

# HB3492



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB3492**

by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

35 ILCS 145/6

from Ch. 120, par. 481b.36

Amends the Hotel Operators' Occupation Tax Act. Provides that certain certified amounts of the proceeds from the tax shall be deposited into the Tourism Promotion Fund. Provides that those moneys shall be used by the municipality in which a local convention center is located to reimburse the local convention center for the amount of qualified incentives provided by the convention center. Effective immediately.

LRB099 11022 HLH 31397 b

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 Hotel Operators' Occupation Tax Act is  
5 amended by changing Section 6 as follows:

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

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

12 1. The name of the operator;

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

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

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

1 preceding calendar month;

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

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

7 7. The amount of tax due;

8 8. Such other reasonable information as the Department  
9 may require.

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

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

24 Such quarter annual and annual returns, as to form and  
25 substance, shall be subject to the same requirements as monthly  
26 returns.

1           Notwithstanding any other provision in this Act concerning  
2 the time within which an operator may file his return, in the  
3 case of any operator who ceases to engage in a kind of business  
4 which makes him responsible for filing returns under this Act,  
5 such operator shall file a final return under this Act with the  
6 Department not more than 1 month after discontinuing such  
7 business.

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

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

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

24           The person filing the return herein provided for shall, at  
25 the time of filing such return, pay to the Department the  
26 amount of tax herein imposed. The operator filing the return

1 under this Section shall, at the time of filing such return,  
2 pay to the Department the amount of tax imposed by this Act  
3 less a discount of 2.1% or \$25 per calendar year, whichever is  
4 greater, which is allowed to reimburse the operator for the  
5 expenses incurred in keeping records, preparing and filing  
6 returns, remitting the tax and supplying data to the Department  
7 on request.

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

1 deposits for prior months. (The deposits of the additional  
2 \$8,000,000 or the then applicable Advance Amount, as  
3 applicable, during each fiscal year shall be treated as  
4 advances of funds to the Illinois Sports Facilities Authority  
5 for its corporate purposes to the extent paid to the Authority  
6 or its trustee and shall be repaid into the General Revenue  
7 Fund in the State Treasury by the State Treasurer on behalf of  
8 the Authority pursuant to Section 19 of the Illinois Sports  
9 Facilities Authority Act, as amended. If in any fiscal year the  
10 full amount of the then applicable Advance Amount is not repaid  
11 into the General Revenue Fund, then the deficiency shall be  
12 paid from the amount in the Local Government Distributive Fund  
13 that would otherwise be allocated to the City of Chicago under  
14 the State Revenue Sharing Act.)

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

20 Notwithstanding any other provision of law, beginning on  
21 January 1, 2016 and through December 31, 2021, by the fifteenth  
22 day of each month, the mayor of each municipality where a local  
23 convention center is located shall certify to the Department  
24 the amount of any qualified incentives provided by the local  
25 convention center during the previous month; however, in no  
26 event may the certified amount submitted on behalf of any local

1 convention center exceed \$1,000,000 in any calendar year. Of  
2 the remaining 60% of the amount of total net proceeds from the  
3 tax imposed by subsection (a) of Section 3 after all required  
4 deposits into the Illinois Sports Facilities Fund have been  
5 made, the Department shall deposit the certified amount into  
6 the Tourism Promotion Fund. Moneys deposited into the Tourism  
7 Promotion Fund under this paragraph shall be used by the  
8 municipality in which the local convention center is located to  
9 reimburse the local convention center for the amount of  
10 qualified incentives provided by the convention center. For the  
11 purposes of this paragraph, "local convention center" means a  
12 convention center, located within Illinois, with contiguous  
13 exhibition space ranging between 50,000 and 125,000 square  
14 feet. For the purposes of this paragraph, "qualified incentive"  
15 means an incentive provided for a convention, meeting, or trade  
16 show that, but for the incentive, would not have occurred in  
17 the State or been retained in the State.

18 Of the remaining 60% of the amount of total net proceeds  
19 prior to August 1, 2011 from the tax imposed by subsection (a)  
20 of Section 3 after all required deposits in the Illinois Sports  
21 Facilities Fund, the amount equal to 8% of the net revenue  
22 realized from this Act plus an amount equal to 8% of the net  
23 revenue realized from any tax imposed under Section 4.05 of the  
24 Chicago World's Fair-1992 Authority Act during the preceding  
25 month shall be deposited in the Local Tourism Fund each month  
26 for purposes authorized by Section 605-705 of the Department of

1 Commerce and Economic Opportunity Law (20 ILCS 605/605-705). Of  
2 the remaining 60% of the amount of total net proceeds beginning  
3 on August 1, 2011 from the tax imposed by subsection (a) of  
4 Section 3 after all required deposits in the Illinois Sports  
5 Facilities Fund, an amount equal to 8% of the net revenue  
6 realized from this Act plus an amount equal to 8% of the net  
7 revenue realized from any tax imposed under Section 4.05 of the  
8 Chicago World's Fair-1992 Authority Act during the preceding  
9 month shall be deposited as follows: 18% of such amount shall  
10 be deposited into the Chicago Travel Industry Promotion Fund  
11 for the purposes described in subsection (n) of Section 5 of  
12 the Metropolitan Pier and Exposition Authority Act and the  
13 remaining 82% of such amount shall be deposited into the Local  
14 Tourism Fund each month for purposes authorized by Section  
15 605-705 of the Department of Commerce and Economic Opportunity  
16 Law. Beginning on August 1, 1999 and ending on July 31, 2011,  
17 an amount equal to 4.5% of the net revenue realized from the  
18 Hotel Operators' Occupation Tax Act during the preceding month  
19 shall be deposited into the International Tourism Fund for the  
20 purposes authorized in Section 605-707 of the Department of  
21 Commerce and Economic Opportunity Law. Beginning on August 1,  
22 2011, an amount equal to 4.5% of the net revenue realized from  
23 this Act during the preceding month shall be deposited as  
24 follows: 55% of such amount shall be deposited into the Chicago  
25 Travel Industry Promotion Fund for the purposes described in  
26 subsection (n) of Section 5 of the Metropolitan Pier and



1 Exposition Authority Act and the remaining 45% of such amount  
2 deposited into the International Tourism Fund for the purposes  
3 authorized in Section 605-707 of the Department of Commerce and  
4 Economic Opportunity Law. "Net revenue realized for a month"  
5 means the revenue collected by the State under that Act during  
6 the previous month less the amount paid out during that same  
7 month as refunds to taxpayers for overpayment of liability  
8 under that Act.

9 After making all these deposits, all other proceeds of the  
10 tax imposed under subsection (a) of Section 3 shall be  
11 deposited in the General Revenue Fund in the State Treasury.  
12 All moneys received by the Department from the additional tax  
13 imposed under subsection (b) of Section 3 shall be deposited  
14 into the Build Illinois Fund in the State Treasury.

15 The Department may, upon separate written notice to a  
16 taxpayer, require the taxpayer to prepare and file with the  
17 Department on a form prescribed by the Department within not  
18 less than 60 days after receipt of the notice an annual  
19 information return for the tax year specified in the notice.  
20 Such annual return to the Department shall include a statement  
21 of gross receipts as shown by the operator's last State income  
22 tax return. If the total receipts of the business as reported  
23 in the State income tax return do not agree with the gross  
24 receipts reported to the Department for the same period, the  
25 operator shall attach to his annual information return a  
26 schedule showing a reconciliation of the 2 amounts and the

1 reasons for the difference. The operator's annual information  
2 return to the Department shall also disclose pay roll  
3 information of the operator's business during the year covered  
4 by such return and any additional reasonable information which  
5 the Department deems would be helpful in determining the  
6 accuracy of the monthly, quarterly or annual tax returns by  
7 such operator as hereinbefore provided for in this Section.

8 If the annual information return required by this Section  
9 is not filed when and as required the taxpayer shall be liable  
10 for a penalty in an amount determined in accordance with  
11 Section 3-4 of the Uniform Penalty and Interest Act until such  
12 return is filed as required, the penalty to be assessed and  
13 collected in the same manner as any other penalty provided for  
14 in this Act.

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

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

1 (Source: P.A. 97-617, eff. 10-26-11.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.