



Rep. Joe Sosnowski

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09900HB5712ham001

LRB099 16812 AWJ 46427 a

1 AMENDMENT TO HOUSE BILL 5712

2 AMENDMENT NO. _____. Amend House Bill 5712 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-1006.5 and 5-1006.7 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. If imposed,
4 this tax shall be imposed for a period of not less than 5 years
5 but not more than 23 years, if not terminated earlier by a vote
6 of the county board. By resolution, the county board may order
7 the proposition to be submitted at any election. If the tax is
8 imposed for transportation purposes for expenditures for
9 public highways or as authorized under the Illinois Highway
10 Code, the county board must publish notice of the existence of
11 its long-range highway transportation plan as required or
12 described in Section 5-301 of the Illinois Highway Code and
13 must make the plan publicly available prior to approval of the
14 ordinance or resolution imposing the tax. If the tax is imposed
15 for transportation purposes for expenditures for passenger
16 rail transportation, the county board must publish notice of
17 the existence of its long-range passenger rail transportation
18 plan and must make the plan publicly available prior to
19 approval of the ordinance or resolution imposing the tax.

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

25 The county clerk shall certify the question to the proper
26 election authority, who shall submit the proposition at an

1 election in accordance with the general election law.

2 (1) ~~The proposition for public safety purposes shall be~~
3 ~~in substantially the following form:~~

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

7 ~~As additional information on the ballot below the~~
8 ~~question shall appear the following:~~

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

12 For a proposition for public safety purposes, the ~~The~~
13 county board shall ~~may also opt to~~ establish a sunset
14 provision within the range provided in this subsection (a),
15 at which time the additional sales tax would cease being
16 collected, if not terminated earlier by a vote of the
17 county board. The ~~If the county board votes to include a~~
18 ~~sunset provision, the proposition for public safety~~
19 ~~purposes shall be in substantially the following form:~~

20 "To pay for public safety purposes, shall (name of
21 county) be authorized to impose a special county retailers'
22 occupation tax (commonly referred to as a "sales tax") at a
23 rate of ~~an increase on its share of local sales taxes by~~
24 (insert rate) for a period not to exceed (insert number of
25 years)? "

26 As additional information on the ballot below the

1 question shall appear the following:

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

8 For the purposes of the paragraph, "public safety
9 purposes" means crime prevention, detention, fire
10 fighting, police, medical, ambulance, or other emergency
11 services.

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

13 Upon approval of a proposition imposing a tax under
14 this paragraph, and also upon the adoption of any ordinance
15 reducing or discontinuing the tax, the county clerk shall
16 certify the results and notify the Illinois Department of
17 Revenue as provided in subsection (f) of this Section.

18 Beginning on the January 1 or July 1, whichever is
19 first, that occurs not less than 30 days after May 31, 2015
20 (the effective date of Public Act 99-4) ~~this amendatory Act~~
21 of the 99th General Assembly, Adams County may impose a
22 public safety retailers' occupation tax and service
23 occupation tax at the rate of 0.25%, as provided in the
24 referendum approved by the voters on April 7, 2015,
25 notwithstanding the omission of the additional information
26 that is otherwise required to be printed on the ballot

1 below the question pursuant to this item (1).

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

4 ~~"To pay for improvements to roads and other~~
5 ~~transportation purposes, shall (name of county) be~~
6 ~~authorized to impose an increase on its share of local~~
7 ~~sales taxes by (insert rate)?"~~

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

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

13 For a proposition for transportation purposes, the ~~The~~
14 ~~county board shall~~ may also opt to establish a sunset
15 provision within the range provided in this subsection (a),
16 at which time the additional sales tax would cease being
17 collected, if not terminated earlier by a vote of the
18 county board. The ~~If the county board votes to include a~~
19 ~~sunset provision, the proposition for transportation~~
20 ~~purposes shall be in substantially the following form:~~

21 "To pay for road improvements and other transportation
22 purposes, shall (name of county) be authorized to impose a
23 special county retailers' occupation tax (commonly
24 referred to as a "sales tax") at a rate of ~~an increase on~~
25 ~~its share of local sales taxes by~~ (insert rate) for a
26 period not to exceed (insert number of years)? "

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

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

9 For the purposes of this paragraph, transportation
10 purposes means construction, maintenance, operation, and
11 improvement of public highways, any other purpose for which
12 a county may expend funds under the Illinois Highway Code,
13 and passenger rail transportation.

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

15 Upon approval of a proposition imposing a tax under
16 this paragraph, and also upon the adoption of any ordinance
17 reducing or discontinuing the tax, the county clerk shall
18 certify the results and notify the Illinois Department of
19 Revenue as provided in subsection (f) of this Section.

20 ~~(3) The proposition for public facilities purposes~~
21 ~~shall be in substantially the following form:~~

22 ~~"To pay for public facilities purposes, shall (name of~~
23 ~~county) be authorized to impose an increase on its share of~~
24 ~~local sales taxes by (insert rate)?"~~

25 ~~As additional information on the ballot below the~~
26 ~~question shall appear the following:~~

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

4 For a proposition for public facilities purposes, the
5 ~~The~~ county board shall ~~may also opt to~~ establish a sunset
6 provision within the range provided in this subsection (a),
7 at which time the additional sales tax would cease being
8 collected, if not terminated earlier by a vote of the
9 county board. The ~~If the county board votes to include a~~
10 ~~sunset provision, the proposition for public facilities~~
11 ~~purposes~~ shall be in substantially the following form:

12 "To pay for public facilities purposes, shall (name of
13 county) be authorized to impose a special county retailers'
14 occupation tax (commonly referred to as a "sales tax") at a
15 rate of ~~an increase on its share of local sales taxes by~~
16 (insert rate) for a period not to exceed (insert number of
17 years)?"

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

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

26 For purposes of this Section, "public facilities

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

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

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

16 Upon approval of a proposition imposing a tax under
17 this paragraph, and also upon the adoption of any ordinance
18 reducing or discontinuing the tax, the county clerk shall
19 certify the results and notify the Illinois Department of
20 Revenue as provided in subsection (f) of this Section.

21 This additional tax may not be imposed on the sales of food
22 for human consumption that is to be consumed off the premises
23 where it is sold (other than alcoholic beverages, soft drinks,
24 and food which has been prepared for immediate consumption) and
25 prescription and non-prescription medicines, drugs, medical
26 appliances and insulin, urine testing materials, syringes, and

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

1 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
2 of the Retailers' Occupation Tax Act and Section 3-7 of the
3 Uniform Penalty and Interest Act as if those provisions were
4 set forth in this Section.

5 Persons subject to any tax imposed under the authority
6 granted in this Section may reimburse themselves for their
7 sellers' tax liability by separately stating the tax as an
8 additional charge, which charge may be stated in combination,
9 in a single amount, with State tax which sellers are required
10 to collect under the Use Tax Act, pursuant to such bracketed
11 schedules as the Department may prescribe.

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

20 (b) If a tax has been imposed under subsection (a), a
21 service occupation tax shall also be imposed at the same rate
22 upon all persons engaged, in the county, in the business of
23 making sales of service, who, as an incident to making those
24 sales of service, transfer tangible personal property within
25 the county as an incident to a sale of service. This tax may
26 not be imposed on sales of food for human consumption that is

1 to be consumed off the premises where it is sold (other than
2 alcoholic beverages, soft drinks, and food prepared for
3 immediate consumption) and prescription and non-prescription
4 medicines, drugs, medical appliances and insulin, urine
5 testing materials, syringes, and needles used by diabetics. The
6 tax imposed under this subsection and all civil penalties that
7 may be assessed as an incident thereof shall be collected and
8 enforced by the Department of Revenue. The Department has full
9 power to administer and enforce this subsection; to collect all
10 taxes and penalties due hereunder; to dispose of taxes and
11 penalties so collected in the manner hereinafter provided; and
12 to determine all rights to credit memoranda arising on account
13 of the erroneous payment of tax or penalty hereunder. In the
14 administration of, and compliance with this subsection, the
15 Department and persons who are subject to this paragraph shall
16 (i) have the same rights, remedies, privileges, immunities,
17 powers, and duties, (ii) be subject to the same conditions,
18 restrictions, limitations, penalties, exclusions, exemptions,
19 and definitions of terms, and (iii) employ the same modes of
20 procedure as are prescribed in Sections 2 (except that the
21 reference to State in the definition of supplier maintaining a
22 place of business in this State shall mean the county), 2a, 2b,
23 2c, 3 through 3-50 (in respect to all provisions therein other
24 than the State rate of tax), 4 (except that the reference to
25 the State shall be to the county), 5, 7, 8 (except that the
26 jurisdiction to which the tax shall be a debt to the extent

1 indicated in that Section 8 shall be the county), 9 (except as
2 to the disposition of taxes and penalties collected), 10, 11,
3 12 (except the reference therein to Section 2b of the
4 Retailers' Occupation Tax Act), 13 (except that any reference
5 to the State shall mean the county), Section 15, 16, 17, 18, 19
6 and 20 of the Service Occupation Tax Act and Section 3-7 of the
7 Uniform Penalty and Interest Act, as fully as if those
8 provisions were set forth herein.

9 Persons subject to any tax imposed under the authority
10 granted in this subsection may reimburse themselves for their
11 serviceman's tax liability by separately stating the tax as an
12 additional charge, which charge may be stated in combination,
13 in a single amount, with State tax that servicemen are
14 authorized to collect under the Service Use Tax Act, in
15 accordance with such bracket schedules as the Department may
16 prescribe.

17 Whenever the Department determines that a refund should be
18 made under this subsection to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the warrant to be drawn for the
21 amount specified, and to the person named, in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of the County Public Safety or Transportation
24 Retailers' Occupation Fund.

25 Nothing in this subsection shall be construed to authorize
26 the county to impose a tax upon the privilege of engaging in

1 any business which under the Constitution of the United States
2 may not be made the subject of taxation by the State.

3 (c) The Department shall immediately pay over to the State
4 Treasurer, ex officio, as trustee, all taxes and penalties
5 collected under this Section to be deposited into the County
6 Public Safety or Transportation Retailers' Occupation Tax
7 Fund, which shall be an unappropriated trust fund held outside
8 of 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
19 Department shall prepare and certify to the Comptroller the
20 disbursement of stated sums of money to the counties from which
21 retailers have paid taxes or penalties to the Department during
22 the second preceding calendar month. The amount to be paid to
23 each county, and deposited by the county into its special fund
24 created for the purposes of this Section, shall be the amount
25 (not including credit memoranda) collected under this Section
26 during the second preceding calendar month by the Department

1 plus an amount the Department determines is necessary to offset
2 any amounts that were erroneously paid to a different taxing
3 body, and not including (i) an amount equal to the amount of
4 refunds made during the second preceding calendar month by the
5 Department on behalf of the county, (ii) any amount that the
6 Department determines is necessary to offset any amounts that
7 were payable to a different taxing body but were erroneously
8 paid to the county, and (iii) any amounts that are transferred
9 to the STAR Bonds Revenue Fund. Within 10 days after receipt by
10 the Comptroller of the disbursement certification to the
11 counties provided for in this Section to be given to the
12 Comptroller by the Department, the Comptroller shall cause the
13 orders to be drawn for the respective amounts in accordance
14 with directions contained in the certification.

15 In addition to the disbursement required by the preceding
16 paragraph, an allocation shall be made in March of each year to
17 each county that received more than \$500,000 in disbursements
18 under the preceding paragraph in the preceding calendar year.
19 The allocation shall be in an amount equal to the average
20 monthly distribution made to each such county under the
21 preceding paragraph during the preceding calendar year
22 (excluding the 2 months of highest receipts). The distribution
23 made in March of each year subsequent to the year in which an
24 allocation was made pursuant to this paragraph and the
25 preceding paragraph shall be reduced by the amount allocated
26 and disbursed under this paragraph in the preceding calendar

1 year. The Department shall prepare and certify to the
2 Comptroller for disbursement the allocations made in
3 accordance with this paragraph.

4 A county may direct, by ordinance, that all or a portion of
5 the taxes and penalties collected under the Special County
6 Retailers' Occupation Tax For Public Safety or Transportation
7 be deposited into the Transportation Development Partnership
8 Trust Fund.

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

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

22 (e-5) If a county imposes a tax under this Section, the
23 county board may, by ordinance, discontinue or lower the rate
24 of the tax. If the county board lowers the tax rate or
25 discontinues the tax, a referendum must be held in accordance
26 with subsection (a) of this Section in order to increase the

1 rate of the tax or to reimpose the discontinued tax.

2 (f) Beginning April 1, 1998 and through December 31, 2013,
3 the results of any election authorizing a proposition to impose
4 a tax under this Section or effecting a change in the rate of
5 tax, or any ordinance lowering the rate or discontinuing the
6 tax, shall be certified by the county clerk and filed with the
7 Illinois Department of Revenue either (i) on or before the
8 first day of April, whereupon the Department shall proceed to
9 administer and enforce the tax as of the first day of July next
10 following the filing; or (ii) on or before the first day of
11 October, whereupon the Department shall proceed to administer
12 and enforce the tax as of the first day of January next
13 following the filing.

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

1 provide notice to the Department as required in this subsection
2 shall be liable to the taxpayers for any overpayment of taxes
3 or the Department for any underpayment of taxes caused by the
4 county's failure to provide notice, in the amount certified by
5 the Director of Revenue.

6 (g) When certifying the amount of a monthly disbursement to
7 a county under this Section, the Department shall increase or
8 decrease the amounts by an amount necessary to offset any
9 miscalculation of previous disbursements. The offset amount
10 shall be the amount erroneously disbursed within the previous 6
11 months from the time a miscalculation is discovered.

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

15 (i) For purposes of this Section, "public safety" includes,
16 but is not limited to, crime prevention, detention, fire
17 fighting, police, medical, ambulance, or other emergency
18 services. The county may share tax proceeds received under this
19 Section for public safety purposes, including proceeds
20 received before August 4, 2009 (the effective date of Public
21 Act 96-124), with any fire protection district located in the
22 county. For the purposes of this Section, "transportation"
23 includes, but is not limited to, the construction, maintenance,
24 operation, and improvement of public highways, any other
25 purpose for which a county may expend funds under the Illinois
26 Highway Code, and passenger rail transportation. For the

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

12 (j) The Department may promulgate rules to implement Public
13 Act 95-1002 only to the extent necessary to apply the existing
14 rules for the Special County Retailers' Occupation Tax for
15 Public Safety to this new purpose for public facilities.

16 (Source: P.A. 98-584, eff. 8-27-13; 99-4, eff. 5-31-15; 99-217,
17 eff. 7-31-15; revised 11-6-15.)

18 (55 ILCS 5/5-1006.7)

19 Sec. 5-1006.7. School facility occupation taxes.

20 (a) In any county, a tax shall be imposed upon all persons
21 engaged in the business of selling tangible personal property,
22 other than personal property titled or registered with an
23 agency of this State's government, at retail in the county on
24 the gross receipts from the sales made in the course of
25 business to provide revenue to be used exclusively for school

1 facility purposes if a proposition for the tax has been
2 submitted to the electors of that county and approved by a
3 majority of those voting on the question as provided in
4 subsection (c). The tax under this Section shall be imposed
5 only in one-quarter percent increments and may not exceed 1%.
6 The tax under this Section shall be imposed for a period of not
7 less than 5 years but not more than 23 years.

8 This additional tax may not be imposed on the sale of food
9 for human consumption that is to be consumed off the premises
10 where it is sold (other than alcoholic beverages, soft drinks,
11 and food that has been prepared for immediate consumption) and
12 prescription and non-prescription medicines, drugs, medical
13 appliances and insulin, urine testing materials, syringes and
14 needles used by diabetics. The Department of Revenue has full
15 power to administer and enforce this subsection, to collect all
16 taxes and penalties due under this subsection, to dispose of
17 taxes and penalties so collected in the manner provided in this
18 subsection, and to determine all rights to credit memoranda
19 arising on account of the erroneous payment of a tax or penalty
20 under this subsection. The Department shall deposit all taxes
21 and penalties collected under this subsection into a special
22 fund created for that purpose.

23 In the administration of and compliance with this
24 subsection, the Department and persons who are subject to this
25 subsection (i) have the same rights, remedies, privileges,
26 immunities, powers, and duties, (ii) are subject to the same

1 conditions, restrictions, limitations, penalties, and
2 definitions of terms, and (iii) shall employ the same modes of
3 procedure as are set forth in Sections 1 through 10, 2 through
4 2-70 (in respect to all provisions contained in those Sections
5 other than the State rate of tax), 2a through 2h, 3 (except as
6 to the disposition of taxes and penalties collected), 4, 5, 5a,
7 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
8 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
9 Tax Act and all provisions of the Uniform Penalty and Interest
10 Act as if those provisions were set forth in this subsection.

11 The certificate of registration that is issued by the
12 Department to a retailer under the Retailers' Occupation Tax
13 Act permits the retailer to engage in a business that is
14 taxable without registering separately with the Department
15 under an ordinance or resolution under this subsection.

16 Persons subject to any tax imposed under the authority
17 granted in this subsection may reimburse themselves for their
18 seller's tax liability by separately stating that tax as an
19 additional charge, which may be stated in combination, in a
20 single amount, with State tax that sellers are required to
21 collect under the Use Tax Act, pursuant to any bracketed
22 schedules set forth by the Department.

23 (b) If a tax has been imposed under subsection (a), then a
24 service occupation tax must also be imposed at the same rate
25 upon all persons engaged, in the county, in the business of
26 making sales of service, who, as an incident to making those

1 sales of service, transfer tangible personal property within
2 the county as an incident to a sale of service.

3 This tax may not be imposed on sales of food for human
4 consumption that is to be consumed off the premises where it is
5 sold (other than alcoholic beverages, soft drinks, and food
6 prepared for immediate consumption) and prescription and
7 non-prescription medicines, drugs, medical appliances and
8 insulin, urine testing materials, syringes, and needles used by
9 diabetics.

10 The tax imposed under this subsection and all civil
11 penalties that may be assessed as an incident thereof shall be
12 collected and enforced by the Department and deposited into a
13 special fund created for that purpose. The Department has full
14 power to administer and enforce this subsection, to collect all
15 taxes and penalties due under this subsection, to dispose of
16 taxes and penalties so collected in the manner provided in this
17 subsection, and to determine all rights to credit memoranda
18 arising on account of the erroneous payment of a tax or penalty
19 under this subsection.

20 In the administration of and compliance with this
21 subsection, the Department and persons who are subject to this
22 subsection shall (i) have the same rights, remedies,
23 privileges, immunities, powers and duties, (ii) be subject to
24 the same conditions, restrictions, limitations, penalties and
25 definition of terms, and (iii) employ the same modes of
26 procedure as are set forth in Sections 2 (except that that

1 reference to State in the definition of supplier maintaining a
2 place of business in this State means the county), 2a through
3 2d, 3 through 3-50 (in respect to all provisions contained in
4 those Sections other than the State rate of tax), 4 (except
5 that the reference to the State shall be to the county), 5, 7,
6 8 (except that the jurisdiction to which the tax is a debt to
7 the extent indicated in that Section 8 is the county), 9
8 (except as to the disposition of taxes and penalties
9 collected), 10, 11, 12 (except the reference therein to Section
10 2b of the Retailers' Occupation Tax Act), 13 (except that any
11 reference to the State means the county), Section 15, 16, 17,
12 18, 19, and 20 of the Service Occupation Tax Act and all
13 provisions of the Uniform Penalty and Interest Act, as fully as
14 if those provisions were set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this subsection may reimburse themselves for their
17 serviceman's tax liability by separately stating the tax as an
18 additional charge, which may be stated in combination, in a
19 single amount, with State tax that servicemen are authorized to
20 collect under the Service Use Tax Act, pursuant to any
21 bracketed schedules set forth by the Department.

22 (c) The tax under this Section may not be imposed until the
23 question of imposing the tax has been submitted to the electors
24 of the county at a regular election and approved by a majority
25 of the electors voting on the question. For all regular
26 elections held prior to August 23, 2011 (the effective date of

1 Public Act 97-542) ~~this amendatory Act of the 97th General~~
2 ~~Assembly~~, upon a resolution by the county board or a resolution
3 by school district boards that represent at least 51% of the
4 student enrollment within the county, the county board must
5 certify the question to the proper election authority in
6 accordance with the Election Code.

7 For all regular elections held prior to August 23, 2011
8 (the effective date of Public Act 97-542) ~~this amendatory Act~~
9 ~~of the 97th General Assembly~~, the election authority must
10 submit the question in substantially the following form:

11 Shall (name of county) be authorized to impose a
12 retailers' occupation tax and a service occupation tax
13 (commonly referred to as a "sales tax") at a rate of
14 (insert rate) to be used exclusively for school facility
15 purposes?

16 The election authority must record the votes as "Yes" or "No".

17 If a majority of the electors voting on the question vote
18 in the affirmative, then the county may, thereafter, impose the
19 tax.

20 For all regular elections held on or after August 23, 2011
21 (the effective date of Public Act 97-542) ~~this amendatory Act~~
22 ~~of the 97th General Assembly~~, the regional superintendent of
23 schools for the county must, upon receipt of a resolution or
24 resolutions of school district boards that represent more than
25 50% of the student enrollment within the county, certify the
26 question to the proper election authority for submission to the

1 electors of the county at the next regular election at which
2 the question lawfully may be submitted to the electors, all in
3 accordance with the Election Code.

4 For all regular elections held on or after August 23, 2011
5 (the effective date of Public Act 97-542) ~~this amendatory Act~~
6 ~~of the 97th General Assembly,~~ the election authority must
7 submit the question in substantially the following form:

8 Shall a retailers' occupation tax and a service
9 occupation tax (commonly referred to as a "sales tax") be
10 imposed in (name of county) at a rate of (insert rate) for
11 a period not to exceed (insert number of years) to be used
12 exclusively for school facility purposes?

13 The election authority must record the votes as "Yes" or "No".

14 Upon approval of a question imposing a tax under this
15 subsection, and also upon the adoption of any ordinance
16 reducing or discontinuing the tax, the county clerk shall
17 certify the results and notify the Illinois Department of
18 Revenue as provided in subsection (g) of this Section.

19 If a majority of the electors voting on the question vote
20 in the affirmative, then the tax shall be imposed at the rate
21 set forth in the question.

22 For the purposes of this subsection (c), "enrollment" means
23 the head count of the students residing in the county on the
24 last school day of September of each year, which must be
25 reported on the Illinois State Board of Education Public School
26 Fall Enrollment/Housing Report.

1 (d) The Department shall immediately pay over to the State
2 Treasurer, ex officio, as trustee, all taxes and penalties
3 collected under this Section to be deposited into the School
4 Facility Occupation Tax Fund, which shall be an unappropriated
5 trust fund held outside the State treasury.

6 On or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to the regional
9 superintendents of schools in counties from which retailers or
10 servicemen have paid taxes or penalties to the Department
11 during the second preceding calendar month. The amount to be
12 paid to each regional superintendent of schools and disbursed
13 to him or her in accordance with Section 3-14.31 of the School
14 Code, is equal to the amount (not including credit memoranda)
15 collected from the county under this Section during the second
16 preceding calendar month by the Department, (i) less 2% of that
17 amount, which shall be deposited into the Tax Compliance and
18 Administration Fund and shall be used by the Department,
19 subject to appropriation, to cover the costs of the Department
20 in administering and enforcing the provisions of this Section,
21 on behalf of the county, (ii) plus an amount that the
22 Department determines is necessary to offset any amounts that
23 were erroneously paid to a different taxing body; (iii) less an
24 amount equal to the amount of refunds made during the second
25 preceding calendar month by the Department on behalf of the
26 county; and (iv) less any amount that the Department determines

1 is necessary to offset any amounts that were payable to a
2 different taxing body but were erroneously paid to the county.
3 When certifying the amount of a monthly disbursement to a
4 regional superintendent of schools under this Section, the
5 Department shall increase or decrease the amounts by an amount
6 necessary to offset any miscalculation of previous
7 disbursements within the previous 6 months from the time a
8 miscalculation is discovered.

9 Within 10 days after receipt by the Comptroller from the
10 Department of the disbursement certification to the regional
11 superintendents of the schools provided for in this Section,
12 the Comptroller shall cause the orders to be drawn for the
13 respective amounts in accordance with directions contained in
14 the certification.

15 If the Department determines that a refund should be made
16 under this Section to a claimant instead of issuing a credit
17 memorandum, then the Department shall notify the Comptroller,
18 who shall cause the order to be drawn for the amount specified
19 and to the person named in the notification from the
20 Department. The refund shall be paid by the Treasurer out of
21 the School Facility Occupation Tax Fund.

22 (e) For the purposes of determining the local governmental
23 unit whose tax is applicable, a retail sale by a producer of
24 coal or another mineral mined in Illinois is a sale at retail
25 at the place where the coal or other mineral mined in Illinois
26 is extracted from the earth. This subsection does not apply to

1 coal or another mineral when it is delivered or shipped by the
2 seller to the purchaser at a point outside Illinois so that the
3 sale is exempt under the United States Constitution as a sale
4 in interstate or foreign commerce.

5 (f) Nothing in this Section may be construed to authorize a
6 tax to be imposed upon the privilege of engaging in any
7 business that under the Constitution of the United States may
8 not be made the subject of taxation by this State.

9 (g) If a county board imposes a tax under this Section
10 pursuant to a referendum held before August 23, 2011 (the
11 effective date of Public Act 97-542) ~~this amendatory Act of the~~
12 ~~97th General Assembly~~ at a rate below the rate set forth in the
13 question approved by a majority of electors of that county
14 voting on the question as provided in subsection (c), then the
15 county board may, by ordinance, increase the rate of the tax up
16 to the rate set forth in the question approved by a majority of
17 electors of that county voting on the question as provided in
18 subsection (c). If a county board imposes a tax under this
19 Section pursuant to a referendum held before August 23, 2011
20 (the effective date of Public Act 97-542) ~~this amendatory Act~~
21 ~~of the 97th General Assembly~~, then the board may, by ordinance,
22 discontinue or reduce the rate of the tax. If a tax is imposed
23 under this Section pursuant to a referendum held on or after
24 August 23, 2011 (the effective date of Public Act 97-542) ~~this~~
25 ~~amendatory Act of the 97th General Assembly~~, then the county
26 board may reduce or discontinue the tax, but only in accordance

1 with subsection (h-5) of this Section. If, however, a school
2 board issues bonds that are secured by the proceeds of the tax
3 under this Section, then the county board may not reduce the
4 tax rate or discontinue the tax if that rate reduction or
5 discontinuance would adversely affect the school board's
6 ability to pay the principal and interest on those bonds as
7 they become due or necessitate the extension of additional
8 property taxes to pay the principal and interest on those
9 bonds. If the county board reduces the tax rate or discontinues
10 the tax, then a referendum must be held in accordance with
11 subsection (c) of this Section in order to increase the rate of
12 the tax or to reimpose the discontinued tax.

13 Until January 1, 2014, the results of any election that
14 imposes, reduces, or discontinues a tax under this Section must
15 be certified by the election authority, and any ordinance that
16 increases or lowers the rate or discontinues the tax must be
17 certified by the county clerk and, in each case, filed with the
18 Illinois Department of Revenue either (i) on or before the
19 first day of April, whereupon the Department shall proceed to
20 administer and enforce the tax or change in the rate as of the
21 first day of July next following the filing; or (ii) on or
22 before the first day of October, whereupon the Department shall
23 proceed to administer and enforce the tax or change in the rate
24 as of the first day of January next following the filing.

25 Beginning January 1, 2014, the results of any election that
26 imposes, reduces, or discontinues a tax under this Section must

1 be certified by the election authority, and any ordinance that
2 increases or lowers the rate or discontinues the tax must be
3 certified by the county clerk and, in each case, filed with the
4 Illinois Department of Revenue either (i) on or before the
5 first day of May, whereupon the Department shall proceed to
6 administer and enforce the tax or change in the rate as of the
7 first day of July next following the filing; or (ii) on or
8 before the first day of October, whereupon the Department shall
9 proceed to administer and enforce the tax or change in the rate
10 as of the first day of January next following the filing. A
11 county that fails to provide notice to the Department as
12 required in this subsection shall be liable to the taxpayers
13 for any overpayments of taxes or the Department for any
14 underpayment of taxes caused by the county's failure to provide
15 notice, in the amount certified by the Director of Revenue.

16 (h) For purposes of this Section, "school facility
17 purposes" means (i) 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 capital facilities and (ii)
24 the payment of bonds or other obligations heretofore or
25 hereafter issued, including bonds or other obligations
26 heretofore or hereafter issued to refund or to continue to

1 refund bonds or other obligations issued, for school facility
2 purposes, provided that the taxes levied to pay those bonds are
3 abated by the amount of the taxes imposed under this Section
4 that are used to pay those bonds. "School-facility purposes"
5 also includes fire prevention, safety, energy conservation,
6 accessibility, school security, and specified repair purposes
7 set forth under Section 17-2.11 of the School Code.

8 (h-5) A county board in a county where a tax has been
9 imposed under this Section pursuant to a referendum held on or
10 after August 23, 2011 (the effective date of Public Act 97-542)
11 ~~this amendatory Act of the 97th General Assembly~~ may, by
12 ordinance or resolution, submit to the voters of the county the
13 question of reducing or discontinuing the tax. In the ordinance
14 or resolution, the county board shall certify the question to
15 the proper election authority in accordance with the Election
16 Code. The election authority must submit the question in
17 substantially the following form:

18 Shall the school facility retailers' occupation tax
19 and service occupation tax (commonly referred to as the
20 "school facility sales tax") currently imposed in (name of
21 county) at a rate of (insert rate) be (reduced to (insert
22 rate)) (discontinued)?

23 If a majority of the electors voting on the question vote in
24 the affirmative, then, subject to the provisions of subsection
25 (g) of this Section, the tax shall be reduced or discontinued
26 as set forth in the question.

1 (i) This Section does not apply to Cook County.

2 (j) This Section may be cited as the County School Facility
3 Occupation Tax Law.

4 (Source: P.A. 98-584, eff. 8-27-13; 99-143, eff. 7-27-15;
5 99-217, eff. 7-31-15; revised 11-6-15.)

6 Section 10. The Illinois Municipal Code is amended by
7 changing Section 8-11-1.1 as follows:

8 (65 ILCS 5/8-11-1.1) (from Ch. 24, par. 8-11-1.1)

9 Sec. 8-11-1.1. Non-home rule municipalities; imposition of
10 taxes.

11 (a) The corporate authorities of a non-home rule
12 municipality may, upon approval of the electors of the
13 municipality pursuant to subsection (b) of this Section, impose
14 by ordinance or resolution the tax authorized in Sections
15 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act.

16 (b) The corporate authorities of the municipality may by
17 ordinance or resolution call for the submission to the electors
18 of the municipality the question of whether the municipality
19 shall impose such tax. If imposed, this tax may be imposed for
20 a period of not less than 5 years but not more than 23 years, if
21 not terminated earlier by a vote of the corporate authorities
22 of the municipality. Such question shall be certified by the
23 municipal clerk to the election authority in accordance with
24 Section 28-5 of the Election Code and shall be in a form in

1 accordance with Section 16-7 of the Election Code.

2 Notwithstanding any provision of law to the contrary, if
3 the proceeds of the tax may be used for municipal operations
4 pursuant to Section 8-11-1.3, 8-11-1.4, or 8-11-1.5, then the
5 election authority must submit the question in substantially
6 the following form:

7 Shall the corporate authorities of the municipality be
8 authorized to levy a tax (commonly referred to as "sales
9 tax") at a rate of (rate)% for a period not to exceed
10 (number of years) for expenditures on municipal
11 operations, expenditures on public infrastructure, or
12 property tax relief?

13 If a majority of the electors in the municipality voting
14 upon the question vote in the affirmative, such tax shall be
15 imposed.

16 Upon approval of a question imposing a tax under this
17 paragraph, and also upon the adoption of any ordinance reducing
18 or discontinuing the tax, the municipality shall have the
19 results certified and notify the Illinois Department of Revenue
20 as provided in this subsection (b).

21 Until January 1, 1992, an ordinance or resolution imposing
22 the tax of not more than 1% hereunder or discontinuing the same
23 shall be adopted and a certified copy thereof, together with a
24 certification that the ordinance or resolution received
25 referendum approval in the case of the imposition of such tax,
26 filed with the Department of Revenue, on or before the first

1 day of June, whereupon the Department shall proceed to
2 administer and enforce the additional tax or to discontinue the
3 tax, as the case may be, as of the first day of September next
4 following such adoption and filing.

5 Beginning January 1, 1992 and through December 31, 1992, an
6 ordinance or resolution imposing or discontinuing the tax
7 hereunder shall be adopted and a certified copy thereof filed
8 with the Department on or before the first day of July,
9 whereupon the Department shall proceed to administer and
10 enforce this Section as of the first day of October next
11 following such adoption and filing.

12 Beginning January 1, 1993, and through September 30, 2002,
13 an ordinance or resolution imposing or discontinuing the tax
14 hereunder shall be adopted and a certified copy thereof filed
15 with the Department on or before the first day of October,
16 whereupon the Department shall proceed to administer and
17 enforce this Section as of the first day of January next
18 following such adoption and filing.

19 Beginning October 1, 2002, and through December 31, 2013,
20 an ordinance or resolution imposing or discontinuing the tax
21 under this Section or effecting a change in the rate of tax
22 must either (i) be adopted and a certified copy of the
23 ordinance or resolution filed with the Department on or before
24 the first day of April, whereupon the Department shall proceed
25 to administer and enforce this Section as of the first day of
26 July next following the adoption and filing; or (ii) be adopted

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

6 Beginning January 1, 2014, if an ordinance or resolution
7 imposing the tax under this Section is adopted, discontinuing
8 the tax under this Section is adopted, or effecting a change in
9 the rate of tax under this Section is adopted, a certified copy
10 thereof, together with a certification that the ordinance or
11 resolution received referendum approval in the case of the
12 imposition of or increase in the rate of such tax, shall be
13 filed with the Department of Revenue, either (i) on or before
14 the first day of May, whereupon the Department shall proceed to
15 administer and enforce this Section as of the first day of July
16 next following the adoption and filing; or (ii) on or before
17 the first day of October, whereupon the Department shall
18 proceed to administer and enforce this Section as of the first
19 day of January next following the adoption and filing. A
20 municipality that fails to provide notice to the Department as
21 required in this subsection shall be liable to the taxpayers
22 for any overpayment of taxes or the Department for any
23 underpayment of taxes caused by the municipality's failure to
24 provide notice, in the amount certified by the Director of
25 Revenue.

26 Notwithstanding any provision in this Section to the

1 contrary, if, in a non-home rule municipality with more than
2 150,000 but fewer than 200,000 inhabitants, as determined by
3 the last preceding federal decennial census, an ordinance or
4 resolution under this Section imposes or discontinues a tax or
5 changes the tax rate as of July 1, 2007, then that ordinance or
6 resolution, together with a certification that the ordinance or
7 resolution received referendum approval in the case of the
8 imposition of the tax, must be adopted and a certified copy of
9 that ordinance or resolution must be filed with the Department
10 on or before May 15, 2007, whereupon the Department shall
11 proceed to administer and enforce this Section as of July 1,
12 2007.

13 Notwithstanding any provision in this Section to the
14 contrary, if, in a non-home rule municipality with more than
15 6,500 but fewer than 7,000 inhabitants, as determined by the
16 last preceding federal decennial census, an ordinance or
17 resolution under this Section imposes or discontinues a tax or
18 changes the tax rate on or before May 20, 2009, then that
19 ordinance or resolution, together with a certification that the
20 ordinance or resolution received referendum approval in the
21 case of the imposition of the tax, must be adopted and a
22 certified copy of that ordinance or resolution must be filed
23 with the Department on or before May 20, 2009, whereupon the
24 Department shall proceed to administer and enforce this Section
25 as of July 1, 2009.

26 A non-home rule municipality may file a certified copy of

1 an ordinance or resolution, with a certification that the
2 ordinance or resolution received referendum approval in the
3 case of the imposition of the tax, with the Department of
4 Revenue, as required under this Section, only after October 2,
5 2000.

6 The tax authorized by this Section may not be more than 1%
7 and may be imposed only in 1/4% increments.

8 (Source: P.A. 98-584, eff. 8-27-13.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."