

1 AMENDMENT TO HOUSE BILL 1950

2 AMENDMENT NO. _____. Amend House Bill 1950 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Premier Resort Areas Act.

6 Section 5. Definitions. In this Act:

7 "Infrastructure expenses" means the costs of purchasing,
8 constructing, or improving any of the following: parking
9 lots; access ways; transportation facilities, including roads
10 and bridges; sewer and water facilities; parks, boat ramps,
11 beaches, and other recreational facilities; fire fighting
12 equipment; police vehicles; ambulances; and other equipment
13 or materials dedicated to public safety or public works.

14 "Premier resort area" means a county or municipality
15 whose governing body enacts an ordinance or adopts a
16 resolution under Section 10.

17 "Tourism-related retailers" means retailers classified in
18 the North American Industry Classification System, 1997
19 edition, as updated, published by the U.S. office of
20 management and budget under the following industry numbers:

21 (1) 31133 Confectionery Manufacturing from Purchased
22 Chocolate.

- 1 (2) 31134 Nonchocolate Confectionery Manufacturing.
- 2 (3) 311811 Retail Bakeries.
- 3 (4) 44313 Camera and Photographic Supplies Stores.
- 4 (5) 445291 Baked Goods Stores.
- 5 (6) 445292 Confectionery and Nut Stores.
- 6 (7) 445299 All Other Specialty Food Stores.
- 7 (8) 44531 Beer, Wine, and Liquor Stores.
- 8 (9) 44611 Pharmacies and Drug Stores.
- 9 (10) 44711 Gasoline Stations with Convenience Store.
- 10 (11) 44719 Other Gasoline Stations.
- 11 (12) 45111 Sporting Goods Stores.
- 12 (13) 45291 Warehouse Clubs and Superstores.
- 13 (14) 45299 All Other General Merchandise Stores.
- 14 (15) 45322 Gift, Novelty, and Souvenir Stores.
- 15 (16) 48711 Scenic and Sightseeing Transportation, Land.
- 16 (17) 48721 Scenic and Sightseeing Transportation, Water.
- 17 (18) 48799 Scenic and Sightseeing Transportation, Other.
- 18 (19) 532292 Recreational Goods Rental.
- 19 (20) 561599 All Other Travel Arrangement and Reservation
20 Services.
- 21 (21) 61162 Sports and Recreation Instruction.
- 22 (22) 611699 All Other Miscellaneous Schools and
23 Instruction.
- 24 (23) 71111 Theater Companies and Dinner Theaters.
- 25 (24) 71119 Other Performing Arts Companies.
- 26 (25) 711212 Racetracks.
- 27 (26) 711219 Other Spectator Sports.
- 28 (27) 71131 Promoters of Performing Arts, Sports, and
29 Similar Events with Facilities.
- 30 (28) 71132 Promoters of Performing Arts, Sports, and
31 Similar Events without Facilities.
- 32 (29) 71219 Nature Parks and Other Similar Institutions.
- 33 (30) 71311 Amusement and Theme Parks.
- 34 (31) 71312 Amusement Arcades.

- 1 (32) 71321 Casinos (except Casino Hotels).
- 2 (33) 71329 Other Gambling Industries.
- 3 (34) 71391 Golf Courses and Country Clubs.
- 4 (35) 71392 Skiing Facilities.
- 5 (36) 71394 Fitness and Recreational Sports Centers.
- 6 (37) 71399 All Other Amusement and Recreation Industries.
- 7 (38) 72111 Hotels (except Casino Hotels) and Motels.
- 8 (39) 72112 Casino Hotels.
- 9 (40) 721191 Bed-and-Breakfast Inns.
- 10 (41) 721199 All Other Traveler Accommodation.
- 11 (42) 721211 RV (Recreational Vehicle) Parks and
12 Campgrounds.
- 13 (43) 721214 Recreational and Vacation Camps (except
14 Campgrounds).
- 15 (44) 72211 Full-Service Restaurants.
- 16 (45) 722211 Limited-Service Restaurants.
- 17 (46) 722212 Cafeterias.
- 18 (47) 722213 Snack and Nonalcoholic Beverage Bars.
- 19 (48) 72231 Food Service Contractors.
- 20 (49) 72232 Caterers.
- 21 (50) 72241 Drinking Places (Alcoholic Beverages).

22 Section 10. Premier resort area creation.

23 (a) The governing body of a municipality or county, by a
24 two-thirds vote of the members of the governing body who are
25 present when the vote is taken, may enact an ordinance or
26 adopt a resolution declaring the municipality or the
27 unincorporated areas of the county, as appropriate, to be a
28 premier resort area if at least 40% of the equalized assessed
29 value of the taxable commercial property within the
30 municipality or unincorporated areas of the county is used by
31 tourism-related retailers.

32 (b) A municipality or county that is a premier resort
33 area may impose the tax under Section 20.

1 (c) If 2 or more contiguous municipalities or counties or
2 any combination of these that are premier resort areas each
3 impose the tax under Section 20, they may enter into
4 intergovernmental cooperation agreements under the
5 Intergovernmental Cooperation Act to cooperate in paying for
6 infrastructure expenses, in addition to any other authority
7 they have to act under that Act.

8 (d) The proceeds from a tax that is imposed under Section
9 20 may be used only to pay for infrastructure expenses within
10 the jurisdiction of a premier resort area.

11 Section 15. Jurisdiction. The jurisdiction of a premier
12 resort area is coterminous with the boundaries of a
13 municipality or the unincorporated areas of a county whose
14 governing body enacts an ordinance or adopts a resolution
15 under subsection (a) of Section 10, or with the boundaries of
16 2 or more municipalities or the unincorporated areas of 2 or
17 more counties or any combination of these that enter into a
18 contract under subsection (c) of Section 10.

19 Section 20. Retailers' occupation and service occupation
20 taxes.

21 (a) Except as provided in subsection (c), a municipality,
22 within the boundaries of the municipality, or a county, with
23 respect to the unincorporated areas of the county, all of
24 which is included in a premier resort area, may, by ordinance
25 or resolution, impose a tax upon tourism related retailers at
26 a rate of 0.5% of the gross receipts from sales of tangible
27 personal property at retail.

28 (b) Except as provided in subsection (c), a municipality,
29 within the boundaries of the municipality, or a county, with
30 respect to the unincorporated areas of the county, all of
31 which is included in a premier resort area, may, by ordinance
32 or resolution, impose a tax upon tourism related retailers

1 engaged in the municipality or unincorporated areas of the
2 county in the business of making sales of service at a rate
3 of 0.5% of the gross receipts from selling price of all
4 tangible personal property transferred by the servicemen as
5 an incident to a sale of service. No tax may be imposed by a
6 premier resort area pursuant to subsection (a) unless the
7 premier resort area also imposes a tax at the same rate under
8 this subsection (b).

9 (c) A municipality may impose the tax under this Section
10 in the municipality. A county may impose the tax under this
11 Section in the unincorporated areas of the county.

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

17 Section 25. Administration. The tax imposed by a premier
18 resort area under this Act and all civil penalties that may
19 be assessed as an incident to that tax shall be collected and
20 enforced by the State Department of Revenue. The certificate
21 of registration that is issued by the Department to a
22 retailer under the Retailers' Occupation Tax Act or under the
23 Service Occupation Tax Act shall permit the retailer to
24 engage in a business that is taxable under any ordinance or
25 resolution enacted pursuant to this Act without registering
26 separately with the Department under that ordinance or
27 resolution or under this Act. The Department shall have full
28 power to administer and enforce this Act; to collect all
29 taxes and penalties due under this Act; to dispose of taxes
30 and penalties so collected in the manner provided in this
31 Section; and to determine all rights to credit memoranda
32 arising on account of the erroneous payment of tax or penalty
33 under this Act. In the administration of and compliance with

1 this Act, the Department and persons who are subject to this
2 Act shall have the same rights, remedies, privileges,
3 immunities, powers, and duties, and be subject to the same
4 conditions, restrictions, limitations, penalties, and
5 definitions of terms, and employ the same modes of procedure,
6 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i,
7 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all provisions
8 other than the State rate of tax), 4, 5, 5a, 5b, 5c, 5d, 5e,
9 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
10 12, and 13 of the Retailers' Occupation Tax Act, with respect
11 to the retailer's occupation tax imposed under this Act, and
12 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
13 provisions other than the State rate of tax), 4 (except that
14 the reference to the State shall be to the taxing premier
15 resort area), 5, 7, 8 (except that the jurisdiction to which
16 the tax shall be a debt to the extent indicated in that
17 Section 8 shall be the taxing premier resort area), 9 (except
18 as to the disposition of taxes and penalties collected, and
19 except that the returned merchandise credit for this premier
20 resort area tax may not be taken against any State tax), 10,
21 11, 12 (except the reference to Section 2b of the Retailers'
22 Occupation Tax Act), 13 (except that any reference to the
23 State shall mean the taxing premier resort area), the first
24 paragraph of Section 15, 16, 17, 18, 19, and 20 of the
25 Service Occupation Tax Act, with respect to the service
26 occupation tax imposed under this Act, and Section 3-7 of the
27 Uniform Penalty and Interest Act, as fully as if those
28 provisions were set forth in this Section.

29 Persons subject to any tax imposed pursuant to the
30 authority granted in this Act may reimburse themselves for
31 their seller's tax liability under this Act by separately
32 stating the tax as an additional charge, which charge may be
33 stated in combination, in a single amount, with State tax
34 that sellers are required to collect under the Use Tax Act,

1 pursuant to such bracket schedules as the Department may
2 prescribe.

3 If the Department determines that a refund should be made
4 under this Act to a claimant, instead of issuing a credit
5 memorandum, the Department shall notify the State
6 Comptroller, who shall cause the order to be drawn for the
7 amount specified and to the person named in the notification
8 from the Department. The refund shall be paid by the State
9 Treasurer out of the premier resort area retailers'
10 occupation tax fund.

11 The Department shall forthwith pay over to the State
12 Treasurer, ex officio, as trustee, all taxes and penalties
13 collected under this Act. On or before the 25th day of each
14 calendar month, the Department shall prepare and certify to
15 the Comptroller the disbursement of stated sums of money to
16 named premier resort areas, the premier resort areas to be
17 those from which retailers have paid taxes or penalties under
18 this Act to the Department during the second preceding
19 calendar month. The amount to be paid to each premier resort
20 area shall be the amount (not including credit memoranda)
21 collected under this Act during the second preceding calendar
22 month by the Department plus an amount the Department
23 determines is necessary to offset any amounts that were
24 erroneously paid to a different taxing body, and not
25 including an amount equal to the amount of refunds made
26 during the second preceding calendar month by the Department
27 on behalf of the premier resort area, and not including any
28 amount that the Department determines is necessary to offset
29 any amounts that were payable to a different taxing body but
30 were erroneously paid to the premier resort area. Within 10
31 days after receipt by the Comptroller of the disbursement
32 certification to the premier resort areas provided for in
33 this Section to be given to the Comptroller by the
34 Department, the Comptroller shall cause the orders to be

1 drawn for the respective amounts in accordance with the
2 directions contained in the certification.

3 An ordinance or resolution imposing or discontinuing the
4 tax under this Act or effecting a change in the rate of tax
5 shall either (i) be adopted and a certified copy thereof
6 filed with the Department on or before the first day of
7 April, whereupon the Department shall proceed to administer
8 and enforce the tax imposed under this Act as of the first
9 day of July next following the adoption and filing; or (ii)
10 be adopted and a certified copy thereof filed with the
11 Department on or before the first day of October, whereupon
12 the Department shall proceed to administer and enforce the
13 tax imposed under this Act as of the first day of January
14 next following the adoption and filing.

15 When certifying the amount of a monthly disbursement to a
16 premier resort area of the tax imposed under this Act, the
17 Department shall increase or decrease the amount by an amount
18 necessary to offset any misallocation of previous
19 disbursements. The offset amount shall be the amount
20 erroneously disbursed within the previous 6 months from the
21 time a misallocation is discovered.

22 The Department may adopt rules interpreting the
23 classifications under the definition of "tourism-related
24 retailers" and specifying means of determining the
25 classification of a business. If there is a dispute whether a
26 business is a tourism-related retailer, the Department's
27 decision is final."