

1 AMENDMENT TO SENATE BILL 843

2 AMENDMENT NO. _____. Amend Senate Bill 843 by replacing
3 the title with the following:

4 "AN ACT concerning local government."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Counties Code is amended by adding
8 Section 5-1014.3 as follows:

9 (55 ILCS 5/5-1014.3 new)

10 Sec. 5-1014.3. Agreements to share or rebate occupation
11 taxes. On and after July 1, 2003, neither a county board nor
12 a retailer shall enter into any agreement to share or rebate
13 any portion of retailers' occupation taxes generated by
14 retail sales of tangible personal property if: (1) the tax on
15 those retail sales, absent the agreement, would have been
16 paid to another unit of local government; and (2) the
17 retailer maintains, within that other unit of local
18 government, a retail location from which the tangible
19 personal property is delivered to purchasers, or a warehouse
20 from which the tangible personal property is delivered to
21 purchasers. Any unit of local government denied retailers'

1 occupation tax revenue because of an agreement that violates
2 this Section may file an action in circuit court against the
3 county, against the retailer, or both. Any agreement entered
4 into prior to July 1, 2003 is not affected by this amendatory
5 Act of the 93rd General Assembly and may be renewed or
6 extended after the effective date of this amendatory Act of
7 the 93rd General Assembly. Any unit of local government that
8 prevails in the circuit court action is entitled to damages
9 in the amount of the tax revenue it was denied as a result of
10 the agreement, statutory interest, costs, reasonable
11 attorney's fees, and an amount equal to 50% of the tax.

12 Section 10. The Illinois Municipal Code is amended by
13 adding Section 8-11-21 as follows:

14 (65 ILCS 5/8-11-21 new)

15 Sec. 8-11-21. Agreements to share or rebate occupation
16 taxes. On and after July 1, 2003, neither the corporate
17 authorities of a municipality nor a retailer shall enter into
18 any agreement to share or rebate any portion of retailers'
19 occupation taxes generated by retail sales of tangible
20 personal property if: (1) the tax on those retail sales,
21 absent the agreement, would have been paid to another unit of
22 local government; and (2) the retailer maintains, within that
23 other unit of local government, a retail location from which
24 the tangible personal property is delivered to purchasers, or
25 a warehouse from which the tangible personal property is
26 delivered to purchasers. Any unit of local government denied
27 retailers' occupation tax revenue because of an agreement
28 that violates this Section may file an action in circuit
29 court against the municipality, against the retailer, or
30 both. Any agreement entered into prior to July 1, 2003 is not
31 affected by this amendatory Act of the 93rd General Assembly
32 and may be renewed or extended after the effective date of

1 this amendatory Act of the 93rd General Assembly. Any unit of
2 local government that prevails in the circuit court action is
3 entitled to damages in the amount of the tax revenue it was
4 denied as a result of the agreement, statutory interest,
5 costs, reasonable attorney's fees, and an amount equal to 50%
6 of the tax.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."