



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB2021

Introduced 2/26/2007, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

20 ILCS 805/805-420  
35 ILCS 145/6

was 20 ILCS 805/63a36  
from Ch. 120, par. 481b.36

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois and the Hotel Operators' Occupation Tax Act. Requires that tax proceeds be deposited into the Illinois Historic Sites Fund and the Park and Conservation Fund (now, the General Revenue Fund). Requires the Department of Natural Resources to use the proceeds deposited into the Park and Conservation Fund solely for the acquisition, development, and maintenance of bike paths. Effective July 1, 2007.

LRB095 04257 BDD 24298 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Natural Resources  
5 (Conservation) Law of the Civil Administrative Code of Illinois  
6 is amended by changing Section 805-420 as follows:

7 (20 ILCS 805/805-420) (was 20 ILCS 805/63a36)

8 Sec. 805-420. Appropriations from Park and Conservation  
9 Fund.

10 (a) The Department has the power to expend monies  
11 appropriated to the Department from the Park and Conservation  
12 Fund in the State treasury for conservation and park purposes.

13 (b) All revenue derived from (i) fees paid for certificates  
14 of title, duplicate certificates of title, and corrected  
15 certificates of title and deposited in the Park and  
16 Conservation Fund, as provided for in Section 2-119 of the  
17 Illinois Vehicle Code, and (ii) all proceeds from the Hotel  
18 Operators' Occupation Tax that are deposited into the Park and  
19 Conservation Fund, as provided under Section 6 of the Hotel  
20 Operators' Occupation Tax Act, must, ~~shall~~ be expended solely  
21 by the Department pursuant to an appropriation for acquisition,  
22 development, and maintenance of bike paths, including grants  
23 for the acquisition and development of bike paths.

1 (Source: P.A. 91-239, eff. 1-1-00.)

2 Section 10. The Hotel Operators' Occupation Tax Act is  
3 amended by changing Section 6 as follows:

4 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

5 Sec. 6. Except as provided hereinafter in this Section, on  
6 or before the last day of each calendar month, every person  
7 engaged in the business of renting, leasing or letting rooms in  
8 a hotel in this State during the preceding calendar month shall  
9 file a return with the Department, stating:

10 1. The name of the operator;

11 2. His residence address and the address of his  
12 principal place of business and the address of the  
13 principal place of business (if that is a different  
14 address) from which he engages in the business of renting,  
15 leasing or letting rooms in a hotel in this State;

16 3. Total amount of rental receipts received by him  
17 during the preceding calendar month from renting, leasing  
18 or letting rooms during such preceding calendar month;

19 4. Total amount of rental receipts received by him  
20 during the preceding calendar month from renting, leasing  
21 or letting rooms to permanent residents during such  
22 preceding calendar month;

23 5. Total amount of other exclusions from gross rental  
24 receipts allowed by this Act;

1           6. Gross rental receipts which were received by him  
2           during the preceding calendar month and upon the basis of  
3           which the tax is imposed;

4           7. The amount of tax due;

5           8. Such other reasonable information as the Department  
6           may require.

7           If the operator's average monthly tax liability to the  
8           Department does not exceed \$200, the Department may authorize  
9           his returns to be filed on a quarter annual basis, with the  
10          return for January, February and March of a given year being  
11          due by April 30 of such year; with the return for April, May  
12          and June of a given year being due by July 31 of such year; with  
13          the return for July, August and September of a given year being  
14          due by October 31 of such year, and with the return for  
15          October, November and December of a given year being due by  
16          January 31 of the following year.

17          If the operator's average monthly tax liability to the  
18          Department does not exceed \$50, the Department may authorize  
19          his returns to be filed on an annual basis, with the return for  
20          a given year being due by January 31 of the following year.

21          Such quarter annual and annual returns, as to form and  
22          substance, shall be subject to the same requirements as monthly  
23          returns.

24          Notwithstanding any other provision in this Act concerning  
25          the time within which an operator may file his return, in the  
26          case of any operator who ceases to engage in a kind of business

1 which makes him responsible for filing returns under this Act,  
2 such operator shall file a final return under this Act with the  
3 Department not more than 1 month after discontinuing such  
4 business.

5 Where the same person has more than 1 business registered  
6 with the Department under separate registrations under this  
7 Act, such person shall not file each return that is due as a  
8 single return covering all such registered businesses, but  
9 shall file separate returns for each such registered business.

10 In his return, the operator shall determine the value of  
11 any consideration other than money received by him in  
12 connection with the renting, leasing or letting of rooms in the  
13 course of his business and he shall include such value in his  
14 return. Such determination shall be subject to review and  
15 revision by the Department in the manner hereinafter provided  
16 for the correction of returns.

17 Where the operator is a corporation, the return filed on  
18 behalf of such corporation shall be signed by the president,  
19 vice-president, secretary or treasurer or by the properly  
20 accredited agent of such corporation.

21 The person filing the return herein provided for shall, at  
22 the time of filing such return, pay to the Department the  
23 amount of tax herein imposed. The operator filing the return  
24 under this Section shall, at the time of filing such return,  
25 pay to the Department the amount of tax imposed by this Act  
26 less a discount of 2.1% or \$25 per calendar year, whichever is

1 greater, which is allowed to reimburse the operator for the  
2 expenses incurred in keeping records, preparing and filing  
3 returns, remitting the tax and supplying data to the Department  
4 on request.

5       There shall be deposited in the Build Illinois Fund in the  
6 State Treasury for each State fiscal year 40% of the amount of  
7 total net proceeds from the tax imposed by subsection (a) of  
8 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited  
9 in the Illinois Sports Facilities Fund and credited to the  
10 Subsidy Account each fiscal year by making monthly deposits in  
11 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in  
12 such deposits for prior months, and an additional \$8,000,000  
13 shall be deposited in the Illinois Sports Facilities Fund and  
14 credited to the Advance Account each fiscal year by making  
15 monthly deposits in the amount of 1/8 of \$8,000,000 plus any  
16 cumulative deficiencies in such deposits for prior months;  
17 provided, that for fiscal years ending after June 30, 2001, the  
18 amount to be so deposited into the Illinois Sports Facilities  
19 Fund and credited to the Advance Account each fiscal year shall  
20 be increased from \$8,000,000 to the then applicable Advance  
21 Amount and the required monthly deposits beginning with July  
22 2001 shall be in the amount of 1/8 of the then applicable  
23 Advance Amount plus any cumulative deficiencies in those  
24 deposits for prior months. (The deposits of the additional  
25 \$8,000,000 or the then applicable Advance Amount, as  
26 applicable, during each fiscal year shall be treated as

1 advances of funds to the Illinois Sports Facilities Authority  
2 for its corporate purposes to the extent paid to the Authority  
3 or its trustee and shall be repaid into the General Revenue  
4 Fund in the State Treasury by the State Treasurer on behalf of  
5 the Authority pursuant to Section 19 of the Illinois Sports  
6 Facilities Authority Act, as amended. If in any fiscal year the  
7 full amount of the then applicable Advance Amount is not repaid  
8 into the General Revenue Fund, then the deficiency shall be  
9 paid from the amount in the Local Government Distributive Fund  
10 that would otherwise be allocated to the City of Chicago under  
11 the State Revenue Sharing Act.)

12 For purposes of the foregoing paragraph, the term "Advance  
13 Amount" means, for fiscal year 2002, \$22,179,000, and for  
14 subsequent fiscal years through fiscal year 2032, 105.615% of  
15 the Advance Amount for the immediately preceding fiscal year,  
16 rounded up to the nearest \$1,000.

17 Of the remaining 60% of the amount of total net proceeds  
18 from the tax imposed by subsection (a) of Section 3 after all  
19 required deposits in the Illinois Sports Facilities Fund, the  
20 amount equal to 8% of the net revenue realized from the Hotel  
21 Operators' Occupation Tax Act plus an amount equal to 8% of the  
22 net revenue realized from any tax imposed under Section 4.05 of  
23 the Chicago World's Fair-1992 Authority Act during the  
24 preceding month shall be deposited in the Local Tourism Fund  
25 each month for purposes authorized by Section 605-705 of the  
26 Department of Commerce and Economic Opportunity Community

1 ~~Affairs~~ Law (20 ILCS 605/605-705) ~~in the Local Tourism Fund,~~  
2 and beginning August 1, 1999, the amount equal to 4.5% of the  
3 net revenue realized from the Hotel Operators' Occupation Tax  
4 Act during the preceding month shall be deposited into the  
5 International Tourism Fund for the purposes authorized in  
6 Section 605-707 ~~605-725~~ of the Department of Commerce and  
7 Economic Opportunity ~~Community Affairs~~ Law. "Net revenue  
8 realized for a month" means the revenue collected by the State  
9 under that Act during the previous month less the amount paid  
10 out during that same month as refunds to taxpayers for  
11 overpayment of liability under that Act.

12 After making all these deposits, all other proceeds of the  
13 tax imposed under subsection (a) of Section 3 shall be  
14 deposited as follows:

15 (1) the first \$50,000,000 must be deposited into the  
16 Illinois Historic Sites Fund in the State Treasury; and

17 (2) any remaining proceeds in excess of the first  
18 \$50,000,000 must be deposited in the Park and Conservation  
19 Fund ~~General Revenue Fund~~ in the State Treasury.

20 All moneys received by the Department from the additional  
21 tax imposed under subsection (b) of Section 3 shall be  
22 deposited into the Build Illinois Fund in the State Treasury.

23 The Department may, upon separate written notice to a  
24 taxpayer, require the taxpayer to prepare and file with the  
25 Department on a form prescribed by the Department within not  
26 less than 60 days after receipt of the notice an annual



1 information return for the tax year specified in the notice.  
2 Such annual return to the Department shall include a statement  
3 of gross receipts as shown by the operator's last State income  
4 tax return. If the total receipts of the business as reported  
5 in the State income tax return do not agree with the gross  
6 receipts reported to the Department for the same period, the  
7 operator shall attach to his annual information return a  
8 schedule showing a reconciliation of the 2 amounts and the  
9 reasons for the difference. The operator's annual information  
10 return to the Department shall also disclose pay roll  
11 information of the operator's business during the year covered  
12 by such return and any additional reasonable information which  
13 the Department deems would be helpful in determining the  
14 accuracy of the monthly, quarterly or annual tax returns by  
15 such operator as hereinbefore provided for in this Section.

16 If the annual information return required by this Section  
17 is not filed when and as required the taxpayer shall be liable  
18 for a penalty in an amount determined in accordance with  
19 Section 3-4 of the Uniform Penalty and Interest Act until such  
20 return is filed as required, the penalty to be assessed and  
21 collected in the same manner as any other penalty provided for  
22 in this Act.

23 The chief executive officer, proprietor, owner or highest  
24 ranking manager shall sign the annual return to certify the  
25 accuracy of the information contained therein. Any person who  
26 willfully signs the annual return containing false or

1       inaccurate information shall be guilty of perjury and punished  
2       accordingly. The annual return form prescribed by the  
3       Department shall include a warning that the person signing the  
4       return may be liable for perjury.

5             The foregoing portion of this Section concerning the filing  
6       of an annual information return shall not apply to an operator  
7       who is not required to file an income tax return with the  
8       United States Government.

9       (Source: P.A. 92-16, eff. 6-28-01; 92-600, eff. 6-28-02;  
10       revised 10-15-03.)

11            Section 99. Effective date. This Act takes effect on July  
12       1, 2007.