

# SB2988



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2988

Introduced 1/31/2024, by Sen. Sara Feigenholtz

### SYNOPSIS AS INTRODUCED:

65 ILCS 5/8-11-6a

from Ch. 24, par. 8-11-6a

Amends the Illinois Municipal Code. In provisions relating to preemption of certain taxes in home rule municipalities, provides that nothing in the provisions shall prevent a tax based upon the number of units of cigarettes, on other tobacco products, or both if the home rule municipality imposed a tax either based on the number of units of cigarettes or on other tobacco products before July 1, 1993 (rather than, if a home rule municipality had not imposed a tax based on the number of units of cigarettes or tobacco products before July 1, 1993, the home rule municipality may not impose such a tax after that date).

LRB103 35691 AWJ 65766 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 8-11-6a as follows:

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

7 Sec. 8-11-6a. Home rule municipalities; preemption of  
8 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,  
9 8-11-6, 8-11-6b, 8-11-6c, 8-11-23, and 11-74.3-6 on and after  
10 September 1, 1990, no home rule municipality has the authority  
11 to impose, pursuant to its home rule authority, a retailer's  
12 occupation tax, service occupation tax, use tax, sales tax or  
13 other tax on the use, sale or purchase of tangible personal  
14 property based on the gross receipts from such sales or the  
15 selling or purchase price of said tangible personal property.  
16 Notwithstanding the foregoing, this Section does not preempt  
17 any home rule imposed tax such as the following: (1) a tax on  
18 alcoholic beverages, whether based on gross receipts, volume  
19 sold or any other measurement; (2) a tax based on the number of  
20 units of cigarettes, on other ~~or~~ tobacco products, or both if  
21 the ~~(provided, however, that a home rule municipality that has~~  
22 ~~not~~ imposed a tax either based on the number of units of  
23 cigarettes or on other tobacco products before July 1, 1993,

1 ~~shall not impose such a tax after that date);~~ (3) a tax,  
2 however measured, based on the use of a hotel or motel room or  
3 similar facility; (4) a tax, however measured, on the sale or  
4 transfer of real property; (5) a tax, however measured, on  
5 lease receipts; (6) a tax on food prepared for immediate  
6 consumption and on alcoholic beverages sold by a business  
7 which provides for on premise consumption of said food or  
8 alcoholic beverages; or (7) other taxes not based on the  
9 selling or purchase price or gross receipts from the use, sale  
10 or purchase of tangible personal property. This Section does  
11 not preempt a home rule municipality with a population of more  
12 than 2,000,000 from imposing a tax, however measured, on the  
13 use, for consideration, of a parking lot, garage, or other  
14 parking facility. This Section is not intended to affect any  
15 existing tax on food and beverages prepared for immediate  
16 consumption on the premises where the sale occurs, or any  
17 existing tax on alcoholic beverages, or any existing tax  
18 imposed on the charge for renting a hotel or motel room, which  
19 was in effect January 15, 1988, or any extension of the  
20 effective date of such an existing tax by ordinance of the  
21 municipality imposing the tax, which extension is hereby  
22 authorized, in any non-home rule municipality in which the  
23 imposition of such a tax has been upheld by judicial  
24 determination, nor is this Section intended to preempt the  
25 authority granted by Public Act 85-1006. On and after December  
26 1, 2019, no home rule municipality has the authority to

1 impose, pursuant to its home rule authority, a tax, however  
2 measured, on sales of aviation fuel, as defined in Section 3 of  
3 the Retailers' Occupation Tax Act, unless the tax is not  
4 subject to the revenue use requirements of 49 U.S.C. 47107(b)  
5 and 49 U.S.C. 47133, or unless the tax revenue is expended for  
6 airport-related purposes. For purposes of this Section,  
7 "airport-related purposes" has the meaning ascribed in Section  
8 6z-20.2 of the State Finance Act. Aviation fuel shall be  
9 excluded from tax only if, and for so long as, the revenue use  
10 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
11 binding on the municipality. This Section is a limitation,  
12 pursuant to subsection (g) of Section 6 of Article VII of the  
13 Illinois Constitution, on the power of home rule units to tax.  
14 The changes made to this Section by Public Act 101-10 are a  
15 denial and limitation of home rule powers and functions under  
16 subsection (g) of Section 6 of Article VII of the Illinois  
17 Constitution.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;  
19 101-593, eff. 12-4-19.)