



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3756

Introduced 2/25/2005, by Rep. Angelo Saviano - Kurt M. Granberg - Kenneth Dunkin - Lovana Jones

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.25f	from Ch. 127, par. 144.25f
35 ILCS 105/9	from Ch. 120, par. 439.9
35 ILCS 110/9	from Ch. 120, par. 439.39
35 ILCS 115/9	from Ch. 120, par. 439.109
35 ILCS 120/3	from Ch. 120, par. 442
70 ILCS 210/13	from Ch. 85, par. 1233
70 ILCS 210/13.2	from Ch. 85, par. 1233.2

Amends the State Finance Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, and the Retailers' Occupation Tax Act concerning moneys deposited into the McCormick Place Expansion Project Fund. Provides that moneys deposited into the Fund from collections from use and occupation taxes shall be deposited into the Fund as "Base Deposits" and "Additional Deposit" (now, the moneys are deposited into the Fund as a single "Total Deposit"). Provides that moneys must be deposited into the Fund each fiscal year in which there are outstanding bonds until fiscal year 2046 (now, fiscal year 2042). In the State Finance Act, provides that the Chairman of the Metropolitan Pier and Exposition Authority must annually certify an amount equal to (i) the Base Deposit into the Fund plus (ii) the Additional Deposit into the Fund that is required to pay the Debt Service Requirements on all outstanding bonds minus (iii) amounts available to pay debt service in that fiscal year (now, the Chairman must certify an amount required to pay the debt service on existing bonds). Amends the Metropolitan Pier and Exposition Authority Act. Provides for monthly payments from the special trust fund to the McCormick Place Expansion Project Fund of an amount equal to the Additional Deposit certified by the Chairman of the Authority (now, provides for monthly payments of the entire certified amount). Provides for monthly payments from the McCormick Place Expansion Project Fund to the Authority of the entire amount certified by the Chairman (now, requires monthly payments of the Debt Service Requirement). Provides that the Authority may not issue bonds and notes if, at the time of issuance, the requirements in any fiscal year for payment of principal and interest for all outstanding bonds and notes exceeds the Total Deposit to be transferred to the Fund McCormick Place Expansion Project Fund under the State Finance Act (now, the Authority may issue bonds and notes in an aggregate principle amount not to exceed \$2,107,000,000). Provides that no bonds issued to refund or advance refund the Authority's bonds may mature later than fiscal year 2046 (now, the refund bonds may not mature later than the longest maturity date of the series of bonds being refunded). Effective immediately.

LRB094 07137 BDD 37290 b

FISCAL NOTE ACT
MAY APPLY

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 Finance Act is amended by changing
5 Section 8.25f as follows:

6 (30 ILCS 105/8.25f) (from Ch. 127, par. 144.25f)

7 Sec. 8.25f. McCormick Place Expansion Project Fund.

8 (a) Deposits. The following amounts shall be deposited into
9 the McCormick Place Expansion Project Fund in the State
10 Treasury: (i) the moneys required to be deposited into the Fund
11 under Section 9 of the Use Tax Act, Section 9 of the Service
12 Occupation Tax Act, Section 9 of the Service Use Tax Act, and
13 Section 3 of the Retailers' Occupation Tax Act and (ii) the
14 moneys required to be deposited into the Fund under Section 13
15 of the Metropolitan Pier and Exposition Authority Act.
16 Notwithstanding the foregoing, the maximum amount that may be
17 deposited into the McCormick Place Expansion Project Fund from
18 item (i) shall not exceed the Total Deposit amount ~~following~~
19 ~~amounts~~ with respect to the following fiscal years:

20	Fiscal Year	<u>Base Deposit</u>	<u>Additional</u>	Total Deposit
21			<u>Deposit</u>	
	1993	<u>\$0</u>	\$0	<u>\$0</u>
22	1994	<u>0</u>	53,000,000	<u>53,000,000</u>
23	1995	<u>0</u>	58,000,000	<u>58,000,000</u>
24	1996	<u>0</u>	61,000,000	<u>61,000,000</u>
25	1997	<u>0</u>	64,000,000	<u>64,000,000</u>
26	1998	<u>0</u>	68,000,000	<u>68,000,000</u>
27	1999	<u>0</u>	71,000,000	<u>71,000,000</u>
28	2000	<u>0</u>	75,000,000	<u>75,000,000</u>
29	2001	<u>0</u>	80,000,000	<u>80,000,000</u>
30	2002	<u>0</u>	93,000,000	<u>93,000,000</u>

1	2003	<u>0</u>	99,000,000	<u>99,000,000</u>
2	2004	<u>0</u>	103,000,000	<u>103,000,000</u>
3	2005	<u>0</u>	108,000,000	<u>108,000,000</u>
4	2006	<u>0</u>	113,000,000	<u>113,000,000</u>
5	2007	<u>0</u>	119,000,000	<u>119,000,000</u>
6	2008	<u>1,800,000</u>	126,000,000	<u>127,800,000</u>
7	2009	<u>1,800,000</u>	132,000,000	<u>133,800,000</u>
8	2010	<u>1,800,000</u>	139,000,000	<u>140,800,000</u>
9	2011	<u>1,800,000</u>	146,000,000	<u>147,800,000</u>
10	2012	<u>1,800,000</u>	153,000,000	<u>154,800,000</u>
11	2013	<u>1,800,000</u>	161,000,000	<u>162,800,000</u>
12	2014	<u>1,800,000</u>	170,000,000	<u>171,800,000</u>
13	2015	<u>28,000,000</u>	179,000,000	<u>207,000,000</u>
14	2016	<u>33,500,000</u>	189,000,000	<u>222,500,000</u>
15	2017	<u>33,500,000</u>	199,000,000	<u>232,500,000</u>
16	2018	<u>33,500,000</u>	210,000,000	<u>243,500,000</u>
17	2019	<u>33,500,000</u>	221,000,000	<u>254,500,000</u>
18	2020	<u>33,500,000</u>	233,000,000	<u>266,500,000</u>
19	2021	<u>33,500,000</u>	246,000,000	<u>279,500,000</u>
20	2022	<u>33,500,000</u>	260,000,000	<u>293,500,000</u>
21	2023 and	<u>33,500,000</u>	275,000,000	<u>308,500,000</u>

22 each fiscal
23 year
24 thereafter
25 that bonds
26 are
27 outstanding
28 under
29 Section 13.2
30 of the
31 Metropolitan
32 Pier and
33 Exposition
34 Authority Act,

1 but not after
2 fiscal year
3 2046 ~~2042~~.

4 Provided that all amounts deposited in the Fund and
5 requested in the Authority's certificate have been paid to the
6 Authority, all amounts remaining in the McCormick Place
7 Expansion Project Fund on the last day of any month shall be
8 transferred to the General Revenue Fund.

9 (b) Authority certificate.

10 (1) Beginning with fiscal year 1994 and continuing for each
11 fiscal year thereafter, the Chairman of the Metropolitan Pier
12 and Exposition Authority shall annually certify to the State
13 Comptroller and the State Treasurer a net amount equal to the
14 sum of the Base Deposit and (i) so much of the Additional
15 Deposit described in subsection (a) as is necessary and
16 required during the fiscal year with respect to which the
17 certification is made to pay (x) the Debt Service Requirements
18 on all outstanding bonds and notes bearing interest at a fixed
19 rate and (y) the potential maximum Debt Service Requirements on
20 all outstanding bonds and notes bearing interest at a variable
21 rate, less (ii) the amount on deposit with the trustee for the
22 bondholders and available to pay debt service in that fiscal
23 year. The Chairman may not certify in any year an amount
24 greater than the Total Deposit for that year.

25 (2) The term "Debt Service Requirements" used in this
26 Section means principal, interest, premium, sinking fund, and
27 reserve fund deposits and any other amounts required to be paid
28 under any indenture, any arrangement to provide additional
29 security and liquidity with respect to outstanding bonds and
30 notes, and any contract to manage payment or interest rate risk
31 entered into in connection with the issuance of outstanding
32 bonds and notes.

33 (3) Any certificate filed under this Section may be amended
34 from time to time as necessary. ~~the amount necessary and~~
35 ~~required, during the fiscal year with respect to which the~~
36 ~~certification is made, to pay the debt service requirements~~

~~(including amounts to be paid with respect to arrangements to provide additional security or liquidity) on all outstanding bonds and notes, including refunding bonds, (collectively referred to as "bonds") in an amount issued by the Authority pursuant to Section 13.2 of the Metropolitan Pier and Exposition Authority Act. The certificate may be amended from time to time as necessary.~~

(Source: P.A. 91-101, eff. 7-12-99; 92-208, eff. 8-2-01.)

Section 10. The Use Tax Act is amended by changing Section 9 as follows:

(35 ILCS 105/9) (from Ch. 120, par. 439.9)

Sec. 9. Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or \$5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act, with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is

1 extended beyond the close of the period for which the return is
2 filed, the retailer, in collecting the tax (except as to motor
3 vehicles, watercraft, aircraft, and trailers that are required
4 to be registered with an agency of this State), may collect for
5 each tax return period, only the tax applicable to that part of
6 the selling price actually received during such tax return
7 period.

8 Except as provided in this Section, on or before the
9 twentieth day of each calendar month, such retailer shall file
10 a return for the preceding calendar month. Such return shall be
11 filed on forms prescribed by the Department and shall furnish
12 such information as the Department may reasonably require.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter. The
17 taxpayer shall also file a return with the Department for each
18 of the first two months of each calendar quarter, on or before
19 the twentieth day of the following calendar month, stating:

- 20 1. The name of the seller;
- 21 2. The address of the principal place of business from
22 which he engages in the business of selling tangible
23 personal property at retail in this State;
- 24 3. The total amount of taxable receipts received by him
25 during the preceding calendar month from sales of tangible
26 personal property by him during such preceding calendar
27 month, including receipts from charge and time sales, but
28 less all deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of this
30 Act;
- 31 5. The amount of tax due;
- 32 5-5. The signature of the taxpayer; and
- 33 6. Such other reasonable information as the Department
34 may require.

35 If a taxpayer fails to sign a return within 30 days after
36 the proper notice and demand for signature by the Department,

1 the return shall be considered valid and any amount shown to be
2 due on the return shall be deemed assessed.

3 Beginning October 1, 1993, a taxpayer who has an average
4 monthly tax liability of \$150,000 or more shall make all
5 payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 1994, a taxpayer who has
7 an average monthly tax liability of \$100,000 or more shall make
8 all payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 1995, a taxpayer who has
10 an average monthly tax liability of \$50,000 or more shall make
11 all payments required by rules of the Department by electronic
12 funds transfer. Beginning October 1, 2000, a taxpayer who has
13 an annual tax liability of \$200,000 or more shall make all
14 payments required by rules of the Department by electronic
15 funds transfer. The term "annual tax liability" shall be the
16 sum of the taxpayer's liabilities under this Act, and under all
17 other State and local occupation and use tax laws administered
18 by the Department, for the immediately preceding calendar year.
19 The term "average monthly tax liability" means the sum of the
20 taxpayer's liabilities under this Act, and under all other
21 State and local occupation and use tax laws administered by the
22 Department, for the immediately preceding calendar year
23 divided by 12. Beginning on October 1, 2002, a taxpayer who has
24 a tax liability in the amount set forth in subsection (b) of
25 Section 2505-210 of the Department of Revenue Law shall make
26 all payments required by rules of the Department by electronic
27 funds transfer.

28 Before August 1 of each year beginning in 1993, the
29 Department shall notify all taxpayers required to make payments
30 by electronic funds transfer. All taxpayers required to make
31 payments by electronic funds transfer shall make those payments
32 for a minimum of one year beginning on October 1.

33 Any taxpayer not required to make payments by electronic
34 funds transfer may make payments by electronic funds transfer
35 with the permission of the Department.

36 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make
2 payments by electronic funds transfer shall make those payments
3 in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to
5 effectuate a program of electronic funds transfer and the
6 requirements of this Section.

7 Before October 1, 2000, if the taxpayer's average monthly
8 tax liability to the Department under this Act, the Retailers'
9 Occupation Tax Act, the Service Occupation Tax Act, the Service
10 Use Tax Act was \$10,000 or more during the preceding 4 complete
11 calendar quarters, he shall file a return with the Department
12 each month by the 20th day of the month next following the
13 month during which such tax liability is incurred and shall
14 make payments to the Department on or before the 7th, 15th,
15 22nd and last day of the month during which such liability is
16 incurred. On and after October 1, 2000, if the taxpayer's
17 average monthly tax liability to the Department under this Act,
18 the Retailers' Occupation Tax Act, the Service Occupation Tax
19 Act, and the Service Use Tax Act was \$20,000 or more during the
20 preceding 4 complete calendar quarters, he shall file a return
21 with the Department each month by the 20th day of the month
22 next following the month during which such tax liability is
23 incurred and shall make payment to the Department on or before
24 the 7th, 15th, 22nd and last day of the month during which such
25 liability is incurred. If the month during which such tax
26 liability is incurred began prior to January 1, 1985, each
27 payment shall be in an amount equal to 1/4 of the taxpayer's
28 actual liability for the month or an amount set by the
29 Department not to exceed 1/4 of the average monthly liability
30 of the taxpayer to the Department for the preceding 4 complete
31 calendar quarters (excluding the month of highest liability and
32 the month of lowest liability in such 4 quarter period). If the
33 month during which such tax liability is incurred begins on or
34 after January 1, 1985, and prior to January 1, 1987, each
35 payment shall be in an amount equal to 22.5% of the taxpayer's
36 actual liability for the month or 27.5% of the taxpayer's

1 liability for the same calendar month of the preceding year. If
2 the month during which such tax liability is incurred begins on
3 or after January 1, 1987, and prior to January 1, 1988, each
4 payment shall be in an amount equal to 22.5% of the taxpayer's
5 actual liability for the month or 26.25% of the taxpayer's
6 liability for the same calendar month of the preceding year. If
7 the month during which such tax liability is incurred begins on
8 or after January 1, 1988, and prior to January 1, 1989, or
9 begins on or after January 1, 1996, each payment shall be in an
10 amount equal to 22.5% of the taxpayer's actual liability for
11 the month or 25% of the taxpayer's liability for the same
12 calendar month of the preceding year. If the month during which
13 such tax liability is incurred begins on or after January 1,
14 1989, and prior to January 1, 1996, each payment shall be in an
15 amount equal to 22.5% of the taxpayer's actual liability for
16 the month or 25% of the taxpayer's liability for the same
17 calendar month of the preceding year or 100% of the taxpayer's
18 actual liability for the quarter monthly reporting period. The
19 amount of such quarter monthly payments shall be credited
20 against the final tax liability of the taxpayer's return for
21 that month. Before October 1, 2000, once applicable, the
22 requirement of the making of quarter monthly payments to the
23 Department shall continue until such taxpayer's average
24 monthly liability to the Department during the preceding 4
25 complete calendar quarters (excluding the month of highest
26 liability and the month of lowest liability) is less than
27 \$9,000, or until such taxpayer's average monthly liability to
28 the Department as computed for each calendar quarter of the 4
29 preceding complete calendar quarter period is less than
30 \$10,000. However, if a taxpayer can show the Department that a
31 substantial change in the taxpayer's business has occurred
32 which causes the taxpayer to anticipate that his average
33 monthly tax liability for the reasonably foreseeable future
34 will fall below the \$10,000 threshold stated above, then such
35 taxpayer may petition the Department for change in such
36 taxpayer's reporting status. On and after October 1, 2000, once

1 applicable, the requirement of the making of quarter monthly
2 payments to the Department shall continue until such taxpayer's
3 average monthly liability to the Department during the
4 preceding 4 complete calendar quarters (excluding the month of
5 highest liability and the month of lowest liability) is less
6 than \$19,000 or until such taxpayer's average monthly liability
7 to the Department as computed for each calendar quarter of the
8 4 preceding complete calendar quarter period is less than
9 \$20,000. However, if a taxpayer can show the Department that a
10 substantial change in the taxpayer's business has occurred
11 which causes the taxpayer to anticipate that his average
12 monthly tax liability for the reasonably foreseeable future
13 will fall below the \$20,000 threshold stated above, then such
14 taxpayer may petition the Department for a change in such
15 taxpayer's reporting status. The Department shall change such
16 taxpayer's reporting status unless it finds that such change is
17 seasonal in nature and not likely to be long term. If any such
18 quarter monthly payment is not paid at the time or in the
19 amount required by this Section, then the taxpayer shall be
20 liable for penalties and interest on the difference between the
21 minimum amount due and the amount of such quarter monthly
22 payment actually and timely paid, except insofar as the
23 taxpayer has previously made payments for that month to the
24 Department in excess of the minimum payments previously due as
25 provided in this Section. The Department shall make reasonable
26 rules and regulations to govern the quarter monthly payment
27 amount and quarter monthly payment dates for taxpayers who file
28 on other than a calendar monthly basis.

29 If any such payment provided for in this Section exceeds
30 the taxpayer's liabilities under this Act, the Retailers'
31 Occupation Tax Act, the Service Occupation Tax Act and the
32 Service Use Tax Act, as shown by an original monthly return,
33 the Department shall issue to the taxpayer a credit memorandum
34 no later than 30 days after the date of payment, which
35 memorandum may be submitted by the taxpayer to the Department
36 in payment of tax liability subsequently to be remitted by the

1 taxpayer to the Department or be assigned by the taxpayer to a
2 similar taxpayer under this Act, the Retailers' Occupation Tax
3 Act, the Service Occupation Tax Act or the Service Use Tax Act,
4 in accordance with reasonable rules and regulations to be
5 prescribed by the Department, except that if such excess
6 payment is shown on an original monthly return and is made
7 after December 31, 1986, no credit memorandum shall be issued,
8 unless requested by the taxpayer. If no such request is made,
9 the taxpayer may credit such excess payment against tax
10 liability subsequently to be remitted by the taxpayer to the
11 Department under this Act, the Retailers' Occupation Tax Act,
12 the Service Occupation Tax Act or the Service Use Tax Act, in
13 accordance with reasonable rules and regulations prescribed by
14 the Department. If the Department subsequently determines that
15 all or any part of the credit taken was not actually due to the
16 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall
17 be reduced by 2.1% or 1.75% of the difference between the
18 credit taken and that actually due, and the taxpayer shall be
19 liable for penalties and interest on such difference.

20 If the retailer is otherwise required to file a monthly
21 return and if the retailer's average monthly tax liability to
22 the Department does not exceed \$200, the Department may
23 authorize his returns to be filed on a quarter annual basis,
24 with the return for January, February, and March of a given
25 year being due by April 20 of such year; with the return for
26 April, May and June of a given year being due by July 20 of such
27 year; with the return for July, August and September of a given
28 year being due by October 20 of such year, and with the return
29 for October, November and December of a given year being due by
30 January 20 of the following year.

31 If the retailer is otherwise required to file a monthly or
32 quarterly return and if the retailer's average monthly tax
33 liability to the Department does not exceed \$50, the Department
34 may authorize his returns to be filed on an annual basis, with
35 the return for a given year being due by January 20 of the
36 following year.

1 Such quarter annual and annual returns, as to form and
2 substance, shall be subject to the same requirements as monthly
3 returns.

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

11 In addition, with respect to motor vehicles, watercraft,
12 aircraft, and trailers that are required to be registered with
13 an agency of this State, every retailer selling this kind of
14 tangible personal property shall file, with the Department,
15 upon a form to be prescribed and supplied by the Department, a
16 separate return for each such item of tangible personal
17 property which the retailer sells, except that if, in the same
18 transaction, (i) a retailer of aircraft, watercraft, motor
19 vehicles or trailers transfers more than one aircraft,
20 watercraft, motor vehicle or trailer to another aircraft,
21 watercraft, motor vehicle or trailer retailer for the purpose
22 of resale or (ii) a retailer of aircraft, watercraft, motor
23 vehicles, or trailers transfers more than one aircraft,
24 watercraft, motor vehicle, or trailer to a purchaser for use as
25 a qualifying rolling stock as provided in Section 3-55 of this
26 Act, then that seller may report the transfer of all the
27 aircraft, watercraft, motor vehicles or trailers involved in
28 that transaction to the Department on the same uniform
29 invoice-transaction reporting return form. For purposes of
30 this Section, "watercraft" means a Class 2, Class 3, or Class 4
31 watercraft as defined in Section 3-2 of the Boat Registration
32 and Safety Act, a personal watercraft, or any boat equipped
33 with an inboard motor.

34 The transaction reporting return in the case of motor
35 vehicles or trailers that are required to be registered with an
36 agency of this State, shall be the same document as the Uniform

1 Invoice referred to in Section 5-402 of the Illinois Vehicle
2 Code and must show the name and address of the seller; the name
3 and address of the purchaser; the amount of the selling price
4 including the amount allowed by the retailer for traded-in
5 property, if any; the amount allowed by the retailer for the
6 traded-in tangible personal property, if any, to the extent to
7 which Section 2 of this Act allows an exemption for the value
8 of traded-in property; the balance payable after deducting such
9 trade-in allowance from the total selling price; the amount of
10 tax due from the retailer with respect to such transaction; the
11 amount of tax collected from the purchaser by the retailer on
12 such transaction (or satisfactory evidence that such tax is not
13 due in that particular instance, if that is claimed to be the
14 fact); the place and date of the sale; a sufficient
15 identification of the property sold; such other information as
16 is required in Section 5-402 of the Illinois Vehicle Code, and
17 such other information as the Department may reasonably
18 require.

19 The transaction reporting return in the case of watercraft
20 and aircraft must show the name and address of the seller; the
21 name and address of the purchaser; the amount of the selling
22 price including the amount allowed by the retailer for
23 traded-in property, if any; the amount allowed by the retailer
24 for the traded-in tangible personal property, if any, to the
25 extent to which Section 2 of this Act allows an exemption for
26 the value of traded-in property; the balance payable after
27 deducting such trade-in allowance from the total selling price;
28 the amount of tax due from the retailer with respect to such
29 transaction; the amount of tax collected from the purchaser by
30 the retailer on such transaction (or satisfactory evidence that
31 such tax is not due in that particular instance, if that is
32 claimed to be the fact); the place and date of the sale, a
33 sufficient identification of the property sold, and such other
34 information as the Department may reasonably require.

35 Such transaction reporting return shall be filed not later
36 than 20 days after the date of delivery of the item that is

1 being sold, but may be filed by the retailer at any time sooner
2 than that if he chooses to do so. The transaction reporting
3 return and tax remittance or proof of exemption from the tax
4 that is imposed by this Act may be transmitted to the
5 Department by way of the State agency with which, or State
6 officer with whom, the tangible personal property must be
7 titled or registered (if titling or registration is required)
8 if the Department and such agency or State officer determine
9 that this procedure will expedite the processing of
10 applications for title or registration.

11 With each such transaction reporting return, the retailer
12 shall remit the proper amount of tax due (or shall submit
13 satisfactory evidence that the sale is not taxable if that is
14 the case), to the Department or its agents, whereupon the
15 Department shall issue, in the purchaser's name, a tax receipt
16 (or a certificate of exemption if the Department is satisfied
17 that the particular sale is tax exempt) which such purchaser
18 may submit to the agency with which, or State officer with
19 whom, he must title or register the tangible personal property
20 that is involved (if titling or registration is required) in
21 support of such purchaser's application for an Illinois
22 certificate or other evidence of title or registration to such
23 tangible personal property.

24 No retailer's failure or refusal to remit tax under this
25 Act precludes a user, who has paid the proper tax to the
26 retailer, from obtaining his certificate of title or other
27 evidence of title or registration (if titling or registration
28 is required) upon satisfying the Department that such user has
29 paid the proper tax (if tax is due) to the retailer. The
30 Department shall adopt appropriate rules to carry out the
31 mandate of this paragraph.

32 If the user who would otherwise pay tax to the retailer
33 wants the transaction reporting return filed and the payment of
34 tax or proof of exemption made to the Department before the
35 retailer is willing to take these actions and such user has not
36 paid the tax to the retailer, such user may certify to the fact

1 of such delay by the retailer, and may (upon the Department
2 being satisfied of the truth of such certification) transmit
3 the information required by the transaction reporting return
4 and the remittance for tax or proof of exemption directly to
5 the Department and obtain his tax receipt or exemption
6 determination, in which event the transaction reporting return
7 and tax remittance (if a tax payment was required) shall be
8 credited by the Department to the proper retailer's account
9 with the Department, but without the 2.1% or 1.75% discount
10 provided for in this Section being allowed. When the user pays
11 the tax directly to the Department, he shall pay the tax in the
12 same amount and in the same form in which it would be remitted
13 if the tax had been remitted to the Department by the retailer.

14 Where a retailer collects the tax with respect to the
15 selling price of tangible personal property which he sells and
16 the purchaser thereafter returns such tangible personal
17 property and the retailer refunds the selling price thereof to
18 the purchaser, such retailer shall also refund, to the
19 purchaser, the tax so collected from the purchaser. When filing
20 his return for the period in which he refunds such tax to the
21 purchaser, the retailer may deduct the amount of the tax so
22 refunded by him to the purchaser from any other use tax which
23 such retailer may be required to pay or remit to the
24 Department, as shown by such return, if the amount of the tax
25 to be deducted was previously remitted to the Department by
26 such retailer. If the retailer has not previously remitted the
27 amount of such tax to the Department, he is entitled to no
28 deduction under this Act upon refunding such tax to the
29 purchaser.

30 Any retailer filing a return under this Section shall also
31 include (for the purpose of paying tax thereon) the total tax
32 covered by such return upon the selling price of tangible
33 personal property purchased by him at retail from a retailer,
34 but as to which the tax imposed by this Act was not collected
35 from the retailer filing such return, and such retailer shall
36 remit the amount of such tax to the Department when filing such

1 return.

2 If experience indicates such action to be practicable, the
3 Department may prescribe and furnish a combination or joint
4 return which will enable retailers, who are required to file
5 returns hereunder and also under the Retailers' Occupation Tax
6 Act, to furnish all the return information required by both
7 Acts on the one form.

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

13 Beginning January 1, 1990, each month the Department shall
14 pay into the State and Local Sales Tax Reform Fund, a special
15 fund in the State Treasury which is hereby created, the net
16 revenue realized for the preceding month from the 1% tax on
17 sales of food for human consumption which is to be consumed off
18 the premises where it is sold (other than alcoholic beverages,
19 soft drinks and food which has been prepared for immediate
20 consumption) and prescription and nonprescription medicines,
21 drugs, medical appliances and insulin, urine testing
22 materials, syringes and needles used by diabetics.

23 Beginning January 1, 1990, each month the Department shall
24 pay into the County and Mass Transit District Fund 4% of the
25 net revenue realized for the preceding month from the 6.25%
26 general rate on the selling price of tangible personal property
27 which is purchased outside Illinois at retail from a retailer
28 and which is titled or registered by an agency of this State's
29 government.

30 Beginning January 1, 1990, each month the Department shall
31 pay into the State and Local Sales Tax Reform Fund, a special
32 fund in the State Treasury, 20% of the net revenue realized for
33 the preceding month from the 6.25% general rate on the selling
34 price of tangible personal property, other than tangible
35 personal property which is purchased outside Illinois at retail
36 from a retailer and which is titled or registered by an agency

1 of this State's government.

2 Beginning August 1, 2000, each month the Department shall
3 pay into the State and Local Sales Tax Reform Fund 100% of the
4 net revenue realized for the preceding month from the 1.25%
5 rate on the selling price of motor fuel and gasohol.

6 Beginning January 1, 1990, each month the Department shall
7 pay into the Local Government Tax Fund 16% of the net revenue
8 realized for the preceding month from the 6.25% general rate on
9 the selling price of tangible personal property which is
10 purchased outside Illinois at retail from a retailer and which
11 is titled or registered by an agency of this State's
12 government.

13 Of the remainder of the moneys received by the Department
14 pursuant to this Act, (a) 1.75% thereof shall be paid into the
15 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
16 and after July 1, 1989, 3.8% thereof shall be paid into the
17 Build Illinois Fund; provided, however, that if in any fiscal
18 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
19 may be, of the moneys received by the Department and required
20 to be paid into the Build Illinois Fund pursuant to Section 3
21 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
22 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
23 Service Occupation Tax Act, such Acts being hereinafter called
24 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
25 may be, of moneys being hereinafter called the "Tax Act
26 Amount", and (2) the amount transferred to the Build Illinois
27 Fund from the State and Local Sales Tax Reform Fund shall be
28 less than the Annual Specified Amount (as defined in Section 3
29 of the Retailers' Occupation Tax Act), an amount equal to the
30 difference shall be immediately paid into the Build Illinois
31 Fund from other moneys received by the Department pursuant to
32 the Tax Acts; and further provided, that if on the last
33 business day of any month the sum of (1) the Tax Act Amount
34 required to be deposited into the Build Illinois Bond Account
35 in the Build Illinois Fund during such month and (2) the amount
36 transferred during such month to the Build Illinois Fund from

1 the State and Local Sales Tax Reform Fund shall have been less
2 than 1/12 of the Annual Specified Amount, an amount equal to
3 the difference shall be immediately paid into the Build
4 Illinois Fund from other moneys received by the Department
5 pursuant to the Tax Acts; and, further provided, that in no
6 event shall the payments required under the preceding proviso
7 result in aggregate payments into the Build Illinois Fund
8 pursuant to this clause (b) for any fiscal year in excess of
9 the greater of (i) the Tax Act Amount or (ii) the Annual
10 Specified Amount for such fiscal year; and, further provided,
11 that the amounts payable into the Build Illinois Fund under
12 this clause (b) shall be payable only until such time as the
13 aggregate amount on deposit under each trust indenture securing
14 Bonds issued and outstanding pursuant to the Build Illinois
15 Bond Act is sufficient, taking into account any future
16 investment income, to fully provide, in accordance with such
17 indenture, for the defeasance of or the payment of the
18 principal of, premium, if any, and interest on the Bonds
19 secured by such indenture and on any Bonds expected to be
20 issued thereafter and all fees and costs payable with respect
21 thereto, all as certified by the Director of the Bureau of the
22 Budget (now Governor's Office of Management and Budget). If on
23 the last business day of any month in which Bonds are
24 outstanding pursuant to the Build Illinois Bond Act, the
25 aggregate of the moneys deposited in the Build Illinois Bond
26 Account in the Build Illinois Fund in such month shall be less
27 than the amount required to be transferred in such month from
28 the Build Illinois Bond Account to the Build Illinois Bond
29 Retirement and Interest Fund pursuant to Section 13 of the
30 Build Illinois Bond Act, an amount equal to such deficiency
31 shall be immediately paid from other moneys received by the
32 Department pursuant to the Tax Acts to the Build Illinois Fund;
33 provided, however, that any amounts paid to the Build Illinois
34 Fund in any fiscal year pursuant to this sentence shall be
35 deemed to constitute payments pursuant to clause (b) of the
36 preceding sentence and shall reduce the amount otherwise

1 payable for such fiscal year pursuant to clause (b) of the
 2 preceding sentence. The moneys received by the Department
 3 pursuant to this Act and required to be deposited into the
 4 Build Illinois Fund are subject to the pledge, claim and charge
 5 set forth in Section 12 of the Build Illinois Bond Act.

6 Subject to payment of amounts into the Build Illinois Fund
 7 as provided in the preceding paragraph or in any amendment
 8 thereto hereafter enacted, the following specified monthly
 9 installment of the amount requested in the certificate of the
 10 Chairman of the Metropolitan Pier and Exposition Authority
 11 provided under Section 8.25f of the State Finance Act, but not
 12 in excess of the sums designated as "Total Deposit", shall be
 13 deposited in the aggregate from collections under Section 9 of
 14 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 15 9 of the Service Occupation Tax Act, and Section 3 of the
 16 Retailers' Occupation Tax Act into the McCormick Place
 17 Expansion Project Fund in the specified fiscal years.

18 Fiscal Year	<u>Base Deposit</u>	<u>Additional</u> <u>Deposit</u>	Total Deposit
19			
	1993	\$0	\$0
20	1994	<u>0</u>	<u>53,000,000</u>
21	1995	<u>0</u>	<u>58,000,000</u>
22	1996	<u>0</u>	<u>61,000,000</u>
23	1997	<u>0</u>	<u>64,000,000</u>
24	1998	<u>0</u>	<u>68,000,000</u>
25	1999	<u>0</u>	<u>71,000,000</u>
26	2000	<u>0</u>	<u>75,000,000</u>
27	2001	<u>0</u>	<u>80,000,000</u>
28	2002	<u>0</u>	<u>93,000,000</u>
29	2003	<u>0</u>	<u>99,000,000</u>
30	2004	<u>0</u>	<u>103,000,000</u>
31	2005	<u>0</u>	<u>108,000,000</u>
32	2006	<u>0</u>	<u>113,000,000</u>
33	2007	<u>0</u>	<u>119,000,000</u>
34	2008	<u>1,800,000</u>	<u>127,800,000</u>

1	2009	<u>1,800,000</u>	132,000,000	<u>133,800,000</u>
2	2010	<u>1,800,000</u>	139,000,000	<u>140,800,000</u>
3	2011	<u>1,800,000</u>	146,000,000	<u>147,800,000</u>
4	2012	<u>1,800,000</u>	153,000,000	<u>154,800,000</u>
5	2013	<u>1,800,000</u>	161,000,000	<u>162,800,000</u>
6	2014	<u>1,800,000</u>	170,000,000	<u>171,800,000</u>
7	2015	<u>28,000,000</u>	179,000,000	<u>207,000,000</u>
8	2016	<u>33,500,000</u>	189,000,000	<u>222,500,000</u>
9	2017	<u>33,500,000</u>	199,000,000	<u>232,500,000</u>
10	2018	<u>33,500,000</u>	210,000,000	<u>243,500,000</u>
11	2019	<u>33,500,000</u>	221,000,000	<u>254,500,000</u>
12	2020	<u>33,500,000</u>	233,000,000	<u>266,500,000</u>
13	2021	<u>33,500,000</u>	246,000,000	<u>279,500,000</u>
14	2022	<u>33,500,000</u>	260,000,000	<u>293,500,000</u>
15	2023 and	<u>33,500,000</u>	275,000,000	<u>308,500,000</u>

16 each fiscal
 17 year
 18 thereafter
 19 that bonds
 20 are
 21 outstanding
 22 under
 23 Section 13.2
 24 of the
 25 Metropolitan
 26 Pier and
 27 Exposition
 28 Authority Act,
 29 but not after
 30 fiscal year
 31 2046 ~~2042~~.

32 Beginning July 20, 1993 and in each month of each fiscal
 33 year thereafter, one-eighth of the amount requested in the
 34 certificate of the Chairman of the Metropolitan Pier and
 35 Exposition Authority for that fiscal year, less the amount
 36 deposited into the McCormick Place Expansion Project Fund by

1 the State Treasurer in the respective month under subsection
2 (g) of Section 13 of the Metropolitan Pier and Exposition
3 Authority Act, plus cumulative deficiencies in the deposits
4 required under this Section for previous months and years,
5 shall be deposited into the McCormick Place Expansion Project
6 Fund, until the full amount requested for the fiscal year, but
7 not in excess of the amount specified above as "Total Deposit",
8 has been deposited.

9 Subject to payment of amounts into the Build Illinois Fund
10 and the McCormick Place Expansion Project Fund pursuant to the
11 preceding paragraphs or in any amendments thereto hereafter
12 enacted, beginning July 1, 1993, the Department shall each
13 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
14 the net revenue realized for the preceding month from the 6.25%
15 general rate on the selling price of tangible personal
16 property.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning with the receipt of the first report of
21 taxes paid by an eligible business and continuing for a 25-year
22 period, the Department shall each month pay into the Energy
23 Infrastructure Fund 80% of the net revenue realized from the
24 6.25% general rate on the selling price of Illinois-mined coal
25 that was sold to an eligible business. For purposes of this
26 paragraph, the term "eligible business" means a new electric
27 generating facility certified pursuant to Section 605-332 of
28 the Department of Commerce and Economic Opportunity Community
29 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

30 Of the remainder of the moneys received by the Department
31 pursuant to this Act, 75% thereof shall be paid into the State
32 Treasury and 25% shall be reserved in a special account and
33 used only for the transfer to the Common School Fund as part of
34 the monthly transfer from the General Revenue Fund in
35 accordance with Section 8a of the State Finance Act.

36 As soon as possible after the first day of each month, upon

1 certification of the Department of Revenue, the Comptroller
2 shall order transferred and the Treasurer shall transfer from
3 the General Revenue Fund to the Motor Fuel Tax Fund an amount
4 equal to 1.7% of 80% of the net revenue realized under this Act
5 for the second preceding month. Beginning April 1, 2000, this
6 transfer is no longer required and shall not be made.

7 Net revenue realized for a month shall be the revenue
8 collected by the State pursuant to this Act, less the amount
9 paid out during that month as refunds to taxpayers for
10 overpayment of liability.

11 For greater simplicity of administration, manufacturers,
12 importers and wholesalers whose products are sold at retail in
13 Illinois by numerous retailers, and who wish to do so, may
14 assume the responsibility for accounting and paying to the
15 Department all tax accruing under this Act with respect to such
16 sales, if the retailers who are affected do not make written
17 objection to the Department to this arrangement.

18 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101,
19 eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00;
20 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01;
21 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02;
22 92-651, eff. 7-11-02; revised 10-15-03.)

23 Section 15. The Service Use Tax Act is amended by changing
24 Section 9 as follows:

25 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

26 Sec. 9. Each serviceman required or authorized to collect
27 the tax herein imposed shall pay to the Department the amount
28 of such tax (except as otherwise provided) at the time when he
29 is required to file his return for the period during which such
30 tax was collected, less a discount of 2.1% prior to January 1,
31 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar
32 year, whichever is greater, which is allowed to reimburse the
33 serviceman for expenses incurred in collecting the tax, keeping
34 records, preparing and filing returns, remitting the tax and

1 supplying data to the Department on request. A serviceman need
2 not remit that part of any tax collected by him to the extent
3 that he is required to pay and does pay the tax imposed by the
4 Service Occupation Tax Act with respect to his sale of service
5 involving the incidental transfer by him of the same property.

6 Except as provided hereinafter in this Section, on or
7 before the twentieth day of each calendar month, such
8 serviceman shall file a return for the preceding calendar month
9 in accordance with reasonable Rules and Regulations to be
10 promulgated by the Department. Such return shall be filed on a
11 form prescribed by the Department and shall contain such
12 information as the Department may reasonably require.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter. The
17 taxpayer shall also file a return with the Department for each
18 of the first two months of each calendar quarter, on or before
19 the twentieth day of the following calendar month, stating:

20 1. The name of the seller;

21 2. The address of the principal place of business from
22 which he engages in business as a serviceman in this State;

23 3. The total amount of taxable receipts received by him
24 during the preceding calendar month, including receipts
25 from charge and time sales, but less all deductions allowed
26 by law;

27 4. The amount of credit provided in Section 2d of this
28 Act;

29 5. The amount of tax due;

30 5-5. The signature of the taxpayer; and

31 6. Such other reasonable information as the Department
32 may require.

33 If a taxpayer fails to sign a return within 30 days after
34 the proper notice and demand for signature by the Department,
35 the return shall be considered valid and any amount shown to be
36 due on the return shall be deemed assessed.

1 Beginning October 1, 1993, a taxpayer who has an average
2 monthly tax liability of \$150,000 or more shall make all
3 payments required by rules of the Department by electronic
4 funds transfer. Beginning October 1, 1994, a taxpayer who has
5 an average monthly tax liability of \$100,000 or more shall make
6 all payments required by rules of the Department by electronic
7 funds transfer. Beginning October 1, 1995, a taxpayer who has
8 an average monthly tax liability of \$50,000 or more shall make
9 all payments required by rules of the Department by electronic
10 funds transfer. Beginning October 1, 2000, a taxpayer who has
11 an annual tax liability of \$200,000 or more shall make all
12 payments required by rules of the Department by electronic
13 funds transfer. The term "annual tax liability" shall be the
14 sum of the taxpayer's liabilities under this Act, and under all
15 other State and local occupation and use tax laws administered
16 by the Department, for the immediately preceding calendar year.
17 The term "average monthly tax liability" means the sum of the
18 taxpayer's liabilities under this Act, and under all other
19 State and local occupation and use tax laws administered by the
20 Department, for the immediately preceding calendar year
21 divided by 12. Beginning on October 1, 2002, a taxpayer who has
22 a tax liability in the amount set forth in subsection (b) of
23 Section 2505-210 of the Department of Revenue Law shall make
24 all payments required by rules of the Department by electronic
25 funds transfer.

26 Before August 1 of each year beginning in 1993, the
27 Department shall notify all taxpayers required to make payments
28 by electronic funds transfer. All taxpayers required to make
29 payments by electronic funds transfer shall make those payments
30 for a minimum of one year beginning on October 1.

31 Any taxpayer not required to make payments by electronic
32 funds transfer may make payments by electronic funds transfer
33 with the permission of the Department.

34 All taxpayers required to make payment by electronic funds
35 transfer and any taxpayers authorized to voluntarily make
36 payments by electronic funds transfer shall make those payments

1 in the manner authorized by the Department.

2 The Department shall adopt such rules as are necessary to
3 effectuate a program of electronic funds transfer and the
4 requirements of this Section.

5 If the serviceman is otherwise required to file a monthly
6 return and if the serviceman's average monthly tax liability to
7 the Department does not exceed \$200, the Department may
8 authorize his returns to be filed on a quarter annual basis,
9 with the return for January, February and March of a given year
10 being due by April 20 of such year; with the return for April,
11 May and June of a given year being due by July 20 of such year;
12 with the return for July, August and September of a given year
13 being due by October 20 of such year, and with the return for
14 October, November and December of a given year being due by
15 January 20 of the following year.

16 If the serviceman is otherwise required to file a monthly
17 or quarterly return and if the serviceman's average monthly tax
18 liability to the Department does not exceed \$50, the Department
19 may authorize his returns to be filed on an annual basis, with
20 the return for a given year being due by January 20 of the
21 following year.

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

25 Notwithstanding any other provision in this Act concerning
26 the time within which a serviceman may file his return, in the
27 case of any serviceman who ceases to engage in a kind of
28 business which makes him responsible for filing returns under
29 this Act, such serviceman shall file a final return under this
30 Act with the Department not more than 1 month after
31 discontinuing such business.

32 Where a serviceman collects the tax with respect to the
33 selling price of property which he sells and the purchaser
34 thereafter returns such property and the serviceman refunds the
35 selling price thereof to the purchaser, such serviceman shall
36 also refund, to the purchaser, the tax so collected from the

1 purchaser. When filing his return for the period in which he
2 refunds such tax to the purchaser, the serviceman may deduct
3 the amount of the tax so refunded by him to the purchaser from
4 any other Service Use Tax, Service Occupation Tax, retailers'
5 occupation tax or use tax which such serviceman may be required
6 to pay or remit to the Department, as shown by such return,
7 provided that the amount of the tax to be deducted shall
8 previously have been remitted to the Department by such
9 serviceman. If the serviceman shall not previously have
10 remitted the amount of such tax to the Department, he shall be
11 entitled to no deduction hereunder upon refunding such tax to
12 the purchaser.

13 Any serviceman filing a return hereunder shall also include
14 the total tax upon the selling price of tangible personal
15 property purchased for use by him as an incident to a sale of
16 service, and such serviceman shall remit the amount of such tax
17 to the Department when filing such return.

18 If experience indicates such action to be practicable, the
19 Department may prescribe and furnish a combination or joint
20 return which will enable servicemen, who are required to file
21 returns hereunder and also under the Service Occupation Tax
22 Act, to furnish all the return information required by both
23 Acts on the one form.

24 Where the serviceman has more than one business registered
25 with the Department under separate registration hereunder,
26 such serviceman shall not file each return that is due as a
27 single return covering all such registered businesses, but
28 shall file separate returns for each such registered business.

29 Beginning January 1, 1990, each month the Department shall
30 pay into the State and Local Tax Reform Fund, a special fund in
31 the State Treasury, the net revenue realized for the preceding
32 month from the 1% tax on sales of food for human consumption
33 which is to be consumed off the premises where it is sold
34 (other than alcoholic beverages, soft drinks and food which has
35 been prepared for immediate consumption) and prescription and
36 nonprescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes and needles used by
2 diabetics.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the State and Local Sales Tax Reform Fund 20% of the
5 net revenue realized for the preceding month from the 6.25%
6 general rate on transfers of tangible personal property, other
7 than tangible personal property which is purchased outside
8 Illinois at retail from a retailer and which is titled or
9 registered by an agency of this State's government.

10 Beginning August 1, 2000, each month the Department shall
11 pay into the State and Local Sales Tax Reform Fund 100% of the
12 net revenue realized for the preceding month from the 1.25%
13 rate on the selling price of motor fuel and gasohol.

14 Of the remainder of the moneys received by the Department
15 pursuant to this Act, (a) 1.75% thereof shall be paid into the
16 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
17 and after July 1, 1989, 3.8% thereof shall be paid into the
18 Build Illinois Fund; provided, however, that if in any fiscal
19 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
20 may be, of the moneys received by the Department and required
21 to be paid into the Build Illinois Fund pursuant to Section 3
22 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
23 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
24 Service Occupation Tax Act, such Acts being hereinafter called
25 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
26 may be, of moneys being hereinafter called the "Tax Act
27 Amount", and (2) the amount transferred to the Build Illinois
28 Fund from the State and Local Sales Tax Reform Fund shall be
29 less than the Annual Specified Amount (as defined in Section 3
30 of the Retailers' Occupation Tax Act), an amount equal to the
31 difference shall be immediately paid into the Build Illinois
32 Fund from other moneys received by the Department pursuant to
33 the Tax Acts; and further provided, that if on the last
34 business day of any month the sum of (1) the Tax Act Amount
35 required to be deposited into the Build Illinois Bond Account
36 in the Build Illinois Fund during such month and (2) the amount

1 transferred during such month to the Build Illinois Fund from
2 the State and Local Sales Tax Reform Fund shall have been less
3 than 1/12 of the Annual Specified Amount, an amount equal to
4 the difference shall be immediately paid into the Build
5 Illinois Fund from other moneys received by the Department
6 pursuant to the Tax Acts; and, further provided, that in no
7 event shall the payments required under the preceding proviso
8 result in aggregate payments into the Build Illinois Fund
9 pursuant to this clause (b) for any fiscal year in excess of
10 the greater of (i) the Tax Act Amount or (ii) the Annual
11 Specified Amount for such fiscal year; and, further provided,
12 that the amounts payable into the Build Illinois Fund under
13 this clause (b) shall be payable only until such time as the
14 aggregate amount on deposit under each trust indenture securing
15 Bonds issued and outstanding pursuant to the Build Illinois
16 Bond Act is sufficient, taking into account any future
17 investment income, to fully provide, in accordance with such
18 indenture, for the defeasance of or the payment of the
19 principal of, premium, if any, and interest on the Bonds
20 secured by such indenture and on any Bonds expected to be
21 issued thereafter and all fees and costs payable with respect
22 thereto, all as certified by the Director of the Bureau of the
23 Budget (now Governor's Office of Management and Budget). If on
24 the last business day of any month in which Bonds are
25 outstanding pursuant to the Build Illinois Bond Act, the
26 aggregate of the moneys deposited in the Build Illinois Bond
27 Account in the Build Illinois Fund in such month shall be less
28 than the amount required to be transferred in such month from
29 the Build Illinois Bond Account to the Build Illinois Bond
30 Retirement and Interest Fund pursuant to Section 13 of the
31 Build Illinois Bond Act, an amount equal to such deficiency
32 shall be immediately paid from other moneys received by the
33 Department pursuant to the Tax Acts to the Build Illinois Fund;
34 provided, however, that any amounts paid to the Build Illinois
35 Fund in any fiscal year pursuant to this sentence shall be
36 deemed to constitute payments pursuant to clause (b) of the

1 preceding sentence and shall reduce the amount otherwise
 2 payable for such fiscal year pursuant to clause (b) of the
 3 preceding sentence. The moneys received by the Department
 4 pursuant to this Act and required to be deposited into the
 5 Build Illinois Fund are subject to the pledge, claim and charge
 6 set forth in Section 12 of the Build Illinois Bond Act.

7 Subject to payment of amounts into the Build Illinois Fund
 8 as provided in the preceding paragraph or in any amendment
 9 thereto hereafter enacted, the following specified monthly
 10 installment of the amount requested in the certificate of the
 11 Chairman of the Metropolitan Pier and Exposition Authority
 12 provided under Section 8.25f of the State Finance Act, but not
 13 in excess of the sums designated as "Total Deposit", shall be
 14 deposited in the aggregate from collections under Section 9 of
 15 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 16 9 of the Service Occupation Tax Act, and Section 3 of the
 17 Retailers' Occupation Tax Act into the McCormick Place
 18 Expansion Project Fund in the specified fiscal years.

19	Fiscal Year	<u>Base Deposit</u>	<u>Additional</u> <u>Deposit</u>	Total Deposit
20	1993	<u>\$0</u>	\$0	<u>\$0</u>
21	1994	<u>0</u>	53,000,000	<u>53,000,000</u>
22	1995	<u>0</u>	58,000,000	<u>58,000,000</u>
23	1996	<u>0</u>	61,000,000	<u>61,000,000</u>
24	1997	<u>0</u>	64,000,000	<u>64,000,000</u>
25	1998	<u>0</u>	68,000,000	<u>68,000,000</u>
26	1999	<u>0</u>	71,000,000	<u>71,000,000</u>
27	2000	<u>0</u>	75,000,000	<u>75,000,000</u>
28	2001	<u>0</u>	80,000,000	<u>80,000,000</u>
29	2002	<u>0</u>	93,000,000	<u>93,000,000</u>
30	2003	<u>0</u>	99,000,000	<u>99,000,000</u>
31	2004	<u>0</u>	103,000,000	<u>103,000,000</u>
32	2005	<u>0</u>	108,000,000	<u>108,000,000</u>
33	2006	<u>0</u>	113,000,000	<u>113,000,000</u>
34	2007	<u>0</u>	119,000,000	<u>119,000,000</u>

1	2008	<u>1,800,000</u>	126,000,000	<u>127,800,000</u>
2	2009	<u>1,800,000</u>	132,000,000	<u>133,800,000</u>
3	2010	<u>1,800,000</u>	139,000,000	<u>140,800,000</u>
4	2011	<u>1,800,000</u>	146,000,000	<u>147,800,000</u>
5	2012	<u>1,800,000</u>	153,000,000	<u>154,800,000</u>
6	2013	<u>1,800,000</u>	161,000,000	<u>162,800,000</u>
7	2014	<u>1,800,000</u>	170,000,000	<u>171,800,000</u>
8	2015	<u>28,000,000</u>	179,000,000	<u>207,000,000</u>
9	2016	<u>33,500,000</u>	189,000,000	<u>222,500,000</u>
10	2017	<u>33,500,000</u>	199,000,000	<u>232,500,000</u>
11	2018	<u>33,500,000</u>	210,000,000	<u>243,500,000</u>
12	2019	<u>33,500,000</u>	221,000,000	<u>254,500,000</u>
13	2020	<u>33,500,000</u>	233,000,000	<u>266,500,000</u>
14	2021	<u>33,500,000</u>	246,000,000	<u>279,500,000</u>
15	2022	<u>33,500,000</u>	260,000,000	<u>293,500,000</u>
16	2023 and	<u>33,500,000</u>	275,000,000	<u>308,500,000</u>

17 each fiscal
 18 year
 19 thereafter
 20 that bonds
 21 are
 22 outstanding
 23 under
 24 Section 13.2
 25 of the
 26 Metropolitan
 27 Pier and
 28 Exposition
 29 Authority Act,
 30 but not after
 31 fiscal year
 32 2046 ~~2042~~.

33 Beginning July 20, 1993 and in each month of each fiscal
 34 year thereafter, one-eighth of the amount requested in the
 35 certificate of the Chairman of the Metropolitan Pier and
 36 Exposition Authority for that fiscal year, less the amount

1 deposited into the McCormick Place Expansion Project Fund by
2 the State Treasurer in the respective month under subsection
3 (g) of Section 13 of the Metropolitan Pier and Exposition
4 Authority Act, plus cumulative deficiencies in the deposits
5 required under this Section for previous months and years,
6 shall be deposited into the McCormick Place Expansion Project
7 Fund, until the full amount requested for the fiscal year, but
8 not in excess of the amount specified above as "Total Deposit",
9 has been deposited.

10 Subject to payment of amounts into the Build Illinois Fund
11 and the McCormick Place Expansion Project Fund pursuant to the
12 preceding paragraphs or in any amendments thereto hereafter
13 enacted, beginning July 1, 1993, the Department shall each
14 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
15 the net revenue realized for the preceding month from the 6.25%
16 general rate on the selling price of tangible personal
17 property.

18 Subject to payment of amounts into the Build Illinois Fund
19 and the McCormick Place Expansion Project Fund pursuant to the
20 preceding paragraphs or in any amendments thereto hereafter
21 enacted, beginning with the receipt of the first report of
22 taxes paid by an eligible business and continuing for a 25-year
23 period, the Department shall each month pay into the Energy
24 Infrastructure Fund 80% of the net revenue realized from the
25 6.25% general rate on the selling price of Illinois-mined coal
26 that was sold to an eligible business. For purposes of this
27 paragraph, the term "eligible business" means a new electric
28 generating facility certified pursuant to Section 605-332 of
29 the Department of Commerce and Economic Opportunity ~~Community~~
30 ~~Affairs~~ Law of the Civil Administrative Code of Illinois.

31 All remaining moneys received by the Department pursuant to
32 this Act shall be paid into the General Revenue Fund of the
33 State Treasury.

34 As soon as possible after the first day of each month, upon
35 certification of the Department of Revenue, the Comptroller
36 shall order transferred and the Treasurer shall transfer from

1 the General Revenue Fund to the Motor Fuel Tax Fund an amount
2 equal to 1.7% of 80% of the net revenue realized under this Act
3 for the second preceding month. Beginning April 1, 2000, this
4 transfer is no longer required and shall not be made.

5 Net revenue realized for a month shall be the revenue
6 collected by the State pursuant to this Act, less the amount
7 paid out during that month as refunds to taxpayers for
8 overpayment of liability.

9 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
10 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02;
11 revised 10-15-03.)

12 Section 20. The Service Occupation Tax Act is amended by
13 changing Section 9 as follows:

14 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

15 Sec. 9. Each serviceman required or authorized to collect
16 the tax herein imposed shall pay to the Department the amount
17 of such tax at the time when he is required to file his return
18 for the period during which such tax was collectible, less a
19 discount of 2.1% prior to January 1, 1990, and 1.75% on and
20 after January 1, 1990, or \$5 per calendar year, whichever is
21 greater, which is allowed to reimburse the serviceman for
22 expenses incurred in collecting the tax, keeping records,
23 preparing and filing returns, remitting the tax and supplying
24 data to the Department on request.

25 Where such tangible personal property is sold under a
26 conditional sales contract, or under any other form of sale
27 wherein the payment of the principal sum, or a part thereof, is
28 extended beyond the close of the period for which the return is
29 filed, the serviceman, in collecting the tax may collect, for
30 each tax return period, only the tax applicable to the part of
31 the selling price actually received during such tax return
32 period.

33 Except as provided hereinafter in this Section, on or
34 before the twentieth day of each calendar month, such

1 serviceman shall file a return for the preceding calendar month
2 in accordance with reasonable rules and regulations to be
3 promulgated by the Department of Revenue. Such return shall be
4 filed on a form prescribed by the Department and shall contain
5 such information as the Department may reasonably require.

6 The Department may require returns to be filed on a
7 quarterly basis. If so required, a return for each calendar
8 quarter shall be filed on or before the twentieth day of the
9 calendar month following the end of such calendar quarter. The
10 taxpayer shall also file a return with the Department for each
11 of the first two months of each calendar quarter, on or before
12 the twentieth day of the following calendar month, stating:

13 1. The name of the seller;

14 2. The address of the principal place of business from
15 which he engages in business as a serviceman in this State;

16 3. The total amount of taxable receipts received by him
17 during the preceding calendar month, including receipts
18 from charge and time sales, but less all deductions allowed
19 by law;

20 4. The amount of credit provided in Section 2d of this
21 Act;

22 5. The amount of tax due;

23 5-5. The signature of the taxpayer; and

24 6. Such other reasonable information as the Department
25 may require.

26 If a taxpayer fails to sign a return within 30 days after
27 the proper notice and demand for signature by the Department,
28 the return shall be considered valid and any amount shown to be
29 due on the return shall be deemed assessed.

30 Prior to October 1, 2003, and on and after September 1,
31 2004 a serviceman may accept a Manufacturer's Purchase Credit
32 certification from a purchaser in satisfaction of Service Use
33 Tax as provided in Section 3-70 of the Service Use Tax Act if
34 the purchaser provides the appropriate documentation as
35 required by Section 3-70 of the Service Use Tax Act. A
36 Manufacturer's Purchase Credit certification, accepted prior

1 to October 1, 2003 or on or after September 1, 2004 by a
2 serviceman as provided in Section 3-70 of the Service Use Tax
3 Act, may be used by that serviceman to satisfy Service
4 Occupation Tax liability in the amount claimed in the
5 certification, not to exceed 6.25% of the receipts subject to
6 tax from a qualifying purchase. A Manufacturer's Purchase
7 Credit reported on any original or amended return filed under
8 this Act after October 20, 2003 for reporting periods prior to
9 September 1, 2004 shall be disallowed. Manufacturer's Purchase
10 Credit reported on annual returns due on or after January 1,
11 2005 will be disallowed for periods prior to September 1, 2004.
12 No Manufacturer's Purchase Credit may be used after September
13 30, 2003 through August 31, 2004 to satisfy any tax liability
14 imposed under this Act, including any audit liability.

15 If the serviceman's average monthly tax liability to the
16 Department does not exceed \$200, the Department may authorize
17 his returns to be filed on a quarter annual basis, with the
18 return for January, February and March of a given year being
19 due by April 20 of such year; with the return for April, May
20 and June of a given year being due by July 20 of such year; with
21 the return for July, August and September of a given year being
22 due by October 20 of such year, and with the return for
23 October, November and December of a given year being due by
24 January 20 of the following year.

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

29 Such quarter annual and annual returns, as to form and
30 substance, shall be subject to the same requirements as monthly
31 returns.

32 Notwithstanding any other provision in this Act concerning
33 the time within which a serviceman may file his return, in the
34 case of any serviceman who ceases to engage in a kind of
35 business which makes him responsible for filing returns under
36 this Act, such serviceman shall file a final return under this

1 Act with the Department not more than 1 month after
2 discontinuing such business.

3 Beginning October 1, 1993, a taxpayer who has an average
4 monthly tax liability of \$150,000 or more shall make all
5 payments required by rules of the Department by electronic
6 funds transfer. Beginning October 1, 1994, a taxpayer who has
7 an average monthly tax liability of \$100,000 or more shall make
8 all payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 1995, a taxpayer who has
10 an average monthly tax liability of \$50,000 or more shall make
11 all payments required by rules of the Department by electronic
12 funds transfer. Beginning October 1, 2000, a taxpayer who has
13 an annual tax liability of \$200,000 or more shall make all
14 payments required by rules of the Department by electronic
15 funds transfer. The term "annual tax liability" shall be the
16 sum of the taxpayer's liabilities under this Act, and under all
17 other State and local occupation and use tax laws administered
18 by the Department, for the immediately preceding calendar year.
19 The term "average monthly tax liability" means the sum of the
20 taxpayer's liabilities under this Act, and under all other
21 State and local occupation and use tax laws administered by the
22 Department, for the immediately preceding calendar year
23 divided by 12. Beginning on October 1, 2002, a taxpayer who has
24 a tax liability in the amount set forth in subsection (b) of
25 Section 2505-210 of the Department of Revenue Law shall make
26 all payments required by rules of the Department by electronic
27 funds transfer.

28 Before August 1 of each year beginning in 1993, the
29 Department shall notify all taxpayers required to make payments
30 by electronic funds transfer. All taxpayers required to make
31 payments by electronic funds transfer shall make those payments
32 for a minimum of one year beginning on October 1.

33 Any taxpayer not required to make payments by electronic
34 funds transfer may make payments by electronic funds transfer
35 with the permission of the Department.

36 All taxpayers required to make payment by electronic funds

1 transfer and any taxpayers authorized to voluntarily make
2 payments by electronic funds transfer shall make those payments
3 in the manner authorized by the Department.

4 The Department shall adopt such rules as are necessary to
5 effectuate a program of electronic funds transfer and the
6 requirements of this Section.

7 Where a serviceman collects the tax with respect to the
8 selling price of tangible personal property which he sells and
9 the purchaser thereafter returns such tangible personal
10 property and the serviceman refunds the selling price thereof
11 to the purchaser, such serviceman shall also refund, to the
12 purchaser, the tax so collected from the purchaser. When filing
13 his return for the period in which he refunds such tax to the
14 purchaser, the serviceman may deduct the amount of the tax so
15 refunded by him to the purchaser from any other Service
16 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or
17 Use Tax which such serviceman may be required to pay or remit
18 to the Department, as shown by such return, provided that the
19 amount of the tax to be deducted shall previously have been
20 remitted to the Department by such serviceman. If the
21 serviceman shall not previously have remitted the amount of
22 such tax to the Department, he shall be entitled to no
23 deduction hereunder upon refunding such tax to the purchaser.

24 If experience indicates such action to be practicable, the
25 Department may prescribe and furnish a combination or joint
26 return which will enable servicemen, who are required to file
27 returns hereunder and also under the Retailers' Occupation Tax
28 Act, the Use Tax Act or the Service Use Tax Act, to furnish all
29 the return information required by all said Acts on the one
30 form.

31 Where the serviceman has more than one business registered
32 with the Department under separate registrations hereunder,
33 such serviceman shall file separate returns for each registered
34 business.

35 Beginning January 1, 1990, each month the Department shall
36 pay into the Local Government Tax Fund the revenue realized for

1 the preceding month from the 1% tax on sales of food for human
2 consumption which is to be consumed off the premises where it
3 is sold (other than alcoholic beverages, soft drinks and food
4 which has been prepared for immediate consumption) and
5 prescription and nonprescription medicines, drugs, medical
6 appliances and insulin, urine testing materials, syringes and
7 needles used by diabetics.

8 Beginning January 1, 1990, each month the Department shall
9 pay into the County and Mass Transit District Fund 4% of the
10 revenue realized for the preceding month from the 6.25% general
11 rate.

12 Beginning August 1, 2000, each month the Department shall
13 pay into the County and Mass Transit District Fund 20% of the
14 net revenue realized for the preceding month from the 1.25%
15 rate on the selling price of motor fuel and gasohol.

16 Beginning January 1, 1990, each month the Department shall
17 pay into the Local Government Tax Fund 16% of the revenue
18 realized for the preceding month from the 6.25% general rate on
19 transfers of tangible personal property.

20 Beginning August 1, 2000, each month the Department shall
21 pay into the Local Government Tax Fund 80% of the net revenue
22 realized for the preceding month from the 1.25% rate on the
23 selling price of motor fuel and gasohol.

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
27 and after July 1, 1989, 3.8% thereof shall be paid into the
28 Build Illinois Fund; provided, however, that if in any fiscal
29 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
30 may be, of the moneys received by the Department and required
31 to be paid into the Build Illinois Fund pursuant to Section 3
32 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax
33 Act, Section 9 of the Service Use Tax Act, and Section 9 of the
34 Service Occupation Tax Act, such Acts being hereinafter called
35 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case
36 may be, of moneys being hereinafter called the "Tax Act

1 Amount", and (2) the amount transferred to the Build Illinois
2 Fund from the State and Local Sales Tax Reform Fund shall be
3 less than the Annual Specified Amount (as defined in Section 3
4 of the Retailers' Occupation Tax Act), an amount equal to the
5 difference shall be immediately paid into the Build Illinois
6 Fund from other moneys received by the Department pursuant to
7 the Tax Acts; and further provided, that if on the last
8 business day of any month the sum of (1) the Tax Act Amount
9 required to be deposited into the Build Illinois Account in the
10 Build Illinois Fund during such month and (2) the amount
11 transferred during such month to the Build Illinois Fund from
12 the State and Local Sales Tax Reform Fund shall have been less
13 than 1/12 of the Annual Specified Amount, an amount equal to
14 the difference shall be immediately paid into the Build
15 Illinois Fund from other moneys received by the Department
16 pursuant to the Tax Acts; and, further provided, that in no
17 event shall the payments required under the preceding proviso
18 result in aggregate payments into the Build Illinois Fund
19 pursuant to this clause (b) for any fiscal year in excess of
20 the greater of (i) the Tax Act Amount or (ii) the Annual
21 Specified Amount for such fiscal year; and, further provided,
22 that the amounts payable into the Build Illinois Fund under
23 this clause (b) shall be payable only until such time as the
24 aggregate amount on deposit under each trust indenture securing
25 Bonds issued and outstanding pursuant to the Build Illinois
26 Bond Act is sufficient, taking into account any future
27 investment income, to fully provide, in accordance with such
28 indenture, for the defeasance of or the payment of the
29 principal of, premium, if any, and interest on the Bonds
30 secured by such indenture and on any Bonds expected to be
31 issued thereafter and all fees and costs payable with respect
32 thereto, all as certified by the Director of the Bureau of the
33 Budget (now Governor's Office of Management and Budget). If on
34 the last business day of any month in which Bonds are
35 outstanding pursuant to the Build Illinois Bond Act, the
36 aggregate of the moneys deposited in the Build Illinois Bond

1 Account in the Build Illinois Fund in such month shall be less
 2 than the amount required to be transferred in such month from
 3 the Build Illinois Bond Account to the Build Illinois Bond
 4 Retirement and Interest Fund pursuant to Section 13 of the
 5 Build Illinois Bond Act, an amount equal to such deficiency
 6 shall be immediately paid from other moneys received by the
 7 Department pursuant to the Tax Acts to the Build Illinois Fund;
 8 provided, however, that any amounts paid to the Build Illinois
 9 Fund in any fiscal year pursuant to this sentence shall be
 10 deemed to constitute payments pursuant to clause (b) of the
 11 preceding sentence and shall reduce the amount otherwise
 12 payable for such fiscal year pursuant to clause (b) of the
 13 preceding sentence. The moneys received by the Department
 14 pursuant to this Act and required to be deposited into the
 15 Build Illinois Fund are subject to the pledge, claim and charge
 16 set forth in Section 12 of the Build Illinois Bond Act.

17 Subject to payment of amounts into the Build Illinois Fund
 18 as provided in the preceding paragraph or in any amendment
 19 thereto hereafter enacted, the following specified monthly
 20 installment of the amount requested in the certificate of the
 21 Chairman of the Metropolitan Pier and Exposition Authority
 22 provided under Section 8.25f of the State Finance Act, but not
 23 in excess of the sums designated as "Total Deposit", shall be
 24 deposited in the aggregate from collections under Section 9 of
 25 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 26 9 of the Service Occupation Tax Act, and Section 3 of the
 27 Retailers' Occupation Tax Act into the McCormick Place
 28 Expansion Project Fund in the specified fiscal years.

29	Fiscal Year	<u>Base Deposit</u>	<u>Additional</u>	Total Deposit
			<u>Deposit</u>	
30	1993	<u>\$0</u>	\$0	<u>\$0</u>
31	1994	<u>0</u>	53,000,000	<u>53,000,000</u>
32	1995	<u>0</u>	58,000,000	<u>58,000,000</u>
33	1996	<u>0</u>	61,000,000	<u>61,000,000</u>
34	1997	<u>0</u>	64,000,000	<u>64,000,000</u>

1	1998	<u>0</u>	68,000,000	<u>68,000,000</u>
2	1999	<u>0</u>	71,000,000	<u>71,000,000</u>
3	2000	<u>0</u>	75,000,000	<u>75,000,000</u>
4	2001	<u>0</u>	80,000,000	<u>80,000,000</u>
5	2002	<u>0</u>	93,000,000	<u>93,000,000</u>
6	2003	<u>0</u>	99,000,000	<u>99,000,000</u>
7	2004	<u>0</u>	103,000,000	<u>103,000,000</u>
8	2005	<u>0</u>	108,000,000	<u>108,000,000</u>
9	2006	<u>0</u>	113,000,000	<u>113,000,000</u>
10	2007	<u>0</u>	119,000,000	<u>119,000,000</u>
11	2008	<u>1,800,000</u>	126,000,000	<u>127,800,000</u>
12	2009	<u>1,800,000</u>	132,000,000	<u>133,800,000</u>
13	2010	<u>1,800,000</u>	139,000,000	<u>140,800,000</u>
14	2011	<u>1,800,000</u>	146,000,000	<u>147,800,000</u>
15	2012	<u>1,800,000</u>	153,000,000	<u>154,800,000</u>
16	2013	<u>1,800,000</u>	161,000,000	<u>162,800,000</u>
17	2014	<u>1,800,000</u>	170,000,000	<u>171,800,000</u>
18	2015	<u>28,000,000</u>	179,000,000	<u>207,000,000</u>
19	2016	<u>33,500,000</u>	189,000,000	<u>222,500,000</u>
20	2017	<u>33,500,000</u>	199,000,000	<u>232,500,000</u>
21	2018	<u>33,500,000</u>	210,000,000	<u>243,500,000</u>
22	2019	<u>33,500,000</u>	221,000,000	<u>254,500,000</u>
23	2020	<u>33,500,000</u>	233,000,000	<u>266,500,000</u>
24	2021	<u>33,500,000</u>	246,000,000	<u>279,500,000</u>
25	2022	<u>33,500,000</u>	260,000,000	<u>293,500,000</u>
26	2023 and	<u>33,500,000</u>	275,000,000	<u>308,500,000</u>

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 28 year
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 33 under
 34 Section 13.2
 35 of the

1 Metropolitan
2 Pier and
3 Exposition
4 Authority Act,
5 but not after
6 fiscal year
7 2046 ~~2042~~.

8 Beginning July 20, 1993 and in each month of each fiscal
9 year thereafter, one-eighth of the amount requested in the
10 certificate of the Chairman of the Metropolitan Pier and
11 Exposition Authority for that fiscal year, less the amount
12 deposited into the McCormick Place Expansion Project Fund by
13 the State Treasurer in the respective month under subsection
14 (g) of Section 13 of the Metropolitan Pier and Exposition
15 Authority Act, plus cumulative deficiencies in the deposits
16 required under this Section for previous months and years,
17 shall be deposited into the McCormick Place Expansion Project
18 Fund, until the full amount requested for the fiscal year, but
19 not in excess of the amount specified above as "Total Deposit",
20 has been deposited.

21 Subject to payment of amounts into the Build Illinois Fund
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, beginning July 1, 1993, the Department shall each
25 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
26 the net revenue realized for the preceding month from the 6.25%
27 general rate on the selling price of tangible personal
28 property.

29 Subject to payment of amounts into the Build Illinois Fund
30 and the McCormick Place Expansion Project Fund pursuant to the
31 preceding paragraphs or in any amendments thereto hereafter
32 enacted, beginning with the receipt of the first report of
33 taxes paid by an eligible business and continuing for a 25-year
34 period, the Department shall each month pay into the Energy
35 Infrastructure Fund 80% of the net revenue realized from the
36 6.25% general rate on the selling price of Illinois-mined coal

1 that was sold to an eligible business. For purposes of this
2 paragraph, the term "eligible business" means a new electric
3 generating facility certified pursuant to Section 605-332 of
4 the Department of Commerce and Economic Opportunity Law of the
5 Civil Administrative Code of Illinois.

6 Remaining moneys received by the Department pursuant to
7 this Act shall be paid into the General Revenue Fund of the
8 State Treasury.

9 The Department may, upon separate written notice to a
10 taxpayer, require the taxpayer to prepare and file with the
11 Department on a form prescribed by the Department within not
12 less than 60 days after receipt of the notice an annual
13 information return for the tax year specified in the notice.
14 Such annual return to the Department shall include a statement
15 of gross receipts as shown by the taxpayer's last Federal
16 income tax return. If the total receipts of the business as
17 reported in the Federal income tax return do not agree with the
18 gross receipts reported to the Department of Revenue for the
19 same period, the taxpayer shall attach to his annual return a
20 schedule showing a reconciliation of the 2 amounts and the
21 reasons for the difference. The taxpayer's annual return to the
22 Department shall also disclose the cost of goods sold by the
23 taxpayer during the year covered by such return, opening and
24 closing inventories of such goods for such year, cost of goods
25 used from stock or taken from stock and given away by the
26 taxpayer during such year, pay roll information of the
27 taxpayer's business during such year and any additional
28 reasonable information which the Department deems would be
29 helpful in determining the accuracy of the monthly, quarterly
30 or annual returns filed by such taxpayer as hereinbefore
31 provided for in this Section.

32 If the annual information return required by this Section
33 is not filed when and as required, the taxpayer shall be liable
34 as follows:

35 (i) Until January 1, 1994, the taxpayer shall be liable
36 for a penalty equal to 1/6 of 1% of the tax due from such

1 taxpayer under this Act during the period to be covered by
2 the annual return for each month or fraction of a month
3 until such return is filed as required, the penalty to be
4 assessed and collected in the same manner as any other
5 penalty provided for in this Act.

6 (ii) On and after January 1, 1994, the taxpayer shall
7 be liable for a penalty as described in Section 3-4 of the
8 Uniform Penalty and Interest Act.

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

17 The foregoing portion of this Section concerning the filing
18 of an annual information return shall not apply to a serviceman
19 who is not required to file an income tax return with the
20 United States Government.

21 As soon as possible after the first day of each month, upon
22 certification of the Department of Revenue, the Comptroller
23 shall order transferred and the Treasurer shall transfer from
24 the General Revenue Fund to the Motor Fuel Tax Fund an amount
25 equal to 1.7% of 80% of the net revenue realized under this Act
26 for the second preceding month. Beginning April 1, 2000, this
27 transfer is no longer required and shall not be made.

28 Net revenue realized for a month shall be the revenue
29 collected by the State pursuant to this Act, less the amount
30 paid out during that month as refunds to taxpayers for
31 overpayment of liability.

32 For greater simplicity of administration, it shall be
33 permissible for manufacturers, importers and wholesalers whose
34 products are sold by numerous servicemen in Illinois, and who
35 wish to do so, to assume the responsibility for accounting and
36 paying to the Department all tax accruing under this Act with

1 respect to such sales, if the servicemen who are affected do
2 not make written objection to the Department to this
3 arrangement.

4 (Source: P.A. 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492,
5 eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02; 93-24,
6 eff. 6-20-03; 93-840, eff. 7-30-04.)

7 Section 25. The Retailers' Occupation Tax Act is amended by
8 changing Section 3 as follows:

9 (35 ILCS 120/3) (from Ch. 120, par. 442)

10 Sec. 3. Except as provided in this Section, on or before
11 the twentieth day of each calendar month, every person engaged
12 in the business of selling tangible personal property at retail
13 in this State during the preceding calendar month shall file a
14 return with the Department, stating:

15 1. The name of the seller;

16 2. His residence address and the address of his
17 principal place of business and the address of the
18 principal place of business (if that is a different
19 address) from which he engages in the business of selling
20 tangible personal property at retail in this State;

21 3. Total amount of receipts received by him during the
22 preceding calendar month or quarter, as the case may be,
23 from sales of tangible personal property, and from services
24 furnished, by him during such preceding calendar month or
25 quarter;

26 4. Total amount received by him during the preceding
27 calendar month or quarter on charge and time sales of
28 tangible personal property, and from services furnished,
29 by him prior to the month or quarter for which the return
30 is filed;

31 5. Deductions allowed by law;

32 6. Gross receipts which were received by him during the
33 preceding calendar month or quarter and upon the basis of
34 which the tax is imposed;

- 1 7. The amount of credit provided in Section 2d of this
- 2 Act;
- 3 8. The amount of tax due;
- 4 9. The signature of the taxpayer; and
- 5 10. Such other reasonable information as the
- 6 Department may require.

7 If a taxpayer fails to sign a return within 30 days after
8 the proper notice and demand for signature by the Department,
9 the return shall be considered valid and any amount shown to be
10 due on the return shall be deemed assessed.

11 Each return shall be accompanied by the statement of
12 prepaid tax issued pursuant to Section 2e for which credit is
13 claimed.

14 Prior to October 1, 2003, and on and after September 1,
15 2004 a retailer may accept a Manufacturer's Purchase Credit
16 certification from a purchaser in satisfaction of Use Tax as
17 provided in Section 3-85 of the Use Tax Act if the purchaser
18 provides the appropriate documentation as required by Section
19 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
20 certification, accepted by a retailer prior to October 1, 2003
21 and on and after September 1, 2004 as provided in Section 3-85
22 of the Use Tax Act, may be used by that retailer to satisfy
23 Retailers' Occupation Tax liability in the amount claimed in
24 the certification, not to exceed 6.25% of the receipts subject
25 to tax from a qualifying purchase. A Manufacturer's Purchase
26 Credit reported on any original or amended return filed under
27 this Act after October 20, 2003 for reporting periods prior to
28 September 1, 2004 shall be disallowed. Manufacturer's
29 Purchaser Credit reported on annual returns due on or after
30 January 1, 2005 will be disallowed for periods prior to
31 September 1, 2004. No Manufacturer's Purchase Credit may be
32 used after September 30, 2003 through August 31, 2004 to
33 satisfy any tax liability imposed under this Act, including any
34 audit liability.

35 The Department may require returns to be filed on a
36 quarterly basis. If so required, a return for each calendar

1 quarter shall be filed on or before the twentieth day of the
2 calendar month following the end of such calendar quarter. The
3 taxpayer shall also file a return with the Department for each
4 of the first two months of each calendar quarter, on or before
5 the twentieth day of the following calendar month, stating:

6 1. The name of the seller;

7 2. The address of the principal place of business from
8 which he engages in the business of selling tangible
9 personal property at retail in this State;

10 3. The total amount of taxable receipts received by him
11 during the preceding calendar month from sales of tangible
12 personal property by him during such preceding calendar
13 month, including receipts from charge and time sales, but
14 less all deductions allowed by law;

15 4. The amount of credit provided in Section 2d of this
16 Act;

17 5. The amount of tax due; and

18 6. Such other reasonable information as the Department
19 may require.

20 Beginning on October 1, 2003, any person who is not a
21 licensed distributor, importing distributor, or manufacturer,
22 as defined in the Liquor Control Act of 1934, but is engaged in
23 the business of selling, at retail, alcoholic liquor shall file
24 a statement with the Department of Revenue, in a format and at
25 a time prescribed by the Department, showing the total amount
26 paid for alcoholic liquor purchased during the preceding month
27 and such other information as is reasonably required by the
28 Department. The Department may adopt rules to require that this
29 statement be filed in an electronic or telephonic format. Such
30 rules may provide for exceptions from the filing requirements
31 of this paragraph. For the purposes of this paragraph, the term
32 "alcoholic liquor" shall have the meaning prescribed in the
33 Liquor Control Act of 1934.

34 Beginning on October 1, 2003, every distributor, importing
35 distributor, and manufacturer of alcoholic liquor as defined in
36 the Liquor Control Act of 1934, shall file a statement with the

1 Department of Revenue, no later than the 10th day of the month
2 for the preceding month during which transactions occurred, by
3 electronic means, showing the total amount of gross receipts
4 from the sale of alcoholic liquor sold or distributed during
5 the preceding month to purchasers; identifying the purchaser to
6 whom it was sold or distributed; the purchaser's tax
7 registration number; and such other information reasonably
8 required by the Department. A distributor, importing
9 distributor, or manufacturer of alcoholic liquor must
10 personally deliver, mail, or provide by electronic means to
11 each retailer listed on the monthly statement a report
12 containing a cumulative total of that distributor's, importing
13 distributor's, or manufacturer's total sales of alcoholic
14 liquor to that retailer no later than the 10th day of the month
15 for the preceding month during which the transaction occurred.
16 The distributor, importing distributor, or manufacturer shall
17 notify the retailer as to the method by which the distributor,
18 importing distributor, or manufacturer will provide the sales
19 information. If the retailer is unable to receive the sales
20 information by electronic means, the distributor, importing
21 distributor, or manufacturer shall furnish the sales
22 information by personal delivery or by mail. For purposes of
23 this paragraph, the term "electronic means" includes, but is
24 not limited to, the use of a secure Internet website, e-mail,
25 or facsimile.

26 If a total amount of less than \$1 is payable, refundable or
27 creditable, such amount shall be disregarded if it is less than
28 50 cents and shall be increased to \$1 if it is 50 cents or more.

29 Beginning October 1, 1993, a taxpayer who has an average
30 monthly tax liability of \$150,000 or more shall make all
31 payments required by rules of the Department by electronic
32 funds transfer. Beginning October 1, 1994, a taxpayer who has
33 an average monthly tax liability of \$100,000 or more shall make
34 all payments required by rules of the Department by electronic
35 funds transfer. Beginning October 1, 1995, a taxpayer who has
36 an average monthly tax liability of \$50,000 or more shall make

1 all payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 2000, a taxpayer who has
3 an annual tax liability of \$200,000 or more shall make all
4 payments required by rules of the Department by electronic
5 funds transfer. The term "annual tax liability" shall be the
6 sum of the taxpayer's liabilities under this Act, and under all
7 other State and local occupation and use tax laws administered
8 by the Department, for the immediately preceding calendar year.
9 The term "average monthly tax liability" shall be the sum of
10 the taxpayer's liabilities under this Act, and under all other
11 State and local occupation and use tax laws administered by the
12 Department, for the immediately preceding calendar year
13 divided by 12. Beginning on October 1, 2002, a taxpayer who has
14 a tax liability in the amount set forth in subsection (b) of
15 Section 2505-210 of the Department of Revenue Law shall make
16 all payments required by rules of the Department by electronic
17 funds transfer.

18 Before August 1 of each year beginning in 1993, the
19 Department shall notify all taxpayers required to make payments
20 by electronic funds transfer. All taxpayers required to make
21 payments by electronic funds transfer shall make those payments
22 for a minimum of one year beginning on October 1.

23 Any taxpayer not required to make payments by electronic
24 funds transfer may make payments by electronic funds transfer
25 with the permission of the Department.

26 All taxpayers required to make payment by electronic funds
27 transfer and any taxpayers authorized to voluntarily make
28 payments by electronic funds transfer shall make those payments
29 in the manner authorized by the Department.

30 The Department shall adopt such rules as are necessary to
31 effectuate a program of electronic funds transfer and the
32 requirements of this Section.

33 Any amount which is required to be shown or reported on any
34 return or other document under this Act shall, if such amount
35 is not a whole-dollar amount, be increased to the nearest
36 whole-dollar amount in any case where the fractional part of a

1 dollar is 50 cents or more, and decreased to the nearest
2 whole-dollar amount where the fractional part of a dollar is
3 less than 50 cents.

4 If the retailer is otherwise required to file a monthly
5 return and if the retailer's average monthly tax liability to
6 the Department does not exceed \$200, the Department may
7 authorize his returns to be filed on a quarter annual basis,
8 with the return for January, February and March of a given year
9 being due by April 20 of such year; with the return for April,
10 May and June of a given year being due by July 20 of such year;
11 with the return for July, August and September of a given year
12 being due by October 20 of such year, and with the return for
13 October, November and December of a given year being due by
14 January 20 of the following year.

15 If the retailer is otherwise required to file a monthly or
16 quarterly return and if the retailer's average monthly tax
17 liability with the Department does not exceed \$50, the
18 Department may authorize his returns to be filed on an annual
19 basis, with the return for a given year being due by January 20
20 of the following year.

21 Such quarter annual and annual returns, as to form and
22 substance, shall be subject to the same requirements as monthly
23 returns.

24 Notwithstanding any other provision in this Act concerning
25 the time within which a retailer may file his return, in the
26 case of any retailer who ceases to engage in a kind of business
27 which makes him responsible for filing returns under this Act,
28 such retailer shall file a final return under this Act with the
29 Department not more than one month after discontinuing such
30 business.

31 Where the same person has more than one business registered
32 with the Department under separate registrations under this
33 Act, such person may not file each return that is due as a
34 single return covering all such registered businesses, but
35 shall file separate returns for each such registered business.

36 In addition, with respect to motor vehicles, watercraft,

1 aircraft, and trailers that are required to be registered with
2 an agency of this State, every retailer selling this kind of
3 tangible personal property shall file, with the Department,
4 upon a form to be prescribed and supplied by the Department, a
5 separate return for each such item of tangible personal
6 property which the retailer sells, except that if, in the same
7 transaction, (i) a retailer of aircraft, watercraft, motor
8 vehicles or trailers transfers more than one aircraft,
9 watercraft, motor vehicle or trailer to another aircraft,
10 watercraft, motor vehicle retailer or trailer retailer for the
11 purpose of resale or (ii) a retailer of aircraft, watercraft,
12 motor vehicles, or trailers transfers more than one aircraft,
13 watercraft, motor vehicle, or trailer to a purchaser for use as
14 a qualifying rolling stock as provided in Section 2-5 of this
15 Act, then that seller may report the transfer of all aircraft,
16 watercraft, motor vehicles or trailers involved in that
17 transaction to the Department on the same uniform
18 invoice-transaction reporting return form. For purposes of
19 this Section, "watercraft" means a Class 2, Class 3, or Class 4
20 watercraft as defined in Section 3-2 of the Boat Registration
21 and Safety Act, a personal watercraft, or any boat equipped
22 with an inboard motor.

23 Any retailer who sells only motor vehicles, watercraft,
24 aircraft, or trailers that are required to be registered with
25 an agency of this State, so that all retailers' occupation tax
26 liability is required to be reported, and is reported, on such
27 transaction reporting returns and who is not otherwise required
28 to file monthly or quarterly returns, need not file monthly or
29 quarterly returns. However, those retailers shall be required
30 to file returns on an annual basis.

31 The transaction reporting return, in the case of motor
32 vehicles or trailers that are required to be registered with an
33 agency of this State, shall be the same document as the Uniform
34 Invoice referred to in Section 5-402 of The Illinois Vehicle
35 Code and must show the name and address of the seller; the name
36 and address of the purchaser; the amount of the selling price

1 including the amount allowed by the retailer for traded-in
2 property, if any; the amount allowed by the retailer for the
3 traded-in tangible personal property, if any, to the extent to
4 which Section 1 of this Act allows an exemption for the value
5 of traded-in property; the balance payable after deducting such
6 trade-in allowance from the total selling price; the amount of
7 tax due from the retailer with respect to such transaction; the
8 amount of tax collected from the purchaser by the retailer on
9 such transaction (or satisfactory evidence that such tax is not
10 due in that particular instance, if that is claimed to be the
11 fact); the place and date of the sale; a sufficient
12 identification of the property sold; such other information as
13 is required in Section 5-402 of The Illinois Vehicle Code, and
14 such other information as the Department may reasonably
15 require.

16 The transaction reporting return in the case of watercraft
17 or aircraft must show the name and address of the seller; the
18 name and address of the purchaser; the amount of the selling
19 price including the amount allowed by the retailer for
20 traded-in property, if any; the amount allowed by the retailer
21 for the traded-in tangible personal property, if any, to the
22 extent to which Section 1 of this Act allows an exemption for
23 the value of traded-in property; the balance payable after
24 deducting such trade-in allowance from the total selling price;
25 the amount of tax due from the retailer with respect to such
26 transaction; the amount of tax collected from the purchaser by
27 the retailer on such transaction (or satisfactory evidence that
28 such tax is not due in that particular instance, if that is
29 claimed to be the fact); the place and date of the sale, a
30 sufficient identification of the property sold, and such other
31 information as the Department may reasonably require.

32 Such transaction reporting return shall be filed not later
33 than 20 days after the day of delivery of the item that is
34 being sold, but may be filed by the retailer at any time sooner
35 than that if he chooses to do so. The transaction reporting
36 return and tax remittance or proof of exemption from the

1 Illinois use tax may be transmitted to the Department by way of
2 the State agency with which, or State officer with whom the
3 tangible personal property must be titled or registered (if
4 titling or registration is required) if the Department and such
5 agency or State officer determine that this procedure will
6 expedite the processing of applications for title or
7 registration.

8 With each such transaction reporting return, the retailer
9 shall remit the proper amount of tax due (or shall submit
10 satisfactory evidence that the sale is not taxable if that is
11 the case), to the Department or its agents, whereupon the
12 Department shall issue, in the purchaser's name, a use tax
13 receipt (or a certificate of exemption if the Department is
14 satisfied that the particular sale is tax exempt) which such
15 purchaser may submit to the agency with which, or State officer
16 with whom, he must title or register the tangible personal
17 property that is involved (if titling or registration is
18 required) in support of such purchaser's application for an
19 Illinois certificate or other evidence of title or registration
20 to such tangible personal property.

21 No retailer's failure or refusal to remit tax under this
22 Act precludes a user, who has paid the proper tax to the
23 retailer, from obtaining his certificate of title or other
24 evidence of title or registration (if titling or registration
25 is required) upon satisfying the Department that such user has
26 paid the proper tax (if tax is due) to the retailer. The
27 Department shall adopt appropriate rules to carry out the
28 mandate of this paragraph.

29 If the user who would otherwise pay tax to the retailer
30 wants the transaction reporting return filed and the payment of
31 the tax or proof of exemption made to the Department before the
32 retailer is willing to take these actions and such user has not
33 paid the tax to the retailer, such user may certify to the fact
34 of such delay by the retailer and may (upon the Department
35 being satisfied of the truth of such certification) transmit
36 the information required by the transaction reporting return

1 and the remittance for tax or proof of exemption directly to
2 the Department and obtain his tax receipt or exemption
3 determination, in which event the transaction reporting return
4 and tax remittance (if a tax payment was required) shall be
5 credited by the Department to the proper retailer's account
6 with the Department, but without the 2.1% or 1.75% discount
7 provided for in this Section being allowed. When the user pays
8 the tax directly to the Department, he shall pay the tax in the
9 same amount and in the same form in which it would be remitted
10 if the tax had been remitted to the Department by the retailer.

11 Refunds made by the seller during the preceding return
12 period to purchasers, on account of tangible personal property
13 returned to the seller, shall be allowed as a deduction under
14 subdivision 5 of his monthly or quarterly return, as the case
15 may be, in case the seller had theretofore included the
16 receipts from the sale of such tangible personal property in a
17 return filed by him and had paid the tax imposed by this Act
18 with respect to such receipts.

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

23 Where the seller is a limited liability company, the return
24 filed on behalf of the limited liability company shall be
25 signed by a manager, member, or properly accredited agent of
26 the limited liability company.

27 Except as provided in this Section, the retailer filing the
28 return under this Section shall, at the time of filing such
29 return, pay to the Department the amount of tax imposed by this
30 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
31 on and after January 1, 1990, or \$5 per calendar year,
32 whichever is greater, which is allowed to reimburse the
33 retailer for the expenses incurred in keeping records,
34 preparing and filing returns, remitting the tax and supplying
35 data to the Department on request. Any prepayment made pursuant
36 to Section 2d of this Act shall be included in the amount on

1 which such 2.1% or 1.75% discount is computed. In the case of
2 retailers who report and pay the tax on a transaction by
3 transaction basis, as provided in this Section, such discount
4 shall be taken with each such tax remittance instead of when
5 such retailer files his periodic return.

6 Before October 1, 2000, if the taxpayer's average monthly
7 tax liability to the Department under this Act, the Use Tax
8 Act, the Service Occupation Tax Act, and the Service Use Tax
9 Act, excluding any liability for prepaid sales tax to be
10 remitted in accordance with Section 2d of this Act, was \$10,000
11 or more during the preceding 4 complete calendar quarters, he
12 shall file a return with the Department each month by the 20th
13 day of the month next following the month during which such tax
14 liability is incurred and shall make payments to the Department
15 on or before the 7th, 15th, 22nd and last day of the month
16 during which such liability is incurred. On and after October
17 1, 2000, if the taxpayer's average monthly tax liability to the
18 Department under this Act, the Use Tax Act, the Service
19 Occupation Tax Act, and the Service Use Tax Act, excluding any
20 liability for prepaid sales tax to be remitted in accordance
21 with Section 2d of this Act, was \$20,000 or more during the
22 preceding 4 complete calendar quarters, he shall file a return
23 with the Department each month by the 20th day of the month
24 next following the month during which such tax liability is
25 incurred and shall make payment to the Department on or before
26 the 7th, 15th, 22nd and last day of the month during which such
27 liability is incurred. If the month during which such tax
28 liability is incurred began prior to January 1, 1985, each
29 payment shall be in an amount equal to 1/4 of the taxpayer's
30 actual liability for the month or an amount set by the
31 Department not to exceed 1/4 of the average monthly liability
32 of the taxpayer to the Department for the preceding 4 complete
33 calendar quarters (excluding the month of highest liability and
34 the month of lowest liability in such 4 quarter period). If the
35 month during which such tax liability is incurred begins on or
36 after January 1, 1985 and prior to January 1, 1987, each

1 payment shall be in an amount equal to 22.5% of the taxpayer's
2 actual liability for the month or 27.5% of the taxpayer's
3 liability for the same calendar month of the preceding year. If
4 the month during which such tax liability is incurred begins on
5 or after January 1, 1987 and prior to January 1, 1988, each
6 payment shall be in an amount equal to 22.5% of the taxpayer's
7 actual liability for the month or 26.25% of the taxpayer's
8 liability for the same calendar month of the preceding year. If
9 the month during which such tax liability is incurred begins on
10 or after January 1, 1988, and prior to January 1, 1989, or
11 begins on or after January 1, 1996, each payment shall be in an
12 amount equal to 22.5% of the taxpayer's actual liability for
13 the month or 25% of the taxpayer's liability for the same
14 calendar month of the preceding year. If the month during which
15 such tax liability is incurred begins on or after January 1,
16 1989, and prior to January 1, 1996, each payment shall be in an
17 amount equal to 22.5% of the taxpayer's actual liability for
18 the month or 25% of the taxpayer's liability for the same
19 calendar month of the preceding year or 100% of the taxpayer's
20 actual liability for the quarter monthly reporting period. The
21 amount of such quarter monthly payments shall be credited
22 against the final tax liability of the taxpayer's return for
23 that month. Before October 1, 2000, once applicable, the
24 requirement of the making of quarter monthly payments to the
25 Department by taxpayers having an average monthly tax liability
26 of \$10,000 or more as determined in the manner provided above
27 shall continue until such taxpayer's average monthly liability
28 to the Department during the preceding 4 complete calendar
29 quarters (excluding the month of highest liability and the
30 month of lowest liability) is less than \$9,000, or until such
31 taxpayer's average monthly liability to the Department as
32 computed for each calendar quarter of the 4 preceding complete
33 calendar quarter period is less than \$10,000. However, if a
34 taxpayer can show the Department that a substantial change in
35 the taxpayer's business has occurred which causes the taxpayer
36 to anticipate that his average monthly tax liability for the

1 reasonably foreseeable future will fall below the \$10,000
2 threshold stated above, then such taxpayer may petition the
3 Department for a change in such taxpayer's reporting status. On
4 and after October 1, 2000, once applicable, the requirement of
5 the making of quarter monthly payments to the Department by
6 taxpayers having an average monthly tax liability of \$20,000 or
7 more as determined in the manner provided above shall continue
8 until such taxpayer's average monthly liability to the
9 Department during the preceding 4 complete calendar quarters
10 (excluding the month of highest liability and the month of
11 lowest liability) is less than \$19,000 or until such taxpayer's
12 average monthly liability to the Department as computed for
13 each calendar quarter of the 4 preceding complete calendar
14 quarter period is less than \$20,000. However, if a taxpayer can
15 show the Department that a substantial change in the taxpayer's
16 business has occurred which causes the taxpayer to anticipate
17 that his average monthly tax liability for the reasonably
18 foreseeable future will fall below the \$20,000 threshold stated
19 above, then such taxpayer may petition the Department for a
20 change in such taxpayer's reporting status. The Department
21 shall change such taxpayer's reporting status unless it finds
22 that such change is seasonal in nature and not likely to be
23 long term. If any such quarter monthly payment is not paid at
24 the time or in the amount required by this Section, then the
25 taxpayer shall be liable for penalties and interest on the
26 difference between the minimum amount due as a payment and the
27 amount of such quarter monthly payment actually and timely
28 paid, except insofar as the taxpayer has previously made
29 payments for that month to the Department in excess of the
30 minimum payments previously due as provided in this Section.
31 The Department shall make reasonable rules and regulations to
32 govern the quarter monthly payment amount and quarter monthly
33 payment dates for taxpayers who file on other than a calendar
34 monthly basis.

35 The provisions of this paragraph apply before October 1,
36 2001. Without regard to whether a taxpayer is required to make

1 quarter monthly payments as specified above, any taxpayer who
2 is required by Section 2d of this Act to collect and remit
3 prepaid taxes and has collected prepaid taxes which average in
4 excess of \$25,000 per month during the preceding 2 complete
5 calendar quarters, shall file a return with the Department as
6 required by Section 2f and shall make payments to the
7 Department on or before the 7th, 15th, 22nd and last day of the
8 month during which such liability is incurred. If the month
9 during which such tax liability is incurred began prior to the
10 effective date of this amendatory Act of 1985, each payment
11 shall be in an amount not less than 22.5% of the taxpayer's
12 actual liability under Section 2d. If the month during which
13 such tax liability is incurred begins on or after January 1,
14 1986, each payment shall be in an amount equal to 22.5% of the
15 taxpayer's actual liability for the month or 27.5% of the
16 taxpayer's liability for the same calendar month of the
17 preceding calendar year. If the month during which such tax
18 liability is incurred begins on or after January 1, 1987, each
19 payment shall be in an amount equal to 22.5% of the taxpayer's
20 actual liability for the month or 26.25% of the taxpayer's
21 liability for the same calendar month of the preceding year.
22 The amount of such quarter monthly payments shall be credited
23 against the final tax liability of the taxpayer's return for
24 that month filed under this Section or Section 2f, as the case
25 may be. Once applicable, the requirement of the making of
26 quarter monthly payments to the Department pursuant to this
27 paragraph shall continue until such taxpayer's average monthly
28 prepaid tax collections during the preceding 2 complete
29 calendar quarters is \$25,000 or less. If any such quarter
30 monthly payment is not paid at the time or in the amount
31 required, the taxpayer shall be liable for penalties and
32 interest on such difference, except insofar as the taxpayer has
33 previously made payments for that month in excess of the
34 minimum payments previously due.

35 The provisions of this paragraph apply on and after October
36 1, 2001. Without regard to whether a taxpayer is required to

1 make quarter monthly payments as specified above, any taxpayer
2 who is required by Section 2d of this Act to collect and remit
3 prepaid taxes and has collected prepaid taxes that average in
4 excess of \$20,000 per month during the preceding 4 complete
5 calendar quarters shall file a return with the Department as
6 required by Section 2f and shall make payments to the
7 Department on or before the 7th, 15th, 22nd and last day of the
8 month during which the liability is incurred. Each payment
9 shall be in an amount equal to 22.5% of the taxpayer's actual
10 liability for the month or 25% of the taxpayer's liability for
11 the same calendar month of the preceding year. The amount of
12 the quarter monthly payments shall be credited against the
13 final tax liability of the taxpayer's return for that month
14 filed under this Section or Section 2f, as the case may be.
15 Once applicable, the requirement of the making of quarter
16 monthly payments to the Department pursuant to this paragraph
17 shall continue until the taxpayer's average monthly prepaid tax
18 collections during the preceding 4 complete calendar quarters
19 (excluding the month of highest liability and the month of
20 lowest liability) is less than \$19,000 or until such taxpayer's
21 average monthly liability to the Department as computed for
22 each calendar quarter of the 4 preceding complete calendar
23 quarters is less than \$20,000. If any such quarter monthly
24 payment is not paid at the time or in the amount required, the
25 taxpayer shall be liable for penalties and interest on such
26 difference, except insofar as the taxpayer has previously made
27 payments for that month in excess of the minimum payments
28 previously due.

29 If any payment provided for in this Section exceeds the
30 taxpayer's liabilities under this Act, the Use Tax Act, the
31 Service Occupation Tax Act and the Service Use Tax Act, as
32 shown on an original monthly return, the Department shall, if
33 requested by the taxpayer, issue to the taxpayer a credit
34 memorandum no later than 30 days after the date of payment. The
35 credit evidenced by such credit memorandum may be assigned by
36 the taxpayer to a similar taxpayer under this Act, the Use Tax

1 Act, the Service Occupation Tax Act or the Service Use Tax Act,
2 in accordance with reasonable rules and regulations to be
3 prescribed by the Department. If no such request is made, the
4 taxpayer may credit such excess payment against tax liability
5 subsequently to be remitted to the Department under this Act,
6 the Use Tax Act, the Service Occupation Tax Act or the Service
7 Use Tax Act, in accordance with reasonable rules and
8 regulations prescribed by the Department. If the Department
9 subsequently determined that all or any part of the credit
10 taken was not actually due to the taxpayer, the taxpayer's 2.1%
11 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
12 of the difference between the credit taken and that actually
13 due, and that taxpayer shall be liable for penalties and
14 interest on such difference.

15 If a retailer of motor fuel is entitled to a credit under
16 Section 2d of this Act which exceeds the taxpayer's liability
17 to the Department under this Act for the month which the
18 taxpayer is filing a return, the Department shall issue the
19 taxpayer a credit memorandum for the excess.

20 Beginning January 1, 1990, each month the Department shall
21 pay into the Local Government Tax Fund, a special fund in the
22 State treasury which is hereby created, the net revenue
23 realized for the preceding month from the 1% tax on sales of
24 food for human consumption which is to be consumed off the
25 premises where it is sold (other than alcoholic beverages, soft
26 drinks and food which has been prepared for immediate
27 consumption) and prescription and nonprescription medicines,
28 drugs, medical appliances and insulin, urine testing
29 materials, syringes and needles used by diabetics.

30 Beginning January 1, 1990, each month the Department shall
31 pay into the County and Mass Transit District Fund, a special
32 fund in the State treasury which is hereby created, 4% of the
33 net revenue realized for the preceding month from the 6.25%
34 general rate.

35 Beginning August 1, 2000, each month the Department shall
36 pay into the County and Mass Transit District Fund 20% of the

1 net revenue realized for the preceding month from the 1.25%
 2 rate on the selling price of motor fuel and gasohol.

3 Beginning January 1, 1990, each month the Department shall
 4 pay into the Local Government Tax Fund 16% of the net revenue
 5 realized for the preceding month from the 6.25% general rate on
 6 the selling price of tangible personal property.

7 Beginning August 1, 2000, each month the Department shall
 8 pay into the Local Government Tax Fund 80% of the net revenue
 9 realized for the preceding month from the 1.25% rate on the
 10 selling price of motor fuel and gasohol.

11 Of the remainder of the moneys received by the Department
 12 pursuant to this Act, (a) 1.75% thereof shall be paid into the
 13 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
 14 and after July 1, 1989, 3.8% thereof shall be paid into the
 15 Build Illinois Fund; provided, however, that if in any fiscal
 16 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
 17 may be, of the moneys received by the Department and required
 18 to be paid into the Build Illinois Fund pursuant to this Act,
 19 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
 20 Act, and Section 9 of the Service Occupation Tax Act, such Acts
 21 being hereinafter called the "Tax Acts" and such aggregate of
 22 2.2% or 3.8%, as the case may be, of moneys being hereinafter
 23 called the "Tax Act Amount", and (2) the amount transferred to
 24 the Build Illinois Fund from the State and Local Sales Tax
 25 Reform Fund shall be less than the Annual Specified Amount (as
 26 hereinafter defined), an amount equal to the difference shall
 27 be immediately paid into the Build Illinois Fund from other
 28 moneys received by the Department pursuant to the Tax Acts; the
 29 "Annual Specified Amount" means the amounts specified below for
 30 fiscal years 1986 through 1993:

31	Fiscal Year	Annual Specified Amount
32	1986	\$54,800,000
33	1987	\$76,650,000
34	1988	\$80,480,000
35	1989	\$88,510,000
36	1990	\$115,330,000

1	1991	\$145,470,000
2	1992	\$182,730,000
3	1993	\$206,520,000;

4 and means the Certified Annual Debt Service Requirement (as
5 defined in Section 13 of the Build Illinois Bond Act) or the
6 Tax Act Amount, whichever is greater, for fiscal year 1994 and
7 each fiscal year thereafter; and further provided, that if on
8 the last business day of any month the sum of (1) the Tax Act
9 Amount required to be deposited into the Build Illinois Bond
10 Account in the Build Illinois Fund during such month and (2)
11 the amount transferred to the Build Illinois Fund from the
12 State and Local Sales Tax Reform Fund shall have been less than
13 1/12 of the Annual Specified Amount, an amount equal to the
14 difference shall be immediately paid into the Build Illinois
15 Fund from other moneys received by the Department pursuant to
16 the Tax Acts; and, further provided, that in no event shall the
17 payments required under the preceding proviso result in
18 aggregate payments into the Build Illinois Fund pursuant to
19 this clause (b) for any fiscal year in excess of the greater of
20 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
21 such fiscal year. The amounts payable into the Build Illinois
22 Fund under clause (b) of the first sentence in this paragraph
23 shall be payable only until such time as the aggregate amount
24 on deposit under each trust indenture securing Bonds issued and
25 outstanding pursuant to the Build Illinois Bond Act is
26 sufficient, taking into account any future investment income,
27 to fully provide, in accordance with such indenture, for the
28 defeasance of or the payment of the principal of, premium, if
29 any, and interest on the Bonds secured by such indenture and on
30 any Bonds expected to be issued thereafter and all fees and
31 costs payable with respect thereto, all as certified by the
32 Director of the Bureau of the Budget (now Governor's Office of
33 Management and Budget). If on the last business day of any
34 month in which Bonds are outstanding pursuant to the Build
35 Illinois Bond Act, the aggregate of moneys deposited in the
36 Build Illinois Bond Account in the Build Illinois Fund in such

1 month shall be less than the amount required to be transferred
 2 in such month from the Build Illinois Bond Account to the Build
 3 Illinois Bond Retirement and Interest Fund pursuant to Section
 4 13 of the Build Illinois Bond Act, an amount equal to such
 5 deficiency shall be immediately paid from other moneys received
 6 by the Department pursuant to the Tax Acts to the Build
 7 Illinois Fund; provided, however, that any amounts paid to the
 8 Build Illinois Fund in any fiscal year pursuant to this
 9 sentence shall be deemed to constitute payments pursuant to
 10 clause (b) of the first sentence of this paragraph and shall
 11 reduce the amount otherwise payable for such fiscal year
 12 pursuant to that clause (b). The moneys received by the
 13 Department pursuant to this Act and required to be deposited
 14 into the Build Illinois Fund are subject to the pledge, claim
 15 and charge set forth in Section 12 of the Build Illinois Bond
 16 Act.

17 Subject to payment of amounts into the Build Illinois Fund
 18 as provided in the preceding paragraph or in any amendment
 19 thereto hereafter enacted, the following specified monthly
 20 installment of the amount requested in the certificate of the
 21 Chairman of the Metropolitan Pier and Exposition Authority
 22 provided under Section 8.25f of the State Finance Act, but not
 23 in excess of sums designated as "Total Deposit", shall be
 24 deposited in the aggregate from collections under Section 9 of
 25 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
 26 9 of the Service Occupation Tax Act, and Section 3 of the
 27 Retailers' Occupation Tax Act into the McCormick Place
 28 Expansion Project Fund in the specified fiscal years.

29	Fiscal Year	<u>Base Deposit</u>	<u>Additional</u>	Total Deposit
30				
	1993	<u>\$0</u>	\$0	<u>\$0</u>
31	1994	<u>0</u>	53,000,000	<u>53,000,000</u>
32	1995	<u>0</u>	58,000,000	<u>58,000,000</u>
33	1996	<u>0</u>	61,000,000	<u>61,000,000</u>
34	1997	<u>0</u>	64,000,000	<u>64,000,000</u>

1	1998	<u>0</u>	68,000,000	<u>68,000,000</u>
2	1999	<u>0</u>	71,000,000	<u>71,000,000</u>
3	2000	<u>0</u>	75,000,000	<u>75,000,000</u>
4	2001	<u>0</u>	80,000,000	<u>80,000,000</u>
5	2002	<u>0</u>	93,000,000	<u>93,000,000</u>
6	2003	<u>0</u>	99,000,000	<u>99,000,000</u>
7	2004	<u>0</u>	103,000,000	<u>103,000,000</u>
8	2005	<u>0</u>	108,000,000	<u>108,000,000</u>
9	2006	<u>0</u>	113,000,000	<u>113,000,000</u>
10	2007	<u>0</u>	119,000,000	<u>119,000,000</u>
11	2008	<u>1,800,000</u>	126,000,000	<u>127,800,000</u>
12	2009	<u>1,800,000</u>	132,000,000	<u>133,800,000</u>
13	2010	<u>1,800,000</u>	139,000,000	<u>140,800,000</u>
14	2011	<u>1,800,000</u>	146,000,000	<u>147,800,000</u>
15	2012	<u>1,800,000</u>	153,000,000	<u>154,800,000</u>
16	2013	<u>1,800,000</u>	161,000,000	<u>162,800,000</u>
17	2014	<u>1,800,000</u>	170,000,000	<u>171,800,000</u>
18	2015	<u>28,000,000</u>	179,000,000	<u>207,000,000</u>
19	2016	<u>33,500,000</u>	189,000,000	<u>222,500,000</u>
20	2017	<u>33,500,000</u>	199,000,000	<u>232,500,000</u>
21	2018	<u>33,500,000</u>	210,000,000	<u>243,500,000</u>
22	2019	<u>33,500,000</u>	221,000,000	<u>254,500,000</u>
23	2020	<u>33,500,000</u>	233,000,000	<u>266,500,000</u>
24	2021	<u>33,500,000</u>	246,000,000	<u>279,500,000</u>
25	2022	<u>33,500,000</u>	260,000,000	<u>293,500,000</u>
26	2023 and	<u>33,500,000</u>	275,000,000	<u>308,500,000</u>

27 each fiscal
28 year
29 thereafter
30 that bonds
31 are
32 outstanding
33 under
34 Section 13.2
35 of the

1 Metropolitan
2 Pier and
3 Exposition
4 Authority Act,
5 but not after
6 fiscal year
7 2046 ~~2042~~.

8 Beginning July 20, 1993 and in each month of each fiscal
9 year thereafter, one-eighth of the amount requested in the
10 certificate of the Chairman of the Metropolitan Pier and
11 Exposition Authority for that fiscal year, less the amount
12 deposited into the McCormick Place Expansion Project Fund by
13 the State Treasurer in the respective month under subsection
14 (g) of Section 13 of the Metropolitan Pier and Exposition
15 Authority Act, plus cumulative deficiencies in the deposits
16 required under this Section for previous months and years,
17 shall be deposited into the McCormick Place Expansion Project
18 Fund, until the full amount requested for the fiscal year, but
19 not in excess of the amount specified above as "Total Deposit",
20 has been deposited.

21 Subject to payment of amounts into the Build Illinois Fund
22 and the McCormick Place Expansion Project Fund pursuant to the
23 preceding paragraphs or in any amendments thereto hereafter
24 enacted, beginning July 1, 1993, the Department shall each
25 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
26 the net revenue realized for the preceding month from the 6.25%
27 general rate on the selling price of tangible personal
28 property.

29 Subject to payment of amounts into the Build Illinois Fund
30 and the McCormick Place Expansion Project Fund pursuant to the
31 preceding paragraphs or in any amendments thereto hereafter
32 enacted, beginning with the receipt of the first report of
33 taxes paid by an eligible business and continuing for a 25-year
34 period, the Department shall each month pay into the Energy
35 Infrastructure Fund 80% of the net revenue realized from the
36 6.25% general rate on the selling price of Illinois-mined coal

1 that was sold to an eligible business. For purposes of this
2 paragraph, the term "eligible business" means a new electric
3 generating facility certified pursuant to Section 605-332 of
4 the Department of Commerce and Economic Opportunity Law of the
5 Civil Administrative Code of Illinois.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, 75% thereof shall be paid into the State
8 Treasury and 25% shall be reserved in a special account and
9 used only for the transfer to the Common School Fund as part of
10 the monthly transfer from the General Revenue Fund in
11 accordance with Section 8a of the State Finance Act.

12 The Department may, upon separate written notice to a
13 taxpayer, require the taxpayer to prepare and file with the
14 Department on a form prescribed by the Department within not
15 less than 60 days after receipt of the notice an annual
16 information return for the tax year specified in the notice.
17 Such annual return to the Department shall include a statement
18 of gross receipts as shown by the retailer's last Federal
19 income tax return. If the total receipts of the business as
20 reported in the Federal income tax return do not agree with the
21 gross receipts reported to the Department of Revenue for the
22 same period, the retailer shall attach to his annual return a
23 schedule showing a reconciliation of the 2 amounts and the
24 reasons for the difference. The retailer's annual return to the
25 Department shall also disclose the cost of goods sold by the
26 retailer during the year covered by such return, opening and
27 closing inventories of such goods for such year, costs of goods
28 used from stock or taken from stock and given away by the
29 retailer during such year, payroll information of the
30 retailer's business during such year and any additional
31 reasonable information which the Department deems would be
32 helpful in determining the accuracy of the monthly, quarterly
33 or annual returns filed by such retailer as provided for in
34 this Section.

35 If the annual information return required by this Section
36 is not filed when and as required, the taxpayer shall be liable

1 as follows:

2 (i) Until January 1, 1994, the taxpayer shall be liable
3 for a penalty equal to 1/6 of 1% of the tax due from such
4 taxpayer under this Act during the period to be covered by
5 the annual return for each month or fraction of a month
6 until such return is filed as required, the penalty to be
7 assessed and collected in the same manner as any other
8 penalty provided for in this Act.

9 (ii) On and after January 1, 1994, the taxpayer shall
10 be liable for a penalty as described in Section 3-4 of the
11 Uniform Penalty and Interest Act.

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

20 The provisions of this Section concerning the filing of an
21 annual information return do not apply to a retailer who is not
22 required to file an income tax return with the United States
23 Government.

24 As soon as possible after the first day of each month, upon
25 certification of the Department of Revenue, the Comptroller
26 shall order transferred and the Treasurer shall transfer from
27 the General Revenue Fund to the Motor Fuel Tax Fund an amount
28 equal to 1.7% of 80% of the net revenue realized under this Act
29 for the second preceding month. Beginning April 1, 2000, this
30 transfer is no longer required and shall not be made.

31 Net revenue realized for a month shall be the revenue
32 collected by the State pursuant to this Act, less the amount
33 paid out during that month as refunds to taxpayers for
34 overpayment of liability.

35 For greater simplicity of administration, manufacturers,
36 importers and wholesalers whose products are sold at retail in

1 Illinois by numerous retailers, and who wish to do so, may
2 assume the responsibility for accounting and paying to the
3 Department all tax accruing under this Act with respect to such
4 sales, if the retailers who are affected do not make written
5 objection to the Department to this arrangement.

6 Any person who promotes, organizes, provides retail
7 selling space for concessionaires or other types of sellers at
8 the Illinois State Fair, DuQuoin State Fair, county fairs,
9 local fairs, art shows, flea markets and similar exhibitions or
10 events, including any transient merchant as defined by Section
11 2 of the Transient Merchant Act of 1987, is required to file a
12 report with the Department providing the name of the merchant's
13 business, the name of the person or persons engaged in
14 merchant's business, the permanent address and Illinois
15 Retailers Occupation Tax Registration Number of the merchant,
16 the dates and location of the event and other reasonable
17 information that the Department may require. The report must be
18 filed not later than the 20th day of the month next following
19 the month during which the event with retail sales was held.
20 Any person who fails to file a report required by this Section
21 commits a business offense and is subject to a fine not to
22 exceed \$250.

23 Any person engaged in the business of selling tangible
24 personal property at retail as a concessionaire or other type
25 of seller at the Illinois State Fair, county fairs, art shows,
26 flea markets and similar exhibitions or events, or any
27 transient merchants, as defined by Section 2 of the Transient
28 Merchant Act of 1987, may be required to make a daily report of
29 the amount of such sales to the Department and to make a daily
30 payment of the full amount of tax due. The Department shall
31 impose this requirement when it finds that there is a
32 significant risk of loss of revenue to the State at such an
33 exhibition or event. Such a finding shall be based on evidence
34 that a substantial number of concessionaires or other sellers
35 who are not residents of Illinois will be engaging in the
36 business of selling tangible personal property at retail at the

1 exhibition or event, or other evidence of a significant risk of
2 loss of revenue to the State. The Department shall notify
3 concessionaires and other sellers affected by the imposition of
4 this requirement. In the absence of notification by the
5 Department, the concessionaires and other sellers shall file
6 their returns as otherwise required in this Section.

7 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
8 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
9 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
10 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;
11 93-1057, eff. 12-2-04; revised 12-6-04.)

12 Section 30. The Metropolitan Pier and Exposition Authority
13 Act is amended by changing Sections 13 and 13.2 as follows:

14 (70 ILCS 210/13) (from Ch. 85, par. 1233)

15 Sec. 13. (a) The Authority shall not have power to levy
16 taxes for any purpose, except as provided in subsections (b),
17 (c), (d), (e), and (f).

18 (b) By ordinance the Authority shall, as soon as
19 practicable after the effective date of this amendatory Act of
20 1991, impose a Metropolitan Pier and Exposition Authority
21 Retailers' Occupation Tax upon all persons engaged in the
22 business of selling tangible personal property at retail within
23 the territory described in this subsection at the rate of 1.0%
24 of the gross receipts (i) from the sale of food, alcoholic
25 beverages, and soft drinks sold for consumption on the premises
26 where sold and (ii) from the sale of food, alcoholic beverages,
27 and soft drinks sold for consumption off the premises where
28 sold by a retailer whose principal source of gross receipts is
29 from the sale of food, alcoholic beverages, and soft drinks
30 prepared for immediate consumption.

31 The tax imposed under this subsection and all civil
32 penalties that may be assessed as an incident to that tax shall
33 be collected and enforced by the Illinois Department of
34 Revenue. The Department shall have full power to administer and

1 enforce this subsection, to collect all taxes and penalties so
2 collected in the manner provided in this subsection, and to
3 determine all rights to credit memoranda arising on account of
4 the erroneous payment of tax or penalty under this subsection.
5 In the administration of and compliance with this subsection,
6 the Department and persons who are subject to this subsection
7 shall have the same rights, remedies, privileges, immunities,
8 powers, and duties, shall be subject to the same conditions,
9 restrictions, limitations, penalties, exclusions, exemptions,
10 and definitions of terms, and shall employ the same modes of
11 procedure applicable to this Retailers' Occupation Tax as are
12 prescribed in Sections 1, 2 through 2-65 (in respect to all
13 provisions of those Sections other than the State rate of
14 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes
15 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,
16 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13 and, and until
17 January 1, 1994, 13.5 of the Retailers' Occupation Tax Act,
18 and, on and after January 1, 1994, all applicable provisions of
19 the Uniform Penalty and Interest Act that are not inconsistent
20 with this Act, as fully as if provisions contained in those
21 Sections of the Retailers' Occupation Tax Act were set forth in
22 this subsection.

23 Persons subject to any tax imposed under the authority
24 granted in this subsection may reimburse themselves for their
25 seller's tax liability under this subsection by separately
26 stating that tax as an additional charge, which charge may be
27 stated in combination, in a single amount, with State taxes
28 that sellers are required to collect under the Use Tax Act,
29 pursuant to bracket schedules as the Department may prescribe.
30 The retailer filing the return shall, at the time of filing the
31 return, pay to the Department the amount of tax imposed under
32 this subsection, less a discount of 1.75%, which is allowed to
33 reimburse the retailer for the expenses incurred in keeping
34 records, preparing and filing returns, remitting the tax, and
35 supplying data to the Department on request.

36 Whenever the Department determines that a refund should be

1 made under this subsection to a claimant instead of issuing a
2 credit memorandum, the Department shall notify the State
3 Comptroller, who shall cause a warrant to be drawn for the
4 amount specified and to the person named in the notification
5 from the Department. The refund shall be paid by the State
6 Treasurer out of the Metropolitan Pier and Exposition Authority
7 trust fund held by the State Treasurer as trustee for the
8 Authority.

9 Nothing in this subsection authorizes the Authority to
10 impose a tax upon the privilege of engaging in any business
11 that under the Constitution of the United States may not be
12 made the subject of taxation by this State.

13 The Department shall forthwith pay over to the State
14 Treasurer, ex officio, as trustee for the Authority, all taxes
15 and penalties collected under this subsection for deposit into
16 a trust fund held outside of the State Treasury. On or before
17 the 25th day of each calendar month, the Department shall
18 prepare and certify to the Comptroller the amounts to be paid
19 under subsection (g) of this Section, which shall be the
20 amounts, not including credit memoranda, collected under this
21 subsection during the second preceding calendar month by the
22 Department, less any amounts determined by the Department to be
23 necessary for the payment of refunds and less 2% of such
24 balance, which sum shall be deposited by the State Treasurer
25 into the Tax Compliance and Administration Fund in the State
26 Treasury from which it shall be appropriated to the Department
27 to cover the costs of the Department in administering and
28 enforcing the provisions of this subsection. Within 10 days
29 after receipt by the Comptroller of the certification, the
30 Comptroller shall cause the orders to be drawn for the
31 remaining amounts, and the Treasurer shall administer those
32 amounts as required in subsection (g).

33 A certificate of registration issued by the Illinois
34 Department of Revenue to a retailer under the Retailers'
35 Occupation Tax Act shall permit the registrant to engage in a
36 business that is taxed under the tax imposed under this

1 subsection, and no additional registration shall be required
2 under the ordinance imposing the tax or under this subsection.

3 A certified copy of any ordinance imposing or discontinuing
4 any tax under this subsection or effecting a change in the rate
5 of that tax shall be filed with the Department, whereupon the
6 Department shall proceed to administer and enforce this
7 subsection on behalf of the Authority as of the first day of
8 the third calendar month following the date of filing.

9 The tax authorized to be levied under this subsection may
10 be levied within all or any part of the following described
11 portions of the metropolitan area:

12 (1) that portion of the City of Chicago located within
13 the following area: Beginning at the point of intersection
14 of the Cook County - DuPage County line and York Road, then
15 North along York Road to its intersection with Touhy
16 Avenue, then east along Touhy Avenue to its intersection
17 with the Northwest Tollway, then southeast along the
18 Northwest Tollway to its intersection with Lee Street, then
19 south along Lee Street to Higgins Road, then south and east
20 along Higgins Road to its intersection with Mannheim Road,
21 then south along Mannheim Road to its intersection with
22 Irving Park Road, then west along Irving Park Road to its
23 intersection with the Cook County - DuPage County line,
24 then north and west along the county line to the point of
25 beginning; and

26 (2) that portion of the City of Chicago located within
27 the following area: Beginning at the intersection of West
28 55th Street with Central Avenue, then east along West 55th
29 Street to its intersection with South Cicero Avenue, then
30 south along South Cicero Avenue to its intersection with
31 West 63rd Street, then west along West 63rd Street to its
32 intersection with South Central Avenue, then north along
33 South Central Avenue to the point of beginning; and

34 (3) that portion of the City of Chicago located within
35 the following area: Beginning at the point 150 feet west of
36 the intersection of the west line of North Ashland Avenue

1 and the north line of West Diversey Avenue, then north 150
2 feet, then east along a line 150 feet north of the north
3 line of West Diversey Avenue extended to the shoreline of
4 Lake Michigan, then following the shoreline of Lake
5 Michigan (including Navy Pier and all other improvements
6 fixed to land, docks, or piers) to the point where the
7 shoreline of Lake Michigan and the Adlai E. Stevenson
8 Expressway extended east to that shoreline intersect, then
9 west along the Adlai E. Stevenson Expressway to a point 150
10 feet west of the west line of South Ashland Avenue, then
11 north along a line 150 feet west of the west line of South
12 and North Ashland Avenue to the point of beginning.

13 The tax authorized to be levied under this subsection may
14 also be levied on food, alcoholic beverages, and soft drinks
15 sold on boats and other watercraft departing from and returning
16 to the shoreline of Lake Michigan (including Navy Pier and all
17 other improvements fixed to land, docks, or piers) described in
18 item (3).

19 (c) By ordinance the Authority shall, as soon as
20 practicable after the effective date of this amendatory Act of
21 1991, impose an occupation tax upon all persons engaged in the
22 corporate limits of the City of Chicago in the business of
23 renting, leasing, or letting rooms in a hotel, as defined in
24 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of
25 the gross rental receipts from the renting, leasing, or letting
26 of hotel rooms within the City of Chicago, excluding, however,
27 from gross rental receipts the proceeds of renting, leasing, or
28 letting to permanent residents of a hotel, as defined in that
29 Act. Gross rental receipts shall not include charges that are
30 added on account of the liability arising from any tax imposed
31 by the State or any governmental agency on the occupation of
32 renting, leasing, or letting rooms in a hotel.

33 The tax imposed by the Authority under this subsection and
34 all civil penalties that may be assessed as an incident to that
35 tax shall be collected and enforced by the Illinois Department
36 of Revenue. The certificate of registration that is issued by

1 the Department to a lessor under the Hotel Operators'
2 Occupation Tax Act shall permit that registrant to engage in a
3 business that is taxable under any ordinance enacted under this
4 subsection without registering separately with the Department
5 under that ordinance or under this subsection. The Department
6 shall have full power to administer and enforce this
7 subsection, to collect all taxes and penalties due under this
8 subsection, to dispose of taxes and penalties so collected in
9 the manner provided in this subsection, and to determine all
10 rights to credit memoranda arising on account of the erroneous
11 payment of tax or penalty under this subsection. In the
12 administration of and compliance with this subsection, the
13 Department and persons who are subject to this subsection shall
14 have the same rights, remedies, privileges, immunities,
15 powers, and duties, shall be subject to the same conditions,
16 restrictions, limitations, penalties, and definitions of
17 terms, and shall employ the same modes of procedure as are
18 prescribed in the Hotel Operators' Occupation Tax Act (except
19 where that Act is inconsistent with this subsection), as fully
20 as if the provisions contained in the Hotel Operators'
21 Occupation Tax Act were set out in this subsection.

22 Whenever the Department determines that a refund should be
23 made under this subsection to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause a warrant to be drawn for the
26 amount specified and to the person named in the notification
27 from the Department. The refund shall be paid by the State
28 Treasurer out of the Metropolitan Pier and Exposition Authority
29 trust fund held by the State Treasurer as trustee for the
30 Authority.

31 Persons subject to any tax imposed under the authority
32 granted in this subsection may reimburse themselves for their
33 tax liability for that tax by separately stating that tax as an
34 additional charge, which charge may be stated in combination,
35 in a single amount, with State taxes imposed under the Hotel
36 Operators' Occupation Tax Act, the municipal tax imposed under

1 Section 8-3-13 of the Illinois Municipal Code, and the tax
2 imposed under Section 19 of the Illinois Sports Facilities
3 Authority Act.

4 The person filing the return shall, at the time of filing
5 the return, pay to the Department the amount of tax, less a
6 discount of 2.1% or \$25 per calendar year, whichever is
7 greater, which is allowed to reimburse the operator for the
8 expenses incurred in keeping records, preparing and filing
9 returns, remitting the tax, and supplying data to the
10 Department on request.

11 The Department shall forthwith pay over to the State
12 Treasurer, ex officio, as trustee for the Authority, all taxes
13 and penalties collected under this subsection for deposit into
14 a trust fund held outside the State Treasury. On or before the
15 25th day of each calendar month, the Department shall certify
16 to the Comptroller the amounts to be paid under subsection (g)
17 of this Section, which shall be the amounts (not including
18 credit memoranda) collected under this subsection during the
19 second preceding calendar month by the Department, less any
20 amounts determined by the Department to be necessary for
21 payment of refunds. Within 10 days after receipt by the
22 Comptroller of the Department's certification, the Comptroller
23 shall cause the orders to be drawn for such amounts, and the
24 Treasurer shall administer those amounts as required in
25 subsection (g).

26 A certified copy of any ordinance imposing or discontinuing
27 a tax under this subsection or effecting a change in the rate
28 of that tax shall be filed with the Illinois Department of
29 Revenue, whereupon the Department shall proceed to administer
30 and enforce this subsection on behalf of the Authority as of
31 the first day of the third calendar month following the date of
32 filing.

33 (d) By ordinance the Authority shall, as soon as
34 practicable after the effective date of this amendatory Act of
35 1991, impose a tax upon all persons engaged in the business of
36 renting automobiles in the metropolitan area at the rate of 6%

1 of the gross receipts from that business, except that no tax
2 shall be imposed on the business of renting automobiles for use
3 as taxicabs or in livery service. The tax imposed under this
4 subsection and all civil penalties that may be assessed as an
5 incident to that tax shall be collected and enforced by the
6 Illinois Department of Revenue. The certificate of
7 registration issued by the Department to a retailer under the
8 Retailers' Occupation Tax Act or under the Automobile Renting
9 Occupation and Use Tax Act shall permit that person to engage
10 in a business that is taxable under any ordinance enacted under
11 this subsection without registering separately with the
12 Department under that ordinance or under this subsection. The
13 Department shall have full power to administer and enforce this
14 subsection, to collect all taxes and penalties due under this
15 subsection, to dispose of taxes and penalties so collected in
16 the manner provided in this subsection, and to determine all
17 rights to credit memoranda arising on account of the erroneous
18 payment of tax or penalty under this subsection. In the
19 administration of and compliance with this subsection, the
20 Department and persons who are subject to this subsection shall
21 have the same rights, remedies, privileges, immunities,
22 powers, and duties, be subject to the same conditions,
23 restrictions, limitations, penalties, and definitions of
24 terms, and employ the same modes of procedure as are prescribed
25 in Sections 2 and 3 (in respect to all provisions of those
26 Sections other than the State rate of tax; and in respect to
27 the provisions of the Retailers' Occupation Tax Act referred to
28 in those Sections, except as to the disposition of taxes and
29 penalties collected, except for the provision allowing
30 retailers a deduction from the tax to cover certain costs, and
31 except that credit memoranda issued under this subsection may
32 not be used to discharge any State tax liability) of the
33 Automobile Renting Occupation and Use Tax Act, as fully as if
34 provisions contained in those Sections of that Act were set
35 forth in this subsection.

36 Persons subject to any tax imposed under the authority

1 granted in this subsection may reimburse themselves for their
2 tax liability under this subsection by separately stating that
3 tax as an additional charge, which charge may be stated in
4 combination, in a single amount, with State tax that sellers
5 are required to collect under the Automobile Renting Occupation
6 and Use Tax Act, pursuant to bracket schedules as the
7 Department may prescribe.

8 Whenever the Department determines that a refund should be
9 made under this subsection to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause a warrant to be drawn for the
12 amount specified and to the person named in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the Metropolitan Pier and Exposition Authority
15 trust fund held by the State Treasurer as trustee for the
16 Authority.

17 The Department shall forthwith pay over to the State
18 Treasurer, ex officio, as trustee, all taxes and penalties
19 collected under this subsection for deposit into a trust fund
20 held outside the State Treasury. On or before the 25th day of
21 each calendar month, the Department shall certify to the
22 Comptroller the amounts to be paid under subsection (g) of this
23 Section (not including credit memoranda) collected under this
24 subsection during the second preceding calendar month by the
25 Department, less any amount determined by the Department to be
26 necessary for payment of refunds. Within 10 days after receipt
27 by the Comptroller of the Department's certification, the
28 Comptroller shall cause the orders to be drawn for such
29 amounts, and the Treasurer shall administer those amounts as
30 required in subsection (g).

31 Nothing in this subsection authorizes the Authority to
32 impose a tax upon the privilege of engaging in any business
33 that under the Constitution of the United States may not be
34 made the subject of taxation by this State.

35 A certified copy of any ordinance imposing or discontinuing
36 a tax under this subsection or effecting a change in the rate

1 of that tax shall be filed with the Illinois Department of
2 Revenue, whereupon the Department shall proceed to administer
3 and enforce this subsection on behalf of the Authority as of
4 the first day of the third calendar month following the date of
5 filing.

6 (e) By ordinance the Authority shall, as soon as
7 practicable after the effective date of this amendatory Act of
8 1991, impose a tax upon the privilege of using in the
9 metropolitan area an automobile that is rented from a rentor
10 outside Illinois and is titled or registered with an agency of
11 this State's government at a rate of 6% of the rental price of
12 that automobile, except that no tax shall be imposed on the
13 privilege of using automobiles rented for use as taxicabs or in
14 livery service. The tax shall be collected from persons whose
15 Illinois address for titling or registration purposes is given
16 as being in the metropolitan area. The tax shall be collected
17 by the Department of Revenue for the Authority. The tax must be
18 paid to the State or an exemption determination must be
19 obtained from the Department of Revenue before the title or
20 certificate of registration for the property may be issued. The
21 tax or proof of exemption may be transmitted to the Department
22 by way of the State agency with which or State officer with
23 whom the tangible personal property must be titled or
24 registered if the Department and that agency or State officer
25 determine that this procedure will expedite the processing of
26 applications for title or registration.

27 The Department shall have full power to administer and
28 enforce this subsection, to collect all taxes, penalties, and
29 interest due under this subsection, to dispose of taxes,
30 penalties, and interest so collected in the manner provided in
31 this subsection, and to determine all rights to credit
32 memoranda or refunds arising on account of the erroneous
33 payment of tax, penalty, or interest under this subsection. In
34 the administration of and compliance with this subsection, the
35 Department and persons who are subject to this subsection shall
36 have the same rights, remedies, privileges, immunities,

1 powers, and duties, be subject to the same conditions,
2 restrictions, limitations, penalties, and definitions of
3 terms, and employ the same modes of procedure as are prescribed
4 in Sections 2 and 4 (except provisions pertaining to the State
5 rate of tax; and in respect to the provisions of the Use Tax
6 Act referred to in that Section, except provisions concerning
7 collection or refunding of the tax by retailers, except the
8 provisions of Section 19 pertaining to claims by retailers,
9 except the last paragraph concerning refunds, and except that
10 credit memoranda issued under this subsection may not be used
11 to discharge any State tax liability) of the Automobile Renting
12 Occupation and Use Tax Act, as fully as if provisions contained
13 in those Sections of that Act were set forth in this
14 subsection.

15 Whenever the Department determines that a refund should be
16 made under this subsection to a claimant instead of issuing a
17 credit memorandum, the Department shall notify the State
18 Comptroller, who shall cause a warrant to be drawn for the
19 amount specified and to the person named in the notification
20 from the Department. The refund shall be paid by the State
21 Treasurer out of the Metropolitan Pier and Exposition Authority
22 trust fund held by the State Treasurer as trustee for the
23 Authority.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex officio, as trustee, all taxes, penalties, and
26 interest collected under this subsection for deposit into a
27 trust fund held outside the State Treasury. On or before the
28 25th day of each calendar month, the Department shall certify
29 to the State Comptroller the amounts to be paid under
30 subsection (g) of this Section, which shall be the amounts (not
31 including credit memoranda) collected under this subsection
32 during the second preceding calendar month by the Department,
33 less any amounts determined by the Department to be necessary
34 for payment of refunds. Within 10 days after receipt by the
35 State Comptroller of the Department's certification, the
36 Comptroller shall cause the orders to be drawn for such

1 amounts, and the Treasurer shall administer those amounts as
2 required in subsection (g).

3 A certified copy of any ordinance imposing or discontinuing
4 a tax or effecting a change in the rate of that tax shall be
5 filed with the Illinois Department of Revenue, whereupon the
6 Department shall proceed to administer and enforce this
7 subsection on behalf of the Authority as of the first day of
8 the third calendar month following the date of filing.

9 (f) By ordinance the Authority shall, as soon as
10 practicable after the effective date of this amendatory Act of
11 1991, impose an occupation tax on all persons, other than a
12 governmental agency, engaged in the business of providing
13 ground transportation for hire to passengers in the
14 metropolitan area at a rate of (i) \$2 per taxi or livery
15 vehicle departure with passengers for hire from commercial
16 service airports in the metropolitan area, (ii) for each
17 departure with passengers for hire from a commercial service
18 airport in the metropolitan area in a bus or van operated by a
19 person other than a person described in item (iii): \$9 per bus
20 or van with a capacity of 1-12 passengers, \$18 per bus or van
21 with a capacity of 13-24 passengers, and \$27 per bus or van
22 with a capacity of over 24 passengers, and (iii) for each
23 departure with passengers for hire from a commercial service
24 airport in the metropolitan area in a bus or van operated by a
25 person regulated by the Interstate Commerce Commission or
26 Illinois Commerce Commission, operating scheduled service from
27 the airport, and charging fares on a per passenger basis: \$1
28 per passenger for hire in each bus or van. The term "commercial
29 service airports" means those airports receiving scheduled
30 passenger service and enplaning more than 100,000 passengers
31 per year.

32 In the ordinance imposing the tax, the Authority may
33 provide for the administration and enforcement of the tax and
34 the collection of the tax from persons subject to the tax as
35 the Authority determines to be necessary or practicable for the
36 effective administration of the tax. The Authority may enter

1 into agreements as it deems appropriate with any governmental
2 agency providing for that agency to act as the Authority's
3 agent to collect the tax.

4 In the ordinance imposing the tax, the Authority may
5 designate a method or methods for persons subject to the tax to
6 reimburse themselves for the tax liability arising under the
7 ordinance (i) by separately stating the full amount of the tax
8 liability as an additional charge to passengers departing the
9 airports, (ii) by separately stating one-half of the tax
10 liability as an additional charge to both passengers departing
11 from and to passengers arriving at the airports, or (iii) by
12 some other method determined by the Authority.

13 All taxes, penalties, and interest collected under any
14 ordinance adopted under this subsection, less any amounts
15 determined to be necessary for the payment of refunds, shall be
16 paid forthwith to the State Treasurer, ex officio, for deposit
17 into a trust fund held outside the State Treasury and shall be
18 administered by the State Treasurer as provided in subsection
19 (g) of this Section.

20 (g) Amounts deposited from the proceeds of taxes imposed by
21 the Authority under subsections (b), (c), (d), (e), and (f) of
22 this Section and amounts deposited under Section 19 of the
23 Illinois Sports Facilities Authority Act shall be held in a
24 trust fund outside the State Treasury and shall be administered
25 by the Treasurer as follows: first, an amount necessary for the
26 payment of refunds shall be retained in the trust fund; second,
27 the balance of the proceeds deposited in the trust fund during
28 fiscal year 1993 shall be retained in the trust fund during
29 that year and thereafter shall be administered as a reserve to
30 fund the deposits required in item "third"; third, beginning
31 July 20, 1993, and continuing each month thereafter, provided
32 that the amount requested in the certificate of the Chairman of
33 the Authority filed under Section 8.25f of the State Finance
34 Act has been appropriated for payment to the Authority, 1/8 of
35 the annual amount requested in that certificate with respect to
36 the Additional Deposit as described in Section 8.25f of the

1 State Finance Act, together with any cumulative deficiencies in
2 such prior transfers, including transfers in previous fiscal
3 years occurring after the effective date of this Amendatory Act
4 of the 94th General Assembly, shall be transferred from the
5 trust fund into the McCormick Place Expansion Project Fund in
6 the State Treasury until 100% of the amount requested with
7 respect to such Additional Deposit in that certificate plus any
8 cumulative deficiencies in the amounts transferred from the
9 trust fund with respect to such Additional Deposit into the
10 McCormick Place Expansion Project Fund under this item "third",
11 have been so transferred; fourth, the balance shall be
12 maintained in the trust fund; fifth, on July 20, 1994, and on
13 July 20 of each year thereafter the Treasurer shall calculate
14 for the previous fiscal year the surplus revenues in the trust
15 fund and pay that amount to the Authority. "Surplus revenues"
16 shall mean the difference between the amount in the trust fund
17 on June 30 of the fiscal year previous to the current fiscal
18 year (excluding amounts retained for refunds under item
19 "first") minus the amount deposited in the trust fund during
20 fiscal year 1993 under item "second". Moneys received by the
21 Authority under item "fifth" may be used solely for the
22 purposes of paying debt service on the bonds and notes issued
23 by the Authority, including early redemption of those bonds or
24 notes, and for the purposes of repair, replacement, and
25 improvement of the grounds, buildings, and facilities of the
26 Authority; provided that any moneys in excess of \$50,000,000
27 held by the Authority as of June 30 in any fiscal year and
28 received by the Authority under item "fifth" shall be used
29 solely for paying the debt service on or early redemption of
30 the Authority's bonds or notes. When bonds and notes issued
31 under Section 13.2, or bonds or notes issued to refund those
32 bonds and notes, are no longer outstanding, the balance in the
33 trust fund shall be paid to the Authority.

34 (h) The ordinances imposing the taxes authorized by this
35 Section shall be repealed when bonds and notes issued under
36 Section 13.2 or bonds and notes issued to refund those bonds

1 and notes are no longer outstanding.

2 (Source: P.A. 90-612, eff. 7-8-98.)

3 (70 ILCS 210/13.2) (from Ch. 85, par. 1233.2)

4 Sec. 13.2. The McCormick Place Expansion Project Fund is
5 created in the State Treasury. All moneys in the McCormick
6 Place Expansion Project Fund are allocated to and shall be
7 appropriated and used only for the purposes authorized by and
8 subject to the limitations and conditions of this Section.
9 Those amounts may be appropriated by law to the Authority for
10 the purposes of paying the "Debt Service Requirements", as
11 defined in Section 8.25f of the Finance Act, ~~debt service~~
12 ~~requirements~~ on all bonds and notes, including bonds and notes
13 issued to refund or advance refund bonds and notes issued under
14 this Section or issued to refund or advance refund bonds and
15 notes otherwise issued under this Act, (collectively referred
16 to as "bonds") to be issued by the Authority under this Section
17 ~~in an aggregate original principal amount (excluding the amount~~
18 ~~of any bonds and notes issued to refund or advance refund bonds~~
19 ~~or notes issued under this Section) not to exceed~~
20 ~~\$2,107,000,000~~ for the purposes of carrying out and performing
21 its duties and exercising its powers under this Act. The
22 Authority may not issue bonds and notes under this Section if
23 at the time of issuance the requirements in any fiscal year for
24 payment of principal and interest (with respect to bonds and
25 notes bearing interest at a variable rate, the requirements for
26 payment of interest at the maximum rate permitted under the
27 indenture or resolution) for all outstanding bonds and notes,
28 including the bonds and notes proposed to be issued, exceed the
29 Total Deposit amount set out in Section 8.25f of the State
30 Finance Act for that fiscal year. No bonds issued to refund or
31 advance refund bonds issued under this Section may mature later
32 than fiscal year 2046 ~~the longest maturity date of the series~~
33 ~~of bonds being refunded.~~ After the aggregate original principal
34 amount of bonds authorized in this Section has been issued, the
35 payment of any principal amount of such bonds does not

1 authorize the issuance of additional bonds (except refunding
2 bonds).

3 On the first day of each month commencing after July 1,
4 1993, amounts, if any, on deposit in the McCormick Place
5 Expansion Project Fund shall, subject to appropriation, be paid
6 in full to the Authority or, upon its direction, to the trustee
7 or trustees for bondholders of bonds that by their terms are
8 payable from the moneys received from the McCormick Place
9 Expansion Project Fund, until an amount equal to 100% of the
10 aggregate amount requested in the Chairman's Certificate ~~of the~~
11 ~~principal and interest in the fiscal year, including that~~
12 ~~pursuant to sinking fund requirements,~~ has been so paid and
13 deficiencies in reserves shall have been remedied.

14 The State of Illinois pledges to and agrees with the
15 holders of the bonds of the Metropolitan Pier and Exposition
16 Authority issued under this Section that the State will not
17 limit or alter the rights and powers vested in the Authority by
18 this Act so as to impair the terms of any contract made by the
19 Authority with those holders or in any way impair the rights
20 and remedies of those holders until the bonds, together with
21 interest thereon, interest on any unpaid installments of
22 interest, and all costs and expenses in connection with any
23 action or proceedings by or on behalf of those holders are
24 fully met and discharged; provided that any increase in the Tax
25 Act Amounts specified in Section 3 of the Retailers' Occupation
26 Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service
27 Use Tax Act, and Section 9 of the Service Occupation Tax Act
28 required to be deposited into the Build Illinois Bond Account
29 in the Build Illinois Fund pursuant to any law hereafter
30 enacted shall not be deemed to impair the rights of such
31 holders so long as the increase does not result in the
32 aggregate debt service payable in the current or any future
33 fiscal year of the State on all bonds issued pursuant to the
34 Build Illinois Bond Act and the Metropolitan Pier and
35 Exposition Authority Act and payable from tax revenues
36 specified in Section 3 of the Retailers' Occupation Tax Act,

1 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
2 Act, and Section 9 of the Service Occupation Tax Act exceeding
3 33 1/3% of such tax revenues for the most recently completed
4 fiscal year of the State at the time of such increase. In
5 addition, the State pledges to and agrees with the holders of
6 the bonds of the Authority issued under this Section that the
7 State will not limit or alter the basis on which State funds
8 are to be paid to the Authority as provided in this Act or the
9 use of those funds so as to impair the terms of any such
10 contract; provided that any increase in the Tax Act Amounts
11 specified in Section 3 of the Retailers' Occupation Tax Act,
12 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
13 Act, and Section 9 of the Service Occupation Tax Act required
14 to be deposited into the Build Illinois Bond Account in the
15 Build Illinois Fund pursuant to any law hereafter enacted shall
16 not be deemed to impair the terms of any such contract so long
17 as the increase does not result in the aggregate debt service
18 payable in the current or any future fiscal year of the State
19 on all bonds issued pursuant to the Build Illinois Bond Act and
20 the Metropolitan Pier and Exposition Authority Act and payable
21 from tax revenues specified in Section 3 of the Retailers'
22 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
23 the Service Use Tax Act, and Section 9 of the Service
24 Occupation Tax Act exceeding 33 1/3% of such tax revenues for
25 the most recently completed fiscal year of the State at the
26 time of such increase. The Authority is authorized to include
27 these pledges and agreements with the State in any contract
28 with the holders of bonds issued under this Section.

29 The State shall not be liable on bonds of the Authority
30 issued under this Section those bonds shall not be a debt of
31 the State, and this Act shall not be construed as a guarantee
32 by the State of the debts of the Authority. The bonds shall
33 contain a statement to this effect on the face of the bonds.

34 (Source: P.A. 91-101, eff. 7-12-99; 92-208, eff. 8-2-01.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.