

HB2608



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2608

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

30 ILCS 115/2

from Ch. 85, par. 612

Amends the State Revenue Sharing Act. Provides that amounts allocated to the Department of Revenue from the Local Government Distributive Fund for distributions to municipalities and counties are subject to a continuing appropriation. Effective immediately.

LRB100 07062 HLH 17116 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

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

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

7 Sec. 2. Allocation and Disbursement.

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

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

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

1 certified copy of the plat of annexation or, in the case of
2 disconnection, the ordinance, final judgment, or resolution of
3 disconnection together with an accurate depiction of the
4 territory disconnected. The county in which the annexed or
5 disconnected territory is located shall verify that the number
6 of residents stated on the written notice that is to be sent to
7 the Department of Revenue is true and accurate. The verified
8 statement of the county shall accompany the written notice.
9 However, if the county does not respond to the municipality's
10 request for verification within 30 days, this verification
11 requirement shall be waived. The written notice shall be
12 provided to the Department of Revenue (1) within 30 days after
13 the effective date of this amendatory Act of the 96th General
14 Assembly for disconnections occurring after January 1, 2007 and
15 before the effective date of this amendatory Act of the 96th
16 General Assembly or (2) within 30 days after the annexation or
17 disconnection for annexations or disconnections occurring on
18 or after the effective date of this amendatory Act of the 96th
19 General Assembly. For purposes of this Section, a disconnection
20 or annexation through court order is deemed to be effective 30
21 days after the entry of a final judgment order, unless stayed
22 pending appeal. Thereafter, the monthly allocation made to the
23 municipality and to any other municipality or county affected
24 by the annexation or disconnection shall be adjusted in
25 accordance with this Section to reflect the change in residency
26 of the residents of the territory that was annexed or

1 disconnected. The adjustment shall be made no later than 30
2 days after the Department of Revenue's receipt of the written
3 notice of annexation or disconnection described in this
4 Section.

5 (c) Absent an enacted appropriation in any State fiscal
6 year, this subsection shall constitute a continuing
7 appropriation to the Department of Revenue of all amounts
8 necessary for the purposes of making distributions from the
9 Local Government Distributive Fund to municipalities and
10 counties as provided in this Section. If an appropriation to
11 the Department of Revenue of the amounts directed under this
12 subsection is enacted on or after July 1 of any calendar year,
13 the continuing appropriation shall discontinue for that State
14 fiscal year, and the enacted appropriation shall supersede.

15 (Source: P.A. 96-1040, eff. 7-14-10.)

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