

HB3629



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3629

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1030

from Ch. 34, par. 5-1030

Amends the Counties Code, if and only if Senate Bill 1859 of the 98th General Assembly, as introduced in the Senate, becomes law. Provides that a Tourism Facility Board shall be comprised of a representative from the county and from each municipality within the county (rather than each municipality that has approved the imposition of the tax). Effective immediately.

LRB098 11987 OMW 45456 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. If and only if Senate Bill 1859 of the 98th
5 General Assembly, as introduced in the Senate, becomes law,
6 then the Counties Code is amended by changing Section 5-1030 as
7 follows:

8 (55 ILCS 5/5-1030) (from Ch. 34, par. 5-1030)

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

10 (a) The corporate authorities of any county may by
11 ordinance impose a tax upon all persons engaged in such county
12 in the business of renting, leasing or letting rooms in a hotel
13 which is not located within a city, village, or incorporated
14 town that imposes a tax under Section 8-3-14 of the Illinois
15 Municipal Code, as defined in "The Hotel Operators' Occupation
16 Tax Act", at a rate not to exceed 5% of the gross rental
17 receipts from such renting, leasing or letting, excluding,
18 however, from gross rental receipts, the proceeds of such
19 renting, leasing or letting to permanent residents of that
20 hotel, and may provide for the administration and enforcement
21 of the tax, and for the collection thereof from the persons
22 subject to the tax, as the corporate authorities determine to
23 be necessary or practicable for the effective administration of

1 the tax.

2 (b) With the consent of municipalities representing at
3 least 67% of the population of Winnebago County, as determined
4 by the 2010 federal decennial census and as expressed by
5 resolution of the corporate authorities of those
6 municipalities, the county board of Winnebago County may, by
7 ordinance, impose a tax upon all persons engaged in the county
8 in the business of renting, leasing, or letting rooms in a
9 hotel that imposes a tax under Section 8-3-14 of the Illinois
10 Municipal Code, as defined in "The Hotel Operators' Occupation
11 Tax Act", at a rate not to exceed 2% of the gross rental
12 receipts from renting, leasing, or letting, excluding,
13 however, from gross rental receipts, the proceeds of the
14 renting, leasing, or letting to permanent residents of that
15 hotel, and may provide for the administration and enforcement
16 of the tax, and for the collection thereof from the persons
17 subject to the tax, as the county board determines to be
18 necessary or practicable for the effective administration of
19 the tax. The tax shall be instituted on a county-wide basis and
20 shall be in addition to any tax imposed by this or any other
21 provision of law. The revenue generated under this subsection
22 shall be accounted for and segregated from all other funds of
23 the county and shall be utilized solely for either: (1)
24 encouraging, supporting, marketing, constructing, or
25 operating, either directly by the county or through other
26 taxing bodies within the county, sports, arts, or other

1 entertainment or tourism facilities or programs for the purpose
2 of promoting tourism, competitiveness, job growth, and for the
3 general health and well-being of the citizens of the county; or
4 (2) payment towards debt services on bonds issued for the
5 purposes set forth in this subsection.

6 (c) A Tourism Facility Board shall be established,
7 comprised of a representative from the county and from each
8 municipality within the county ~~that has approved the imposition~~
9 ~~of the tax under subsection (b) of this Section.~~

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

17 (2) The Board must meet not less frequently than once
18 per year to direct the use of revenues collected from the
19 tax imposed under subsection (b) of this Section that are
20 not already directed for use pursuant to an
21 intergovernmental agreement between the county and another
22 entity represented on the Board, including the ex-officio
23 members, and for any other reason the Board deems
24 necessary. Affirmative actions of the Board shall require a
25 weighted vote of Board members representing not less than
26 67% of the population of the county.

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

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

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

16 An ordinance or resolution imposing a tax hereunder or
17 effecting a change in the rate thereof shall be effective on
18 the first day of the calendar month next following its passage
19 and required publication.

20 The amounts collected by any county pursuant to this
21 Section shall be expended to promote tourism; conventions;
22 expositions; theatrical, sports and cultural activities within
23 that county or otherwise to attract nonresident overnight
24 visitors to the county.

25 Any county may agree with any unit of local government,
26 including any authority defined as a metropolitan exposition,

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

25 (Source: P.A. 86-962; 09800SB1859eng.)

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

1 becoming law.