



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1951

Introduced 2/15/2013, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
70 ILCS 3610/5.01	from Ch. 111 2/3, par. 355.01
70 ILCS 3720/4	from Ch. 111 2/3, par. 254
320 ILCS 30/5	from Ch. 67 1/2, par. 455

Amends the Service Use Tax Act and the Service Occupation Tax Act. Makes changes concerning the distribution of proceeds to provide for certain transfers to the Common School Fund. Amends the Local Mass Transit District Act and the Water Commission Act of 1985. Makes changes in provisions concerning the distribution of tax proceeds to provide for offsets for amounts that were erroneously paid to the District or Commission. Amends the Senior Citizens Real Estate Tax Deferral Act. Provides that, if there is a shortfall in appropriations from the Senior Citizens Real Estate Tax Revolving Fund, payments may be made when there is sufficient appropriation authority or a sufficient fund balance (instead of by June 1 or within 30 days of the receipt of these tax bills). Effective immediately.

LRB098 10598 HLH 40861 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Service Use Tax Act is amended by changing
5 Section 9 as follows:

6 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

7 Sec. 9. Each serviceman required or authorized to collect
8 the tax herein imposed shall pay to the Department the amount
9 of such tax (except as otherwise provided) at the time when he
10 is required to file his return for the period during which such
11 tax was collected, less a discount of 2.1% prior to January 1,
12 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
13 year, whichever is greater, which is allowed to reimburse the
14 serviceman for expenses incurred in collecting the tax, keeping
15 records, preparing and filing returns, remitting the tax and
16 supplying data to the Department on request. A serviceman need
17 not remit that part of any tax collected by him to the extent
18 that he is required to pay and does pay the tax imposed by the
19 Service Occupation Tax Act with respect to his sale of service
20 involving the incidental transfer by him of the same property.

21 Except as provided hereinafter in this Section, on or
22 before the twentieth day of each calendar month, such
23 serviceman shall file a return for the preceding calendar month

1 in accordance with reasonable Rules and Regulations to be
2 promulgated by the Department. Such return shall be filed on a
3 form prescribed by the Department and shall contain such
4 information as the Department may reasonably require.

5 The Department may require returns to be filed on a
6 quarterly basis. If so required, a return for each calendar
7 quarter shall be filed on or before the twentieth day of the
8 calendar month following the end of such calendar quarter. The
9 taxpayer shall also file a return with the Department for each
10 of the first two months of each calendar quarter, on or before
11 the twentieth day of the following calendar month, stating:

- 12 1. The name of the seller;
- 13 2. The address of the principal place of business from
14 which he engages in business as a serviceman in this State;
- 15 3. The total amount of taxable receipts received by him
16 during the preceding calendar month, including receipts
17 from charge and time sales, but less all deductions allowed
18 by law;
- 19 4. The amount of credit provided in Section 2d of this
20 Act;
- 21 5. The amount of tax due;
- 22 5-5. The signature of the taxpayer; and
- 23 6. Such other reasonable information as the Department
24 may require.

25 If a taxpayer fails to sign a return within 30 days after
26 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be
2 due on the return shall be deemed assessed.

3 Beginning October 1, 1993, a taxpayer who has an average
4 monthly tax liability of \$150,000 or more shall make all
5 payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 1994, a taxpayer who has
7 an average monthly tax liability of \$100,000 or more shall make
8 all payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 1995, a taxpayer who has
10 an average monthly tax liability of \$50,000 or more shall make
11 all payments required by rules of the Department by electronic
12 funds transfer. Beginning October 1, 2000, a taxpayer who has
13 an annual tax liability of \$200,000 or more shall make all
14 payments required by rules of the Department by electronic
15 funds transfer. The term "annual tax liability" shall be the
16 sum of the taxpayer's liabilities under this Act, and under all
17 other State and local occupation and use tax laws administered
18 by the Department, for the immediately preceding calendar year.
19 The term "average monthly tax liability" means the sum of the
20 taxpayer's liabilities under this Act, and under all other
21 State and local occupation and use tax laws administered by the
22 Department, for the immediately preceding calendar year
23 divided by 12. Beginning on October 1, 2002, a taxpayer who has
24 a tax liability in the amount set forth in subsection (b) of
25 Section 2505-210 of the Department of Revenue Law shall make
26 all payments required by rules of the Department by electronic

1 funds transfer.

2 Before August 1 of each year beginning in 1993, the
3 Department shall notify all taxpayers required to make payments
4 by electronic funds transfer. All taxpayers required to make
5 payments by electronic funds transfer shall make those payments
6 for a minimum of one year beginning on October 1.

7 Any taxpayer not required to make payments by electronic
8 funds transfer may make payments by electronic funds transfer
9 with the permission of the Department.

10 All taxpayers required to make payment by electronic funds
11 transfer and any taxpayers authorized to voluntarily make
12 payments by electronic funds transfer shall make those payments
13 in the manner authorized by the Department.

14 The Department shall adopt such rules as are necessary to
15 effectuate a program of electronic funds transfer and the
16 requirements of this Section.

17 If the serviceman is otherwise required to file a monthly
18 return and if the serviceman's average monthly tax liability to
19 the Department does not exceed \$200, the Department may
20 authorize his returns to be filed on a quarter annual basis,
21 with the return for January, February and March of a given year
22 being due by April 20 of such year; with the return for April,
23 May and June of a given year being due by July 20 of such year;
24 with the return for July, August and September of a given year
25 being due by October 20 of such year, and with the return for
26 October, November and December of a given year being due by

1 January 20 of the following year.

2 If the serviceman is otherwise required to file a monthly
3 or quarterly return and if the serviceman's average monthly tax
4 liability to the Department does not exceed \$50, the Department
5 may authorize his returns to be filed on an annual basis, with
6 the return for a given year being due by January 20 of the
7 following year.

8 Such quarter annual and annual returns, as to form and
9 substance, shall be subject to the same requirements as monthly
10 returns.

11 Notwithstanding any other provision in this Act concerning
12 the time within which a serviceman may file his return, in the
13 case of any serviceman who ceases to engage in a kind of
14 business which makes him responsible for filing returns under
15 this Act, such serviceman shall file a final return under this
16 Act with the Department not more than 1 month after
17 discontinuing such business.

18 Where a serviceman collects the tax with respect to the
19 selling price of property which he sells and the purchaser
20 thereafter returns such property and the serviceman refunds the
21 selling price thereof to the purchaser, such serviceman shall
22 also refund, to the purchaser, the tax so collected from the
23 purchaser. When filing his return for the period in which he
24 refunds such tax to the purchaser, the serviceman may deduct
25 the amount of the tax so refunded by him to the purchaser from
26 any other Service Use Tax, Service Occupation Tax, retailers'

1 occupation tax or use tax which such serviceman may be required
2 to pay or remit to the Department, as shown by such return,
3 provided that the amount of the tax to be deducted shall
4 previously have been remitted to the Department by such
5 serviceman. If the serviceman shall not previously have
6 remitted the amount of such tax to the Department, he shall be
7 entitled to no deduction hereunder upon refunding such tax to
8 the purchaser.

9 Any serviceman filing a return hereunder shall also include
10 the total tax upon the selling price of tangible personal
11 property purchased for use by him as an incident to a sale of
12 service, and such serviceman shall remit the amount of such tax
13 to the Department when filing such return.

14 If experience indicates such action to be practicable, the
15 Department may prescribe and furnish a combination or joint
16 return which will enable servicemen, who are required to file
17 returns hereunder and also under the Service Occupation Tax
18 Act, to furnish all the return information required by both
19 Acts on the one form.

20 Where the serviceman has more than one business registered
21 with the Department under separate registration hereunder,
22 such serviceman shall not file each return that is due as a
23 single return covering all such registered businesses, but
24 shall file separate returns for each such registered business.

25 Beginning January 1, 1990, each month the Department shall
26 pay into the State and Local Tax Reform Fund, a special fund in

1 the State Treasury, the net revenue realized for the preceding
2 month from the 1% tax on sales of food for human consumption
3 which is to be consumed off the premises where it is sold
4 (other than alcoholic beverages, soft drinks and food which has
5 been prepared for immediate consumption) and prescription and
6 nonprescription medicines, drugs, medical appliances and
7 insulin, urine testing materials, syringes and needles used by
8 diabetics.

9 Beginning January 1, 1990, each month the Department shall
10 pay into the State and Local Sales Tax Reform Fund 20% of the
11 net revenue realized for the preceding month from the 6.25%
12 general rate on transfers of tangible personal property, other
13 than tangible personal property which is purchased outside
14 Illinois at retail from a retailer and which is titled or
15 registered by an agency of this State's government.

16 Beginning August 1, 2000, each month the Department shall
17 pay into the State and Local Sales Tax Reform Fund 100% of the
18 net revenue realized for the preceding month from the 1.25%
19 rate on the selling price of motor fuel and gasohol.

20 Beginning October 1, 2009, each month the Department shall
21 pay into the Capital Projects Fund an amount that is equal to
22 an amount estimated by the Department to represent 80% of the
23 net revenue realized for the preceding month from the sale of
24 candy, grooming and hygiene products, and soft drinks that had
25 been taxed at a rate of 1% prior to September 1, 2009 but that
26 is now taxed at 6.25%.

1 Of the remainder of the moneys received by the Department
2 pursuant to this Act, (a) 1.75% thereof shall be paid into the
3 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
4 and after July 1, 1989, 3.8% thereof shall be paid into the
5 Build Illinois Fund; provided, however, that if in any fiscal
6 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
7 may be, of the moneys received by the Department and required
8 to be paid into the Build Illinois Fund pursuant to Section 3
9 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
10 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
11 Service Occupation Tax Act, such Acts being hereinafter called
12 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
13 may be, of moneys being hereinafter called the "Tax Act
14 Amount", and (2) the amount transferred to the Build Illinois
15 Fund from the State and Local Sales Tax Reform Fund shall be
16 less than the Annual Specified Amount (as defined in Section 3
17 of the Retailers' Occupation Tax Act), an amount equal to the
18 difference shall be immediately paid into the Build Illinois
19 Fund from other moneys received by the Department pursuant to
20 the Tax Acts; and further provided, that if on the last
21 business day of any month the sum of (1) the Tax Act Amount
22 required to be deposited into the Build Illinois Bond Account
23 in the Build Illinois Fund during such month and (2) the amount
24 transferred during such month to the Build Illinois Fund from
25 the State and Local Sales Tax Reform Fund shall have been less
26 than 1/12 of the Annual Specified Amount, an amount equal to

1 the difference shall be immediately paid into the Build
2 Illinois Fund from other moneys received by the Department
3 pursuant to the Tax Acts; and, further provided, that in no
4 event shall the payments required under the preceding proviso
5 result in aggregate payments into the Build Illinois Fund
6 pursuant to this clause (b) for any fiscal year in excess of
7 the greater of (i) the Tax Act Amount or (ii) the Annual
8 Specified Amount for such fiscal year; and, further provided,
9 that the amounts payable into the Build Illinois Fund under
10 this clause (b) shall be payable only until such time as the
11 aggregate amount on deposit under each trust indenture securing
12 Bonds issued and outstanding pursuant to the Build Illinois
13 Bond Act is sufficient, taking into account any future
14 investment income, to fully provide, in accordance with such
15 indenture, for the defeasance of or the payment of the
16 principal of, premium, if any, and interest on the Bonds
17 secured by such indenture and on any Bonds expected to be
18 issued thereafter and all fees and costs payable with respect
19 thereto, all as certified by the Director of the Bureau of the
20 Budget (now Governor's Office of Management and Budget). If on
21 the last business day of any month in which Bonds are
22 outstanding pursuant to the Build Illinois Bond Act, the
23 aggregate of the moneys deposited in the Build Illinois Bond
24 Account in the Build Illinois Fund in such month shall be less
25 than the amount required to be transferred in such month from
26 the Build Illinois Bond Account to the Build Illinois Bond

1 Retirement and Interest Fund pursuant to Section 13 of the
2 Build Illinois Bond Act, an amount equal to such deficiency
3 shall be immediately paid from other moneys received by the
4 Department pursuant to the Tax Acts to the Build Illinois Fund;
5 provided, however, that any amounts paid to the Build Illinois
6 Fund in any fiscal year pursuant to this sentence shall be
7 deemed to constitute payments pursuant to clause (b) of the
8 preceding sentence and shall reduce the amount otherwise
9 payable for such fiscal year pursuant to clause (b) of the
10 preceding sentence. The moneys received by the Department
11 pursuant to this Act and required to be deposited into the
12 Build Illinois Fund are subject to the pledge, claim and charge
13 set forth in Section 12 of the Build Illinois Bond Act.

14 Subject to payment of amounts into the Build Illinois Fund
15 as provided in the preceding paragraph or in any amendment
16 thereto hereafter enacted, the following specified monthly
17 installment of the amount requested in the certificate of the
18 Chairman of the Metropolitan Pier and Exposition Authority
19 provided under Section 8.25f of the State Finance Act, but not
20 in excess of the sums designated as "Total Deposit", shall be
21 deposited in the aggregate from collections under Section 9 of
22 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
23 9 of the Service Occupation Tax Act, and Section 3 of the
24 Retailers' Occupation Tax Act into the McCormick Place
25 Expansion Project Fund in the specified fiscal years.

		Total
	Fiscal Year	Deposit
1		
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	93,000,000
12	2003	99,000,000
13	2004	103,000,000
14	2005	108,000,000
15	2006	113,000,000
16	2007	119,000,000
17	2008	126,000,000
18	2009	132,000,000
19	2010	139,000,000
20	2011	146,000,000
21	2012	153,000,000
22	2013	161,000,000
23	2014	170,000,000
24	2015	179,000,000
25	2016	189,000,000

1	2017	199,000,000
2	2018	210,000,000
3	2019	221,000,000
4	2020	233,000,000
5	2021	246,000,000
6	2022	260,000,000
7	2023	275,000,000
8	2024	275,000,000
9	2025	275,000,000
10	2026	279,000,000
11	2027	292,000,000
12	2028	307,000,000
13	2029	322,000,000
14	2030	338,000,000
15	2031	350,000,000
16	2032	350,000,000

17 and

18 each fiscal year

19 thereafter that bonds

20 are outstanding under

21 Section 13.2 of the

22 Metropolitan Pier and

23 Exposition Authority Act,

24 but not after fiscal year 2060.

25 Beginning July 20, 1993 and in each month of each fiscal
26 year thereafter, one-eighth of the amount requested in the

1 certificate of the Chairman of the Metropolitan Pier and
2 Exposition Authority for that fiscal year, less the amount
3 deposited into the McCormick Place Expansion Project Fund by
4 the State Treasurer in the respective month under subsection
5 (g) of Section 13 of the Metropolitan Pier and Exposition
6 Authority Act, plus cumulative deficiencies in the deposits
7 required under this Section for previous months and years,
8 shall be deposited into the McCormick Place Expansion Project
9 Fund, until the full amount requested for the fiscal year, but
10 not in excess of the amount specified above as "Total Deposit",
11 has been deposited.

12 Subject to payment of amounts into the Build Illinois Fund
13 and the McCormick Place Expansion Project Fund pursuant to the
14 preceding paragraphs or in any amendments thereto hereafter
15 enacted, beginning July 1, 1993, the Department shall each
16 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
17 the net revenue realized for the preceding month from the 6.25%
18 general rate on the selling price of tangible personal
19 property.

20 Subject to payment of amounts into the Build Illinois Fund
21 and the McCormick Place Expansion Project Fund pursuant to the
22 preceding paragraphs or in any amendments thereto hereafter
23 enacted, beginning with the receipt of the first report of
24 taxes paid by an eligible business and continuing for a 25-year
25 period, the Department shall each month pay into the Energy
26 Infrastructure Fund 80% of the net revenue realized from the

1 6.25% general rate on the selling price of Illinois-mined coal
2 that was sold to an eligible business. For purposes of this
3 paragraph, the term "eligible business" means a new electric
4 generating facility certified pursuant to Section 605-332 of
5 the Department of Commerce and Economic Opportunity Law of the
6 Civil Administrative Code of Illinois.

7 Of the remainder of the ~~All remaining~~ moneys received by
8 the Department pursuant to this Act, 75% thereof shall be paid
9 into the General Revenue Fund of the State Treasury and 25%
10 shall be reserved in a special account and used only for the
11 transfer to the Common School Fund as part of the monthly
12 transfer from the General Revenue Fund in accordance with
13 Section 8a of the State Finance Act.

14 As soon as possible after the first day of each month, upon
15 certification of the Department of Revenue, the Comptroller
16 shall order transferred and the Treasurer shall transfer from
17 the General Revenue Fund to the Motor Fuel Tax Fund an amount
18 equal to 1.7% of 80% of the net revenue realized under this Act
19 for the second preceding month. Beginning April 1, 2000, this
20 transfer is no longer required and shall not be made.

21 Net revenue realized for a month shall be the revenue
22 collected by the State pursuant to this Act, less the amount
23 paid out during that month as refunds to taxpayers for
24 overpayment of liability.

25 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
26 eff. 5-27-10.)

1 Section 10. The Service Occupation Tax Act is amended by
2 changing Section 9 as follows:

3 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

4 Sec. 9. Each serviceman required or authorized to collect
5 the tax herein imposed shall pay to the Department the amount
6 of such tax at the time when he is required to file his return
7 for the period during which such tax was collectible, less a
8 discount of 2.1% prior to January 1, 1990, and 1.75% on and
9 after January 1, 1990, or \$5 per calendar year, whichever is
10 greater, which is allowed to reimburse the serviceman for
11 expenses incurred in collecting the tax, keeping records,
12 preparing and filing returns, remitting the tax and supplying
13 data to the Department on request.

14 Where such tangible personal property is sold under a
15 conditional sales contract, or under any other form of sale
16 wherein the payment of the principal sum, or a part thereof, is
17 extended beyond the close of the period for which the return is
18 filed, the serviceman, in collecting the tax may collect, for
19 each tax return period, only the tax applicable to the part of
20 the selling price actually received during such tax return
21 period.

22 Except as provided hereinafter in this Section, on or
23 before the twentieth day of each calendar month, such
24 serviceman shall file a return for the preceding calendar month

1 in accordance with reasonable rules and regulations to be
2 promulgated by the Department of Revenue. Such return shall be
3 filed on a form prescribed by the Department and shall contain
4 such information as the Department may reasonably require.

5 The Department may require returns to be filed on a
6 quarterly basis. If so required, a return for each calendar
7 quarter shall be filed on or before the twentieth day of the
8 calendar month following the end of such calendar quarter. The
9 taxpayer shall also file a return with the Department for each
10 of the first two months of each calendar quarter, on or before
11 the twentieth day of the following calendar month, stating:

- 12 1. The name of the seller;
- 13 2. The address of the principal place of business from
14 which he engages in business as a serviceman in this State;
- 15 3. The total amount of taxable receipts received by him
16 during the preceding calendar month, including receipts
17 from charge and time sales, but less all deductions allowed
18 by law;
- 19 4. The amount of credit provided in Section 2d of this
20 Act;
- 21 5. The amount of tax due;
- 22 5-5. The signature of the taxpayer; and
- 23 6. Such other reasonable information as the Department
24 may require.

25 If a taxpayer fails to sign a return within 30 days after
26 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be
2 due on the return shall be deemed assessed.

3 Prior to October 1, 2003, and on and after September 1,
4 2004 a serviceman may accept a Manufacturer's Purchase Credit
5 certification from a purchaser in satisfaction of Service Use
6 Tax as provided in Section 3-70 of the Service Use Tax Act if
7 the purchaser provides the appropriate documentation as
8 required by Section 3-70 of the Service Use Tax Act. A
9 Manufacturer's Purchase Credit certification, accepted prior
10 to October 1, 2003 or on or after September 1, 2004 by a
11 serviceman as provided in Section 3-70 of the Service Use Tax
12 Act, may be used by that serviceman to satisfy Service
13 Occupation Tax liability in the amount claimed in the
14 certification, not to exceed 6.25% of the receipts subject to
15 tax from a qualifying purchase. A Manufacturer's Purchase
16 Credit reported on any original or amended return filed under
17 this Act after October 20, 2003 for reporting periods prior to
18 September 1, 2004 shall be disallowed. Manufacturer's Purchase
19 Credit reported on annual returns due on or after January 1,
20 2005 will be disallowed for periods prior to September 1, 2004.
21 No Manufacturer's Purchase Credit may be used after September
22 30, 2003 through August 31, 2004 to satisfy any tax liability
23 imposed under this Act, including any audit liability.

24 If the serviceman's average monthly tax liability to the
25 Department does not exceed \$200, the Department may authorize
26 his returns to be filed on a quarter annual basis, with the

1 return for January, February and March of a given year being
2 due by April 20 of such year; with the return for April, May
3 and June of a given year being due by July 20 of such year; with
4 the return for July, August and September of a given year being
5 due by October 20 of such year, and with the return for
6 October, November and December of a given year being due by
7 January 20 of the following year.

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

12 Such quarter annual and annual returns, as to form and
13 substance, shall be subject to the same requirements as monthly
14 returns.

15 Notwithstanding any other provision in this Act concerning
16 the time within which a serviceman may file his return, in the
17 case of any serviceman who ceases to engage in a kind of
18 business which makes him responsible for filing returns under
19 this Act, such serviceman shall file a final return under this
20 Act with the Department not more than 1 month after
21 discontinuing such business.

22 Beginning October 1, 1993, a taxpayer who has an average
23 monthly tax liability of \$150,000 or more shall make all
24 payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 1994, a taxpayer who has
26 an average monthly tax liability of \$100,000 or more shall make

1 all payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 1995, a taxpayer who has
3 an average monthly tax liability of \$50,000 or more shall make
4 all payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 2000, a taxpayer who has
6 an annual tax liability of \$200,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. The term "annual tax liability" shall be the
9 sum of the taxpayer's liabilities under this Act, and under all
10 other State and local occupation and use tax laws administered
11 by the Department, for the immediately preceding calendar year.
12 The term "average monthly tax liability" means the sum of the
13 taxpayer's liabilities under this Act, and under all other
14 State and local occupation and use tax laws administered by the
15 Department, for the immediately preceding calendar year
16 divided by 12. Beginning on October 1, 2002, a taxpayer who has
17 a tax liability in the amount set forth in subsection (b) of
18 Section 2505-210 of the Department of Revenue Law shall make
19 all payments required by rules of the Department by electronic
20 funds transfer.

21 Before August 1 of each year beginning in 1993, the
22 Department shall notify all taxpayers required to make payments
23 by electronic funds transfer. All taxpayers required to make
24 payments by electronic funds transfer shall make those payments
25 for a minimum of one year beginning on October 1.

26 Any taxpayer not required to make payments by electronic

1 funds transfer may make payments by electronic funds transfer
2 with the permission of the Department.

3 All taxpayers required to make payment by electronic funds
4 transfer and any taxpayers authorized to voluntarily make
5 payments by electronic funds transfer shall make those payments
6 in the manner authorized by the Department.

7 The Department shall adopt such rules as are necessary to
8 effectuate a program of electronic funds transfer and the
9 requirements of this Section.

10 Where a serviceman collects the tax with respect to the
11 selling price of tangible personal property which he sells and
12 the purchaser thereafter returns such tangible personal
13 property and the serviceman refunds the selling price thereof
14 to the purchaser, such serviceman shall also refund, to the
15 purchaser, the tax so collected from the purchaser. When filing
16 his return for the period in which he refunds such tax to the
17 purchaser, the serviceman may deduct the amount of the tax so
18 refunded by him to the purchaser from any other Service
19 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
20 Use Tax which such serviceman may be required to pay or remit
21 to the Department, as shown by such return, provided that the
22 amount of the tax to be deducted shall previously have been
23 remitted to the Department by such serviceman. If the
24 serviceman shall not previously have remitted the amount of
25 such tax to the Department, he shall be entitled to no
26 deduction hereunder upon refunding such tax to the purchaser.

1 If experience indicates such action to be practicable, the
2 Department may prescribe and furnish a combination or joint
3 return which will enable servicemen, who are required to file
4 returns hereunder and also under the Retailers' Occupation Tax
5 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
6 the return information required by all said Acts on the one
7 form.

8 Where the serviceman has more than one business registered
9 with the Department under separate registrations hereunder,
10 such serviceman shall file separate returns for each registered
11 business.

12 Beginning January 1, 1990, each month the Department shall
13 pay into the Local Government Tax Fund the revenue realized for
14 the preceding month from the 1% tax on sales of food for human
15 consumption which is to be consumed off the premises where it
16 is sold (other than alcoholic beverages, soft drinks and food
17 which has been prepared for immediate consumption) and
18 prescription and nonprescription medicines, drugs, medical
19 appliances and insulin, urine testing materials, syringes and
20 needles used by diabetics.

21 Beginning January 1, 1990, each month the Department shall
22 pay into the County and Mass Transit District Fund 4% of the
23 revenue realized for the preceding month from the 6.25% general
24 rate.

25 Beginning August 1, 2000, each month the Department shall
26 pay into the County and Mass Transit District Fund 20% of the

1 net revenue realized for the preceding month from the 1.25%
2 rate on the selling price of motor fuel and gasohol.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund 16% of the revenue
5 realized for the preceding month from the 6.25% general rate on
6 transfers of tangible personal property.

7 Beginning August 1, 2000, each month the Department shall
8 pay into the Local Government Tax Fund 80% of the net revenue
9 realized for the preceding month from the 1.25% rate on the
10 selling price of motor fuel and gasohol.

11 Beginning October 1, 2009, each month the Department shall
12 pay into the Capital Projects Fund an amount that is equal to
13 an amount estimated by the Department to represent 80% of the
14 net revenue realized for the preceding month from the sale of
15 candy, grooming and hygiene products, and soft drinks that had
16 been taxed at a rate of 1% prior to September 1, 2009 but that
17 is now taxed at 6.25%.

18 Of the remainder of the moneys received by the Department
19 pursuant to this Act, (a) 1.75% thereof shall be paid into the
20 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
21 and after July 1, 1989, 3.8% thereof shall be paid into the
22 Build Illinois Fund; provided, however, that if in any fiscal
23 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
24 may be, of the moneys received by the Department and required
25 to be paid into the Build Illinois Fund pursuant to Section 3
26 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax

1 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
2 Service Occupation Tax Act, such Acts being hereinafter called
3 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
4 may be, of moneys being hereinafter called the "Tax Act
5 Amount", and (2) the amount transferred to the Build Illinois
6 Fund from the State and Local Sales Tax Reform Fund shall be
7 less than the Annual Specified Amount (as defined in Section 3
8 of the Retailers' Occupation Tax Act), an amount equal to the
9 difference shall be immediately paid into the Build Illinois
10 Fund from other moneys received by the Department pursuant to
11 the Tax Acts; and further provided, that if on the last
12 business day of any month the sum of (1) the Tax Act Amount
13 required to be deposited into the Build Illinois Account in the
14 Build Illinois Fund during such month and (2) the amount
15 transferred during such month to the Build Illinois Fund from
16 the State and Local Sales Tax Reform Fund shall have been less
17 than 1/12 of the Annual Specified Amount, an amount equal to
18 the difference shall be immediately paid into the Build
19 Illinois Fund from other moneys received by the Department
20 pursuant to the Tax Acts; and, further provided, that in no
21 event shall the payments required under the preceding proviso
22 result in aggregate payments into the Build Illinois Fund
23 pursuant to this clause (b) for any fiscal year in excess of
24 the greater of (i) the Tax Act Amount or (ii) the Annual
25 Specified Amount for such fiscal year; and, further provided,
26 that the amounts payable into the Build Illinois Fund under

1 this clause (b) shall be payable only until such time as the
2 aggregate amount on deposit under each trust indenture securing
3 Bonds issued and outstanding pursuant to the Build Illinois
4 Bond Act is sufficient, taking into account any future
5 investment income, to fully provide, in accordance with such
6 indenture, for the defeasance of or the payment of the
7 principal of, premium, if any, and interest on the Bonds
8 secured by such indenture and on any Bonds expected to be
9 issued thereafter and all fees and costs payable with respect
10 thereto, all as certified by the Director of the Bureau of the
11 Budget (now Governor's Office of Management and Budget). If on
12 the last business day of any month in which Bonds are
13 outstanding pursuant to the Build Illinois Bond Act, the
14 aggregate of the moneys deposited in the Build Illinois Bond
15 Account in the Build Illinois Fund in such month shall be less
16 than the amount required to be transferred in such month from
17 the Build Illinois Bond Account to the Build Illinois Bond
18 Retirement and Interest Fund pursuant to Section 13 of the
19 Build Illinois Bond Act, an amount equal to such deficiency
20 shall be immediately paid from other moneys received by the
21 Department pursuant to the Tax Acts to the Build Illinois Fund;
22 provided, however, that any amounts paid to the Build Illinois
23 Fund in any fiscal year pursuant to this sentence shall be
24 deemed to constitute payments pursuant to clause (b) of the
25 preceding sentence and shall reduce the amount otherwise
26 payable for such fiscal year pursuant to clause (b) of the

1 preceding sentence. The moneys received by the Department
2 pursuant to this Act and required to be deposited into the
3 Build Illinois Fund are subject to the pledge, claim and charge
4 set forth in Section 12 of the Build Illinois Bond Act.

5 Subject to payment of amounts into the Build Illinois Fund
6 as provided in the preceding paragraph or in any amendment
7 thereto hereafter enacted, the following specified monthly
8 installment of the amount requested in the certificate of the
9 Chairman of the Metropolitan Pier and Exposition Authority
10 provided under Section 8.25f of the State Finance Act, but not
11 in excess of the sums designated as "Total Deposit", shall be
12 deposited in the aggregate from collections under Section 9 of
13 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
14 9 of the Service Occupation Tax Act, and Section 3 of the
15 Retailers' Occupation Tax Act into the McCormick Place
16 Expansion Project Fund in the specified fiscal years.

		Total
	Fiscal Year	Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	246,000,000
22	2022	260,000,000
23	2023	275,000,000
24	2024	275,000,000
25	2025	275,000,000
26	2026	279,000,000

1	2027	292,000,000
2	2028	307,000,000
3	2029	322,000,000
4	2030	338,000,000
5	2031	350,000,000
6	2032	350,000,000

7 and

8 each fiscal year

9 thereafter that bonds

10 are outstanding under

11 Section 13.2 of the

12 Metropolitan Pier and

13 Exposition Authority Act,

14 but not after fiscal year 2060.

15 Beginning July 20, 1993 and in each month of each fiscal
16 year thereafter, one-eighth of the amount requested in the
17 certificate of the Chairman of the Metropolitan Pier and
18 Exposition Authority for that fiscal year, less the amount
19 deposited into the McCormick Place Expansion Project Fund by
20 the State Treasurer in the respective month under subsection
21 (g) of Section 13 of the Metropolitan Pier and Exposition
22 Authority Act, plus cumulative deficiencies in the deposits
23 required under this Section for previous months and years,
24 shall be deposited into the McCormick Place Expansion Project
25 Fund, until the full amount requested for the fiscal year, but
26 not in excess of the amount specified above as "Total Deposit",

1 has been deposited.

2 Subject to payment of amounts into the Build Illinois Fund
3 and the McCormick Place Expansion Project Fund pursuant to the
4 preceding paragraphs or in any amendments thereto hereafter
5 enacted, beginning July 1, 1993, the Department shall each
6 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
7 the net revenue realized for the preceding month from the 6.25%
8 general rate on the selling price of tangible personal
9 property.

10 Subject to payment of amounts into the Build Illinois Fund
11 and the McCormick Place Expansion Project Fund pursuant to the
12 preceding paragraphs or in any amendments thereto hereafter
13 enacted, beginning with the receipt of the first report of
14 taxes paid by an eligible business and continuing for a 25-year
15 period, the Department shall each month pay into the Energy
16 Infrastructure Fund 80% of the net revenue realized from the
17 6.25% general rate on the selling price of Illinois-mined coal
18 that was sold to an eligible business. For purposes of this
19 paragraph, the term "eligible business" means a new electric
20 generating facility certified pursuant to Section 605-332 of
21 the Department of Commerce and Economic Opportunity Law of the
22 Civil Administrative Code of Illinois.

23 Of the remainder of the ~~Remaining~~ moneys received by the
24 Department pursuant to this Act, 75% shall be paid into the
25 General Revenue Fund of the State Treasury and 25% shall be
26 reserved in a special account and used only for the transfer to

1 the Common School Fund as part of the monthly transfer from the
2 General Revenue Fund in accordance with Section 8a of the State
3 Finance Act.

4 The Department may, upon separate written notice to a
5 taxpayer, require the taxpayer to prepare and file with the
6 Department on a form prescribed by the Department within not
7 less than 60 days after receipt of the notice an annual
8 information return for the tax year specified in the notice.
9 Such annual return to the Department shall include a statement
10 of gross receipts as shown by the taxpayer's last Federal
11 income tax return. If the total receipts of the business as
12 reported in the Federal income tax return do not agree with the
13 gross receipts reported to the Department of Revenue for the
14 same period, the taxpayer shall attach to his annual return a
15 schedule showing a reconciliation of the 2 amounts and the
16 reasons for the difference. The taxpayer's annual return to the
17 Department shall also disclose the cost of goods sold by the
18 taxpayer during the year covered by such return, opening and
19 closing inventories of such goods for such year, cost of goods
20 used from stock or taken from stock and given away by the
21 taxpayer during such year, pay roll information of the
22 taxpayer's business during such year and any additional
23 reasonable information which the Department deems would be
24 helpful in determining the accuracy of the monthly, quarterly
25 or annual returns filed by such taxpayer as hereinbefore
26 provided for in this Section.

1 If the annual information return required by this Section
2 is not filed when and as required, the taxpayer shall be liable
3 as follows:

4 (i) Until January 1, 1994, the taxpayer shall be liable
5 for a penalty equal to 1/6 of 1% of the tax due from such
6 taxpayer under this Act during the period to be covered by
7 the annual return for each month or fraction of a month
8 until such return is filed as required, the penalty to be
9 assessed and collected in the same manner as any other
10 penalty provided for in this Act.

11 (ii) On and after January 1, 1994, the taxpayer shall
12 be liable for a penalty as described in Section 3-4 of the
13 Uniform Penalty and Interest Act.

14 The chief executive officer, proprietor, owner or highest
15 ranking manager shall sign the annual return to certify the
16 accuracy of the information contained therein. Any person who
17 willfully signs the annual return containing false or
18 inaccurate information shall be guilty of perjury and punished
19 accordingly. The annual return form prescribed by the
20 Department shall include a warning that the person signing the
21 return may be liable for perjury.

22 The foregoing portion of this Section concerning the filing
23 of an annual information return shall not apply to a serviceman
24 who is not required to file an income tax return with the
25 United States Government.

26 As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller
2 shall order transferred and the Treasurer shall transfer from
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount
4 equal to 1.7% of 80% of the net revenue realized under this Act
5 for the second preceding month. Beginning April 1, 2000, this
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue
8 collected by the State pursuant to this Act, less the amount
9 paid out during that month as refunds to taxpayers for
10 overpayment of liability.

11 For greater simplicity of administration, it shall be
12 permissible for manufacturers, importers and wholesalers whose
13 products are sold by numerous servicemen in Illinois, and who
14 wish to do so, to assume the responsibility for accounting and
15 paying to the Department all tax accruing under this Act with
16 respect to such sales, if the servicemen who are affected do
17 not make written objection to the Department to this
18 arrangement.

19 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09; 96-898,
20 eff. 5-27-10.)

21 Section 15. The Local Mass Transit District Act is amended
22 by changing Section 5.01 as follows:

23 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

24 Sec. 5.01. Metro East Mass Transit District; use and

1 occupation taxes.

2 (a) The Board of Trustees of any Metro East Mass Transit
3 District may, by ordinance adopted with the concurrence of
4 two-thirds of the then trustees, impose throughout the District
5 any or all of the taxes and fees provided in this Section. All
6 taxes and fees imposed under this Section shall be used only
7 for public mass transportation systems, and the amount used to
8 provide mass transit service to unserved areas of the District
9 shall be in the same proportion to the total proceeds as the
10 number of persons residing in the unserved areas is to the
11 total population of the District. Except as otherwise provided
12 in this Act, taxes imposed under this Section and civil
13 penalties imposed incident thereto shall be collected and
14 enforced by the State Department of Revenue. The Department
15 shall have the power to administer and enforce the taxes and to
16 determine all rights for refunds for erroneous payments of the
17 taxes.

18 (b) The Board may impose a Metro East Mass Transit District
19 Retailers' Occupation Tax upon all persons engaged in the
20 business of selling tangible personal property at retail in the
21 district at a rate of 1/4 of 1%, or as authorized under
22 subsection (d-5) of this Section, of the gross receipts from
23 the sales made in the course of such business within the
24 district. The tax imposed under this Section and all civil
25 penalties that may be assessed as an incident thereof shall be
26 collected and enforced by the State Department of Revenue. The

1 Department shall have full power to administer and enforce this
2 Section; to collect all taxes and penalties so collected in the
3 manner hereinafter provided; and to determine all rights to
4 credit memoranda arising on account of the erroneous payment of
5 tax or penalty hereunder. In the administration of, and
6 compliance with, this Section, the Department and persons who
7 are subject to this Section shall have the same rights,
8 remedies, privileges, immunities, powers and duties, and be
9 subject to the same conditions, restrictions, limitations,
10 penalties, exclusions, exemptions and definitions of terms and
11 employ the same modes of procedure, as are prescribed in
12 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
13 (in respect to all provisions therein other than the State rate
14 of tax), 2c, 3 (except as to the disposition of taxes and
15 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,
16 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
17 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
18 Penalty and Interest Act, as fully as if those provisions were
19 set forth herein.

20 Persons subject to any tax imposed under the Section may
21 reimburse themselves for their seller's tax liability
22 hereunder by separately stating the tax as an additional
23 charge, which charge may be stated in combination, in a single
24 amount, with State taxes that sellers are required to collect
25 under the Use Tax Act, in accordance with such bracket
26 schedules as the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Metro East Mass Transit District tax fund
8 established under paragraph (h) of this Section.

9 If a tax is imposed under this subsection (b), a tax shall
10 also be imposed under subsections (c) and (d) of this Section.

11 For the purpose of determining whether a tax authorized
12 under this Section is applicable, a retail sale, by a producer
13 of coal or other mineral mined in Illinois, is a sale at retail
14 at the place where the coal or other mineral mined in Illinois
15 is extracted from the earth. This paragraph does not apply to
16 coal or other mineral when it is delivered or shipped by the
17 seller to the purchaser at a point outside Illinois so that the
18 sale is exempt under the Federal Constitution as a sale in
19 interstate or foreign commerce.

20 No tax shall be imposed or collected under this subsection
21 on the sale of a motor vehicle in this State to a resident of
22 another state if that motor vehicle will not be titled in this
23 State.

24 Nothing in this Section shall be construed to authorize the
25 Metro East Mass Transit District to impose a tax upon the
26 privilege of engaging in any business which under the

1 Constitution of the United States may not be made the subject
2 of taxation by this State.

3 (c) If a tax has been imposed under subsection (b), a Metro
4 East Mass Transit District Service Occupation Tax shall also be
5 imposed upon all persons engaged, in the district, in the
6 business of making sales of service, who, as an incident to
7 making those sales of service, transfer tangible personal
8 property within the District, either in the form of tangible
9 personal property or in the form of real estate as an incident
10 to a sale of service. The tax rate shall be 1/4%, or as
11 authorized under subsection (d-5) of this Section, of the
12 selling price of tangible personal property so transferred
13 within the district. The tax imposed under this paragraph and
14 all civil penalties that may be assessed as an incident thereof
15 shall be collected and enforced by the State Department of
16 Revenue. The Department shall have full power to administer and
17 enforce this paragraph; to collect all taxes and penalties due
18 hereunder; to dispose of taxes and penalties so collected in
19 the manner hereinafter provided; and to determine all rights to
20 credit memoranda arising on account of the erroneous payment of
21 tax or penalty hereunder. In the administration of, and
22 compliance with this paragraph, the Department and persons who
23 are subject to this paragraph shall have the same rights,
24 remedies, privileges, immunities, powers and duties, and be
25 subject to the same conditions, restrictions, limitations,
26 penalties, exclusions, exemptions and definitions of terms and

1 employ the same modes of procedure as are prescribed in
2 Sections 1a-1, 2 (except that the reference to State in the
3 definition of supplier maintaining a place of business in this
4 State shall mean the Authority), 2a, 3 through 3-50 (in respect
5 to all provisions therein other than the State rate of tax), 4
6 (except that the reference to the State shall be to the
7 Authority), 5, 7, 8 (except that the jurisdiction to which the
8 tax shall be a debt to the extent indicated in that Section 8
9 shall be the District), 9 (except as to the disposition of
10 taxes and penalties collected, and except that the returned
11 merchandise credit for this tax may not be taken against any
12 State tax), 10, 11, 12 (except the reference therein to Section
13 2b of the Retailers' Occupation Tax Act), 13 (except that any
14 reference to the State shall mean the District), the first
15 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
16 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
17 Interest Act, as fully as if those provisions were set forth
18 herein.

19 Persons subject to any tax imposed under the authority
20 granted in this paragraph may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, which charge may be stated in
23 combination, in a single amount, with State tax that servicemen
24 are authorized to collect under the Service Use Tax Act, in
25 accordance with such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this paragraph to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Metro East Mass Transit District tax fund
8 established under paragraph (h) of this Section.

9 Nothing in this paragraph shall be construed to authorize
10 the District to impose a tax upon the privilege of engaging in
11 any business which under the Constitution of the United States
12 may not be made the subject of taxation by the State.

13 (d) If a tax has been imposed under subsection (b), a Metro
14 East Mass Transit District Use Tax shall also be imposed upon
15 the privilege of using, in the district, any item of tangible
16 personal property that is purchased outside the district at
17 retail from a retailer, and that is titled or registered with
18 an agency of this State's government, at a rate of 1/4%, or as
19 authorized under subsection (d-5) of this Section, of the
20 selling price of the tangible personal property within the
21 District, as "selling price" is defined in the Use Tax Act. The
22 tax shall be collected from persons whose Illinois address for
23 titling or registration purposes is given as being in the
24 District. The tax shall be collected by the Department of
25 Revenue for the Metro East Mass Transit District. The tax must
26 be paid to the State, or an exemption determination must be

1 obtained from the Department of Revenue, before the title or
2 certificate of registration for the property may be issued. The
3 tax or proof of exemption may be transmitted to the Department
4 by way of the State agency with which, or the State officer
5 with whom, the tangible personal property must be titled or
6 registered if the Department and the State agency or State
7 officer determine that this procedure will expedite the
8 processing of applications for title or registration.

9 The Department shall have full power to administer and
10 enforce this paragraph; to collect all taxes, penalties and
11 interest due hereunder; to dispose of taxes, penalties and
12 interest so collected in the manner hereinafter provided; and
13 to determine all rights to credit memoranda or refunds arising
14 on account of the erroneous payment of tax, penalty or interest
15 hereunder. In the administration of, and compliance with, this
16 paragraph, the Department and persons who are subject to this
17 paragraph shall have the same rights, remedies, privileges,
18 immunities, powers and duties, and be subject to the same
19 conditions, restrictions, limitations, penalties, exclusions,
20 exemptions and definitions of terms and employ the same modes
21 of procedure, as are prescribed in Sections 2 (except the
22 definition of "retailer maintaining a place of business in this
23 State"), 3 through 3-80 (except provisions pertaining to the
24 State rate of tax, and except provisions concerning collection
25 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
26 19 (except the portions pertaining to claims by retailers and

1 except the last paragraph concerning refunds), 20, 21 and 22 of
2 the Use Tax Act and Section 3-7 of the Uniform Penalty and
3 Interest Act, that are not inconsistent with this paragraph, as
4 fully as if those provisions were set forth herein.

5 Whenever the Department determines that a refund should be
6 made under this paragraph to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified, and to the person named, in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the Metro East Mass Transit District tax fund
12 established under paragraph (h) of this Section.

13 (d-5) (A) The county board of any county participating in
14 the Metro East Mass Transit District may authorize, by
15 ordinance, a referendum on the question of whether the tax
16 rates for the Metro East Mass Transit District Retailers'
17 Occupation Tax, the Metro East Mass Transit District Service
18 Occupation Tax, and the Metro East Mass Transit District Use
19 Tax for the District should be increased from 0.25% to 0.75%.
20 Upon adopting the ordinance, the county board shall certify the
21 proposition to the proper election officials who shall submit
22 the proposition to the voters of the District at the next
23 election, in accordance with the general election law.

24 The proposition shall be in substantially the following
25 form:

26 Shall the tax rates for the Metro East Mass Transit

1 District Retailers' Occupation Tax, the Metro East Mass
2 Transit District Service Occupation Tax, and the Metro East
3 Mass Transit District Use Tax be increased from 0.25% to
4 0.75%?

5 (B) Two thousand five hundred electors of any Metro East
6 Mass Transit District may petition the Chief Judge of the
7 Circuit Court, or any judge of that Circuit designated by the
8 Chief Judge, in which that District is located to cause to be
9 submitted to a vote of the electors the question whether the
10 tax rates for the Metro East Mass Transit District Retailers'
11 Occupation Tax, the Metro East Mass Transit District Service
12 Occupation Tax, and the Metro East Mass Transit District Use
13 Tax for the District should be increased from 0.25% to 0.75%.

14 Upon submission of such petition the court shall set a date
15 not less than 10 nor more than 30 days thereafter for a hearing
16 on the sufficiency thereof. Notice of the filing of such
17 petition and of such date shall be given in writing to the
18 District and the County Clerk at least 7 days before the date
19 of such hearing.

20 If such petition is found sufficient, the court shall enter
21 an order to submit that proposition at the next election, in
22 accordance with general election law.

23 The form of the petition shall be in substantially the
24 following form: To the Circuit Court of the County of (name of
25 county):

26 We, the undersigned electors of the (name of transit

1 district), respectfully petition your honor to submit to a
 2 vote of the electors of (name of transit district) the
 3 following proposition:

4 Shall the tax rates for the Metro East Mass Transit
 5 District Retailers' Occupation Tax, the Metro East Mass
 6 Transit District Service Occupation Tax, and the Metro East
 7 Mass Transit District Use Tax be increased from 0.25% to
 8 0.75%?

9 Name Address, with Street and Number.

10
 11

12 (C) The votes shall be recorded as "YES" or "NO". If a
 13 majority of all votes cast on the proposition are for the
 14 increase in the tax rates, the Metro East Mass Transit District
 15 shall begin imposing the increased rates in the District, and
 16 the Department of Revenue shall begin collecting the increased
 17 amounts, as provided under this Section. An ordinance imposing
 18 or discontinuing a tax hereunder or effecting a change in the
 19 rate thereof shall be adopted and a certified copy thereof
 20 filed with the Department on or before the first day of
 21 October, whereupon the Department shall proceed to administer
 22 and enforce this Section as of the first day of January next
 23 following the adoption and filing, or on or before the first
 24 day of April, whereupon the Department shall proceed to
 25 administer and enforce this Section as of the first day of July
 26 next following the adoption and filing.

1 (D) If the voters have approved a referendum under this
2 subsection, before November 1, 1994, to increase the tax rate
3 under this subsection, the Metro East Mass Transit District
4 Board of Trustees may adopt by a majority vote an ordinance at
5 any time before January 1, 1995 that excludes from the rate
6 increase tangible personal property that is titled or
7 registered with an agency of this State's government. The
8 ordinance excluding titled or registered tangible personal
9 property from the rate increase must be filed with the
10 Department at least 15 days before its effective date. At any
11 time after adopting an ordinance excluding from the rate
12 increase tangible personal property that is titled or
13 registered with an agency of this State's government, the Metro
14 East Mass Transit District Board of Trustees may adopt an
15 ordinance applying the rate increase to that tangible personal
16 property. The ordinance shall be adopted, and a certified copy
17 of that ordinance shall be filed with the Department, on or
18 before October 1, whereupon the Department shall proceed to
19 administer and enforce the rate increase against tangible
20 personal property titled or registered with an agency of this
21 State's government as of the following January 1. After
22 December 31, 1995, any reimposed rate increase in effect under
23 this subsection shall no longer apply to tangible personal
24 property titled or registered with an agency of this State's
25 government. Beginning January 1, 1996, the Board of Trustees of
26 any Metro East Mass Transit District may never reimpose a

1 previously excluded tax rate increase on tangible personal
2 property titled or registered with an agency of this State's
3 government. After July 1, 2004, if the voters have approved a
4 referendum under this subsection to increase the tax rate under
5 this subsection, the Metro East Mass Transit District Board of
6 Trustees may adopt by a majority vote an ordinance that
7 excludes from the rate increase tangible personal property that
8 is titled or registered with an agency of this State's
9 government. The ordinance excluding titled or registered
10 tangible personal property from the rate increase shall be
11 adopted, and a certified copy of that ordinance shall be filed
12 with the Department on or before October 1, whereupon the
13 Department shall administer and enforce this exclusion from the
14 rate increase as of the following January 1, or on or before
15 April 1, whereupon the Department shall administer and enforce
16 this exclusion from the rate increase as of the following July
17 1. The Board of Trustees of any Metro East Mass Transit
18 District may never reimpose a previously excluded tax rate
19 increase on tangible personal property titled or registered
20 with an agency of this State's government.

21 (d-6) If the Board of Trustees of any Metro East Mass
22 Transit District has imposed a rate increase under subsection
23 (d-5) and filed an ordinance with the Department of Revenue
24 excluding titled property from the higher rate, then that Board
25 may, by ordinance adopted with the concurrence of two-thirds of
26 the then trustees, impose throughout the District a fee. The

1 fee on the excluded property shall not exceed \$20 per retail
2 transaction or an amount equal to the amount of tax excluded,
3 whichever is less, on tangible personal property that is titled
4 or registered with an agency of this State's government.
5 Beginning July 1, 2004, the fee shall apply only to titled
6 property that is subject to either the Metro East Mass Transit
7 District Retailers' Occupation Tax or the Metro East Mass
8 Transit District Service Occupation Tax. No fee shall be
9 imposed or collected under this subsection on the sale of a
10 motor vehicle in this State to a resident of another state if
11 that motor vehicle will not be titled in this State.

12 (d-7) Until June 30, 2004, if a fee has been imposed under
13 subsection (d-6), a fee shall also be imposed upon the
14 privilege of using, in the district, any item of tangible
15 personal property that is titled or registered with any agency
16 of this State's government, in an amount equal to the amount of
17 the fee imposed under subsection (d-6).

18 (d-7.1) Beginning July 1, 2004, any fee imposed by the
19 Board of Trustees of any Metro East Mass Transit District under
20 subsection (d-6) and all civil penalties that may be assessed
21 as an incident of the fees shall be collected and enforced by
22 the State Department of Revenue. Reference to "taxes" in this
23 Section shall be construed to apply to the administration,
24 payment, and remittance of all fees under this Section. For
25 purposes of any fee imposed under subsection (d-6), 4% of the
26 fee, penalty, and interest received by the Department in the

1 first 12 months that the fee is collected and enforced by the
2 Department and 2% of the fee, penalty, and interest following
3 the first 12 months shall be deposited into the Tax Compliance
4 and Administration Fund and shall be used by the Department,
5 subject to appropriation, to cover the costs of the Department.
6 No retailers' discount shall apply to any fee imposed under
7 subsection (d-6).

8 (d-8) No item of titled property shall be subject to both
9 the higher rate approved by referendum, as authorized under
10 subsection (d-5), and any fee imposed under subsection (d-6) or
11 (d-7).

12 (d-9) (Blank).

13 (d-10) (Blank).

14 (e) A certificate of registration issued by the State
15 Department of Revenue to a retailer under the Retailers'
16 Occupation Tax Act or under the Service Occupation Tax Act
17 shall permit the registrant to engage in a business that is
18 taxed under the tax imposed under paragraphs (b), (c) or (d) of
19 this Section and no additional registration shall be required
20 under the tax. A certificate issued under the Use Tax Act or
21 the Service Use Tax Act shall be applicable with regard to any
22 tax imposed under paragraph (c) of this Section.

23 (f) (Blank).

24 (g) Any ordinance imposing or discontinuing any tax under
25 this Section shall be adopted and a certified copy thereof
26 filed with the Department on or before June 1, whereupon the

1 Department of Revenue shall proceed to administer and enforce
2 this Section on behalf of the Metro East Mass Transit District
3 as of September 1 next following such adoption and filing.
4 Beginning January 1, 1992, an ordinance or resolution imposing
5 or discontinuing the tax hereunder shall be adopted and a
6 certified copy thereof filed with the Department on or before
7 the first day of July, whereupon the Department shall proceed
8 to administer and enforce this Section as of the first day of
9 October next following such adoption and filing. Beginning
10 January 1, 1993, except as provided in subsection (d-5) of this
11 Section, an ordinance or resolution imposing or discontinuing
12 the tax hereunder shall be adopted and a certified copy thereof
13 filed with the Department on or before the first day of
14 October, whereupon the Department shall proceed to administer
15 and enforce this Section as of the first day of January next
16 following such adoption and filing, or, beginning January 1,
17 2004, on or before the first day of April, whereupon the
18 Department shall proceed to administer and enforce this Section
19 as of the first day of July next following the adoption and
20 filing.

21 (h) Except as provided in subsection (d-7.1), the State
22 Department of Revenue shall, upon collecting any taxes as
23 provided in this Section, pay the taxes over to the State
24 Treasurer as trustee for the District. The taxes shall be held
25 in a trust fund outside the State Treasury.

26 As soon as possible after the first day of each month,

1 beginning January 1, 2011, upon certification of the Department
2 of Revenue, the Comptroller shall order transferred, and the
3 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
4 local sales tax increment, as defined in the Innovation
5 Development and Economy Act, collected under this Section
6 during the second preceding calendar month for sales within a
7 STAR bond district. The Department shall make this
8 certification only if the local mass transit district imposes a
9 tax on real property as provided in the definition of "local
10 sales taxes" under the Innovation Development and Economy Act.

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the State
13 Department of Revenue shall prepare and certify to the
14 Comptroller of the State of Illinois the amount to be paid to
15 the District, which shall be the amount (not including credit
16 memoranda) collected under this Section during the second
17 preceding calendar month by the Department plus an amount the
18 Department determines is necessary to offset any amounts that
19 were erroneously paid to a different taxing body, and not
20 including any amount equal to the amount of refunds made during
21 the second preceding calendar month by the Department on behalf
22 of the District, and not including any amount that the
23 Department determines is necessary to offset any amounts that
24 were payable to a different taxing body but were erroneously
25 paid to the District, ~~then balance in the fund, less any amount~~
26 determined by the Department to be necessary for the payment of

1 ~~refunds,~~ and less any amounts that are transferred to the STAR
2 Bonds Revenue Fund. Within 10 days after receipt by the
3 Comptroller of the certification of the amount to be paid to
4 the District, the Comptroller shall cause an order to be drawn
5 for payment for the amount in accordance with the direction in
6 the certification.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09;
8 96-939, eff. 6-24-10.)

9 Section 20. The Water Commission Act of 1985 is amended by
10 changing Section 4 as follows:

11 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

12 Sec. 4. Taxes.

13 (a) The board of commissioners of any county water
14 commission may, by ordinance, impose throughout the territory
15 of the commission any or all of the taxes provided in this
16 Section for its corporate purposes. However, no county water
17 commission may impose any such tax unless the commission
18 certifies the proposition of imposing the tax to the proper
19 election officials, who shall submit the proposition to the
20 voters residing in the territory at an election in accordance
21 with the general election law, and the proposition has been
22 approved by a majority of those voting on the proposition.

23 The proposition shall be in the form provided in Section 5
24 or shall be substantially in the following form:

1 -----

2 Shall the (insert corporate

3 name of county water commission) YES

4 impose (state type of tax or -----

5 taxes to be imposed) at the NO

6 rate of 1/4%?

7 -----

8 Taxes imposed under this Section and civil penalties
9 imposed incident thereto shall be collected and enforced by the
10 State Department of Revenue. The Department shall have the
11 power to administer and enforce the taxes and to determine all
12 rights for refunds for erroneous payments of the taxes.

13 (b) The board of commissioners may impose a County Water
14 Commission Retailers' Occupation Tax upon all persons engaged
15 in the business of selling tangible personal property at retail
16 in the territory of the commission at a rate of 1/4% of the
17 gross receipts from the sales made in the course of such
18 business within the territory. The tax imposed under this
19 paragraph and all civil penalties that may be assessed as an
20 incident thereof shall be collected and enforced by the State
21 Department of Revenue. The Department shall have full power to
22 administer and enforce this paragraph; to collect all taxes and
23 penalties due hereunder; to dispose of taxes and penalties so
24 collected in the manner hereinafter provided; and to determine
25 all rights to credit memoranda arising on account of the
26 erroneous payment of tax or penalty hereunder. In the

1 administration of, and compliance with, this paragraph, the
2 Department and persons who are subject to this paragraph shall
3 have the same rights, remedies, privileges, immunities, powers
4 and duties, and be subject to the same conditions,
5 restrictions, limitations, penalties, exclusions, exemptions
6 and definitions of terms, and employ the same modes of
7 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
8 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
9 therein other than the State rate of tax except that food for
10 human consumption that is to be consumed off the premises where
11 it is sold (other than alcoholic beverages, soft drinks, and
12 food that has been prepared for immediate consumption) and
13 prescription and nonprescription medicine, drugs, medical
14 appliances and insulin, urine testing materials, syringes, and
15 needles used by diabetics, for human use, shall not be subject
16 to tax hereunder), 2c, 3 (except as to the disposition of taxes
17 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
18 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the
19 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
20 Penalty and Interest Act, as fully as if those provisions were
21 set forth herein.

22 Persons subject to any tax imposed under the authority
23 granted in this paragraph may reimburse themselves for their
24 seller's tax liability hereunder by separately stating the tax
25 as an additional charge, which charge may be stated in
26 combination, in a single amount, with State taxes that sellers

1 are required to collect under the Use Tax Act and under
2 subsection (e) of Section 4.03 of the Regional Transportation
3 Authority Act, in accordance with such bracket schedules as the
4 Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this paragraph to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the warrant to be drawn for the
9 amount specified, and to the person named, in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of a county water commission tax fund established
12 under paragraph (g) of this Section.

13 For the purpose of determining whether a tax authorized
14 under this paragraph is applicable, a retail sale by a producer
15 of coal or other mineral mined in Illinois is a sale at retail
16 at the place where the coal or other mineral mined in Illinois
17 is extracted from the earth. This paragraph does not apply to
18 coal or other mineral when it is delivered or shipped by the
19 seller to the purchaser at a point outside Illinois so that the
20 sale is exempt under the Federal Constitution as a sale in
21 interstate or foreign commerce.

22 If a tax is imposed under this subsection (b) a tax shall
23 also be imposed under subsections (c) and (d) of this Section.

24 No tax shall be imposed or collected under this subsection
25 on the sale of a motor vehicle in this State to a resident of
26 another state if that motor vehicle will not be titled in this

1 State.

2 Nothing in this paragraph shall be construed to authorize a
3 county water commission to impose a tax upon the privilege of
4 engaging in any business which under the Constitution of the
5 United States may not be made the subject of taxation by this
6 State.

7 (c) If a tax has been imposed under subsection (b), a
8 County Water Commission Service Occupation Tax shall also be
9 imposed upon all persons engaged, in the territory of the
10 commission, in the business of making sales of service, who, as
11 an incident to making the sales of service, transfer tangible
12 personal property within the territory. The tax rate shall be
13 1/4% of the selling price of tangible personal property so
14 transferred within the territory. The tax imposed under this
15 paragraph and all civil penalties that may be assessed as an
16 incident thereof shall be collected and enforced by the State
17 Department of Revenue. The Department shall have full power to
18 administer and enforce this paragraph; to collect all taxes and
19 penalties due hereunder; to dispose of taxes and penalties so
20 collected in the manner hereinafter provided; and to determine
21 all rights to credit memoranda arising on account of the
22 erroneous payment of tax or penalty hereunder. In the
23 administration of, and compliance with, this paragraph, the
24 Department and persons who are subject to this paragraph shall
25 have the same rights, remedies, privileges, immunities, powers
26 and duties, and be subject to the same conditions,

1 restrictions, limitations, penalties, exclusions, exemptions
2 and definitions of terms, and employ the same modes of
3 procedure, as are prescribed in Sections 1a-1, 2 (except that
4 the reference to State in the definition of supplier
5 maintaining a place of business in this State shall mean the
6 territory of the commission), 2a, 3 through 3-50 (in respect to
7 all provisions therein other than the State rate of tax except
8 that food for human consumption that is to be consumed off the
9 premises where it is sold (other than alcoholic beverages, soft
10 drinks, and food that has been prepared for immediate
11 consumption) and prescription and nonprescription medicines,
12 drugs, medical appliances and insulin, urine testing
13 materials, syringes, and needles used by diabetics, for human
14 use, shall not be subject to tax hereunder), 4 (except that the
15 reference to the State shall be to the territory of the
16 commission), 5, 7, 8 (except that the jurisdiction to which the
17 tax shall be a debt to the extent indicated in that Section 8
18 shall be the commission), 9 (except as to the disposition of
19 taxes and penalties collected and except that the returned
20 merchandise credit for this tax may not be taken against any
21 State tax), 10, 11, 12 (except the reference therein to Section
22 2b of the Retailers' Occupation Tax Act), 13 (except that any
23 reference to the State shall mean the territory of the
24 commission), the first paragraph of Section 15, 15.5, 16, 17,
25 18, 19 and 20 of the Service Occupation Tax Act as fully as if
26 those provisions were set forth herein.

1 Persons subject to any tax imposed under the authority
2 granted in this paragraph may reimburse themselves for their
3 serviceman's tax liability hereunder by separately stating the
4 tax as an additional charge, which charge may be stated in
5 combination, in a single amount, with State tax that servicemen
6 are authorized to collect under the Service Use Tax Act, and
7 any tax for which servicemen may be liable under subsection (f)
8 of Sec. 4.03 of the Regional Transportation Authority Act, in
9 accordance with such bracket schedules as the Department may
10 prescribe.

11 Whenever the Department determines that a refund should be
12 made under this paragraph to a claimant instead of issuing a
13 credit memorandum, the Department shall notify the State
14 Comptroller, who shall cause the warrant to be drawn for the
15 amount specified, and to the person named, in the notification
16 from the Department. The refund shall be paid by the State
17 Treasurer out of a county water commission tax fund established
18 under paragraph (g) of this Section.

19 Nothing in this paragraph shall be construed to authorize a
20 county water commission to impose a tax upon the privilege of
21 engaging in any business which under the Constitution of the
22 United States may not be made the subject of taxation by the
23 State.

24 (d) If a tax has been imposed under subsection (b), a tax
25 shall also imposed upon the privilege of using, in the
26 territory of the commission, any item of tangible personal

1 property that is purchased outside the territory at retail from
2 a retailer, and that is titled or registered with an agency of
3 this State's government, at a rate of 1/4% of the selling price
4 of the tangible personal property within the territory, as
5 "selling price" is defined in the Use Tax Act. The tax shall be
6 collected from persons whose Illinois address for titling or
7 registration purposes is given as being in the territory. The
8 tax shall be collected by the Department of Revenue for a
9 county water commission. The tax must be paid to the State, or
10 an exemption determination must be obtained from the Department
11 of Revenue, before the title or certificate of registration for
12 the property may be issued. The tax or proof of exemption may
13 be transmitted to the Department by way of the State agency
14 with which, or the State officer with whom, the tangible
15 personal property must be titled or registered if the
16 Department and the State agency or State officer determine that
17 this procedure will expedite the processing of applications for
18 title or registration.

19 The Department shall have full power to administer and
20 enforce this paragraph; to collect all taxes, penalties and
21 interest due hereunder; to dispose of taxes, penalties and
22 interest so collected in the manner hereinafter provided; and
23 to determine all rights to credit memoranda or refunds arising
24 on account of the erroneous payment of tax, penalty or interest
25 hereunder. In the administration of, and compliance with this
26 paragraph, the Department and persons who are subject to this

1 paragraph shall have the same rights, remedies, privileges,
2 immunities, powers and duties, and be subject to the same
3 conditions, restrictions, limitations, penalties, exclusions,
4 exemptions and definitions of terms and employ the same modes
5 of procedure, as are prescribed in Sections 2 (except the
6 definition of "retailer maintaining a place of business in this
7 State"), 3 through 3-80 (except provisions pertaining to the
8 State rate of tax, and except provisions concerning collection
9 or refunding of the tax by retailers, and except that food for
10 human consumption that is to be consumed off the premises where
11 it is sold (other than alcoholic beverages, soft drinks, and
12 food that has been prepared for immediate consumption) and
13 prescription and nonprescription medicines, drugs, medical
14 appliances and insulin, urine testing materials, syringes, and
15 needles used by diabetics, for human use, shall not be subject
16 to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the
17 portions pertaining to claims by retailers and except the last
18 paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act
19 and Section 3-7 of the Uniform Penalty and Interest Act that
20 are not inconsistent with this paragraph, as fully as if those
21 provisions were set forth herein.

22 Whenever the Department determines that a refund should be
23 made under this paragraph to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the order to be drawn for the
26 amount specified, and to the person named, in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of a county water commission tax fund established
3 under paragraph (g) of this Section.

4 (e) A certificate of registration issued by the State
5 Department of Revenue to a retailer under the Retailers'
6 Occupation Tax Act or under the Service Occupation Tax Act
7 shall permit the registrant to engage in a business that is
8 taxed under the tax imposed under paragraphs (b), (c) or (d) of
9 this Section and no additional registration shall be required
10 under the tax. A certificate issued under the Use Tax Act or
11 the Service Use Tax Act shall be applicable with regard to any
12 tax imposed under paragraph (c) of this Section.

13 (f) Any ordinance imposing or discontinuing any tax under
14 this Section shall be adopted and a certified copy thereof
15 filed with the Department on or before June 1, whereupon the
16 Department of Revenue shall proceed to administer and enforce
17 this Section on behalf of the county water commission as of
18 September 1 next following the adoption and filing. Beginning
19 January 1, 1992, an ordinance or resolution imposing or
20 discontinuing the tax hereunder shall be adopted and a
21 certified copy thereof filed with the Department on or before
22 the first day of July, whereupon the Department shall proceed
23 to administer and enforce this Section as of the first day of
24 October next following such adoption and filing. Beginning
25 January 1, 1993, an ordinance or resolution imposing or
26 discontinuing the tax hereunder shall be adopted and a

1 certified copy thereof filed with the Department on or before
2 the first day of October, whereupon the Department shall
3 proceed to administer and enforce this Section as of the first
4 day of January next following such adoption and filing.

5 (g) The State Department of Revenue shall, upon collecting
6 any taxes as provided in this Section, pay the taxes over to
7 the State Treasurer as trustee for the commission. The taxes
8 shall be held in a trust fund outside the State Treasury.

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

17 After the monthly transfer to the STAR Bonds Revenue Fund,
18 on or before the 25th day of each calendar month, the State
19 Department of Revenue shall prepare and certify to the
20 Comptroller of the State of Illinois the amount to be paid to
21 the commission, which shall be the amount (not including credit
22 memoranda) collected under this Section during the second
23 preceding calendar month by the Department plus an amount the
24 Department determines is necessary to offset any amounts that
25 were erroneously paid to a different taxing body, and not
26 including any amount equal to the amount of refunds made during

1 the second preceding calendar month by the Department on behalf
2 of the commission, and not including any amount that the
3 Department determines is necessary to offset any amounts that
4 were payable to a different taxing body but were erroneously
5 paid to the commission, ~~then balance in the fund, less any~~
6 amount determined by the Department to be necessary for the
7 payment of refunds, and less any amounts that are transferred
8 to the STAR Bonds Revenue Fund. Within 10 days after receipt by
9 the Comptroller of the certification of the amount to be paid
10 to the commission, the Comptroller shall cause an order to be
11 drawn for the payment for the amount in accordance with the
12 direction in the certification.

13 (h) Beginning June 1, 2016, any tax imposed pursuant to
14 this Section may no longer be imposed or collected, unless a
15 continuation of the tax is approved by the voters at a
16 referendum as set forth in this Section.

17 (Source: P.A. 96-939, eff. 6-24-10; 96-1389, eff. 7-29-10;
18 97-333, eff. 8-12-11.)

19 Section 25. The Senior Citizens Real Estate Tax Deferral
20 Act is amended by changing Section 5 as follows:

21 (320 ILCS 30/5) (from Ch. 67 1/2, par. 455)

22 Sec. 5. The county collector shall note on his books each
23 claim for deferral of real estate taxes which meets the
24 requirements of Section 3 and, when taxes are extended, shall

1 send to the Department the tax bills, including special
2 assessment bills forwarded to the county collector under
3 Section 3, on all tax deferred property in that collector's
4 county. Unless there is a shortfall in the appropriation or the
5 Senior Citizens Real Estate Tax Revolving Fund balance, at
6 which time the payments will be made when there is sufficient
7 appropriation authority or sufficient fund balance, the ~~The~~
8 Department shall then pay by June 1 or within 30 days of the
9 receipt of these tax bills, whichever is later, to the county
10 collector, for distribution to the taxing bodies in his county,
11 the total amount of taxes so deferred. The Department shall
12 make these payments from the Senior Citizens Real Estate
13 Deferred Tax Revolving Fund.

14 (Source: P.A. 84-807.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.