



Filed: 3/11/2010

09600HB5011ham001

LRB096 18267 RCE 37540 a

1 AMENDMENT TO HOUSE BILL 5011

2 AMENDMENT NO. _____. Amend House Bill 5011 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Revenue Sharing Act is amended by
5 changing Section 2 as follows:

6 (30 ILCS 115/2) (from Ch. 85, par. 612)

7 Sec. 2. Allocation and Disbursement.

8 (a) As soon as may be after the first day of each month,
9 the Department of Revenue shall allocate among the several
10 municipalities and counties of this State the amount available
11 in the Local Government Distributive Fund and in the Income Tax
12 Surcharge Local Government Distributive Fund, determined as
13 provided in Sections 1 and 1a above. Except as provided in
14 Sections 13 and 13.1 of this Act, the Department shall then
15 certify such allocations to the State Comptroller, who shall
16 pay over to the several municipalities and counties the

1 respective amounts allocated to them. The amount of such Funds
2 allocable to each such municipality and county shall be in
3 proportion to the number of individual residents of such
4 municipality or county to the total population of the State,
5 determined in each case on the basis of the latest census of
6 the State, municipality or county conducted by the Federal
7 government and certified by the Secretary of State and for
8 annexations to municipalities, the latest Federal, State or
9 municipal census of the annexed area which has been certified
10 by the Department of Revenue. Allocations to the City of
11 Chicago under this Section are subject to Section 6 of the
12 Hotel Operators' Occupation Tax Act. For the purpose of this
13 Section, the number of individual residents of a county shall
14 be reduced by the number of individuals residing therein in
15 municipalities, but the number of individual residents of the
16 State, county and municipality shall reflect the latest census
17 of any of them. The amounts transferred into the Local
18 Government Distributive Fund pursuant to Section 9 of the Use
19 Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the
20 Service Occupation Tax Act, and Section 3 of the Retailers'
21 Occupation Tax Act, each as now or hereafter amended, pursuant
22 to the amendments of such Sections by Public Act 85-1135, shall
23 be distributed as provided in said Sections.

24 (b) It is the intent of the General Assembly that
25 allocations made under this Section shall be made in a fair and
26 equitable manner. Accordingly, the clerk of any municipality to

1 which territory has been annexed, or from which territory has
2 been disconnected, shall notify the Department of Revenue in
3 writing of that annexation or disconnection and shall (1) state
4 the number of residents within the territory that was annexed
5 or disconnected, based on the last census conducted by the
6 federal, State, or municipal government and certified by the
7 Illinois Secretary of State, and (2) furnish therewith a
8 certified copy of the plat of annexation or, in the case of
9 disconnection, the ordinance, final judgment, or resolution of
10 disconnection together with an accurate depiction of the
11 territory disconnected. The county in which the annexed or
12 disconnected territory is located shall verify that the number
13 of residents stated on the written notice that is to be sent to
14 the Department of Revenue is true and accurate. The verified
15 statement of the county shall accompany the written notice.
16 However, if the county does not respond to the municipality's
17 request for verification within 30 days, this verification
18 requirement shall be waived. The written notice shall be
19 provided to the Department of Revenue (1) within 30 days after
20 the effective date of this amendatory Act of the 96th General
21 Assembly for disconnections occurring after January 1, 2007 and
22 before the effective date of this amendatory Act of the 96th
23 General Assembly or (2) within 30 days after the annexation or
24 disconnection for annexations or disconnections occurring on
25 or after the effective date of this amendatory Act of the 96th
26 General Assembly. For purposes of this Section, a disconnection

1 or annexation through court order is deemed to be effective 30
2 days after the entry of a final judgment order, unless stayed
3 pending appeal. Thereafter, the monthly allocation made to the
4 municipality and to any other municipality or county affected
5 by the annexation or disconnection shall be adjusted in
6 accordance with this Section to reflect the change in residency
7 of the residents of the territory that was annexed or
8 disconnected. The adjustment shall be made no later than 30
9 days after the Department of Revenue's receipt of the written
10 notice of annexation or disconnection described in this
11 Section.

12 (Source: P.A. 91-51, eff. 6-30-99; 91-935, eff. 6-1-01.)

13 Section 99. Effective date. This Act takes effect July 1,
14 2010".