



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1581

Introduced 2/15/2019, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

30 ILCS 177/5
35 ILCS 171/2
55 ILCS 5/5-1006.5

Amends the Counties Code. Provides that the special county retailers' occupation tax for public safety, public facilities, mental health, substance abuse, or transportation may additionally be imposed for senior citizen programs and social services in the county. Changes the name from the Special County Retailers' Occupation Tax For Public Safety, Public Facilities, Mental Health, Substance Abuse, or Transportation to the Special County Retailers' Occupation Tax. Amends the Transportation Development Partnership Act and the Simplified Sales and Use Tax Administration Act to make conforming changes.

LRB101 08790 AWJ 53877 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Transportation Development Partnership Act
5 is amended by changing Section 5 as follows:

6 (30 ILCS 177/5)

7 Sec. 5. Transportation Development Partnership Trust Fund.
8 The Transportation Development Partnership Trust Fund is
9 created as a trust fund in the State treasury. The State
10 Treasurer shall be the custodian of the Fund. If a county or an
11 entity created by an intergovernmental agreement between 2 or
12 more counties elects to participate under Section 5-1035.1 or
13 5-1006.5 of the Counties Code or designates funds by ordinance,
14 the Department of Revenue shall transfer to the State Treasurer
15 all or a portion of the taxes and penalties collected under the
16 Special County Retailers' Occupation Tax ~~For Public Safety,~~
17 ~~Public Facilities, Mental Health, Substance Abuse, or~~
18 ~~Transportation~~ and under the County Option Motor Fuel Tax or
19 the funds designated by the county or entity by ordinance into
20 the Transportation Development Partnership Trust Fund. The
21 Department of Transportation shall maintain a separate account
22 for each participating county or entity within the Fund. The
23 Department of Transportation shall administer the Fund.

1 Moneys in the Fund shall be used for transportation-related
2 projects. The Department of Transportation and participating
3 counties or entities may, at the Secretary's discretion under
4 agency procedures, enter into an intergovernmental agreement.
5 The agreement shall at a minimum:

6 (1) Describe the project to be constructed from the
7 Department of Transportation's Multi-Year Highway
8 Improvement Program.

9 (2) Provide that an eligible project cost a minimum of
10 \$5,000,000.

11 (3) Provide that the county or entity must raise a
12 significant percentage, no less than the amount
13 contributed by the State, of required federal matching
14 funds.

15 (4) Provide that the Secretary of Transportation must
16 certify that the county or entity has transferred the
17 required moneys to the Fund and the certification shall be
18 transmitted to each county or entity no more than 30 days
19 after the final deposit is made.

20 (5) Provide for the repayment, without interest, to the
21 county or entity of the moneys contributed by the county or
22 entity to the Fund, less 10% of the aggregate funds
23 contributed as matching funds and as federal funds.

24 (6) Provide that the repayment of the moneys
25 contributed by the county or the entity shall be made by
26 the Department of Transportation no later than 10 years

1 after the certification by the Secretary of Transportation
2 that the money has been deposited by the county or entity
3 into the Fund.

4 (Source: P.A. 100-1167, eff. 1-4-19.)

5 Section 10. The Simplified Sales and Use Tax Administration
6 Act is amended by changing Section 2 as follows:

7 (35 ILCS 171/2)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "Agreement" means the Streamlined Sales and Use Tax
10 Agreement as amended and adopted on January 27, 2001.

11 (b) "Certified Automated System" means software certified
12 jointly by the states that are signatories to the Agreement to
13 calculate the tax imposed by each jurisdiction on a
14 transaction, determine the amount of tax to remit to the
15 appropriate state, and maintain a record of the transaction.

16 (c) "Certified Service Provider" means an agent certified
17 jointly by the states that are signatories to the Agreement to
18 perform all of the seller's sales tax functions.

19 (d) "Person" means an individual, trust, estate,
20 fiduciary, partnership, limited liability company, limited
21 liability partnership, corporation, or any other legal entity.

22 (e) "Sales Tax" means the tax levied under the Service
23 Occupation Tax Act (35 ILCS 115/) and the Retailers' Occupation
24 Tax Act (35 ILCS 120/). "Sales tax" also means any local sales

1 tax levied under the Home Rule Municipal Retailers' Occupation
2 Tax Act (65 ILCS 5/8-11-1), the Non-Home Rule Municipal
3 Retailers' Occupation Tax Act (65 ILCS 5/8-11-1.3), the
4 Non-Home Rule Municipal Service Occupation Tax Act (65 ILCS
5 5/8-11-1.4), the Home Rule Municipal Service Occupation Tax (65
6 ILCS 5/8-11-5), the Home Rule County Retailers' Occupation Tax
7 Law (55 ILCS 5/5-1006), the Special County Retailers'
8 Occupation Tax ~~for Public Safety, Public Facilities, Mental~~
9 ~~Health, Substance Abuse, or Transportation~~ Law (55 ILCS
10 5/5-1006.5), the Home Rule County Service Occupation Tax Law
11 (55 ILCS 5/5-1007), subsection (b) of the Rock Island County
12 Use and Occupation Tax Law (55 ILCS 5/5-1008.5(b)), the Metro
13 East Mass Transit District Retailers' Occupation Tax (70 ILCS
14 3610/5.01(b)), the Metro East Mass Transit District Service
15 Occupation Tax (70 ILCS 3610/5.01(c)), the Regional
16 Transportation Authority Retailers' Occupation Tax (70 ILCS
17 3615/4.03(e)), the Regional Transportation Authority Service
18 Occupation Tax (70 ILCS 3615/4.03(f)), the County Water
19 Commission Retailers' Occupation Tax (70 ILCS 3720/4(b)), or
20 the County Water Commission Service Occupation Tax (70 ILCS
21 3720/4(c)).

22 (f) "Seller" means any person making sales of personal
23 property or services.

24 (g) "State" means any state of the United States and the
25 District of Columbia.

26 (h) "Use tax" means the tax levied under the Use Tax Act

1 (35 ILCS 105/) and the Service Use Tax Act (35 ILCS 110/). "Use
2 tax" also means any local use tax levied under the Home Rule
3 Municipal Use Tax Act (65 ILCS 5/8-11-6(b)), provided that the
4 State and the municipality have entered into an agreement that
5 provides for administration of the tax by the State.

6 (Source: P.A. 100-1167, eff. 1-4-19.)

7 Section 15. The Counties Code is amended by changing
8 Section 5-1006.5 as follows:

9 (55 ILCS 5/5-1006.5)

10 Sec. 5-1006.5. Special County Retailers' Occupation Tax
11 ~~For Public Safety, Public Facilities, Mental Health, Substance~~
12 ~~Abuse, or Transportation.~~

13 (a) The county board of any county may impose a tax upon
14 all persons engaged in the business of selling tangible
15 personal property, other than personal property titled or
16 registered with an agency of this State's government, at retail
17 in the county on the gross receipts from the sales made in the
18 course of business to provide revenue to be used exclusively
19 for public safety, public facility, mental health, substance
20 abuse, senior citizen programs, social services, or
21 transportation purposes in that county, if a proposition for
22 the tax has been submitted to the electors of that county and
23 approved by a majority of those voting on the question. If
24 imposed, this tax shall be imposed only in one-quarter percent

1 increments. By resolution, the county board may order the
2 proposition to be submitted at any election. If the tax is
3 imposed for transportation purposes for expenditures for
4 public highways or as authorized under the Illinois Highway
5 Code, the county board must publish notice of the existence of
6 its long-range highway transportation plan as required or
7 described in Section 5-301 of the Illinois Highway Code and
8 must make the plan publicly available prior to approval of the
9 ordinance or resolution imposing the tax. If the tax is imposed
10 for transportation purposes for expenditures for passenger
11 rail transportation, the county board must publish notice of
12 the existence of its long-range passenger rail transportation
13 plan and must make the plan publicly available prior to
14 approval of the ordinance or resolution imposing the tax.

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

20 The county clerk shall certify the question to the proper
21 election authority, who shall submit the proposition at an
22 election in accordance with the general election law.

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

25 "To pay for public safety 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 safety
12 purposes shall be in substantially the following form:

13 "To pay for public safety 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 the purposes of the paragraph, "public safety
26 purposes" means crime prevention, detention, fire

1 fighting, police, medical, ambulance, or other emergency
2 services.

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

4 Beginning on the January 1 or July 1, whichever is
5 first, that occurs not less than 30 days after May 31, 2015
6 (the effective date of Public Act 99-4), Adams County may
7 impose a public safety retailers' occupation tax and
8 service occupation tax at the rate of 0.25%, as provided in
9 the referendum approved by the voters on April 7, 2015,
10 notwithstanding the omission of the additional information
11 that is otherwise required to be printed on the ballot
12 below the question pursuant to this item (1).

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

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

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

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

24 The county board may also opt to establish a sunset
25 provision at which time the additional sales tax would
26 cease being collected, if not terminated earlier by a vote

1 of the county board. If the county board votes to include a
2 sunset provision, the proposition for transportation
3 purposes shall be in substantially the following form:

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

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. If imposed,
13 the additional tax would cease being collected at the end
14 of (insert number of years), if not terminated earlier by a
15 vote of the county board."

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

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

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

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

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."

6 The county board may also opt to establish a sunset
7 provision at which time the additional sales tax would
8 cease being collected, if not terminated earlier by a vote
9 of the county board. 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 an increase on its share of
14 local sales taxes by (insert rate) for a period not to
15 exceed (insert number of years)?"

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

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

24 For purposes of this Section, "public facilities
25 purposes" means the acquisition, development,
26 construction, reconstruction, rehabilitation, improvement,

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

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

10 (4) The proposition for mental health purposes shall be
11 in substantially the following form:

12 "To pay for mental health purposes, shall (name of
13 county) be authorized to impose an increase on its share of
14 local sales taxes by (insert rate)?"

15 As additional information on the ballot below the
16 question shall appear the following:

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

20 The county board may also opt to establish a sunset
21 provision at which time the additional sales tax would
22 cease being collected, if not terminated earlier by a vote
23 of the county board. If the county board votes to include a
24 sunset provision, the proposition for public facilities
25 purposes shall be in substantially the following form:

26 "To pay for mental health purposes, shall (name of

1 county) be authorized to impose an increase on its share of
2 local sales taxes by (insert rate) for a period not to
3 exceed (insert number of years)?"

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

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

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

13 (5) The proposition for substance abuse purposes shall
14 be in substantially the following form:

15 "To pay for substance abuse purposes, shall (name of
16 county) be authorized to impose an increase on its share of
17 local sales taxes by (insert rate)?"

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."

23 The county board may also opt to establish a sunset
24 provision at which time the additional sales tax would
25 cease being collected, if not terminated earlier by a vote
26 of the county board. If the county board votes to include a

1 sunset provision, the proposition for public facilities
2 purposes shall be in substantially the following form:

3 "To pay for substance abuse purposes, shall (name of
4 county) be authorized to impose an increase on its share of
5 local sales taxes by (insert rate) for a period not to
6 exceed (insert number of years)?"

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. If imposed,
12 the additional tax would cease being collected at the end
13 of (insert number of years), if not terminated earlier by a
14 vote of the county board."

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

16 (6) The proposition for senior citizen programs shall
17 be in substantially the following form:

18 "To pay for senior citizen programs, shall (name of
19 county) be authorized to impose an increase on its share of
20 local sales taxes by (insert rate)?"

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

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

26 The county board may also opt to establish a sunset

1 provision at which time the additional sales tax would
2 cease being collected, if not terminated earlier by a vote
3 of the county board. If the county board votes to include a
4 sunset provision, the proposition for public facilities
5 purposes shall be in substantially the following form:

6 "To pay for senior citizen programs, shall (name of
7 county) be authorized to impose an increase on its share of
8 local sales taxes by (insert rate) for a period not to
9 exceed (insert number of years)?"

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

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

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

19 (7) The proposition for social services shall be in
20 substantially the following form:

21 "To pay for social services, shall (name of county) be
22 authorized to impose an increase on its share of local
23 sales taxes by (insert rate)?"

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

26 "This would mean that a consumer would pay an

1 additional (insert amount) in sales tax for every \$100 of
2 tangible personal property bought at retail."

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

9 "To pay for social services, shall (name of county) be
10 authorized to impose an increase on its share of local
11 sales taxes by (insert rate) for a period not to exceed
12 (insert number of years)?"

13 As additional information on the ballot below the
14 question shall appear the following:

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

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

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

26 This additional tax may not be imposed on tangible personal

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

1 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
2 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
3 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
4 as if those provisions were 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 Special County ~~Public Safety, Public~~
19 ~~Facilities, Mental Health, Substance Abuse, or Transportation~~
20 Retailers' Occupation Tax Fund.

21 (b) If a tax has been imposed under subsection (a), a
22 service occupation tax shall also be imposed at the same rate
23 upon all persons engaged, in the county, in the business of
24 making sales of service, who, as an incident to making those
25 sales of service, transfer tangible personal property within
26 the county as an incident to a sale of service. This tax may

1 not be imposed on tangible personal property taxed at the 1%
2 rate under the Service Occupation Tax Act. The tax imposed
3 under this subsection and all civil penalties that may be
4 assessed as an incident thereof shall be collected and enforced
5 by the Department of Revenue. The Department has full power to
6 administer and enforce this subsection; to collect all taxes
7 and penalties due hereunder; to dispose of taxes and penalties
8 so collected in the manner hereinafter provided; and to
9 determine all rights to credit memoranda arising on account of
10 the erroneous payment of tax or penalty hereunder. In the
11 administration of, and compliance with this subsection, the
12 Department and persons who are subject to this paragraph shall
13 (i) have the same rights, remedies, privileges, immunities,
14 powers, and duties, (ii) be subject to the same conditions,
15 restrictions, limitations, penalties, exclusions, exemptions,
16 and definitions of terms, and (iii) employ the same modes of
17 procedure as are prescribed in Sections 2 (except that the
18 reference to State in the definition of supplier maintaining a
19 place of business in this State shall mean the county), 2a, 2b,
20 2c, 3 through 3-50 (in respect to all provisions therein other
21 than the State rate of tax), 4 (except that the reference to
22 the State shall be to the county), 5, 7, 8 (except that the
23 jurisdiction to which the tax shall be a debt to the extent
24 indicated in that Section 8 shall be the county), 9 (except as
25 to the disposition of taxes and penalties collected), 10, 11,
26 12 (except the reference therein to Section 2b of the

1 Retailers' Occupation Tax Act), 13 (except that any reference
2 to the State shall mean the county), Section 15, 16, 17, 18, 19
3 and 20 of the Service Occupation Tax Act and Section 3-7 of the
4 Uniform Penalty and Interest Act, as fully as if those
5 provisions were set forth herein.

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

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

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

1 (c) 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 Special
4 County ~~Public Safety, Public Facilities, Mental Health,~~
5 ~~Substance Abuse, or Transportation~~ Retailers' Occupation Tax
6 Fund, which shall be an unappropriated trust fund held outside
7 of the State treasury.

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

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

1 any amounts that were erroneously paid to a different taxing
2 body, and not including (i) an amount equal to the amount of
3 refunds made during the second preceding calendar month by the
4 Department on behalf of the county, (ii) any amount that the
5 Department determines is necessary to offset any amounts that
6 were payable to a different taxing body but were erroneously
7 paid to the county, (iii) any amounts that are transferred to
8 the STAR Bonds Revenue Fund, and (iv) 1.5% of the remainder,
9 which shall be transferred into the Tax Compliance and
10 Administration Fund. The Department, at the time of each
11 monthly disbursement to the counties, shall prepare and certify
12 to the State Comptroller the amount to be transferred into the
13 Tax Compliance and Administration Fund under this subsection.
14 Within 10 days after receipt by the Comptroller of the
15 disbursement certification to the counties and the Tax
16 Compliance and Administration Fund provided for in this Section
17 to be given to the Comptroller by the Department, the
18 Comptroller shall cause the orders to be drawn for the
19 respective amounts in accordance with directions contained in
20 the certification.

21 In addition to the disbursement required by the preceding
22 paragraph, an allocation shall be made in March of each year to
23 each county that received more than \$500,000 in disbursements
24 under the preceding paragraph in the preceding calendar year.
25 The allocation shall be in an amount equal to the average
26 monthly distribution made to each such county under the

1 preceding paragraph during the preceding calendar year
2 (excluding the 2 months of highest receipts). The distribution
3 made in March of each year subsequent to the year in which an
4 allocation was made pursuant to this paragraph and the
5 preceding paragraph shall be reduced by the amount allocated
6 and disbursed under this paragraph in the preceding calendar
7 year. The Department shall prepare and certify to the
8 Comptroller for disbursement the allocations made in
9 accordance with this paragraph.

10 A county may direct, by ordinance, that all or a portion of
11 the taxes and penalties collected under the Special County
12 Retailers' Occupation Tax ~~For Public Safety, Public~~
13 ~~Facilities, Mental Health, Substance Abuse, or Transportation~~
14 be deposited into the Transportation Development Partnership
15 Trust Fund.

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

25 (e) Nothing in this Section shall be construed to authorize
26 a county to impose a tax upon the privilege of engaging in any

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

3 (e-5) If a county imposes a tax under this Section, the
4 county board may, by ordinance, discontinue or lower the rate
5 of the tax. If the county board lowers the tax rate or
6 discontinues the tax, a referendum must be held in accordance
7 with subsection (a) of this Section in order to increase the
8 rate of the tax or to reimpose the discontinued tax.

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

21 Beginning January 1, 2014, the results of any election
22 authorizing a proposition to impose a tax under this Section or
23 effecting an increase in the rate of tax, along with the
24 ordinance adopted to impose the tax or increase the rate of the
25 tax, or any ordinance adopted to lower the rate or discontinue
26 the tax, shall be certified by the county clerk and filed with

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

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

14 (h) This Section may be cited as the "Special County
15 Retailers' Occupation Tax ~~For Public Safety, Public~~
16 ~~Facilities, Mental Health, Substance Abuse, or Transportation~~
17 Law".

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

1 operation, and improvement of public highways, any other
2 purpose for which a county may expend funds under the Illinois
3 Highway Code, and passenger rail transportation. For the
4 purposes of this Section, "public facilities purposes"
5 includes, but is not limited to, the acquisition, development,
6 construction, reconstruction, rehabilitation, improvement,
7 financing, architectural planning, and installation of capital
8 facilities consisting of buildings, structures, and durable
9 equipment and for the acquisition and improvement of real
10 property and interest in real property required, or expected to
11 be required, in connection with the public facilities, for use
12 by the county for the furnishing of governmental services to
13 its citizens, including but not limited to museums and nursing
14 homes.

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

19 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
20 eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
21 100-1167, eff. 1-4-19; 100-1171, eff. 1-4-19; revised 1-9-19.)