



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4259

Introduced 1/14/2026, by Rep. Amy Briel

SYNOPSIS AS INTRODUCED:

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

Amends the Counties Code. Provides that taxes imposed under the Special County Occupation Tax For Public Safety, Public Facilities, Mental Health, Substance Abuse, or Transportation Law may, in addition to other things, be used for food pantries. Renames the Special County Occupation Tax For Public Safety, Public Facilities, Mental Health, Substance Abuse, or Transportation Law to the Special County Occupation Tax For Public Safety, Public Facilities, Mental Health, Substance Abuse, Transportation, or Food Pantries Law. Makes conforming changes in the Simplified Sales and Use Tax Administration Act.

LRB104 16934 RTM 30348 b

1 AN ACT concerning local government.

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

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

6 (35 ILCS 171/2)

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

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

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

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

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

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

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

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

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

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

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

6 (Source: P.A. 100-1167, eff. 1-4-19; revised 7-16-25.)

7 Section 10. The Counties Code is amended by changing
8 Section 5-1006.5 as follows:

9 (55 ILCS 5/5-1006.5)

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

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

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

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

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

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

26 "To pay for public safety purposes, shall (name of

1 county) be authorized to impose an increase on its share
2 of local sales taxes by (insert rate)?"

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

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

8 The county board may also opt to establish a sunset
9 provision at which time the additional sales tax would
10 cease being collected, if not terminated earlier by a vote
11 of the county board. If the county board votes to include a
12 sunset provision, the proposition for public safety
13 purposes shall be in substantially the following form:

14 "To pay for public safety purposes, shall (name of
15 county) be authorized to impose an increase on its share
16 of local sales taxes by (insert rate) for a period not to
17 exceed (insert number of years)?"

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

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

26 For the purposes of the paragraph, "public safety

1 purposes" means crime prevention, detention, firefighting
2 ~~fire fighting~~, police, medical, ambulance, or other
3 emergency services.

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

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

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

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

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

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

25 The county board may also opt to establish a sunset
26 provision at which time the additional sales tax would

1 cease being collected, if not terminated earlier by a vote
2 of the county board. If the county board votes to include a
3 sunset provision, the proposition for transportation
4 purposes shall be in substantially the following form:

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

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

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

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

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

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

26 "To pay for public facilities purposes, shall (name of

1 county) be authorized to impose an increase on its share
2 of local sales taxes by (insert rate)?"

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

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

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

14 "To pay for public facilities purposes, shall (name of
15 county) be authorized to impose an increase on its share
16 of local sales taxes by (insert rate) for a period not to
17 exceed (insert number of years)?"

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

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

26 For purposes of this Section, "public facilities

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

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

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

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

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

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

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

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

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

8 As additional information on the ballot below the
9 question shall appear the following:

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

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

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

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

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

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

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

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

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

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

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

21 (6) The proposition for food pantry purposes shall be
22 in substantially the following form:

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

26 As additional information on the ballot below the

1 question shall appear the following:

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

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

11 "To pay for food pantry purposes, shall (name of
12 county) be authorized to impose an increase on its share
13 of local sales taxes by (insert rate) for a period not to
14 exceed (insert number of years)?"

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

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

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

24 If a majority of the electors voting on the proposition
25 vote in favor of it, the county may impose the tax. A county
26 may not submit more than one proposition authorized by this

1 Section to the electors at any one time.

2 This additional tax may not be imposed on tangible
3 personal property taxed at the 1% rate under the Retailers'
4 Occupation Tax Act (or at the 0% rate imposed under Public Act
5 102-700 ~~this amendatory Act of the 102nd General Assembly~~).
6 Beginning December 1, 2019 and through December 31, 2020, this
7 tax is not imposed on sales of aviation fuel unless the tax
8 revenue is expended for airport-related purposes. If the
9 county does not have an airport-related purpose to which it
10 dedicates aviation fuel tax revenue, then aviation fuel is
11 excluded from the tax. The county must comply with the
12 certification requirements for airport-related purposes under
13 Section 2-22 of the Retailers' Occupation Tax Act. For
14 purposes of this Section, "airport-related purposes" has the
15 meaning ascribed in Section 6z-20.2 of the State Finance Act.
16 Beginning January 1, 2021, this tax is not imposed on sales of
17 aviation fuel for so long as the revenue use requirements of 49
18 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.
19 The tax imposed by a county under this Section and all civil
20 penalties that may be assessed as an incident of the tax shall
21 be collected and enforced by the Illinois Department of
22 Revenue and deposited into a special fund created for that
23 purpose. The certificate of registration that is issued by the
24 Department to a retailer under the Retailers' Occupation Tax
25 Act shall permit the retailer to engage in a business that is
26 taxable without registering separately with the Department

1 under an ordinance or resolution under this Section. The
2 Department has full power to administer and enforce this
3 Section, to collect all taxes and penalties due under this
4 Section, to dispose of taxes and penalties so collected in the
5 manner provided in this Section, and to determine all rights
6 to credit memoranda arising on account of the erroneous
7 payment of a tax or penalty under this Section. In the
8 administration of and compliance with this Section, the
9 Department and persons who are subject to this Section shall
10 (i) have the same rights, remedies, privileges, immunities,
11 powers, and duties, (ii) be subject to the same conditions,
12 restrictions, limitations, penalties, and definitions of
13 terms, and (iii) employ the same modes of procedure as are
14 prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j, 1k, 1m,
15 1n, 2 through 2-70 (in respect to all provisions contained in
16 those Sections other than the State rate of tax), 2a, 2b, 2c, 3
17 (except provisions relating to transaction returns and quarter
18 monthly payments, and except that the retailer's discount is
19 not allowed for taxes paid on aviation fuel that are deposited
20 into the Local Government Aviation Trust Fund), 4, 5, 5a, 5b,
21 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7,
22 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax
23 Act and Section 3-7 of the Uniform Penalty and Interest Act as
24 if those provisions were set forth in this Section.

25 Persons subject to any tax imposed under the authority
26 granted in this Section may reimburse themselves for their

1 sellers' tax liability by separately stating the tax as an
2 additional charge, which charge may be stated in combination,
3 in a single amount, with State tax which sellers are required
4 to collect under the Use Tax Act, pursuant to such bracketed
5 schedules as the Department may prescribe.

6 Whenever the Department determines that a refund should be
7 made under this Section to a claimant instead of issuing a
8 credit memorandum, the Department shall notify the State
9 Comptroller, who shall cause the order to be drawn for the
10 amount specified and to the person named in the notification
11 from the Department. The refund shall be paid by the State
12 Treasurer out of the County Public Safety, Public Facilities,
13 Mental Health, Substance Abuse, ~~or~~ Transportation, or Food
14 Pantries Retailers' Occupation Tax Fund or the Local
15 Government Aviation Trust Fund, as appropriate.

16 (b) If a tax has been imposed under subsection (a), a
17 service occupation tax shall also be imposed at the same rate
18 upon all persons engaged, in the county, in the business of
19 making sales of service, who, as an incident to making those
20 sales of service, transfer tangible personal property within
21 the county as an incident to a sale of service. This tax may
22 not be imposed on tangible personal property taxed at the 1%
23 rate under the Service Occupation Tax Act (or at the 0% rate
24 imposed under Public Act 102-700 ~~this amendatory Act of the~~
25 ~~102nd General Assembly~~). Beginning December 1, 2019 and
26 through December 31, 2020, this tax is not imposed on sales of

1 aviation fuel unless the tax revenue is expended for
2 airport-related purposes. If the county does not have an
3 airport-related purpose to which it dedicates aviation fuel
4 tax revenue, then aviation fuel is excluded from the tax. The
5 county must comply with the certification requirements for
6 airport-related purposes under Section 2-22 of the Retailers'
7 Occupation Tax Act. For purposes of this Section,
8 "airport-related purposes" has the meaning ascribed in Section
9 6z-20.2 of the State Finance Act. Beginning January 1, 2021,
10 this tax is not imposed on sales of aviation fuel for so long
11 as the revenue use requirements of 49 U.S.C. 47107(b) and 49
12 U.S.C. 47133 are binding on the county. The tax imposed under
13 this subsection and all civil penalties that may be assessed
14 as an incident thereof shall be collected and enforced by the
15 Department of Revenue. The Department has full power to
16 administer and enforce this subsection; to collect all taxes
17 and penalties due hereunder; to dispose of taxes and penalties
18 so collected in the manner hereinafter provided; and to
19 determine all rights to credit memoranda arising on account of
20 the erroneous payment of tax or penalty hereunder. In the
21 administration of and compliance with this subsection, the
22 Department and persons who are subject to this paragraph shall
23 (i) have the same rights, remedies, privileges, immunities,
24 powers, and duties, (ii) be subject to the same conditions,
25 restrictions, limitations, penalties, exclusions, exemptions,
26 and definitions of terms, and (iii) employ the same modes of

1 procedure as are prescribed in Sections 2 (except that the
2 reference to State in the definition of supplier maintaining a
3 place of business in this State shall mean the county), 2a, 2b,
4 2c, 3 through 3-50 (in respect to all provisions therein other
5 than the State rate of tax), 4 (except that the reference to
6 the State shall be to the county), 5, 7, 8 (except that the
7 jurisdiction to which the tax shall be a debt to the extent
8 indicated in that Section 8 shall be the county), 9 (except as
9 to the disposition of taxes and penalties collected, and
10 except that the retailer's discount is not allowed for taxes
11 paid on aviation fuel that are deposited into the Local
12 Government Aviation Trust Fund), 10, 11, 12 (except the
13 reference therein to Section 2b of the Retailers' Occupation
14 Tax Act), 13 (except that any reference to the State shall mean
15 the county), Section 15, 16, 17, 18, 19, and 20 of the Service
16 Occupation Tax Act, and Section 3-7 of the Uniform Penalty and
17 Interest Act, as fully as if those provisions were set forth
18 herein.

19 Persons subject to any tax imposed under the authority
20 granted in this subsection may reimburse themselves for their
21 serviceman's tax liability by separately stating the tax as an
22 additional charge, which charge may be stated in combination,
23 in a single amount, with State tax that servicemen are
24 authorized to collect under the Service Use Tax Act, in
25 accordance with such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this subsection to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the warrant to be drawn for the
5 amount specified, and to the person named, in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the County Public Safety, Public Facilities,
8 Mental Health, Substance Abuse, ~~or~~ Transportation, or Food
9 Pantries Retailers' Occupation Tax Fund or the Local
10 Government Aviation Trust Fund, as appropriate.

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

15 (b-5) If, on January 1, 2025, a unit of local government
16 has in effect a tax under this Section, or if, after January 1,
17 2025, a unit of local government imposes a tax under this
18 Section, then that tax applies to leases of tangible personal
19 property in effect, entered into, or renewed on or after that
20 date in the same manner as the tax under this Section and in
21 accordance with the changes made by Public Act 103-592 ~~this~~
22 ~~amendatory Act of the 103rd General Assembly.~~

23 (c) Except as otherwise provided in this paragraph, the
24 Department shall immediately pay over to the State Treasurer,
25 ex officio, as trustee, all taxes and penalties collected
26 under this Section to be deposited into the County Public

1 Safety, Public Facilities, Mental Health, Substance Abuse, or
2 Transportation Retailers' Occupation Tax Fund, which shall be
3 an unappropriated trust fund held outside of the State
4 treasury. Taxes and penalties collected on aviation fuel sold
5 on or after December 1, 2019 and through December 31, 2020,
6 shall be immediately paid over by the Department to the State
7 Treasurer, ex officio, as trustee, for deposit into the Local
8 Government Aviation Trust Fund. The Department shall only pay
9 moneys into the Local Government Aviation Trust Fund under
10 this Act for so long as the revenue use requirements of 49
11 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the county.

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

20 After the monthly transfer to the STAR Bonds Revenue Fund,
21 on or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money to the counties from
24 which retailers have paid taxes or penalties to the Department
25 during the second preceding calendar month. The amount to be
26 paid to each county, and deposited by the county into its

1 special fund created for the purposes of this Section, shall
2 be the amount (not including credit memoranda and not
3 including taxes and penalties collected on aviation fuel sold
4 on or after December 1, 2019 and through December 31, 2020)
5 collected under this Section during the second preceding
6 calendar month by the Department plus an amount the Department
7 determines is necessary to offset any amounts that were
8 erroneously paid to a different taxing body, and not including
9 (i) an amount equal to the amount of refunds made during the
10 second preceding calendar month by the Department on behalf of
11 the county, (ii) any amount that the Department determines is
12 necessary to offset any amounts that were payable to a
13 different taxing body but were erroneously paid to the county,
14 (iii) any amounts that are transferred to the STAR Bonds
15 Revenue Fund, and (iv) 1.5% of the remainder, which shall be
16 transferred into the Tax Compliance and Administration Fund.
17 The Department, at the time of each monthly disbursement to
18 the counties, shall prepare and certify to the State
19 Comptroller the amount to be transferred into the Tax
20 Compliance and Administration Fund under this subsection.
21 Within 10 days after receipt by the Comptroller of the
22 disbursement certification to the counties and the Tax
23 Compliance and Administration Fund provided for in this
24 Section to be given to the Comptroller by the Department, the
25 Comptroller shall cause the orders to be drawn for the
26 respective amounts in accordance with directions contained in

1 the certification.

2 In addition to the disbursement required by the preceding
3 paragraph, an allocation shall be made in March of each year to
4 each county that received more than \$500,000 in disbursements
5 under the preceding paragraph in the preceding calendar year.
6 The allocation shall be in an amount equal to the average
7 monthly distribution made to each such county under the
8 preceding paragraph during the preceding calendar year
9 (excluding the 2 months of highest receipts). The distribution
10 made in March of each year subsequent to the year in which an
11 allocation was made pursuant to this paragraph and the
12 preceding paragraph shall be reduced by the amount allocated
13 and disbursed under this paragraph in the preceding calendar
14 year. The Department shall prepare and certify to the
15 Comptroller for disbursement the allocations made in
16 accordance with this paragraph.

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

26 (e) Nothing in this Section shall be construed to

1 authorize a county to impose a tax upon the privilege of
2 engaging in any business that under the Constitution of the
3 United States may not be made the subject of taxation by this
4 State.

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

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

23 Beginning January 1, 2014, the results of any election
24 authorizing a proposition to impose a tax under this Section
25 or effecting an increase in the rate of tax, along with the
26 ordinance adopted to impose the tax or increase the rate of the

1 tax, or any ordinance adopted to lower the rate or discontinue
2 the tax, shall be certified by the county clerk and filed with
3 the Illinois Department of Revenue either (i) on or before the
4 first day of May, whereupon the Department shall proceed to
5 administer and enforce the tax as of the first day of July next
6 following the adoption and filing; or (ii) on or before the
7 first day of October, whereupon the Department shall proceed
8 to administer and enforce the tax as of the first day of
9 January next following the adoption and filing.

10 (g) When certifying the amount of a monthly disbursement
11 to a county under this Section, the Department shall increase
12 or decrease the amounts by an amount necessary to offset any
13 miscalculation of previous disbursements. The offset amount
14 shall be the amount erroneously disbursed within the previous
15 6 months from the time a miscalculation is discovered.

16 (g-5) Every county authorized to levy a tax under this
17 Section shall, before it levies such tax, establish a 7-member
18 mental health board, which shall have the same powers and
19 duties and be constituted in the same manner as a community
20 mental health board established under the Community Mental
21 Health Act. Proceeds of the tax under this Section that are
22 earmarked for mental health or substance abuse purposes shall
23 be deposited into a special county occupation tax fund for
24 mental health and substance abuse. The 7-member mental health
25 board established under this subsection shall administer the
26 special county occupation tax fund for mental health and

1 substance abuse in the same manner as the community mental
2 health board administers the community mental health fund
3 under the Community Mental Health Act.

4 (h) This Section may be cited as the "Special County
5 Occupation Tax For Public Safety, Public Facilities, Mental
6 Health, Substance Abuse, ~~or~~ Transportation, or Food Pantries
7 Law".

8 (i) For purposes of this Section, "public safety"
9 includes, but is not limited to, crime prevention, detention,
10 fire fighting, police, medical, ambulance, or other emergency
11 services. The county may share tax proceeds received under
12 this Section for public safety purposes, including proceeds
13 received before August 4, 2009 (the effective date of Public
14 Act 96-124), with any fire protection district located in the
15 county. For the purposes of this Section, "transportation"
16 includes, but is not limited to, the construction,
17 maintenance, operation, and improvement of public highways,
18 any other purpose for which a county may expend funds under the
19 Illinois Highway Code, and passenger rail transportation. For
20 the purposes of this Section, "public facilities purposes"
21 includes, but is not limited to, the acquisition, development,
22 construction, reconstruction, rehabilitation, improvement,
23 financing, architectural planning, and installation of capital
24 facilities consisting of buildings, structures, and durable
25 equipment and for the acquisition and improvement of real
26 property and interest in real property required, or expected

1 to be required, in connection with the public facilities, for
2 use by the county for the furnishing of governmental services
3 to its citizens, including, but not limited to, museums and
4 nursing homes.

5 (j) The Department may promulgate rules to implement
6 Public Act 95-1002 only to the extent necessary to apply the
7 existing rules for the Special County Retailers' Occupation
8 Tax for Public Safety to this new purpose for public
9 facilities.

10 (Source: P.A. 102-379, eff. 1-1-22; 102-700, eff. 4-19-22;
11 103-592, eff. 1-1-25; revised 7-7-25.)