



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1395

Introduced 2/9/2011, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

See Index

Creates the Intrastate Tax Collection Reciprocity Act. Provides that, beginning July 1, 2011, if a taxpayer is due a refund under the Illinois Income Tax Act, the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco Products Tax Act of 1995, the Motor Fuel Tax Law, the Hotel Operators' Occupation Tax Act, the Electricity Excise Tax Law, the Gas Revenue Tax Act, or the Gas Use Tax Law, and if that taxpayer has also incurred a tax liability under one or more of those Acts, then the taxpayer may apply with the Department of Revenue to offset the amount of the refund from the amount of his or her tax liability. Contains provisions authorizing fund transfers. Amends the Illinois Income Tax Act, the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco Products Tax Act of 1995, the Motor Fuel Tax Law, the Hotel Operators' Occupation Tax Act, the Electricity Excise Tax Law, the Gas Revenue Tax Act, and the Gas Use Tax Law to make conforming changes. Effective immediately.

LRB097 03109 HLH 43143 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 1. Short title. This Act may be cited as the
5 Intrastate Tax Collection Reciprocity Act.

6 Section 5. Tax refunds used to offset tax liability.
7 Notwithstanding any other provision of law, beginning July 1,
8 2011, if a taxpayer is due a refund under the Illinois Income
9 Tax Act, the Use Tax Act, the Service Use Tax Act, the Service
10 Occupation Tax Act, the Retailers' Occupation Tax Act, the
11 Cigarette Tax Act, the Cigarette Use Tax Act, the Tobacco
12 Products Tax Act of 1995, the Motor Fuel Tax Law, the Hotel
13 Operators' Occupation Tax Act, the Electricity Excise Tax Law,
14 the Gas Revenue Tax Act, or the Gas Use Tax Law, and if that
15 taxpayer has also incurred a tax liability under one or more of
16 those Acts, then the taxpayer may apply with the Department of
17 Revenue to offset the amount of the refund from the amount of
18 his or her tax liability. Within 60 days after the application
19 is approved, the State Comptroller and the State Treasurer
20 shall transfer any amounts offset under that application from
21 the fund or funds from which the refund is owed to the fund or
22 funds with respect to which the liability was incurred.

1 Section 10. Rulemaking. The Department of Revenue shall
2 adopt rules for the implementation of this Act.

3 Section 50. The Illinois Income Tax Act is amended by
4 adding Section 607 as follows:

5 (35 ILCS 5/607 new)

6 Sec. 607. Intrastate Tax Collection Reciprocity Act. This
7 Act is subject to the provisions of the Intrastate Tax
8 Collection Reciprocity Act.

9 Section 55. The Use Tax Act is amended by adding Section
10 3-47 as follows:

11 (35 ILCS 105/3-47 new)

12 Sec. 3-47. Intrastate Tax Collection Reciprocity Act. This
13 Act is subject to the provisions of the Intrastate Tax
14 Collection Reciprocity Act.

15 Section 60. The Service Use Tax Act is amended by adding
16 Section 3-42 as follows:

17 (35 ILCS 110/3-42 new)

18 Sec. 3-42. Intrastate Tax Collection Reciprocity Act. This
19 Act is subject to the provisions of the Intrastate Tax
20 Collection Reciprocity Act.

1 Section 65. The Service Occupation Tax Act is amended by
2 adding Section 3-42 as follows:

3 (35 ILCS 115/3-42 new)

4 Sec. 3-42. Intrastate Tax Collection Reciprocity Act. This
5 Act is subject to the provisions of the Intrastate Tax
6 Collection Reciprocity Act.

7 Section 70. The Retailers' Occupation Tax Act is amended by
8 adding Section 6d as follows:

9 (35 ILCS 120/6d new)

10 Sec. 6d. Intrastate Tax Collection Reciprocity Act. This
11 Act is subject to the provisions of the Intrastate Tax
12 Collection Reciprocity Act.

13 Section 75. The Cigarette Tax Act is amended by adding
14 Section 9f as follows:

15 (35 ILCS 130/9f new)

16 Sec. 9f. Intrastate Tax Collection Reciprocity Act. This
17 Act is subject to the provisions of the Intrastate Tax
18 Collection Reciprocity Act.

19 Section 80. The Cigarette Use Tax Act is amended by adding

1 Section 15b as follows:

2 (35 ILCS 135/15b new)

3 Sec. 15b. Intrastate Tax Collection Reciprocity Act. This
4 Act is subject to the provisions of the Intrastate Tax
5 Collection Reciprocity Act.

6 Section 85. The Tobacco Products Tax Act of 1995 is amended
7 by adding Section 10-32 as follows:

8 (35 ILCS 143/10-32 new)

9 Sec. 10-32. Intrastate Tax Collection Reciprocity Act.
10 This Act is subject to the provisions of the Intrastate Tax
11 Collection Reciprocity Act.

12 Section 90. The Hotel Operators' Occupation Tax Act is
13 amended by adding Section 8.5 as follows:

14 (35 ILCS 145/8.5 new)

15 Sec. 8.5. Intrastate Tax Collection Reciprocity Act. This
16 Act is subject to the provisions of the Intrastate Tax
17 Collection Reciprocity Act.

18 Section 95. The Gas Use Tax Law is amended by adding
19 Section 5-17 as follows:

1 (35 ILCS 173/5-17 new)

2 Sec. 5-17. Intrastate Tax Collection Reciprocity Act. This
3 Act is subject to the provisions of the Intrastate Tax
4 Collection Reciprocity Act.

5 Section 100. The Motor Fuel Tax Law is amended by adding
6 Section 2e as follows:

7 (35 ILCS 505/2e new)

8 Sec. 2e. Intrastate Tax Collection Reciprocity Act. This
9 Act is subject to the provisions of the Intrastate Tax
10 Collection Reciprocity Act.

11 Section 105. The Gas Revenue Tax Act is amended by adding
12 Section 13.5 as follows:

13 (35 ILCS 615/13.5 new)

14 Sec. 13.5. Intrastate Tax Collection Reciprocity Act. This
15 Act is subject to the provisions of the Intrastate Tax
16 Collection Reciprocity Act.

17 Section 110. The Electricity Excise Tax Law is amended by
18 adding Section 2-9.5 as follows:

19 (35 ILCS 640/2-9.5 new)

20 Sec. 2-9.5. Intrastate Tax Collection Reciprocity Act.

1 This Act is subject to the provisions of the Intrastate Tax
2 Collection Reciprocity Act.

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 35 ILCS 5/607 new

5 35 ILCS 105/3-47 new

6 35 ILCS 110/3-42 new

7 35 ILCS 115/3-42 new

8 35 ILCS 120/6d new

9 35 ILCS 130/9f new

10 35 ILCS 135/15b new

11 35 ILCS 143/10-32 new

12 35 ILCS 145/8.5 new

13 35 ILCS 173/5-17 new

14 35 ILCS 505/2e new

15 35 ILCS 615/13.5 new

16 35 ILCS 640/2-9.5 new