



Sen. John M. Sullivan

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09900HB0220sam001

LRB099 03556 HLH 35435 a

1 AMENDMENT TO HOUSE BILL 220

2 AMENDMENT NO. _____. Amend House Bill 220 by inserting the
3 following immediately below the enacting clause:

4 "Section 3. The Counties Code is amended by changing
5 Section 5-1006.5 as follows:

6 (55 ILCS 5/5-1006.5)

7 Sec. 5-1006.5. Special County Retailers' Occupation Tax
8 For Public Safety, Public Facilities, or Transportation.

9 (a) The county board of any county may impose a tax upon
10 all persons engaged in the business of selling tangible
11 personal property, other than personal property titled or
12 registered with an agency of this State's government, at retail
13 in the county on the gross receipts from the sales made in the
14 course of business to provide revenue to be used exclusively
15 for public safety, public facility, or transportation purposes
16 in that county, if a proposition for the tax has been submitted

1 to the electors of that county and approved by a majority of
2 those voting on the question. If imposed, this tax shall be
3 imposed only in one-quarter percent increments. By resolution,
4 the county board may order the proposition to be submitted at
5 any election. If the tax is imposed for transportation purposes
6 for expenditures for public highways or as authorized under the
7 Illinois Highway Code, the county board must publish notice of
8 the existence of its long-range highway transportation plan as
9 required or described in Section 5-301 of the Illinois Highway
10 Code and must make the plan publicly available prior to
11 approval of the ordinance or resolution imposing the tax. If
12 the tax is imposed for transportation purposes for expenditures
13 for passenger rail transportation, the county board must
14 publish notice of the existence of its long-range passenger
15 rail transportation plan and must make the plan publicly
16 available prior to approval of the ordinance or resolution
17 imposing the tax.

18 If a tax is imposed for public facilities purposes, then
19 the name of the project may be included in the proposition at
20 the discretion of the county board as determined in the
21 enabling resolution. For example, the "XXX Nursing Home" or the
22 "YYY Museum".

23 The county clerk shall certify the question to the proper
24 election authority, who shall submit the proposition at an
25 election in accordance with the general election law.

26 (1) The proposition for public safety purposes shall be

1 in substantially the following form:

2 "To pay for public safety purposes, shall (name of
3 county) be authorized to impose an increase on its share of
4 local sales taxes by (insert rate)?"

5 As additional information on the ballot below the
6 question shall appear the following:

7 "This would mean that a consumer would pay an
8 additional (insert amount) in sales tax for every \$100 of
9 tangible personal property bought at retail."

10 The county board may also opt to establish a sunset
11 provision at which time the additional sales tax would
12 cease being collected, if not terminated earlier by a vote
13 of the county board. If the county board votes to include a
14 sunset provision, the proposition for public safety
15 purposes shall be in substantially the following form:

16 "To pay for public safety purposes, shall (name of
17 county) be authorized to impose an increase on its share of
18 local sales taxes by (insert rate) for a period not to
19 exceed (insert number of years)?"

20 As additional information on the ballot below the
21 question shall appear the following:

22 "This would mean that a consumer would pay an
23 additional (insert amount) in sales tax for every \$100 of
24 tangible personal property bought at retail. If imposed,
25 the additional tax would cease being collected at the end
26 of (insert number of years), if not terminated earlier by a

1 vote of the county board."

2 For the purposes of the paragraph, "public safety
3 purposes" means crime prevention, detention, fire
4 fighting, police, medical, ambulance, or other emergency
5 services.

6 Votes shall be recorded as "Yes" or "No".

7 Beginning on July 1, 2015, Adams County may impose a public
8 safety retailers' occupation tax and service occupation tax at
9 the rate of 0.25%, as provided in the referendum approved by
10 the voters on April 7, 2015, notwithstanding the omission of
11 the additional information that is otherwise required to be
12 printed on the ballot below the question pursuant to this item
13 (1).

14 (2) The proposition for transportation purposes shall
15 be in substantially the following form:

16 "To pay for improvements to roads and other
17 transportation purposes, shall (name of county) be
18 authorized to impose an increase on its share of local
19 sales taxes by (insert rate)?"

20 As additional information on the ballot below the
21 question shall appear the following:

22 "This would mean that a consumer would pay an
23 additional (insert amount) in sales tax for every \$100 of
24 tangible personal property bought at retail."

25 The county board may also opt to establish a sunset
26 provision at which time the additional sales tax would

1 cease being collected, if not terminated earlier by a vote
2 of the county board. If the county board votes to include a
3 sunset provision, the proposition for transportation
4 purposes shall be in substantially the following form:

5 "To pay for road improvements and other transportation
6 purposes, shall (name of county) be authorized to impose an
7 increase on its share of local sales taxes by (insert rate)
8 for a period not to exceed (insert number of years)?"

9 As additional information on the ballot below the
10 question shall appear the following:

11 "This would mean that a consumer would pay an
12 additional (insert amount) in sales tax for every \$100 of
13 tangible personal property bought at retail. If imposed,
14 the additional tax would cease being collected at the end
15 of (insert number of years), if not terminated earlier by a
16 vote of the county board."

17 For the purposes of this paragraph, transportation
18 purposes means construction, maintenance, operation, and
19 improvement of public highways, any other purpose for which
20 a county may expend funds under the Illinois Highway Code,
21 and passenger rail transportation.

22 The votes shall be recorded as "Yes" or "No".

23 (3) The proposition for public facilities purposes
24 shall be in substantially the following form:

25 "To pay for public facilities purposes, shall (name of
26 county) be authorized to impose an increase on its share of

1 local sales taxes by (insert rate)?"

2 As additional information on the ballot below the
3 question shall appear the following:

4 "This would mean that a consumer would pay an
5 additional (insert amount) in sales tax for every \$100 of
6 tangible personal property bought at retail."

7 The county board may also opt to establish a sunset
8 provision at which time the additional sales tax would
9 cease being collected, if not terminated earlier by a vote
10 of the county board. If the county board votes to include a
11 sunset provision, the proposition for public facilities
12 purposes shall be in substantially the following form:

13 "To pay for public facilities purposes, shall (name of
14 county) be authorized to impose an increase on its share of
15 local sales taxes by (insert rate) for a period not to
16 exceed (insert number of years)?"

17 As additional information on the ballot below the
18 question shall appear the following:

19 "This would mean that a consumer would pay an
20 additional (insert amount) in sales tax for every \$100 of
21 tangible personal property bought at retail. If imposed,
22 the additional tax would cease being collected at the end
23 of (insert number of years), if not terminated earlier by a
24 vote of the county board."

25 For purposes of this Section, "public facilities
26 purposes" means the acquisition, development,

1 construction, reconstruction, rehabilitation, improvement,
2 financing, architectural planning, and installation of
3 capital facilities consisting of buildings, structures,
4 and durable equipment and for the acquisition and
5 improvement of real property and interest in real property
6 required, or expected to be required, in connection with
7 the public facilities, for use by the county for the
8 furnishing of governmental services to its citizens,
9 including but not limited to museums and nursing homes.

10 The votes shall be recorded as "Yes" or "No".

11 If a majority of the electors voting on the proposition
12 vote in favor of it, the county may impose the tax. A county
13 may not submit more than one proposition authorized by this
14 Section to the electors at any one time.

15 This additional tax may not be imposed on the sales of food
16 for human consumption that is to be consumed off the premises
17 where it is sold (other than alcoholic beverages, soft drinks,
18 and food which has been prepared for immediate consumption) and
19 prescription and non-prescription medicines, drugs, medical
20 appliances and insulin, urine testing materials, syringes, and
21 needles used by diabetics. The tax imposed by a county under
22 this Section and all civil penalties that may be assessed as an
23 incident of the tax shall be collected and enforced by the
24 Illinois Department of Revenue and deposited into a special
25 fund created for that purpose. The certificate of registration
26 that is issued by the Department to a retailer under the

1 Retailers' Occupation Tax Act shall permit the retailer to
2 engage in a business that is taxable without registering
3 separately with the Department under an ordinance or resolution
4 under this Section. The Department has full power to administer
5 and enforce this Section, to collect all taxes and penalties
6 due under this Section, to dispose of taxes and penalties so
7 collected in the manner provided in this Section, and to
8 determine all rights to credit memoranda arising on account of
9 the erroneous payment of a tax or penalty under this Section.
10 In the administration of and compliance with this Section, the
11 Department and persons who are subject to this Section shall
12 (i) have the same rights, remedies, privileges, immunities,
13 powers, and duties, (ii) be subject to the same conditions,
14 restrictions, limitations, penalties, and definitions of
15 terms, and (iii) employ the same modes of procedure as are
16 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
17 1n, 2 through 2-70 (in respect to all provisions contained in
18 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
19 (except provisions relating to transaction returns and quarter
20 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
21 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of
22 the Retailers' Occupation Tax Act and Section 3-7 of the
23 Uniform Penalty and Interest Act as if those provisions were
24 set forth in this Section.

25 Persons subject to any tax imposed under the authority
26 granted in this Section may reimburse themselves for their

1 sellers' tax liability by separately stating the tax as an
2 additional charge, which charge may be stated in combination,
3 in a single amount, with State tax which sellers are required
4 to collect under the Use Tax Act, pursuant to such bracketed
5 schedules as the Department may prescribe.

6 Whenever the Department determines that a refund should be
7 made under this Section to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified and to the person named in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the County Public Safety or Transportation
13 Retailers' Occupation Tax Fund.

14 (b) If a tax has been imposed under subsection (a), a
15 service occupation tax shall also be imposed at the same rate
16 upon all persons engaged, in the county, in the business of
17 making sales of service, who, as an incident to making those
18 sales of service, transfer tangible personal property within
19 the county as an incident to a sale of service. This tax may
20 not be imposed on sales of food for human consumption that is
21 to be consumed off the premises where it is sold (other than
22 alcoholic beverages, soft drinks, and food prepared for
23 immediate consumption) and prescription and non-prescription
24 medicines, drugs, medical appliances and insulin, urine
25 testing materials, syringes, and needles used by diabetics. The
26 tax imposed under this subsection and all civil penalties that

1 may be assessed as an incident thereof shall be collected and
2 enforced by the Department of Revenue. The Department has full
3 power to administer and enforce this subsection; to collect all
4 taxes and penalties due hereunder; to dispose of taxes and
5 penalties so collected in the manner hereinafter provided; and
6 to determine all rights to credit memoranda arising on account
7 of the erroneous payment of tax or penalty hereunder. In the
8 administration of, and compliance with this subsection, the
9 Department and persons who are subject to this paragraph shall
10 (i) have the same rights, remedies, privileges, immunities,
11 powers, and duties, (ii) be subject to the same conditions,
12 restrictions, limitations, penalties, exclusions, exemptions,
13 and definitions of terms, and (iii) employ the same modes of
14 procedure as are prescribed in Sections 2 (except that the
15 reference to State in the definition of supplier maintaining a
16 place of business in this State shall mean the county), 2a, 2b,
17 2c, 3 through 3-50 (in respect to all provisions therein other
18 than the State rate of tax), 4 (except that the reference to
19 the State shall be to the county), 5, 7, 8 (except that the
20 jurisdiction to which the tax shall be a debt to the extent
21 indicated in that Section 8 shall be the county), 9 (except as
22 to the disposition of taxes and penalties collected), 10, 11,
23 12 (except the reference therein to Section 2b of the
24 Retailers' Occupation Tax Act), 13 (except that any reference
25 to the State shall mean the county), Section 15, 16, 17, 18, 19
26 and 20 of the Service Occupation Tax Act and Section 3-7 of the

1 Uniform Penalty and Interest Act, as fully as if those
2 provisions were set forth herein.

3 Persons subject to any tax imposed under the authority
4 granted in this subsection may reimburse themselves for their
5 serviceman's tax liability by separately stating the tax as an
6 additional charge, which charge may be stated in combination,
7 in a single amount, with State tax that servicemen are
8 authorized to collect under the Service Use Tax 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 subsection 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 the County Public Safety or Transportation
18 Retailers' Occupation Fund.

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

23 (c) The Department shall immediately pay over to the State
24 Treasurer, ex officio, as trustee, all taxes and penalties
25 collected under this Section to be deposited into the County
26 Public Safety or Transportation Retailers' Occupation Tax

1 Fund, which shall be an unappropriated trust fund held outside
2 of the State treasury.

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

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to the counties from which
15 retailers have paid taxes or penalties to the Department during
16 the second preceding calendar month. The amount to be paid to
17 each county, and deposited by the county into its special fund
18 created for the purposes of this Section, shall be the amount
19 (not including credit memoranda) collected under this Section
20 during the second preceding calendar month by the Department
21 plus an amount the Department determines is necessary to offset
22 any amounts that were erroneously paid to a different taxing
23 body, and not including (i) an amount equal to the amount of
24 refunds made during the second preceding calendar month by the
25 Department on behalf of the county, (ii) any amount that the
26 Department determines is necessary to offset any amounts that

1 were payable to a different taxing body but were erroneously
2 paid to the county, and (iii) any amounts that are transferred
3 to the STAR Bonds Revenue Fund. Within 10 days after receipt by
4 the Comptroller of the disbursement certification to the
5 counties provided for in this Section to be given to the
6 Comptroller by the Department, the Comptroller shall cause the
7 orders to be drawn for the respective amounts in accordance
8 with directions contained in the certification.

9 In addition to the disbursement required by the preceding
10 paragraph, an allocation shall be made in March of each year to
11 each county that received more than \$500,000 in disbursements
12 under the preceding paragraph in the preceding calendar year.
13 The allocation shall be in an amount equal to the average
14 monthly distribution made to each such county under the
15 preceding paragraph during the preceding calendar year
16 (excluding the 2 months of highest receipts). The distribution
17 made in March of each year subsequent to the year in which an
18 allocation was made pursuant to this paragraph and the
19 preceding paragraph shall be reduced by the amount allocated
20 and disbursed under this paragraph in the preceding calendar
21 year. The Department shall prepare and certify to the
22 Comptroller for disbursement the allocations made in
23 accordance with this paragraph.

24 A county may direct, by ordinance, that all or a portion of
25 the taxes and penalties collected under the Special County
26 Retailers' Occupation Tax For Public Safety or Transportation

1 be deposited into the Transportation Development Partnership
2 Trust Fund.

3 (d) For the purpose of determining the local governmental
4 unit whose tax is applicable, a retail sale by a producer of
5 coal or another mineral mined in Illinois is a sale at retail
6 at the place where the coal or other mineral mined in Illinois
7 is extracted from the earth. This paragraph does not apply to
8 coal or another mineral when it is delivered or shipped by the
9 seller to the purchaser at a point outside Illinois so that the
10 sale is exempt under the United States Constitution as a sale
11 in interstate or foreign commerce.

12 (e) Nothing in this Section shall be construed to authorize
13 a county to impose a tax upon the privilege of engaging in any
14 business that under the Constitution of the United States may
15 not be made the subject of taxation by this State.

16 (e-5) If a county imposes a tax under this Section, the
17 county board may, by ordinance, discontinue or lower the rate
18 of the tax. If the county board lowers the tax rate or
19 discontinues the tax, a referendum must be held in accordance
20 with subsection (a) of this Section in order to increase the
21 rate of the tax or to reimpose the discontinued tax.

22 (f) Beginning April 1, 1998 and through December 31, 2013,
23 the results of any election authorizing a proposition to impose
24 a tax under this Section or effecting a change in the rate of
25 tax, or any ordinance lowering the rate or discontinuing the
26 tax, shall be certified by the county clerk and filed with the

1 Illinois Department of Revenue either (i) on or before the
2 first day of April, whereupon the Department shall proceed to
3 administer and enforce the tax as of the first day of July next
4 following the filing; or (ii) on or before the first day of
5 October, whereupon the Department shall proceed to administer
6 and enforce the tax as of the first day of January next
7 following the filing.

8 Beginning January 1, 2014, the results of any election
9 authorizing a proposition to impose a tax under this Section or
10 effecting an increase in the rate of tax, along with the
11 ordinance adopted to impose the tax or increase the rate of the
12 tax, or any ordinance adopted to lower the rate or discontinue
13 the tax, shall be certified by the county clerk and filed with
14 the Illinois Department of Revenue either (i) on or before the
15 first day of May, whereupon the Department shall proceed to
16 administer and enforce the tax as of the first day of July next
17 following the adoption and filing; or (ii) on or before the
18 first day of October, whereupon the Department shall proceed to
19 administer and enforce the tax as of the first day of January
20 next following the adoption and filing.

21 (g) When certifying the amount of a monthly disbursement to
22 a county under this Section, the Department shall increase or
23 decrease the amounts by an amount necessary to offset any
24 miscalculation of previous disbursements. The offset amount
25 shall be the amount erroneously disbursed within the previous 6
26 months from the time a miscalculation is discovered.

1 (h) This Section may be cited as the "Special County
2 Occupation Tax For Public Safety, Public Facilities, or
3 Transportation Law".

4 (i) For purposes of this Section, "public safety" includes,
5 but is not limited to, crime prevention, detention, fire
6 fighting, police, medical, ambulance, or other emergency
7 services. The county may share tax proceeds received under this
8 Section for public safety purposes, including proceeds
9 received before August 4, 2009 (the effective date of Public
10 Act 96-124), with any fire protection district located in the
11 county. For the purposes of this Section, "transportation"
12 includes, but is not limited to, the construction, maintenance,
13 operation, and improvement of public highways, any other
14 purpose for which a county may expend funds under the Illinois
15 Highway Code, and passenger rail transportation. For the
16 purposes of this Section, "public facilities purposes"
17 includes, but is not limited to, the acquisition, development,
18 construction, reconstruction, rehabilitation, improvement,
19 financing, architectural planning, and installation of capital
20 facilities consisting of buildings, structures, and durable
21 equipment and for the acquisition and improvement of real
22 property and interest in real property required, or expected to
23 be required, in connection with the public facilities, for use
24 by the county for the furnishing of governmental services to
25 its citizens, including but not limited to museums and nursing
26 homes.

1 (j) The Department may promulgate rules to implement Public
2 Act 95-1002 only to the extent necessary to apply the existing
3 rules for the Special County Retailers' Occupation Tax for
4 Public Safety to this new purpose for public facilities.
5 (Source: P.A. 98-584, eff. 8-27-13.)".