



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2773

by Rep. Debbie Meyers-Martin

#### SYNOPSIS AS INTRODUCED:

35 ILCS 145/3	from Ch. 120, par. 481b.33
55 ILCS 5/5-1030	from Ch. 34, par. 5-1030
65 ILCS 5/8-3-14	from Ch. 24, par. 8-3-14
65 ILCS 5/8-3-14a	
65 ILCS 5/11-74.3-6	
70 ILCS 210/13	from Ch. 85, par. 1233
70 ILCS 3205/19	from Ch. 85, par. 6019
70 ILCS 3210/105	

Amends the Hotel Operators' Occupation Tax Act, the Counties Code, the Illinois Municipal Code, the Metropolitan Pier and Exposition Authority Act, the Illinois Sports Facilities Authority Act, and the Downstate Illinois Sports Facilities Authority Act. Provides that no tax is imposed under the Acts on the renting, leasing, or letting of hotel rooms to the American Red Cross for the provision or coordination of disaster relief services. Effective immediately.

LRB101 04939 TAE 49948 b

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 5. The Hotel Operators' Occupation Tax Act is  
5 amended by changing Section 3 as follows:

6 (35 ILCS 145/3) (from Ch. 120, par. 481b.33)

7 Sec. 3. Rate; exemptions.

8 (a) A tax is imposed upon persons engaged in the business  
9 of renting, leasing or letting rooms in a hotel at the rate of  
10 5% of 94% of the gross rental receipts from such renting,  
11 leasing or letting, excluding, however, from gross rental  
12 receipts, the proceeds of such renting, leasing or letting to  
13 permanent residents of that hotel and proceeds from the tax  
14 imposed under subsection (c) of Section 13 of the Metropolitan  
15 Pier and Exposition Authority Act.

16 (b) There shall be imposed an additional tax upon persons  
17 engaged in the business of renting, leasing or letting rooms in  
18 a hotel at the rate of 1% of 94% of the gross rental receipts  
19 from such renting, leasing or letting, excluding, however, from  
20 gross rental receipts, the proceeds of such renting, leasing or  
21 letting to permanent residents of that hotel and proceeds from  
22 the tax imposed under subsection (c) of Section 13 of the  
23 Metropolitan Pier and Exposition Authority Act.

1           (c) No funds received pursuant to this Act shall be used to  
2 advertise for or otherwise promote new competition in the hotel  
3 business.

4           (d) However, such tax is not imposed upon the privilege of  
5 engaging in any business in Interstate Commerce or otherwise,  
6 which business may not, under the Constitution and Statutes of  
7 the United States, be made the subject of taxation by this  
8 State. In addition, the tax is not imposed upon gross rental  
9 receipts for which the hotel operator is prohibited from  
10 obtaining reimbursement for the tax from the customer by reason  
11 of a federal treaty.

12           (d-5) On and after July 1, 2017, the tax imposed by this  
13 Act shall not apply to gross rental receipts received by an  
14 entity that is organized and operated exclusively for religious  
15 purposes and possesses an active Exemption Identification  
16 Number issued by the Department pursuant to the Retailers'  
17 Occupation Tax Act when acting as a hotel operator renting,  
18 leasing, or letting rooms:

19           (1) in furtherance of the purposes for which it is  
20 organized; or

21           (2) to entities that (i) are organized and operated  
22 exclusively for religious purposes, (ii) possess an active  
23 Exemption Identification Number issued by the Department  
24 pursuant to the Retailers' Occupation Tax Act, and (iii)  
25 rent the rooms in furtherance of the purposes for which  
26 they are organized.

1           No gross rental receipts are exempt under paragraph (2) of  
2 this subsection (d-5) unless the hotel operator obtains the  
3 active Exemption Identification Number from the exclusively  
4 religious entity to whom it is renting and maintains that  
5 number in its books and records. Gross rental receipts from all  
6 rentals other than those described in items (1) or (2) of this  
7 subsection (d-5) are subject to the tax imposed by this Act  
8 unless otherwise exempt under this Act.

9           This subsection (d-5) is exempt from the sunset provisions  
10 of Section 3-5 of this Act.

11           (e) Persons subject to the tax imposed by this Act may  
12 reimburse themselves for their tax liability under this Act by  
13 separately stating such tax as an additional charge, which  
14 charge may be stated in combination, in a single amount, with  
15 any tax imposed pursuant to Sections 8-3-13 and 8-3-14 of the  
16 Illinois Municipal Code, and Section 25.05-10 of "An Act to  
17 revise the law in relation to counties".

18           (f) If any hotel operator collects an amount (however  
19 designated) which purports to reimburse such operator for hotel  
20 operators' occupation tax liability measured by receipts which  
21 are not subject to hotel operators' occupation tax, or if any  
22 hotel operator, in collecting an amount (however designated)  
23 which purports to reimburse such operator for hotel operators'  
24 occupation tax liability measured by receipts which are subject  
25 to tax under this Act, collects more from the customer than the  
26 operators' hotel operators' occupation tax liability in the

1 transaction is, the customer shall have a legal right to claim  
2 a refund of such amount from such operator. However, if such  
3 amount is not refunded to the customer for any reason, the  
4 hotel operator is liable to pay such amount to the Department.

5 (g) Notwithstanding any other provision of law, the tax is  
6 not imposed on the renting, leasing, or letting of hotel rooms  
7 to the American Red Cross for the provision or coordination of  
8 disaster relief services. The exemption under this subsection  
9 for the renting, leasing, or letting of hotel rooms to the  
10 American Red Cross shall not apply except during the provision  
11 or coordination of disaster relief services.

12 (Source: P.A. 100-213, eff. 8-18-17.)

13 Section 10. The Counties Code is amended by changing  
14 Section 5-1030 as follows:

15 (55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

16 Sec. 5-1030. Hotel rooms, tax on gross rental receipts.

17 (a) The corporate authorities of any county may by  
18 ordinance impose a tax upon all persons engaged in such county  
19 in the business of renting, leasing or letting rooms in a hotel  
20 which is not located within a city, village, or incorporated  
21 town that imposes a tax under Section 8-3-14 of the Illinois  
22 Municipal Code, as defined in "The Hotel Operators' Occupation  
23 Tax Act", at a rate not to exceed 5% of the gross rental  
24 receipts from such renting, leasing or letting, excluding,

1 however, from gross rental receipts, the proceeds of such  
2 renting, leasing or letting to permanent residents of that  
3 hotel, and may provide for the administration and enforcement  
4 of the tax, and for the collection thereof from the persons  
5 subject to the tax, as the corporate authorities determine to  
6 be necessary or practicable for the effective administration of  
7 the tax.

8 (b) With the consent of municipalities representing at  
9 least 67% of the population of Winnebago County, as determined  
10 by the 2010 federal decennial census and as expressed by  
11 resolution of the corporate authorities of those  
12 municipalities, the county board of Winnebago County may, by  
13 ordinance, impose a tax upon all persons engaged in the county  
14 in the business of renting, leasing, or letting rooms in a  
15 hotel that imposes a tax under Section 8-3-14 of the Illinois  
16 Municipal Code, as defined in "The Hotel Operators' Occupation  
17 Tax Act", at a rate not to exceed 2% of the gross rental  
18 receipts from renting, leasing, or letting, excluding,  
19 however, from gross rental receipts, the proceeds of the  
20 renting, leasing, or letting to permanent residents of that  
21 hotel, and may provide for the administration and enforcement  
22 of the tax, and for the collection thereof from the persons  
23 subject to the tax, as the county board determines to be  
24 necessary or practicable for the effective administration of  
25 the tax. The tax shall be instituted on a county-wide basis and  
26 shall be in addition to any tax imposed by this or any other

1 provision of law. The revenue generated under this subsection  
2 shall be accounted for and segregated from all other funds of  
3 the county and shall be utilized solely for either: (1)  
4 encouraging, supporting, marketing, constructing, or  
5 operating, either directly by the county or through other  
6 taxing bodies within the county, sports, arts, or other  
7 entertainment or tourism facilities or programs for the purpose  
8 of promoting tourism, competitiveness, job growth, and for the  
9 general health and well-being of the citizens of the county; or  
10 (2) payment towards debt services on bonds issued for the  
11 purposes set forth in this subsection.

12 (c) A Tourism Facility Board shall be established,  
13 comprised of a representative from the county and from each  
14 municipality that has approved the imposition of the tax under  
15 subsection (b) of this Section.

16 (1) A Board member's vote is weighted based on the  
17 municipality's population relative to the population of  
18 the county, with the county representing the population  
19 within unincorporated areas of the county. Representatives  
20 from the Rockford Park District and Rockford Area  
21 Convention and Visitors Bureau shall serve as ex-officio  
22 members with no voting rights.

23 (2) The Board must meet not less frequently than once  
24 per year to direct the use of revenues collected from the  
25 tax imposed under subsection (b) of this Section that are  
26 not already directed for use pursuant to an

1           intergovernmental agreement between the county and another  
2           entity represented on the Board, including the ex-officio  
3           members, and for any other reason the Board deems  
4           necessary. Affirmative actions of the Board shall require a  
5           weighted vote of Board members representing not less than  
6           67% of the population of the county.

7           (3) The Board shall not be a separate unit of local  
8           government, shall have no paid staff, and members of the  
9           Board shall receive no compensation or reimbursement of  
10          expenses from proceeds of the tax imposed under subsection  
11          (b) of this Section.

12          (d) Persons subject to any tax imposed pursuant to  
13          authority granted by this Section may reimburse themselves for  
14          their tax liability for such tax by separately stating such tax  
15          as an additional charge, which charge may be stated in  
16          combination, in a single amount, with State tax imposed under  
17          "The Hotel Operators' Occupation Tax Act".

18          Nothing in this Section shall be construed to authorize a  
19          county to impose a tax upon the privilege of engaging in any  
20          business which under the Constitution of the United States may  
21          not be made the subject of taxation by this State.

22          An ordinance or resolution imposing a tax hereunder or  
23          effecting a change in the rate thereof shall be effective on  
24          the first day of the calendar month next following its passage  
25          and required publication.

26          The amounts collected by any county pursuant to this



1 Section shall be expended to promote tourism; conventions;  
2 expositions; theatrical, sports and cultural activities within  
3 that county or otherwise to attract nonresident overnight  
4 visitors to the county.

5 Any county may agree with any unit of local government,  
6 including any authority defined as a metropolitan exposition,  
7 auditorium and office building authority, fair and exposition  
8 authority, exposition and auditorium authority, or civic  
9 center authority created pursuant to provisions of Illinois law  
10 and the territory of which unit of local government or  
11 authority is co-extensive with or wholly within such county, to  
12 impose and collect for a period not to exceed 40 years, any  
13 portion or all of the tax authorized pursuant to this Section  
14 and to transmit such tax so collected to such unit of local  
15 government or authority. The amount so paid shall be expended  
16 by any such unit of local government or authority for the  
17 purposes for which such tax is authorized. Any such agreement  
18 must be authorized by resolution or ordinance, as the case may  
19 be, of such county and unit of local government or authority,  
20 and such agreement may provide for the irrevocable imposition  
21 and collection of said tax at such rate, or amount as limited  
22 by a given rate, as may be agreed upon for the full period of  
23 time set forth in such agreement; and such agreement may  
24 further provide for any other terms as deemed necessary or  
25 advisable by such county and such unit of local government or  
26 authority. Any such agreement shall be binding and enforceable

1 by either party to such agreement. Such agreement entered into  
2 pursuant to this Section shall not in any event constitute an  
3 indebtedness of such county subject to any limitation imposed  
4 by statute or otherwise.

5 Notwithstanding any other provision of law, the tax is not  
6 imposed on the renting, leasing, or letting of hotel rooms to  
7 the American Red Cross for the provision or coordination of  
8 disaster relief services. This exemption for the renting,  
9 leasing, or letting of hotel rooms to the American Red Cross  
10 shall not apply except during the provision or coordination of  
11 disaster relief services.

12 (Source: P.A. 98-313, eff. 8-12-13.)

13 Section 15. The Illinois Municipal Code is amended by  
14 changing Sections 8-3-14, 8-3-14a, and 11-74.3-6 as follows:

15 (65 ILCS 5/8-3-14) (from Ch. 24, par. 8-3-14)

16 Sec. 8-3-14. Municipal hotel operators' occupation tax.  
17 The corporate authorities of any municipality may impose a tax  
18 upon all persons engaged in such municipality in the business  
19 of renting, leasing or letting rooms in a hotel, as defined in  
20 "The Hotel Operators' Occupation Tax Act," at a rate not to  
21 exceed 6% in the City of East Peoria and in the Village of  
22 Morton and 5% in all other municipalities of the gross rental  
23 receipts from such renting, leasing or letting, excluding,  
24 however, from gross rental receipts, the proceeds of such

1 renting, leasing or letting to permanent residents of that  
2 hotel and proceeds from the tax imposed under subsection (c) of  
3 Section 13 of the Metropolitan Pier and Exposition Authority  
4 Act, and may provide for the administration and enforcement of  
5 the tax, and for the collection thereof from the persons  
6 subject to the tax, as the corporate authorities determine to  
7 be necessary or practicable for the effective administration of  
8 the tax. The municipality may not impose a tax under this  
9 Section if it imposes a tax under Section 8-3-14a.

10 Persons subject to any tax imposed pursuant to authority  
11 granted by this Section may reimburse themselves for their tax  
12 liability for such tax by separately stating such tax as an  
13 additional charge, which charge may be stated in combination,  
14 in a single amount, with State tax imposed under "The Hotel  
15 Operators' Occupation Tax Act".

16 Nothing in this Section shall be construed to authorize a  
17 municipality to impose a tax upon the privilege of engaging in  
18 any business which under the constitution of the United States  
19 may not be made the subject of taxation by this State.

20 The amounts collected by any municipality pursuant to this  
21 Section shall be expended by the municipality solely to promote  
22 tourism and conventions within that municipality or otherwise  
23 to attract nonresident overnight visitors to the municipality.

24 No funds received pursuant to this Section shall be used to  
25 advertise for or otherwise promote new competition in the hotel  
26 business.

1       Notwithstanding any other provision of law, the tax is not  
2       imposed on the renting, leasing, or letting of hotel rooms to  
3       the American Red Cross for the provision or coordination of  
4       disaster relief services. This exemption for the renting,  
5       leasing, or letting of hotel rooms to the American Red Cross  
6       shall not apply except during the provision or coordination of  
7       disaster relief services.

8       (Source: P.A. 95-967, eff. 9-23-08; 96-238, eff. 8-11-09.)

9           (65 ILCS 5/8-3-14a)

10          Sec. 8-3-14a. Municipal hotel use tax.

11          (a) The corporate authorities of any municipality may  
12          impose a tax upon the privilege of renting or leasing rooms in  
13          a hotel within the municipality at a rate not to exceed 5% of  
14          the rental or lease payment. The corporate authorities may  
15          provide for the administration and enforcement of the tax and  
16          for the collection thereof from the persons subject to the tax,  
17          as the corporate authorities determine to be necessary or  
18          practical for the effective administration of the tax.

19          (b) Each hotel in the municipality shall collect the tax  
20          from the person making the rental or lease payment at the time  
21          that the payment is tendered to the hotel. The hotel shall, as  
22          trustee, remit the tax to the municipality.

23          (c) The tax authorized under this Section does not apply to  
24          any rental or lease payment by a permanent resident of that  
25          hotel or to any payment made to any hotel that is subject to

1 the tax imposed under subsection (c) of Section 13 of the  
2 Metropolitan Pier and Exposition Authority Act. A municipality  
3 may not impose a tax under this Section if it imposes a tax  
4 under Section 8-3-14. Nothing in this Section may be construed  
5 to authorize a municipality to impose a tax upon the privilege  
6 of engaging in any business that under the Constitution of the  
7 United States may not be made the subject of taxation by this  
8 State.

9 (c-5) Notwithstanding any other provision of law, the tax  
10 is not imposed on the renting or leasing of hotel rooms to the  
11 American Red Cross for the provision or coordination of  
12 disaster relief services. This exemption for the renting,  
13 leasing, or letting of hotel rooms to the American Red Cross  
14 shall not apply except during the provision or coordination of  
15 disaster relief services.

16 (d) The moneys collected by a municipality under this  
17 Section may be expended solely to promote tourism and  
18 conventions within that municipality or otherwise to attract  
19 nonresident overnight visitors to the municipality. No moneys  
20 received under this Section may be used to advertise for or  
21 otherwise promote new competition in the hotel business.

22 (e) As used in this Section, "hotel" has the meaning set  
23 forth in Section 2 of the Hotel Operators' Occupation Tax Act.

24 (Source: P.A. 96-238, eff. 8-11-09.)

1           Sec. 11-74.3-6. Business district revenue and obligations;  
2 business district tax allocation fund.

3           (a) If the corporate authorities of a municipality have  
4 approved a business district plan, have designated a business  
5 district, and have elected to impose a tax by ordinance  
6 pursuant to subsection (10) or (11) of Section 11-74.3-3, then  
7 each year after the date of the approval of the ordinance but  
8 terminating upon the date all business district project costs  
9 and all obligations paying or reimbursing business district  
10 project costs, if any, have been paid, but in no event later  
11 than the dissolution date, all amounts generated by the  
12 retailers' occupation tax and service occupation tax shall be  
13 collected and the tax shall be enforced by the Department of  
14 Revenue in the same manner as all retailers' occupation taxes  
15 and service occupation taxes imposed in the municipality  
16 imposing the tax and all amounts generated by the hotel  
17 operators' occupation tax shall be collected and the tax shall  
18 be enforced by the municipality in the same manner as all hotel  
19 operators' occupation taxes imposed in the municipality  
20 imposing the tax. The corporate authorities of the municipality  
21 shall deposit the proceeds of the taxes imposed under  
22 subsections (10) and (11) of Section 11-74.3-3 into a special  
23 fund of the municipality called the "[Name of] Business  
24 District Tax Allocation Fund" for the purpose of paying or  
25 reimbursing business district project costs and obligations  
26 incurred in the payment of those costs.

1 (b) The corporate authorities of a municipality that has  
2 designated a business district under this Law may, by  
3 ordinance, impose a Business District Retailers' Occupation  
4 Tax upon all persons engaged in the business of selling  
5 tangible personal property, other than an item of tangible  
6 personal property titled or registered with an agency of this  
7 State's government, at retail in the business district at a  
8 rate not to exceed 1% of the gross receipts from the sales made  
9 in the course of such business, to be imposed only in 0.25%  
10 increments. The tax may not be imposed on food for human  
11 consumption that is to be consumed off the premises where it is  
12 sold (other than alcoholic beverages, soft drinks, and food  
13 that has been prepared for immediate consumption),  
14 prescription and nonprescription medicines, drugs, medical  
15 appliances, modifications to a motor vehicle for the purpose of  
16 rendering it usable by a person with a disability, and insulin,  
17 urine testing materials, syringes, and needles used by  
18 diabetics, for human use.

19 The tax imposed under this subsection and all civil  
20 penalties that may be assessed as an incident thereof shall be  
21 collected and enforced by the Department of Revenue. The  
22 certificate of registration that is issued by the Department to  
23 a retailer under the Retailers' Occupation Tax Act shall permit  
24 the retailer to engage in a business that is taxable under any  
25 ordinance or resolution enacted pursuant to this subsection  
26 without registering separately with the Department under such

1 ordinance or resolution or under this subsection. The  
2 Department of Revenue shall have full power to administer and  
3 enforce this subsection; to collect all taxes and penalties due  
4 under this subsection in the manner hereinafter provided; and  
5 to determine all rights to credit memoranda arising on account  
6 of the erroneous payment of tax or penalty under this  
7 subsection. In the administration of, and compliance with, this  
8 subsection, the Department and persons who are subject to this  
9 subsection shall have the same rights, remedies, privileges,  
10 immunities, powers and duties, and be subject to the same  
11 conditions, restrictions, limitations, penalties, exclusions,  
12 exemptions, and definitions of terms and employ the same modes  
13 of procedure, as are prescribed in Sections 1, 1a through 1o, 2  
14 through 2-65 (in respect to all provisions therein other than  
15 the State rate of tax), 2c through 2h, 3 (except as to the  
16 disposition of taxes and penalties collected), 4, 5, 5a, 5c,  
17 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,  
18 12, 13, and 14 of the Retailers' Occupation Tax Act and all  
19 provisions of the Uniform Penalty and Interest Act, as fully as  
20 if those provisions were set forth herein.

21 Persons subject to any tax imposed under this subsection  
22 may reimburse themselves for their seller's tax liability under  
23 this subsection by separately stating the tax as an additional  
24 charge, which charge may be stated in combination, in a single  
25 amount, with State taxes that sellers are required to collect  
26 under the Use Tax Act, in accordance with such bracket



1 schedules as the Department may prescribe.

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

10 The Department shall immediately pay over to the State  
11 Treasurer, ex officio, as trustee, all taxes, penalties, and  
12 interest collected under this subsection for deposit into the  
13 business district retailers' occupation tax fund.

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

22 After the monthly transfer to the STAR Bonds Revenue Fund,  
23 on or before the 25th day of each calendar month, the  
24 Department shall prepare and certify to the Comptroller the  
25 disbursement of stated sums of money to named municipalities  
26 from the business district retailers' occupation tax fund, the

1 municipalities to be those from which retailers have paid taxes  
2 or penalties under this subsection to the Department during the  
3 second preceding calendar month. The amount to be paid to each  
4 municipality shall be the amount (not including credit  
5 memoranda) collected under this subsection during the second  
6 preceding calendar month by the Department plus an amount the  
7 Department determines is necessary to offset any amounts that  
8 were erroneously paid to a different taxing body, and not  
9 including an amount equal to the amount of refunds made during  
10 the second preceding calendar month by the Department, less 2%  
11 of that amount, which shall be deposited into the Tax  
12 Compliance and Administration Fund and shall be used by the  
13 Department, subject to appropriation, to cover the costs of the  
14 Department in administering and enforcing the provisions of  
15 this subsection, on behalf of such municipality, and not  
16 including any amount that the Department determines is  
17 necessary to offset any amounts that were payable to a  
18 different taxing body but were erroneously paid to the  
19 municipality, and not including any amounts that are  
20 transferred to the STAR Bonds Revenue Fund. Within 10 days  
21 after receipt by the Comptroller of the disbursement  
22 certification to the municipalities provided for in this  
23 subsection to be given to the Comptroller by the Department,  
24 the Comptroller shall cause the orders to be drawn for the  
25 respective amounts in accordance with the directions contained  
26 in the certification. The proceeds of the tax paid to

1 municipalities under this subsection shall be deposited into  
2 the Business District Tax Allocation Fund by the municipality.

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

16 The Department of Revenue shall not administer or enforce  
17 an ordinance imposing, discontinuing, or changing the rate of  
18 the tax under this subsection, until the municipality also  
19 provides, in the manner prescribed by the Department, the  
20 boundaries of the business district and each address in the  
21 business district in such a way that the Department can  
22 determine by its address whether a business is located in the  
23 business district. The municipality must provide this boundary  
24 and address information to the Department on or before April 1  
25 for administration and enforcement of the tax under this  
26 subsection by the Department beginning on the following July 1

1 and on or before October 1 for administration and enforcement  
2 of the tax under this subsection by the Department beginning on  
3 the following January 1. The Department of Revenue shall not  
4 administer or enforce any change made to the boundaries of a  
5 business district or address change, addition, or deletion  
6 until the municipality reports the boundary change or address  
7 change, addition, or deletion to the Department in the manner  
8 prescribed by the Department. The municipality must provide  
9 this boundary change information or address change, addition,  
10 or deletion to the Department on or before April 1 for  
11 administration and enforcement by the Department of the change  
12 beginning on the following July 1 and on or before October 1  
13 for administration and enforcement by the Department of the  
14 change beginning on the following January 1. The retailers in  
15 the business district shall be responsible for charging the tax  
16 imposed under this subsection. If a retailer is incorrectly  
17 included or excluded from the list of those required to collect  
18 the tax under this subsection, both the Department of Revenue  
19 and the retailer shall be held harmless if they reasonably  
20 relied on information provided by the municipality.

21 A municipality that imposes the tax under this subsection  
22 must submit to the Department of Revenue any other information  
23 as the Department may require for the administration and  
24 enforcement of the tax.

25 When certifying the amount of a monthly disbursement to a  
26 municipality under this subsection, the Department shall

1 increase or decrease the amount by an amount necessary to  
2 offset any misallocation of previous disbursements. The offset  
3 amount shall be the amount erroneously disbursed within the  
4 previous 6 months from the time a misallocation is discovered.

5 Nothing in this subsection shall be construed to authorize  
6 the municipality to impose a tax upon the privilege of engaging  
7 in any business which under the Constitution of the United  
8 States may not be made the subject of taxation by this State.

9 If a tax is imposed under this subsection (b), a tax shall  
10 also be imposed under subsection (c) of this Section.

11 (c) If a tax has been imposed under subsection (b), a  
12 Business District Service Occupation Tax shall also be imposed  
13 upon all persons engaged, in the business district, in the  
14 business of making sales of service, who, as an incident to  
15 making those sales of service, transfer tangible personal  
16 property within the business district, either in the form of  
17 tangible personal property or in the form of real estate as an  
18 incident to a sale of service. The tax shall be imposed at the  
19 same rate as the tax imposed in subsection (b) and shall not  
20 exceed 1% of the selling price of tangible personal property so  
21 transferred within the business district, to be imposed only in  
22 0.25% increments. The tax may not be imposed on food for human  
23 consumption that is to be consumed off the premises where it is  
24 sold (other than alcoholic beverages, soft drinks, and food  
25 that has been prepared for immediate consumption),  
26 prescription and nonprescription medicines, drugs, medical

1 appliances, modifications to a motor vehicle for the purpose of  
2 rendering it usable by a person with a disability, and insulin,  
3 urine testing materials, syringes, and needles used by  
4 diabetics, for human use.

5 The tax imposed under this subsection and all civil  
6 penalties that may be assessed as an incident thereof shall be  
7 collected and enforced by the Department of Revenue. The  
8 certificate of registration which is issued by the Department  
9 to a retailer under the Retailers' Occupation Tax Act or under  
10 the Service Occupation Tax Act shall permit such registrant to  
11 engage in a business which is taxable under any ordinance or  
12 resolution enacted pursuant to this subsection without  
13 registering separately with the Department under such  
14 ordinance or resolution or under this subsection. The  
15 Department of Revenue shall have full power to administer and  
16 enforce this subsection; to collect all taxes and penalties due  
17 under this subsection; to dispose of taxes and penalties so  
18 collected in the manner hereinafter provided; and to determine  
19 all rights to credit memoranda arising on account of the  
20 erroneous payment of tax or penalty under this subsection. In  
21 the administration of, and compliance with this subsection, the  
22 Department and persons who are subject to this subsection shall  
23 have the same rights, remedies, privileges, immunities, powers  
24 and duties, and be subject to the same conditions,  
25 restrictions, limitations, penalties, exclusions, exemptions,  
26 and definitions of terms and employ the same modes of procedure

1 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50  
2 (in respect to all provisions therein other than the State rate  
3 of tax), 4 (except that the reference to the State shall be to  
4 the business district), 5, 7, 8 (except that the jurisdiction  
5 to which the tax shall be a debt to the extent indicated in  
6 that Section 8 shall be the municipality), 9 (except as to the  
7 disposition of taxes and penalties collected, and except that  
8 the returned merchandise credit for this tax may not be taken  
9 against any State tax), 10, 11, 12 (except the reference  
10 therein to Section 2b of the Retailers' Occupation Tax Act), 13  
11 (except that any reference to the State shall mean the  
12 municipality), the first paragraph of Section 15, and Sections  
13 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all  
14 provisions of the Uniform Penalty and Interest Act, as fully as  
15 if those provisions were set forth herein.

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

24 Whenever the Department determines that a refund should be  
25 made under this subsection to a claimant instead of issuing  
26 credit memorandum, the Department shall notify the State

1 Comptroller, who shall cause the order to be drawn for the  
2 amount specified, and to the person named, in such notification  
3 from the Department. Such refund shall be paid by the State  
4 Treasurer out of the business district retailers' occupation  
5 tax fund.

6 The Department shall forthwith pay over to the State  
7 Treasurer, ex-officio, as trustee, all taxes, penalties, and  
8 interest collected under this subsection for deposit into the  
9 business district retailers' occupation tax fund.

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

18 After the monthly transfer to the STAR Bonds Revenue Fund,  
19 on or before the 25th day of each calendar month, the  
20 Department shall prepare and certify to the Comptroller the  
21 disbursement of stated sums of money to named municipalities  
22 from the business district retailers' occupation tax fund, the  
23 municipalities to be those from which suppliers and servicemen  
24 have paid taxes or penalties under this subsection to the  
25 Department during the second preceding calendar month. The  
26 amount to be paid to each municipality shall be the amount (not



1 including credit memoranda) collected under this subsection  
2 during the second preceding calendar month by the Department,  
3 less 2% of that amount, which shall be deposited into the Tax  
4 Compliance and Administration Fund and shall be used by the  
5 Department, subject to appropriation, to cover the costs of the  
6 Department in administering and enforcing the provisions of  
7 this subsection, and not including an amount equal to the  
8 amount of refunds made during the second preceding calendar  
9 month by the Department on behalf of such municipality, and not  
10 including any amounts that are transferred to the STAR Bonds  
11 Revenue Fund. Within 10 days after receipt, by the Comptroller,  
12 of the disbursement certification to the municipalities,  
13 provided for in this subsection to be given to the Comptroller  
14 by the Department, the Comptroller shall cause the orders to be  
15 drawn for the respective amounts in accordance with the  
16 directions contained in such certification. The proceeds of the  
17 tax paid to municipalities under this subsection shall be  
18 deposited into the Business District Tax Allocation Fund by the  
19 municipality.

20 An ordinance imposing or discontinuing the tax under this  
21 subsection or effecting a change in the rate thereof shall  
22 either (i) be adopted and a certified copy thereof filed with  
23 the Department on or before the first day of April, whereupon  
24 the Department, if all other requirements of this subsection  
25 are met, shall proceed to administer and enforce this  
26 subsection as of the first day of July next following the

1 adoption and filing; or (ii) be adopted and a certified copy  
2 thereof filed with the Department on or before the first day of  
3 October, whereupon, if all other conditions of this subsection  
4 are met, the Department shall proceed to administer and enforce  
5 this subsection as of the first day of January next following  
6 the adoption and filing.

7       The Department of Revenue shall not administer or enforce  
8 an ordinance imposing, discontinuing, or changing the rate of  
9 the tax under this subsection, until the municipality also  
10 provides, in the manner prescribed by the Department, the  
11 boundaries of the business district in such a way that the  
12 Department can determine by its address whether a business is  
13 located in the business district. The municipality must provide  
14 this boundary and address information to the Department on or  
15 before April 1 for administration and enforcement of the tax  
16 under this subsection by the Department beginning on the  
17 following July 1 and on or before October 1 for administration  
18 and enforcement of the tax under this subsection by the  
19 Department beginning on the following January 1. The Department  
20 of Revenue shall not administer or enforce any change made to  
21 the boundaries of a business district or address change,  
22 addition, or deletion until the municipality reports the  
23 boundary change or address change, addition, or deletion to the  
24 Department in the manner prescribed by the Department. The  
25 municipality must provide this boundary change information or  
26 address change, addition, or deletion to the Department on or

1 before April 1 for administration and enforcement by the  
2 Department of the change beginning on the following July 1 and  
3 on or before October 1 for administration and enforcement by  
4 the Department of the change beginning on the following January  
5 1. The retailers in the business district shall be responsible  
6 for charging the tax imposed under this subsection. If a  
7 retailer is incorrectly included or excluded from the list of  
8 those required to collect the tax under this subsection, both  
9 the Department of Revenue and the retailer shall be held  
10 harmless if they reasonably relied on information provided by  
11 the municipality.

12 A municipality that imposes the tax under this subsection  
13 must submit to the Department of Revenue any other information  
14 as the Department may require for the administration and  
15 enforcement of the tax.

16 Nothing in this subsection shall be construed to authorize  
17 the municipality to impose a tax upon the privilege of engaging  
18 in any business which under the Constitution of the United  
19 States may not be made the subject of taxation by the State.

20 If a tax is imposed under this subsection (c), a tax shall  
21 also be imposed under subsection (b) of this Section.

22 (d) By ordinance, a municipality that has designated a  
23 business district under this Law may impose an occupation tax  
24 upon all persons engaged in the business district in the  
25 business of renting, leasing, or letting rooms in a hotel, as  
26 defined in the Hotel Operators' Occupation Tax Act, at a rate

1 not to exceed 1% of the gross rental receipts from the renting,  
2 leasing, or letting of hotel rooms within the business  
3 district, to be imposed only in 0.25% increments, excluding,  
4 however, from gross rental receipts the proceeds of renting,  
5 leasing, or letting to permanent residents of a hotel, as  
6 defined in the Hotel Operators' Occupation Tax Act, and  
7 proceeds from the tax imposed under subsection (c) of Section  
8 13 of the Metropolitan Pier and Exposition Authority Act.

9 The tax imposed by the municipality under this subsection  
10 and all civil penalties that may be assessed as an incident to  
11 that tax shall be collected and enforced by the municipality  
12 imposing the tax. The municipality shall have full power to  
13 administer and enforce this subsection, to collect all taxes  
14 and penalties due under this subsection, to dispose of taxes  
15 and penalties so collected in the manner provided in this  
16 subsection, and to determine all rights to credit memoranda  
17 arising on account of the erroneous payment of tax or penalty  
18 under this subsection. In the administration of and compliance  
19 with this subsection, the municipality and persons who are  
20 subject to this subsection shall have the same rights,  
21 remedies, privileges, immunities, powers, and duties, shall be  
22 subject to the same conditions, restrictions, limitations,  
23 penalties, and definitions of terms, and shall employ the same  
24 modes of procedure as are employed with respect to a tax  
25 adopted by the municipality under Section 8-3-14 of this Code.

26 Persons subject to any tax imposed under the authority

1 granted in this subsection may reimburse themselves for their  
2 tax liability for that tax by separately stating that tax as an  
3 additional charge, which charge may be stated in combination,  
4 in a single amount, with State taxes imposed under the Hotel  
5 Operators' Occupation Tax Act, and with any other tax.

6 Nothing in this subsection shall be construed to authorize  
7 a municipality to impose a tax upon the privilege of engaging  
8 in any business which under the Constitution of the United  
9 States may not be made the subject of taxation by this State.

10 The proceeds of the tax imposed under this subsection shall  
11 be deposited into the Business District Tax Allocation Fund.

12 Notwithstanding any other provision of law, the tax under  
13 this subsection (d) is not imposed on the renting, leasing, or  
14 letting of hotel rooms to the American Red Cross for the  
15 provision or coordination of disaster relief services. This  
16 exemption for the renting, leasing, or letting of hotel rooms  
17 to the American Red Cross shall not apply except during the  
18 provision or coordination of disaster relief services.

19 (e) Obligations secured by the Business District Tax  
20 Allocation Fund may be issued to provide for the payment or  
21 reimbursement of business district project costs. Those  
22 obligations, when so issued, shall be retired in the manner  
23 provided in the ordinance authorizing the issuance of those  
24 obligations by the receipts of taxes imposed pursuant to  
25 subsections (10) and (11) of Section 11-74.3-3 and by other  
26 revenue designated or pledged by the municipality. A

1 municipality may in the ordinance pledge, for any period of  
2 time up to and including the dissolution date, all or any part  
3 of the funds in and to be deposited in the Business District  
4 Tax Allocation Fund to the payment of business district project  
5 costs and obligations. Whenever a municipality pledges all of  
6 the funds to the credit of a business district tax allocation  
7 fund to secure obligations issued or to be issued to pay or  
8 reimburse business district project costs, the municipality  
9 may specifically provide that funds remaining to the credit of  
10 such business district tax allocation fund after the payment of  
11 such obligations shall be accounted for annually and shall be  
12 deemed to be "surplus" funds, and such "surplus" funds shall be  
13 expended by the municipality for any business district project  
14 cost as approved in the business district plan. Whenever a  
15 municipality pledges less than all of the monies to the credit  
16 of a business district tax allocation fund to secure  
17 obligations issued or to be issued to pay or reimburse business  
18 district project costs, the municipality shall provide that  
19 monies to the credit of the business district tax allocation  
20 fund and not subject to such pledge or otherwise encumbered or  
21 required for payment of contractual obligations for specific  
22 business district project costs shall be calculated annually  
23 and shall be deemed to be "surplus" funds, and such "surplus"  
24 funds shall be expended by the municipality for any business  
25 district project cost as approved in the business district  
26 plan.

1           No obligation issued pursuant to this Law and secured by a  
2           pledge of all or any portion of any revenues received or to be  
3           received by the municipality from the imposition of taxes  
4           pursuant to subsection (10) of Section 11-74.3-3, shall be  
5           deemed to constitute an economic incentive agreement under  
6           Section 8-11-20, notwithstanding the fact that such pledge  
7           provides for the sharing, rebate, or payment of retailers'  
8           occupation taxes or service occupation taxes imposed pursuant  
9           to subsection (10) of Section 11-74.3-3 and received or to be  
10          received by the municipality from the development or  
11          redevelopment of properties in the business district.

12          Without limiting the foregoing in this Section, the  
13          municipality may further secure obligations secured by the  
14          business district tax allocation fund with a pledge, for a  
15          period not greater than the term of the obligations and in any  
16          case not longer than the dissolution date, of any part or any  
17          combination of the following: (i) net revenues of all or part  
18          of any business district project; (ii) taxes levied or imposed  
19          by the municipality on any or all property in the municipality,  
20          including, specifically, taxes levied or imposed by the  
21          municipality in a special service area pursuant to the Special  
22          Service Area Tax Law; (iii) the full faith and credit of the  
23          municipality; (iv) a mortgage on part or all of the business  
24          district project; or (v) any other taxes or anticipated  
25          receipts that the municipality may lawfully pledge.

26          Such obligations may be issued in one or more series, bear

1 such date or dates, become due at such time or times as therein  
2 provided, but in any case not later than (i) 20 years after the  
3 date of issue or (ii) the dissolution date, whichever is  
4 earlier, bear interest payable at such intervals and at such  
5 rate or rates as set forth therein, except as may be limited by  
6 applicable law, which rate or rates may be fixed or variable,  
7 be in such denominations, be in such form, either coupon,  
8 registered, or book-entry, carry such conversion, registration  
9 and exchange privileges, be subject to defeasance upon such  
10 terms, have such rank or priority, be executed in such manner,  
11 be payable in such medium or payment at such place or places  
12 within or without the State, make provision for a corporate  
13 trustee within or without the State with respect to such  
14 obligations, prescribe the rights, powers, and duties thereof  
15 to be exercised for the benefit of the municipality and the  
16 benefit of the owners of such obligations, provide for the  
17 holding in trust, investment, and use of moneys, funds, and  
18 accounts held under an ordinance, provide for assignment of and  
19 direct payment of the moneys to pay such obligations or to be  
20 deposited into such funds or accounts directly to such trustee,  
21 be subject to such terms of redemption with or without premium,  
22 and be sold at such price, all as the corporate authorities  
23 shall determine. No referendum approval of the electors shall  
24 be required as a condition to the issuance of obligations  
25 pursuant to this Law except as provided in this Section.

26 In the event the municipality authorizes the issuance of



1 obligations pursuant to the authority of this Law secured by  
2 the full faith and credit of the municipality, or pledges ad  
3 valorem taxes pursuant to this subsection, which obligations  
4 are other than obligations which may be issued under home rule  
5 powers provided by Section 6 of Article VII of the Illinois  
6 Constitution or which ad valorem taxes are other than ad  
7 valorem taxes which may be pledged under home rule powers  
8 provided by Section 6 of Article VII of the Illinois  
9 Constitution or which are levied in a special service area  
10 pursuant to the Special Service Area Tax Law, the ordinance  
11 authorizing the issuance of those obligations or pledging those  
12 taxes shall be published within 10 days after the ordinance has  
13 been adopted, in a newspaper having a general circulation  
14 within the municipality. The publication of the ordinance shall  
15 be accompanied by a notice of (i) the specific number of voters  
16 required to sign a petition requesting the question of the  
17 issuance of the obligations or pledging such ad valorem taxes  
18 to be submitted to the electors; (ii) the time within which the  
19 petition must be filed; and (iii) the date of the prospective  
20 referendum. The municipal clerk shall provide a petition form  
21 to any individual requesting one.

22 If no petition is filed with the municipal clerk, as  
23 hereinafter provided in this Section, within 21 days after the  
24 publication of the ordinance, the ordinance shall be in effect.  
25 However, if within that 21-day period a petition is filed with  
26 the municipal clerk, signed by electors numbering not less than

1 15% of the number of electors voting for the mayor or president  
2 at the last general municipal election, asking that the  
3 question of issuing obligations using full faith and credit of  
4 the municipality as security for the cost of paying or  
5 reimbursing business district project costs, or of pledging  
6 such ad valorem taxes for the payment of those obligations, or  
7 both, be submitted to the electors of the municipality, the  
8 municipality shall not be authorized to issue obligations of  
9 the municipality using the full faith and credit of the  
10 municipality as security or pledging such ad valorem taxes for  
11 the payment of those obligations, or both, until the  
12 proposition has been submitted to and approved by a majority of  
13 the voters voting on the proposition at a regularly scheduled  
14 election. The municipality shall certify the proposition to the  
15 proper election authorities for submission in accordance with  
16 the general election law.

17 The ordinance authorizing the obligations may provide that  
18 the obligations shall contain a recital that they are issued  
19 pursuant to this Law, which recital shall be conclusive  
20 evidence of their validity and of the regularity of their  
21 issuance.

22 In the event the municipality authorizes issuance of  
23 obligations pursuant to this Law secured by the full faith and  
24 credit of the municipality, the ordinance authorizing the  
25 obligations may provide for the levy and collection of a direct  
26 annual tax upon all taxable property within the municipality

1 sufficient to pay the principal thereof and interest thereon as  
2 it matures, which levy may be in addition to and exclusive of  
3 the maximum of all other taxes authorized to be levied by the  
4 municipality, which levy, however, shall be abated to the  
5 extent that monies from other sources are available for payment  
6 of the obligations and the municipality certifies the amount of  
7 those monies available to the county clerk.

8 A certified copy of the ordinance shall be filed with the  
9 county clerk of each county in which any portion of the  
10 municipality is situated, and shall constitute the authority  
11 for the extension and collection of the taxes to be deposited  
12 in the business district tax allocation fund.

13 A municipality may also issue its obligations to refund, in  
14 whole or in part, obligations theretofore issued by the  
15 municipality under the authority of this Law, whether at or  
16 prior to maturity. However, the last maturity of the refunding  
17 obligations shall not be expressed to mature later than the  
18 dissolution date.

19 In the event a municipality issues obligations under home  
20 rule powers or other legislative authority, the proceeds of  
21 which are pledged to pay or reimburse business district project  
22 costs, the municipality may, if it has followed the procedures  
23 in conformance with this Law, retire those obligations from  
24 funds in the business district tax allocation fund in amounts  
25 and in such manner as if those obligations had been issued  
26 pursuant to the provisions of this Law.

1 No obligations issued pursuant to this Law shall be  
2 regarded as indebtedness of the municipality issuing those  
3 obligations or any other taxing district for the purpose of any  
4 limitation imposed by law.

5 Obligations issued pursuant to this Law shall not be  
6 subject to the provisions of the Bond Authorization Act.

7 (f) When business district project costs, including,  
8 without limitation, all obligations paying or reimbursing  
9 business district project costs have been paid, any surplus  
10 funds then remaining in the Business District Tax Allocation  
11 Fund shall be distributed to the municipal treasurer for  
12 deposit into the general corporate fund of the municipality.  
13 Upon payment of all business district project costs and  
14 retirement of all obligations paying or reimbursing business  
15 district project costs, but in no event more than 23 years  
16 after the date of adoption of the ordinance imposing taxes  
17 pursuant to subsection (10) or (11) of Section 11-74.3-3, the  
18 municipality shall adopt an ordinance immediately rescinding  
19 the taxes imposed pursuant to subsection (10) or (11) of  
20 Section 11-74.3-3.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 Section 20. The Metropolitan Pier and Exposition Authority  
23 Act is amended by changing Section 13 as follows:

24 (70 ILCS 210/13) (from Ch. 85, par. 1233)

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

4           (b) By ordinance the Authority shall, as soon as  
5 practicable after July 1, 1992 (the effective date of Public  
6 Act 87-733), impose a Metropolitan Pier and Exposition  
7 Authority Retailers' Occupation Tax upon all persons engaged in  
8 the business of selling tangible personal property at retail  
9 within the territory described in this subsection at the rate  
10 of 1.0% of the gross receipts (i) from the sale of food,  
11 alcoholic beverages, and soft drinks sold for consumption on  
12 the premises where sold and (ii) from the sale of food,  
13 alcoholic beverages, and soft drinks sold for consumption off  
14 the premises where sold by a retailer whose principal source of  
15 gross receipts is from the sale of food, alcoholic beverages,  
16 and soft drinks prepared for immediate consumption.

17           The tax imposed under this subsection and all civil  
18 penalties that may be assessed as an incident to that tax shall  
19 be collected and enforced by the Illinois Department of  
20 Revenue. The Department shall have full power to administer and  
21 enforce this subsection, to collect all taxes and penalties so  
22 collected in the manner provided in this subsection, and to  
23 determine all rights to credit memoranda arising on account of  
24 the erroneous payment of tax or penalty under this subsection.  
25 In the administration of and compliance with this subsection,  
26 the Department and persons who are subject to this subsection

1 shall have the same rights, remedies, privileges, immunities,  
2 powers, and duties, shall be subject to the same conditions,  
3 restrictions, limitations, penalties, exclusions, exemptions,  
4 and definitions of terms, and shall employ the same modes of  
5 procedure applicable to this Retailers' Occupation Tax as are  
6 prescribed in Sections 1, 2 through 2-65 (in respect to all  
7 provisions of those Sections other than the State rate of  
8 taxes), 2c, 2h, 2i, 3 (except as to the disposition of taxes  
9 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i,  
10 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and, until January  
11 1, 1994, 13.5 of the Retailers' Occupation Tax Act, and, on and  
12 after January 1, 1994, all applicable provisions of the Uniform  
13 Penalty and Interest Act that are not inconsistent with this  
14 Act, as fully as if provisions contained in those Sections of  
15 the Retailers' Occupation Tax Act were set forth in this  
16 subsection.

17 Persons subject to any tax imposed under the authority  
18 granted in this subsection may reimburse themselves for their  
19 seller's tax liability under this subsection by separately  
20 stating that tax as an additional charge, which charge may be  
21 stated in combination, in a single amount, with State taxes  
22 that sellers are required to collect under the Use Tax Act,  
23 pursuant to bracket schedules as the Department may prescribe.  
24 The retailer filing the return shall, at the time of filing the  
25 return, pay to the Department the amount of tax imposed under  
26 this subsection, less a discount of 1.75%, which is allowed to

1 reimburse the retailer for the expenses incurred in keeping  
2 records, preparing and filing returns, remitting the tax, and  
3 supplying data to the Department on request.

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

13 Nothing in this subsection authorizes the Authority to  
14 impose a tax upon the privilege of engaging in any business  
15 that under the Constitution of the United States may not be  
16 made the subject of taxation by this State.

17 The Department shall forthwith pay over to the State  
18 Treasurer, ex officio, as trustee for the Authority, all taxes  
19 and penalties collected under this subsection for deposit into  
20 a trust fund held outside of the State Treasury.

21 As soon as possible after the first day of each month,  
22 beginning January 1, 2011, upon certification of the Department  
23 of Revenue, the Comptroller shall order transferred, and the  
24 Treasurer shall transfer, to the STAR Bonds Revenue Fund the  
25 local sales tax increment, as defined in the Innovation  
26 Development and Economy Act, collected under this subsection

1 during the second preceding calendar month for sales within a  
2 STAR bond district.

3 After the monthly transfer to the STAR Bonds Revenue Fund,  
4 on or before the 25th day of each calendar month, the  
5 Department shall prepare and certify to the Comptroller the  
6 amounts to be paid under subsection (g) of this Section, which  
7 shall be the amounts, not including credit memoranda, collected  
8 under this subsection during the second preceding calendar  
9 month by the Department, less any amounts determined by the  
10 Department to be necessary for the payment of refunds, less  
11 1.5% of such balance, which sum shall be deposited by the State  
12 Treasurer into the Tax Compliance and Administration Fund in  
13 the State Treasury from which it shall be appropriated to the  
14 Department to cover the costs of the Department in  
15 administering and enforcing the provisions of this subsection,  
16 and less any amounts that are transferred to the STAR Bonds  
17 Revenue Fund. Within 10 days after receipt by the Comptroller  
18 of the certification, the Comptroller shall cause the orders to  
19 be drawn for the remaining amounts, and the Treasurer shall  
20 administer those amounts as required in subsection (g).

21 A certificate of registration issued by the Illinois  
22 Department of Revenue to a retailer under the Retailers'  
23 Occupation Tax Act shall permit the registrant to engage in a  
24 business that is taxed under the tax imposed under this  
25 subsection, and no additional registration shall be required  
26 under the ordinance imposing the tax or under this subsection.



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

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

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

24           (2) that portion of the City of Chicago located within  
25 the following area: Beginning at the intersection of West  
26 55th Street with Central Avenue, then east along West 55th

1 Street to its intersection with South Cicero Avenue, then  
2 south along South Cicero Avenue to its intersection with  
3 West 63rd Street, then west along West 63rd Street to its  
4 intersection with South Central Avenue, then north along  
5 South Central Avenue to the point of beginning; and

6 (3) that portion of the City of Chicago located within  
7 the following area: Beginning at the point 150 feet west of  
8 the intersection of the west line of North Ashland Avenue  
9 and the north line of West Diversey Avenue, then north 150  
10 feet, then east along a line 150 feet north of the north  
11 line of West Diversey Avenue extended to the shoreline of  
12 Lake Michigan, then following the shoreline of Lake  
13 Michigan (including Navy Pier and all other improvements  
14 fixed to land, docks, or piers) to the point where the  
15 shoreline of Lake Michigan and the Adlai E. Stevenson  
16 Expressway extended east to that shoreline intersect, then  
17 west along the Adlai E. Stevenson Expressway to a point 150  
18 feet west of the west line of South Ashland Avenue, then  
19 north along a line 150 feet west of the west line of South  
20 and North Ashland Avenue to the point of beginning.

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

1           (c) By ordinance the Authority shall, as soon as  
2 practicable after July 1, 1992 (the effective date of Public  
3 Act 87-733), impose an occupation tax upon all persons engaged  
4 in the corporate limits of the City of Chicago in the business  
5 of renting, leasing, or letting rooms in a hotel, as defined in  
6 the Hotel Operators' Occupation Tax Act, at a rate of 2.5% of  
7 the gross rental receipts from the renting, leasing, or letting  
8 of hotel rooms within the City of Chicago, excluding, however,  
9 from gross rental receipts the proceeds of renting, leasing, or  
10 letting to permanent residents of a hotel, as defined in that  
11 Act. Gross rental receipts shall not include charges that are  
12 added on account of the liability arising from any tax imposed  
13 by the State or any governmental agency on the occupation of  
14 renting, leasing, or letting rooms in a hotel.

15           The tax imposed by the Authority under this subsection and  
16 all civil penalties that may be assessed as an incident to that  
17 tax shall be collected and enforced by the Illinois Department  
18 of Revenue. The certificate of registration that is issued by  
19 the Department to a lessor under the Hotel Operators'  
20 Occupation Tax Act shall permit that registrant to engage in a  
21 business that is taxable under any ordinance enacted under this  
22 subsection without registering separately with the Department  
23 under that ordinance or under this subsection. The Department  
24 shall have full power to administer and enforce this  
25 subsection, to collect all taxes and penalties due under this  
26 subsection, to dispose of taxes and penalties so collected in

1 the manner provided in this subsection, and to determine all  
2 rights to credit memoranda arising on account of the erroneous  
3 payment of tax or penalty under this subsection. In the  
4 administration of and compliance with this subsection, the  
5 Department and persons who are subject to this subsection shall  
6 have the same rights, remedies, privileges, immunities,  
7 powers, and duties, shall be subject to the same conditions,  
8 restrictions, limitations, penalties, and definitions of  
9 terms, and shall employ the same modes of procedure as are  
10 prescribed in the Hotel Operators' Occupation Tax Act (except  
11 where that Act is inconsistent with this subsection), as fully  
12 as if the provisions contained in the Hotel Operators'  
13 Occupation Tax Act were set out in this subsection.

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

23 Persons subject to any tax imposed under the authority  
24 granted in this subsection may reimburse themselves for their  
25 tax liability for that tax by separately stating that tax as an  
26 additional charge, which charge may be stated in combination,

1 in a single amount, with State taxes imposed under the Hotel  
2 Operators' Occupation Tax Act, the municipal tax imposed under  
3 Section 8-3-13 of the Illinois Municipal Code, and the tax  
4 imposed under Section 19 of the Illinois Sports Facilities  
5 Authority Act.

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

13 Except as otherwise provided in this paragraph, the  
14 Department shall forthwith pay over to the State Treasurer, ex  
15 officio, as trustee for the Authority, all taxes and penalties  
16 collected under this subsection for deposit into a trust fund  
17 held outside the State Treasury. On or before the 25th day of  
18 each calendar month, the Department shall certify to the  
19 Comptroller the amounts to be paid under subsection (g) of this  
20 Section, which shall be the amounts (not including credit  
21 memoranda) collected under this subsection during the second  
22 preceding calendar month by the Department, less any amounts  
23 determined by the Department to be necessary for payment of  
24 refunds, less 1.5% of the remainder, which the Department shall  
25 transfer into the Tax Compliance and Administration Fund. The  
26 Department, at the time of each monthly disbursement to the

1 Authority, shall prepare and certify to the State Comptroller  
2 the amount to be transferred into the Tax Compliance and  
3 Administration Fund under this subsection. Within 10 days after  
4 receipt by the Comptroller of the Department's certification,  
5 the Comptroller shall cause the orders to be drawn for such  
6 amounts, and the Treasurer shall administer the amounts  
7 distributed to the Authority as required in subsection (g).

8 A certified copy of any ordinance imposing or discontinuing  
9 a tax under this subsection or effecting a change in the rate  
10 of that tax shall be filed with the Illinois Department of  
11 Revenue, whereupon the Department shall proceed to administer  
12 and enforce this subsection on behalf of the Authority as of  
13 the first day of the third calendar month following the date of  
14 filing.

15 Notwithstanding any other provision of law, the tax is not  
16 imposed on the renting, leasing, or letting of hotel rooms to  
17 the American Red Cross for the provision or coordination of  
18 disaster relief services. This exemption for the renting,  
19 leasing, or letting of hotel rooms to the American Red Cross  
20 shall not apply except during the provision or coordination of  
21 disaster relief services.

22 (d) By ordinance the Authority shall, as soon as  
23 practicable after July 1, 1992 (the effective date of Public  
24 Act 87-733), impose a tax upon all persons engaged in the  
25 business of renting automobiles in the metropolitan area at the  
26 rate of 6% of the gross receipts from that business, except

1 that no tax shall be imposed on the business of renting  
2 automobiles for use as taxicabs or in livery service. The tax  
3 imposed under this subsection and all civil penalties that may  
4 be assessed as an incident to that tax shall be collected and  
5 enforced by the Illinois Department of Revenue. The certificate  
6 of registration issued by the Department to a retailer under  
7 the Retailers' Occupation Tax Act or under the Automobile  
8 Renting Occupation and Use Tax Act shall permit that person to  
9 engage in a business that is taxable under any ordinance  
10 enacted under this subsection without registering separately  
11 with the Department under that ordinance or under this  
12 subsection. The Department shall have full power to administer  
13 and enforce this subsection, to collect all taxes and penalties  
14 due under this subsection, to dispose of taxes and penalties so  
15 collected in the manner provided in this subsection, and to  
16 determine all rights to credit memoranda arising on account of  
17 the erroneous payment of tax or penalty under this subsection.  
18 In the administration of and compliance with this subsection,  
19 the Department and persons who are subject to this subsection  
20 shall have the same rights, remedies, privileges, immunities,  
21 powers, and duties, be subject to the same conditions,  
22 restrictions, limitations, penalties, and definitions of  
23 terms, and employ the same modes of procedure as are prescribed  
24 in Sections 2 and 3 (in respect to all provisions of those  
25 Sections other than the State rate of tax; and in respect to  
26 the provisions of the Retailers' Occupation Tax Act referred to

1 in those Sections, except as to the disposition of taxes and  
2 penalties collected, except for the provision allowing  
3 retailers a deduction from the tax to cover certain costs, and  
4 except that credit memoranda issued under this subsection may  
5 not be used to discharge any State tax liability) of the  
6 Automobile Renting Occupation and Use Tax Act, as fully as if  
7 provisions contained in those Sections of that Act were set  
8 forth in this subsection.

9 Persons subject to any tax imposed under the authority  
10 granted in this subsection may reimburse themselves for their  
11 tax liability under this subsection by separately stating that  
12 tax as an additional charge, which charge may be stated in  
13 combination, in a single amount, with State tax that sellers  
14 are required to collect under the Automobile Renting Occupation  
15 and Use Tax Act, pursuant to bracket schedules as the  
16 Department may prescribe.

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

26 Except as otherwise provided in this paragraph, the



1 Department shall forthwith pay over to the State Treasurer, ex  
2 officio, as trustee, all taxes and penalties collected under  
3 this subsection for deposit into a trust fund held outside the  
4 State Treasury. On or before the 25th day of each calendar  
5 month, the Department shall certify to the Comptroller the  
6 amounts to be paid under subsection (g) of this Section (not  
7 including credit memoranda) collected under this subsection  
8 during the second preceding calendar month by the Department,  
9 less any amount determined by the Department to be necessary  
10 for payment of refunds, less 1.5% of the remainder, which the  
11 Department shall transfer into the Tax Compliance and  
12 Administration Fund. The Department, at the time of each  
13 monthly disbursement to the Authority, shall prepare and  
14 certify to the State Comptroller the amount to be transferred  
15 into the Tax Compliance and Administration Fund under this  
16 subsection. Within 10 days after receipt by the Comptroller of  
17 the Department's certification, the Comptroller shall cause  
18 the orders to be drawn for such amounts, and the Treasurer  
19 shall administer the amounts distributed to the Authority as  
20 required in subsection (g).

21 Nothing in this subsection authorizes the Authority to  
22 impose a tax upon the privilege of engaging in any business  
23 that under the Constitution of the United States may not be  
24 made the subject of taxation by this State.

25 A certified copy of any ordinance imposing or discontinuing  
26 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 July 1, 1992 (the effective date of Public  
8 Act 87-733), 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.

1           The Department shall have full power to administer and  
2 enforce this subsection, to collect all taxes, penalties, and  
3 interest due under this subsection, to dispose of taxes,  
4 penalties, and interest so collected in the manner provided in  
5 this subsection, and to determine all rights to credit  
6 memoranda or refunds arising on account of the erroneous  
7 payment of tax, penalty, or interest under this subsection. In  
8 the administration of and compliance with this subsection, the  
9 Department and persons who are subject to this subsection shall  
10 have the same rights, remedies, privileges, immunities,  
11 powers, and duties, be subject to the same conditions,  
12 restrictions, limitations, penalties, and definitions of  
13 terms, and employ the same modes of procedure as are prescribed  
14 in Sections 2 and 4 (except provisions pertaining to the State  
15 rate of tax; and in respect to the provisions of the Use Tax  
16 Act referred to in that Section, except provisions concerning  
17 collection or refunding of the tax by retailers, except the  
18 provisions of Section 19 pertaining to claims by retailers,  
19 except the last paragraph concerning refunds, and except that  
20 credit memoranda issued under this subsection may not be used  
21 to discharge any State tax liability) of the Automobile Renting  
22 Occupation and Use Tax Act, as fully as if provisions contained  
23 in those Sections of that Act were set forth in this  
24 subsection.

25           Whenever the Department determines that a refund should be  
26 made under this subsection to a claimant instead of issuing a

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

8 Except as otherwise provided in this paragraph, the  
9 Department shall forthwith pay over to the State Treasurer, ex  
10 officio, as trustee, all taxes, penalties, and interest  
11 collected under this subsection for deposit into a trust fund  
12 held outside the State Treasury. On or before the 25th day of  
13 each calendar month, the Department shall certify to the State  
14 Comptroller the amounts to be paid under subsection (g) of this  
15 Section, which shall be the amounts (not including credit  
16 memoranda) collected under this subsection during the second  
17 preceding calendar month by the Department, less any amounts  
18 determined by the Department to be necessary for payment of  
19 refunds, less 1.5% of the remainder, which the Department shall  
20 transfer into the Tax Compliance and Administration Fund. The  
21 Department, at the time of each monthly disbursement to the  
22 Authority, shall prepare and certify to the State Comptroller  
23 the amount to be transferred into the Tax Compliance and  
24 Administration Fund under this subsection. Within 10 days after  
25 receipt by the State Comptroller of the Department's  
26 certification, the Comptroller shall cause the orders to be

1 drawn for such amounts, and the Treasurer shall administer the  
2 amounts distributed to the Authority as required in subsection  
3 (g).

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

10 (f) By ordinance the Authority shall, as soon as  
11 practicable after July 1, 1992 (the effective date of Public  
12 Act 87-733), impose an occupation tax on all persons, other  
13 than a governmental agency, engaged in the business of  
14 providing ground transportation for hire to passengers in the  
15 metropolitan area at a rate of (i) \$4 per taxi or livery  
16 vehicle departure with passengers for hire from commercial  
17 service airports in the metropolitan area, (ii) for each  
18 departure with passengers for hire from a commercial service  
19 airport in the metropolitan area in a bus or van operated by a  
20 person other than a person described in item (iii): \$18 per bus  
21 or van with a capacity of 1-12 passengers, \$36 per bus or van  
22 with a capacity of 13-24 passengers, and \$54 per bus or van  
23 with a capacity of over 24 passengers, and (iii) for each  
24 departure with passengers for hire from a commercial service  
25 airport in the metropolitan area in a bus or van operated by a  
26 person regulated by the Interstate Commerce Commission or

1 Illinois Commerce Commission, operating scheduled service from  
2 the airport, and charging fares on a per passenger basis: \$2  
3 per passenger for hire in each bus or van. The term "commercial  
4 service airports" means those airports receiving scheduled  
5 passenger service and enplaning more than 100,000 passengers  
6 per year.

7 In the ordinance imposing the tax, the Authority may  
8 provide for the administration and enforcement of the tax and  
9 the collection of the tax from persons subject to the tax as  
10 the Authority determines to be necessary or practicable for the  
11 effective administration of the tax. The Authority may enter  
12 into agreements as it deems appropriate with any governmental  
13 agency providing for that agency to act as the Authority's  
14 agent to collect the tax.

15 In the ordinance imposing the tax, the Authority may  
16 designate a method or methods for persons subject to the tax to  
17 reimburse themselves for the tax liability arising under the  
18 ordinance (i) by separately stating the full amount of the tax  
19 liability as an additional charge to passengers departing the  
20 airports, (ii) by separately stating one-half of the tax  
21 liability as an additional charge to both passengers departing  
22 from and to passengers arriving at the airports, or (iii) by  
23 some other method determined by the Authority.

24 All taxes, penalties, and interest collected under any  
25 ordinance adopted under this subsection, less any amounts  
26 determined to be necessary for the payment of refunds and less

1 the taxes, penalties, and interest attributable to any increase  
2 in the rate of tax authorized by Public Act 96-898, shall be  
3 paid forthwith to the State Treasurer, ex officio, for deposit  
4 into a trust fund held outside the State Treasury and shall be  
5 administered by the State Treasurer as provided in subsection  
6 (g) of this Section. All taxes, penalties, and interest  
7 attributable to any increase in the rate of tax authorized by  
8 Public Act 96-898 shall be paid by the State Treasurer as  
9 follows: 25% for deposit into the Convention Center Support  
10 Fund, to be used by the Village of Rosemont for the repair,  
11 maintenance, and improvement of the Donald E. Stephens  
12 Convention Center and for debt service on debt instruments  
13 issued for those purposes by the village and 75% to the  
14 Authority to be used for grants to an organization meeting the  
15 qualifications set out in Section 5.6 of this Act, provided the  
16 Metropolitan Pier and Exposition Authority has entered into a  
17 marketing agreement with such an organization.

18 (g) Amounts deposited from the proceeds of taxes imposed by  
19 the Authority under subsections (b), (c), (d), (e), and (f) of  
20 this Section and amounts deposited under Section 19 of the  
21 Illinois Sports Facilities Authority Act shall be held in a  
22 trust fund outside the State Treasury and, other than the  
23 amounts transferred into the Tax Compliance and Administration  
24 Fund under subsections (b), (c), (d), and (e), shall be  
25 administered by the Treasurer as follows:

26 (1) An amount necessary for the payment of refunds with

1           respect to those taxes shall be retained in the trust fund  
2           and used for those payments.

3           (2) On July 20 and on the 20th of each month  
4           thereafter, provided that the amount requested in the  
5           annual certificate of the Chairman of the Authority filed  
6           under Section 8.25f of the State Finance Act has been  
7           appropriated for payment to the Authority, 1/8 of the local  
8           tax transfer amount, together with any cumulative  
9           deficiencies in the amounts transferred into the McCormick  
10          Place Expansion Project Fund under this subparagraph (2)  
11          during the fiscal year for which the certificate has been  
12          filed, shall be transferred from the trust fund into the  
13          McCormick Place Expansion Project Fund in the State  
14          treasury until 100% of the local tax transfer amount has  
15          been so transferred. "Local tax transfer amount" shall mean  
16          the amount requested in the annual certificate, minus the  
17          reduction amount. "Reduction amount" shall mean \$41.7  
18          million in fiscal year 2011, \$36.7 million in fiscal year  
19          2012, \$36.7 million in fiscal year 2013, \$36.7 million in  
20          fiscal year 2014, and \$31.7 million in each fiscal year  
21          thereafter until 2032, provided that the reduction amount  
22          shall be reduced by (i) the amount certified by the  
23          Authority to the State Comptroller and State Treasurer  
24          under Section 8.25 of the State Finance Act, as amended,  
25          with respect to that fiscal year and (ii) in any fiscal  
26          year in which the amounts deposited in the trust fund under



1       this Section exceed \$318.3 million, exclusive of amounts  
2       set aside for refunds and for the reserve account, one  
3       dollar for each dollar of the deposits in the trust fund  
4       above \$318.3 million with respect to that year, exclusive  
5       of amounts set aside for refunds and for the reserve  
6       account.

7           (3) On July 20, 2010, the Comptroller shall certify to  
8       the Governor, the Treasurer, and the Chairman of the  
9       Authority the 2010 deficiency amount, which means the  
10      cumulative amount of transfers that were due from the trust  
11      fund to the McCormick Place Expansion Project Fund in  
12      fiscal years 2008, 2009, and 2010 under Section 13(g) of  
13      this Act, as it existed prior to May 27, 2010 (the  
14      effective date of Public Act 96-898), but not made. On July  
15      20, 2011 and on July 20 of each year through July 20, 2014,  
16      the Treasurer shall calculate for the previous fiscal year  
17      the surplus revenues in the trust fund and pay that amount  
18      to the Authority. On July 20, 2015 and on July 20 of each  
19      year thereafter to and including July 20, 2017, as long as  
20      bonds and notes issued under Section 13.2 or bonds and  
21      notes issued to refund those bonds and notes are  
22      outstanding, the Treasurer shall calculate for the  
23      previous fiscal year the surplus revenues in the trust fund  
24      and pay one-half of that amount to the State Treasurer for  
25      deposit into the General Revenue Fund until the 2010  
26      deficiency amount has been paid and shall pay the balance

1 of the surplus revenues to the Authority. On July 20, 2018  
2 and on July 20 of each year thereafter, the Treasurer shall  
3 calculate for the previous fiscal year the surplus revenues  
4 in the trust fund and pay all of such surplus revenues to  
5 the State Treasurer for deposit into the General Revenue  
6 Fund until the 2010 deficiency amount has been paid. After  
7 the 2010 deficiency amount has been paid, the Treasurer  
8 shall pay the balance of the surplus revenues to the  
9 Authority. "Surplus revenues" means the amounts remaining  
10 in the trust fund on June 30 of the previous fiscal year  
11 (A) after the State Treasurer has set aside in the trust  
12 fund (i) amounts retained for refunds under subparagraph  
13 (1) and (ii) any amounts necessary to meet the reserve  
14 account amount and (B) after the State Treasurer has  
15 transferred from the trust fund to the General Revenue Fund  
16 100% of any post-2010 deficiency amount. "Reserve account  
17 amount" means \$15 million in fiscal year 2011 and \$30  
18 million in each fiscal year thereafter. The reserve account  
19 amount shall be set aside in the trust fund and used as a  
20 reserve to be transferred to the McCormick Place Expansion  
21 Project Fund in the event the proceeds of taxes imposed  
22 under this Section 13 are not sufficient to fund the  
23 transfer required in subparagraph (2). "Post-2010  
24 deficiency amount" means any deficiency in transfers from  
25 the trust fund to the McCormick Place Expansion Project  
26 Fund with respect to fiscal years 2011 and thereafter. It

1 is the intention of this subparagraph (3) that no surplus  
2 revenues shall be paid to the Authority with respect to any  
3 year in which a post-2010 deficiency amount has not been  
4 satisfied by the Authority.

5 Moneys received by the Authority as surplus revenues may be  
6 used (i) for the purposes of paying debt service on the bonds  
7 and notes issued by the Authority, including early redemption  
8 of those bonds or notes, (ii) for the purposes of repair,  
9 replacement, and improvement of the grounds, buildings, and  
10 facilities of the Authority, and (iii) for the corporate  
11 purposes of the Authority in fiscal years 2011 through 2015 in  
12 an amount not to exceed \$20,000,000 annually or \$80,000,000  
13 total, which amount shall be reduced \$0.75 for each dollar of  
14 the receipts of the Authority in that year from any contract  
15 entered into with respect to naming rights at McCormick Place  
16 under Section 5(m) of this Act. When bonds and notes issued  
17 under Section 13.2, or bonds or notes issued to refund those  
18 bonds and notes, are no longer outstanding, the balance in the  
19 trust fund shall be paid to the Authority.

20 (h) The ordinances imposing the taxes authorized by this  
21 Section shall be repealed when bonds and notes issued under  
22 Section 13.2 or bonds and notes issued to refund those bonds  
23 and notes are no longer outstanding.

24 (Source: P.A. 100-23, Article 5, Section 5-35, eff. 7-6-17;  
25 100-23, Article 35, Section 35-25, eff. 7-6-17; 100-587, eff.  
26 6-4-18; 100-863, eff. 8-14-18.)

1 Section 25. The Illinois Sports Facilities Authority Act is  
2 amended by changing Section 19 as follows:

3 (70 ILCS 3205/19) (from Ch. 85, par. 6019)

4 Sec. 19. Tax. The Authority may impose an occupation tax  
5 upon all persons engaged in the City of Chicago in the business  
6 of renting, leasing or letting rooms in a hotel, as defined in  
7 The Hotel Operators' Occupation Tax Act, at a rate not to  
8 exceed 2% of the gross rental receipts from the renting,  
9 leasing or letting of hotel rooms located within the City of  
10 Chicago, excluding, however, from gross rental receipts, the  
11 proceeds of such renting, leasing or letting to permanent  
12 residents of that hotel and proceeds from the tax imposed under  
13 subsection (c) of Section 13 of the Metropolitan Pier and  
14 Exposition Authority Act.

15 The tax imposed by the Authority pursuant to this Section  
16 and all civil penalties that may be assessed as an incident  
17 thereof shall be collected and enforced by the State Department  
18 of Revenue. The certificate of registration which is issued by  
19 the Department to a lessor under The Hotel Operators'  
20 Occupation Tax Act shall permit such registrant to engage in a  
21 business which is taxable under any ordinance or resolution  
22 enacted pursuant to this Section without registering  
23 separately with the Department under such ordinance or  
24 resolution or under this Section. The Department shall have

1 full power to administer and enforce this Section; to collect  
2 all taxes and penalties due hereunder; to dispose of taxes and  
3 penalties so collected in the manner provided in this Section,  
4 and to determine all rights to credit memoranda, arising on  
5 account of the erroneous payment of tax or penalty hereunder.  
6 In the administration of, and compliance with, this Section,  
7 the Department and persons who are subject to this Section  
8 shall have the same rights, remedies, privileges, immunities,  
9 powers and duties, and be subject to the same conditions,  
10 restrictions, limitations, penalties and definitions of terms,  
11 and employ the same modes of procedure, as are prescribed in  
12 The Hotel Operators' Occupation Tax Act (except where that Act  
13 is inconsistent herewith), as the same is now or may hereafter  
14 be amended, as fully as if the provisions contained in The  
15 Hotel Operators' Occupation Tax Act were set forth herein.

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

24 Persons subject to any tax imposed pursuant to authority  
25 granted by this Section may reimburse themselves for their tax  
26 liability for such tax by separately stating such tax as an

1 additional charge, which charge may be stated in combination,  
2 in a single amount, with State tax imposed under The Hotel  
3 Operators' Occupation Tax Act, the municipal tax imposed under  
4 Section 8-3-13 of the Illinois Municipal Code, and the tax  
5 imposed under Section 13 of the Metropolitan Pier and  
6 Exposition Authority Act.

7 The Department shall forthwith pay over to the State  
8 Treasurer, ex-officio, as trustee for the Authority, all taxes  
9 and penalties collected hereunder for deposit in a trust fund  
10 outside the State Treasury. On or before the 25th day of each  
11 calendar month, the Department shall certify to the Comptroller  
12 the amount to be paid to or on behalf of the Authority from  
13 amounts collected hereunder by the Department, and deposited  
14 into such trust fund during the second preceding calendar  
15 month. The amount to be paid to or on behalf of the Authority  
16 shall be the amount (not including credit memoranda) collected  
17 hereunder during such second preceding calendar month by the  
18 Department, less an amount equal to the amount of refunds  
19 authorized during such second preceding calendar month by the  
20 Department on behalf of the Authority, and less 4% of such  
21 balance, which sum shall be retained by the State Treasurer to  
22 cover the costs incurred by the Department in administering and  
23 enforcing the provisions of this Section, as provided herein.  
24 Each such monthly certification by the Department shall also  
25 certify to the Comptroller the amount to be so retained by the  
26 State Treasurer for payment into the General Revenue Fund of

1 the State Treasury.

2 Each monthly certification by the Department shall  
3 certify, of the amount paid to or on behalf of the Authority,  
4 (i) the portion to be paid to the Authority, (ii) the portion  
5 to be paid into the General Revenue Fund of the State Treasury  
6 on behalf of the Authority as repayment of amounts advanced to  
7 the Authority pursuant to appropriation from the Illinois  
8 Sports Facilities Fund.

9 With respect to each State fiscal year, of the total amount  
10 to be paid to or on behalf of the Authority, the Department  
11 shall certify that payments shall first be made directly to the  
12 Authority in an amount equal to any difference between the  
13 annual amount certified by the Chairman of the Authority  
14 pursuant to Section 8.25-4 of the State Finance Act and the  
15 amount appropriated to the Authority from the Illinois Sports  
16 Facilities Fund. Next, the Department shall certify that  
17 payment shall be made into the General Revenue Fund of the  
18 State Treasury in an amount equal to the difference between (i)  
19 the lesser of (x) the amount appropriated from the Illinois  
20 Sports Facilities Fund to the Authority and (y) the annual  
21 amount certified by the Chairman of the Authority pursuant to  
22 Section 8.25-4 of the State Finance Act and (ii) \$10,000,000.  
23 The Department shall certify that all additional amounts shall  
24 be paid to the Authority and used for its corporate purposes.

25 Within 10 days after receipt, by the Comptroller, of the  
26 Department's monthly certification of amounts to be paid to or

1 on behalf of the Authority and amounts to be paid into the  
2 General Revenue Fund, the Comptroller shall cause the warrants  
3 to be drawn for the respective amounts in accordance with the  
4 directions contained in such certification.

5 Amounts collected by the Department and paid to the  
6 Authority pursuant to this Section shall be used for the  
7 corporate purposes of the Authority. On June 15, 1992 and on  
8 each June 15 thereafter, the Authority shall repay to the State  
9 Treasurer all amounts paid to it under this Section and  
10 otherwise remaining available to the Authority after providing  
11 for (i) payment of principal and interest on, and other  
12 payments related to, its obligations issued or to be issued  
13 under Section 13 of the Act, including any deposits required to  
14 reserve funds created under any indenture or resolution  
15 authorizing issuance of the obligations and payments to  
16 providers of credit enhancement, (ii) payment of obligations  
17 under the provisions of any management agreement with respect  
18 to a facility or facilities owned by the Authority or of any  
19 assistance agreement with respect to any facility for which  
20 financial assistance is provided under this Act, and payment of  
21 other capital and operating expenses of the Authority,  
22 including any deposits required to reserve funds created for  
23 repair and replacement of capital assets and to meet the  
24 obligations of the Authority under any management agreement or  
25 assistance agreement. Amounts repaid by the Authority to the  
26 State Treasurer hereunder shall be treated as repayment of



1 amounts deposited into the Illinois Sports Facilities Fund and  
2 credited to the Subsidy Account and used for the corporate  
3 purposes of the Authority. The State Treasurer shall deposit  
4 \$5,000,000 of the amount received into the General Revenue  
5 Fund; thereafter, at the beginning of each fiscal year the  
6 State Treasurer shall certify to the State Comptroller for all  
7 prior fiscal years the cumulative amount of any deficiencies in  
8 repayments to the City of Chicago of amounts in the Local  
9 Government Distributive Fund that would otherwise have been  
10 allocated to the City of Chicago under the State Revenue  
11 Sharing Act but instead were paid into the General Revenue Fund  
12 under Section 6 of the Hotel Operators' Occupation Tax Act and  
13 that have not been reimbursed, and the Comptroller shall,  
14 during the fiscal year at the beginning of which the  
15 certification was made, cause warrants to be drawn from the  
16 amount received for the repayment of that cumulative amount to  
17 the City of Chicago until that cumulative amount has been fully  
18 reimbursed; thereafter, the State Treasurer shall deposit the  
19 balance of the amount received into the trust fund established  
20 outside the State Treasury under subsection (g) of Section 13  
21 of the Metropolitan Pier and Exposition Authority Act.

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

26 An ordinance or resolution imposing or discontinuing a tax

1 hereunder or effecting a change in the rate thereof shall be  
2 effective on the first day of the second calendar month next  
3 following the month in which the ordinance or resolution is  
4 passed.

5 If the Authority levies a tax authorized by this Section it  
6 shall transmit to the Department of Revenue not later than 5  
7 days after the adoption of the ordinance or resolution a  
8 certified copy of the ordinance or resolution imposing such tax  
9 whereupon the Department of Revenue shall proceed to administer  
10 and enforce this Section on behalf of the Authority. Upon a  
11 change in rate of a tax levied hereunder, or upon the  
12 discontinuance of the tax, the Authority shall not later than 5  
13 days after the effective date of the ordinance or resolution  
14 discontinuing the tax or effecting a change in rate transmit to  
15 the Department of Revenue a certified copy of the ordinance or  
16 resolution effecting such change or discontinuance.

17 Notwithstanding any other provision of law, the tax is not  
18 imposed on the renting, leasing, or letting of hotel rooms to  
19 the American Red Cross for the provision or coordination of  
20 disaster relief services. This exemption for the renting,  
21 leasing, or letting of hotel rooms to the American Red Cross  
22 shall not apply except during the provision or coordination of  
23 disaster relief services.

24 (Source: P.A. 91-935, eff. 6-1-01.)

25 Section 30. The Downstate Illinois Sports Facilities

1 Authority Act is amended by changing Section 105 as follows:

2 (70 ILCS 3210/105)

3 Sec. 105. Tax. The Authority may impose an occupation tax  
4 upon all persons engaged in the business of renting, leasing,  
5 or letting rooms in a hotel, as defined in the Hotel Operators'  
6 Occupation Tax Act, at a rate not to exceed 2% of the gross  
7 rental receipts from the renting, leasing or letting of hotel  
8 rooms. The taxing may be imposed, however, only if approved by  
9 ordinance of the municipality within which the tax is to be  
10 imposed.

11 The tax imposed by the Authority pursuant to this Section  
12 and all civil penalties that may be assessed as an incident  
13 thereof shall be collected and enforced by the State Department  
14 of Revenue. The certificate of registration which is issued by  
15 the Department to a lessor under the Hotel Operators'  
16 Occupation Tax Act shall permit such registrant to engage in a  
17 business which is taxable under any ordinance or resolution  
18 enacted pursuant to this Section without registering  
19 separately with the Department under such ordinance or  
20 resolution or under this Section. The Department shall have  
21 full power to administer and enforce this Section; to collect  
22 all taxes and penalties due hereunder; to dispose of taxes and  
23 penalties so collected in the manner provided in this Section,  
24 and to determine all rights to credit memoranda, arising on  
25 account of the erroneous payment of tax or penalty hereunder.

1 In the administration of, and compliance with, this Section,  
2 the Department and persons who are subject to this Section  
3 shall have the same rights, remedies, privileges, immunities,  
4 powers and duties, and be subject to the same conditions,  
5 restrictions, limitations, penalties and definitions of terms,  
6 and employ the same modes of procedure, as are prescribed in  
7 the Hotel Operators' Occupation Tax Act (except where that Act  
8 is inconsistent herewith), as the same is now or may hereafter  
9 be amended, as fully as if the provisions contained in the  
10 Hotel Operators' Occupation Tax Act were set forth herein.

11 Whenever the Department determines that a refund should be  
12 made under this Section to a claimant instead of issuing a  
13 credit memorandum, the Department shall notify the State  
14 Comptroller, who shall cause the warrant to be drawn for the  
15 amount specified, and to the person named, in such notification  
16 from the Department. Such refund shall be paid by the State  
17 Treasurer out of the amounts held by the State Treasurer as  
18 trustee for the Authority.

19 Persons subject to any tax imposed pursuant to authority  
20 granted by this Section may reimburse themselves for their tax  
21 liability for such tax by separately stating such tax as an  
22 additional charge, which charge may be stated in combination,  
23 in a single amount, with State tax imposed under the Hotel  
24 Operators' Occupation Tax Act.

25 The Department shall forthwith pay over to the State  
26 Treasurer, ex-officio, as trustee for the Authority, all taxes

1 and penalties collected hereunder for deposit in a trust fund  
2 outside the State Treasury. On or before the 25th day of each  
3 calendar month, the Department shall certify to the Comptroller  
4 the amount to be paid to or on behalf of the Authority from  
5 amounts collected hereunder by the Department, and deposited  
6 into such trust fund during the second preceding calendar  
7 month. The amount to be paid to or on behalf of the Authority  
8 shall be the amount (not including credit memoranda) collected  
9 hereunder during such second preceding calendar month by the  
10 Department, less an amount equal to the amount of refunds  
11 authorized during such second preceding calendar month by the  
12 Department on behalf of the Authority, and less 4% of such  
13 balance, which sum shall be retained by the State Treasurer to  
14 cover the costs incurred by the Department in administering and  
15 enforcing the provisions of this Section, as provided herein.  
16 Each such monthly certification by the Department shall also  
17 certify to the Comptroller the amount to be so retained by the  
18 State Treasurer for payment into the General Revenue Fund of  
19 the State Treasury.

20 Amounts collected by the Department and paid to the  
21 Authority pursuant to this Section shall be used for the  
22 corporate purposes of the Authority.

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

1           An ordinance or resolution imposing or discontinuing a tax  
2 hereunder or effecting a change in the rate thereof shall be  
3 effective on the first day of the second calendar month next  
4 following the month in which the ordinance or resolution is  
5 passed.

6           If the Authority levies a tax authorized by this Section it  
7 shall transmit to the Department of Revenue not later than 5  
8 days after the adoption of the ordinance or resolution a  
9 certified copy of the ordinance or resolution imposing such tax  
10 whereupon the Department of Revenue shall proceed to administer  
11 and enforce this Section on behalf of the Authority. Upon a  
12 change in rate of a tax levied hereunder, or upon the  
13 discontinuance of the tax, the Authority shall not later than 5  
14 days after the effective date of the ordinance or resolution  
15 discontinuing the tax or effecting a change in rate transmit to  
16 the Department of Revenue a certified copy of the ordinance or  
17 resolution effecting such change or discontinuance.

18           Notwithstanding any other provision of law, the tax is not  
19 imposed on the renting, leasing, or letting of hotel rooms to  
20 the American Red Cross for the provision or coordination of  
21 disaster relief services. This exemption for the renting or  
22 leasing of hotel rooms to the American Red Cross shall not  
23 apply except during the provision or coordination of disaster  
24 relief services.

25           (Source: P.A. 93-227, eff. 1-1-04.)

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

1 becoming law.