rights to credit  
24 memoranda, arising on account of the erroneous payment of tax  
25 or penalty hereunder. In the administration of, and compliance  
26 with, this Section, the Department and persons who are subject

1 to this Section shall have the same rights, remedies,  
2 privileges, immunities, powers and duties, and be subject to  
3 the same conditions, restrictions, limitations, penalties and  
4 definitions of terms, and employ the same modes of procedure,  
5 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,  
6 2 through 2-65 (in respect to all provisions therein other than  
7 the State rate of tax), 2c, 3 (except as to the disposition of  
8 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,  
9 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12  
10 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of  
11 the Uniform Penalty and Interest Act as fully as if those  
12 provisions were set forth herein.

13 No municipality may impose a tax under this Section unless  
14 the municipality also imposes a tax at the same rate under  
15 Section 8-11-1.4 of this Code.

16 Persons subject to any tax imposed pursuant to the  
17 authority granted in this Section may reimburse themselves for  
18 their seller's tax liability hereunder by separately stating  
19 such tax as an additional charge, which charge may be stated in  
20 combination, in a single amount, with State tax which sellers  
21 are required to collect under the Use Tax Act, pursuant to such  
22 bracket schedules as the Department may prescribe.

23 Whenever the Department determines that a refund should be  
24 made under this Section to a claimant instead of issuing a  
25 credit memorandum, the Department shall notify the State  
26 Comptroller, who shall cause the order to be drawn for the

1 amount specified, and to the person named, in such notification  
2 from the Department. Such refund shall be paid by the State  
3 Treasurer out of the non-home rule municipal retailers'  
4 occupation tax fund.

5 The Department shall forthwith pay over to the State  
6 Treasurer, ex officio, as trustee, all taxes and penalties  
7 collected hereunder.

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

16 After the monthly transfer to the STAR Bonds Revenue Fund,  
17 on or before the 25th day of each calendar month, the  
18 Department shall prepare and certify to the Comptroller the  
19 disbursement of stated sums of money to named municipalities,  
20 the municipalities to be those from which retailers have paid  
21 taxes or penalties hereunder to the Department during the  
22 second preceding calendar month. The amount to be paid to each  
23 municipality shall be the amount (not including credit  
24 memoranda) collected hereunder during the second preceding  
25 calendar month by the Department plus an amount the Department  
26 determines is necessary to offset any amounts which were

1 erroneously paid to a different taxing body, and not including  
2 an amount equal to the amount of refunds made during the second  
3 preceding calendar month by the Department on behalf of such  
4 municipality, and not including any amount which the Department  
5 determines is necessary to offset any amounts which were  
6 payable to a different taxing body but were erroneously paid to  
7 the municipality, and not including any amounts that are  
8 transferred to the STAR Bonds Revenue Fund, less 1.5% of the  
9 remainder, which the Department shall transfer into the Tax  
10 Compliance and Administration Fund. The Department, at the time  
11 of each monthly disbursement to the municipalities, shall  
12 prepare and certify to the State Comptroller the amount to be  
13 transferred into the Tax Compliance and Administration Fund  
14 under this Section. Within 10 days after receipt, by the  
15 Comptroller, of the disbursement certification to the  
16 municipalities and the Tax Compliance and Administration Fund  
17 provided for in this Section to be given to the Comptroller by  
18 the Department, the Comptroller shall cause the orders to be  
19 drawn for the respective amounts in accordance with the  
20 directions contained in such certification.

21 For the purpose of determining the local governmental unit  
22 whose tax is applicable, a retail sale, by a producer of coal  
23 or other mineral mined in Illinois, is a sale at retail at the  
24 place where the coal or other mineral mined in Illinois is  
25 extracted from the earth. This paragraph does not apply to coal  
26 or other mineral when it is delivered or shipped by the seller

1 to the purchaser at a point outside Illinois so that the sale  
2 is exempt under the Federal Constitution as a sale in  
3 interstate or foreign commerce.

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

8 When certifying the amount of a monthly disbursement to a  
9 municipality under this Section, the Department shall increase  
10 or decrease such amount by an amount necessary to offset any  
11 misallocation of previous disbursements. The offset amount  
12 shall be the amount erroneously disbursed within the previous 6  
13 months from the time a misallocation is discovered.

14 The Department of Revenue shall implement Public Act 91-649  
15 ~~this amendatory Act of the 91st General Assembly~~ so as to  
16 collect the tax on and after January 1, 2002.

17 As used in this Section, "municipal" and "municipality"  
18 means a city, village or incorporated town, including an  
19 incorporated town which has superseded a civil township.

20 This Section shall be known and may be cited as the  
21 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

22 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;  
23 100-587, eff. 6-4-18; 100-1171, eff. 1-4-19; revised 1-9-19.)

24 Section 10. The Metro-East Sanitary District Act of 1974 is  
25 amended by changing Sections 3-1 and 3-3 as follows:

1 (70 ILCS 2905/3-1) (from Ch. 42, par. 503-1)

2 Sec. 3-1. The district shall be governed by a Board of  
3 Commissioners, consisting of 5 commissioners. ~~Two~~ ~~Three~~ of the  
4 commissioners shall be residents of that portion of the  
5 district in the county having the greater equalized assessed  
6 valuation of the district, and 2 shall be residents of that  
7 portion of the district in the other county. The appointment of  
8 commissioners from each county shall be made by the chairman of  
9 the county board of that county with the advice and consent of  
10 the county board, except that in the case of a home rule county  
11 as defined by Article VII, Section 6, of the Constitution of  
12 1970 the appointment shall be made by the chief executive  
13 officer of the county with the advice and consent of the county  
14 board. Beginning on the effective date of this amendatory Act  
15 of the 101st General Assembly, the mayor, or his or her  
16 designee, of the largest municipality in the county having the  
17 greater equalized assessed valuation of the district shall be  
18 an ex officio commissioner with a right to vote. If there is  
19 not a vacant commissioner position from the county having the  
20 greater equalized assessed valuation on the effective date of  
21 this amendatory Act of the 101st General Assembly, then the  
22 term of the last appointed commissioner from that county is  
23 terminated on the effective date of this amendatory Act of the  
24 101st General Assembly.

25 The appointed commissioners from each county may not be

1 ~~from the same political party. Of the 5 commissioners, no more~~  
2 ~~than 3 may be of the same political party. Of the 3~~  
3 ~~commissioners from the county entitled to 3 appointments, no~~  
4 ~~more than 2 may be of the same political party. The 2~~  
5 ~~commissioners from the other county shall not be of the same~~  
6 ~~political party.~~

7 The County Board Chairman of either county may remove any  
8 of the appointed commissioners from his or her county with the  
9 advice and consent of the county board.

10 In the first appointments to the Board of Commissioners,  
11 the appointing authority appointing 3 directors shall  
12 designate one appointee to serve for a term of one year, one  
13 for a term of 3 years and one for a term of 5 years, and the  
14 appointing authority appointing 2 directors shall designate  
15 one to serve for a term of 2 years and one for a term of 4  
16 years. Thereafter one commissioner shall be appointed by the  
17 appropriate appointing authority each year for a term of 5  
18 years to succeed the director whose term expires in that year.  
19 Any vacancy on the Board of Commissioners shall be filled by  
20 appointment by the appropriate appointing authority for the  
21 remainder of the unexpired term.

22 For the purpose of determining the ex officio commissioner,  
23 the county having the greater equalized assessed valuation of  
24 the district shall be established on January 1 of each year,  
25 and the ex officio commissioner shall serve until January 1 of  
26 the following year. ~~If the relative equalized assessed~~

1 ~~valuation changes so that the position of the 2 counties with~~  
2 ~~respect to majority and minority representation on the board is~~  
3 ~~reversed, the next appointment that would otherwise have been~~  
4 ~~made by the appointing authority for the county formerly~~  
5 ~~entitled to 3 directors shall be made by the appointing~~  
6 ~~authority for the other county.~~

7 (Source: P.A. 83-1422.)

8 (70 ILCS 2905/3-3) (from Ch. 42, par. 503-3)

9 Sec. 3-3. (a) The board of commissioners shall be the  
10 corporate authority of the district. The board shall appoint an  
11 Executive Director who shall be the chief executive and  
12 administrative officer of the district and who shall have the  
13 powers provided in Article 4 of this Act. The Executive  
14 Director shall be a resident of the district.

15 The Executive Director's contract shall not: (1) be for a  
16 period longer than 1 year; (2) contain provisions allowing  
17 retroactive pay; (3) contain provisions allowing bonus pay; (4)  
18 limit termination for cause to a specific time period; (5)  
19 contain provisions allowing severance pay; (6) contain  
20 provisions allowing mutual non-disparaging agreements; or (7)  
21 contain provisions allowing arbitration.

22 The board may select a clerk and a treasurer.

23 The board shall, at its first meeting each year, select a  
24 president from its own membership.

25 (b) The board of commissioners shall maintain the

1 facilities and properties under the district's control, or  
2 supervision for purposes of maintenance, in compliance with the  
3 standards prescribed by the Department of Natural Resources.  
4 (Source: P.A. 89-445, eff. 2-7-96.)".