



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5011

Introduced 1/21/2010, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

30 ILCS 115/2

from Ch. 85, par. 612

Amends the State Revenue Sharing Act. In provisions concerning the allocation among municipalities and counties, provides that when territory has been annexed to or disconnected from a municipality, the clerk of the municipality must notify the Department of Revenue of the number of residents in the territory based on census data and also provide other information. Applies to annexations and disconnections after January 1, 2007. Thereafter, requires adjustment of the monthly allocations to reflect the changes in the number of residents. Contains other provisions. Effective July 1, 2010.

LRB096 18267 RCE 33642 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Revenue Sharing Act is amended by
5 changing Section 2 as follows:

6 (30 ILCS 115/2) (from Ch. 85, par. 612)

7 Sec. 2. Allocation and Disbursement.

8 (a) As soon as may be after the first day of each month,
9 the Department of Revenue shall allocate among the several
10 municipalities and counties of this State the amount available
11 in the Local Government Distributive Fund and in the Income Tax
12 Surcharge Local Government Distributive Fund, determined as
13 provided in Sections 1 and 1a above. Except as provided in
14 Sections 13 and 13.1 of this Act, the Department shall then
15 certify such allocations to the State Comptroller, who shall
16 pay over to the several municipalities and counties the
17 respective amounts allocated to them. The amount of such Funds
18 allocable to each such municipality and county shall be in
19 proportion to the number of individual residents of such
20 municipality or county to the total population of the State,
21 determined in each case on the basis of the latest census of
22 the State, municipality or county conducted by the Federal
23 government and certified by the Secretary of State and for

1 annexations to municipalities, the latest Federal, State or
2 municipal census of the annexed area which has been certified
3 by the Department of Revenue. Allocations to the City of
4 Chicago under this Section are subject to Section 6 of the
5 Hotel Operators' Occupation Tax Act. For the purpose of this
6 Section, the number of individual residents of a county shall
7 be reduced by the number of individuals residing therein in
8 municipalities, but the number of individual residents of the
9 State, county and municipality shall reflect the latest census
10 of any of them. The amounts transferred into the Local
11 Government Distributive Fund pursuant to Section 9 of the Use
12 Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the
13 Service Occupation Tax Act, and Section 3 of the Retailers'
14 Occupation Tax Act, each as now or hereafter amended, pursuant
15 to the amendments of such Sections by Public Act 85-1135, shall
16 be distributed as provided in said Sections.

17 (b) It is the intent of the General Assembly that
18 allocations made under this Section shall be made in a fair and
19 equitable manner. Accordingly, the clerk of any municipality to
20 which territory has been annexed, or from which territory has
21 been disconnected, shall notify the Department of Revenue in
22 writing of that annexation or disconnection and shall (1) state
23 the number of residents within the territory that was annexed
24 or disconnected, based on the last census conducted by the
25 federal government and certified by the Illinois Secretary of
26 State, and (2) furnish therewith a certified copy of the plat

1 of annexation or, in the case of disconnection, the ordinance,
2 final judgment, or resolution of disconnection together with an
3 accurate depiction of the territory disconnected. That written
4 notice shall be provided to the Department of Revenue (1)
5 within 30 days after the effective date of this amendatory Act
6 of the 96th General Assembly for disconnections occurring after
7 January 1, 2007 and before the effective date of this
8 amendatory Act of the 96th General Assembly or (2) within 30
9 days after the annexation or disconnection for annexations or
10 disconnections occurring on or after the effective date of this
11 amendatory Act of the 96th General Assembly. For purposes of
12 this Section, a disconnection or annexation through court order
13 is deemed to be effective 30 days after the entry of a final
14 judgment order, unless stayed pending appeal. Thereafter, the
15 monthly allocation made to the municipality and to any other
16 municipality or county affected by the annexation or
17 disconnection shall be adjusted in accordance with this Section
18 to reflect the change in residency of the residents of the
19 territory that was annexed or disconnected. That adjusted
20 allocation becomes effective immediately upon the annexation
21 or disconnection.

22 (Source: P.A. 91-51, eff. 6-30-99; 91-935, eff. 6-1-01.)

23 Section 99. Effective date. This Act takes effect July 1,
24 2010.