



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB0278

by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

35 ILCS 5/901

from Ch. 120, par. 9-901

Amends the Illinois Income Tax Act. Provides that, from February 1, 2017 through January 31, 2018, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be: (i) 8.5% of the net revenue realized from the tax imposed on individuals, trusts, and estates, and (ii) 9.355% of the net revenue realized from the tax imposed on corporations. Provides that, from February 1, 2018 through January 31, 2019, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be: (i) 9% of the net revenue realized from the tax imposed on individuals, trusts, and estates, and (ii) 9.57% of the net revenue realized from the tax imposed on corporations. Provides that, from February 1, 2019 through January 31, 2020, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be: (i) 9.5% of the net revenue realized from the tax imposed on individuals, trusts, and estates, and (ii) 9.785% of the net revenue realized from the tax imposed on corporations. Provides that, beginning on February 1, 2020, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 10% of the net revenue realized from the tax imposed on individuals, trusts, estates, and corporations during the preceding month. Effective immediately.

LRB100 04685 HLH 14691 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 Illinois Income Tax Act is amended by  
5 changing Section 901 as follows:

6 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

7 Sec. 901. Collection authority.

8 (a) In general.

9 The Department shall collect the taxes imposed by this Act.  
10 The Department shall collect certified past due child support  
11 amounts under Section 2505-650 of the Department of Revenue Law  
12 (20 ILCS 2505/2505-650). Except as provided in subsections (c),  
13 (e), (f), (g), and (h) of this Section, money collected  
14 pursuant to subsections (a) and (b) of Section 201 of this Act  
15 shall be paid into the General Revenue Fund in the State  
16 treasury; money collected pursuant to subsections (c) and (d)  
17 of Section 201 of this Act shall be paid into the Personal  
18 Property Tax Replacement Fund, a special fund in the State  
19 Treasury; and money collected under Section 2505-650 of the  
20 Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid  
21 into the Child Support Enforcement Trust Fund, a special fund  
22 outside the State Treasury, or to the State Disbursement Unit  
23 established under Section 10-26 of the Illinois Public Aid

1 Code, as directed by the Department of Healthcare and Family  
2 Services.

3 (b) Local Government Distributive Fund.

4 Beginning August 1, 1969, and continuing through June 30,  
5 1994, the Treasurer shall transfer each month from the General  
6 Revenue Fund to a special fund in the State treasury, to be  
7 known as the "Local Government Distributive Fund", an amount  
8 equal to 1/12 of the net revenue realized from the tax imposed  
9 by subsections (a) and (b) of Section 201 of this Act during  
10 the preceding month. Beginning July 1, 1994, and continuing  
11 through June 30, 1995, the Treasurer shall transfer each month  
12 from the General Revenue Fund to the Local Government  
13 Distributive Fund an amount equal to 1/11 of the net revenue  
14 realized from the tax imposed by subsections (a) and (b) of  
15 Section 201 of this Act during the preceding month. Beginning  
16 July 1, 1995 and continuing through January 31, 2011, the  
17 Treasurer shall transfer each month from the General Revenue  
18 Fund to the Local Government Distributive Fund an amount equal  
19 to the net of (i) 1/10 of the net revenue realized from the tax  
20 imposed by subsections (a) and (b) of Section 201 of the  
21 Illinois Income Tax Act during the preceding month (ii) minus,  
22 beginning July 1, 2003 and ending June 30, 2004, \$6,666,666,  
23 and beginning July 1, 2004, zero. Beginning February 1, 2011,  
24 and continuing through January 31, 2015, the Treasurer shall  
25 transfer each month from the General Revenue Fund to the Local  
26 Government Distributive Fund an amount equal to the sum of (i)

1 6% (10% of the ratio of the 3% individual income tax rate prior  
2 to 2011 to the 5% individual income tax rate after 2010) of the  
3 net revenue realized from the tax imposed by subsections (a)  
4 and (b) of Section 201 of this Act upon individuals, trusts,  
5 and estates during the preceding month and (ii) 6.86% (10% of  
6 the ratio of the 4.8% corporate income tax rate prior to 2011  
7 to the 7% corporate income tax rate after 2010) of the net  
8 revenue realized from the tax imposed by subsections (a) and  
9 (b) of Section 201 of this Act upon corporations during the  
10 preceding month. Beginning February 1, 2015 and continuing  
11 through January 31, 2017 ~~January 31, 2025~~, the Treasurer shall  
12 transfer each month from the General Revenue Fund to the Local  
13 Government Distributive Fund an amount equal to the sum of (i)  
14 8% (10% of the ratio of the 3% individual income tax rate prior  
15 to 2011 to the 3.75% individual income tax rate after 2014) of  
16 the net revenue realized from the tax imposed by subsections  
17 (a) and (b) of Section 201 of this Act upon individuals,  
18 trusts, and estates during the preceding month and (ii) 9.14%  
19 (10% of the ratio of the 4.8% corporate income tax rate prior  
20 to 2011 to the 5.25% corporate income tax rate after 2014) of  
21 the net revenue realized from the tax imposed by subsections  
22 (a) and (b) of Section 201 of this Act upon corporations during  
23 the preceding month. Beginning February 1, 2017 and continuing  
24 through January 31, 2018 ~~February 1, 2025~~, the Treasurer shall  
25 transfer each month from the General Revenue Fund to the Local  
26 Government Distributive Fund an amount equal to the sum of (i)

1 ~~8.5% 9.23%~~ ~~(10% of the ratio of the 3% individual income tax~~  
2 ~~rate prior to 2011 to the 3.25% individual income tax rate~~  
3 ~~after 2024)~~ of the net revenue realized from the tax imposed by  
4 subsections (a) and (b) of Section 201 of this Act upon  
5 individuals, trusts, and estates during the preceding month and  
6 (ii) 9.355% ~~10%~~ of the net revenue realized from the tax  
7 imposed by subsections (a) and (b) of Section 201 of this Act  
8 upon corporations during the preceding month. Beginning  
9 February 1, 2018 and continuing through January 31, 2019, the  
10 Treasurer shall transfer each month from the General Revenue  
11 Fund to the Local Government Distributive Fund an amount equal  
12 to the sum of (i) 9% of the net revenue realized from the tax  
13 imposed by subsections (a) and (b) of Section 201 of this Act  
14 upon individuals, trusts, and estates during the preceding  
15 month and (ii) 9.57% of the net revenue realized from the tax  
16 imposed by subsections (a) and (b) of Section 201 of this Act  
17 upon corporations during the preceding month. Beginning  
18 February 1, 2019 and continuing through January 31, 2020, the  
19 Treasurer shall transfer each month from the General Revenue  
20 Fund to the Local Government Distributive Fund an amount equal  
21 to the sum of (i) 9.5% of the net revenue realized from the tax  
22 imposed by subsections (a) and (b) of Section 201 of this Act  
23 upon individuals, trusts, and estates during the preceding  
24 month and (ii) 9.785% of the net revenue realized from the tax  
25 imposed by subsections (a) and (b) of Section 201 of this Act  
26 upon corporations during the preceding month. Beginning on

1 February 1, 2020, the Treasurer shall transfer each month from  
2 the General Revenue Fund to the Local Government Distributive  
3 Fund an amount equal to 10% of the net revenue realized from  
4 the tax imposed on individuals, trusts, estates, and  
5 corporations by subsections (a) and (b) of Section 201 of the  
6 Illinois Income Tax Act during the preceding month. Net revenue  
7 realized for a month shall be defined as the revenue from the  
8 tax imposed by subsections (a) and (b) of Section 201 of this  
9 Act which is deposited in the General Revenue Fund, the  
10 Education Assistance Fund, the Income Tax Surcharge Local  
11 Government Distributive Fund, the Fund for the Advancement of  
12 Education, and the Commitment to Human Services Fund during the  
13 month minus the amount paid out of the General Revenue Fund in  
14 State warrants during that same month as refunds to taxpayers  
15 for overpayment of liability under the tax imposed by  
16 subsections (a) and (b) of Section 201 of this Act.

17 Beginning on August 26, 2014 (the effective date of Public  
18 Act 98-1052), the Comptroller shall perform the transfers  
19 required by this subsection (b) no later than 60 days after he  
20 or she receives the certification from the Treasurer as  
21 provided in Section 1 of the State Revenue Sharing Act.

22 (c) Deposits Into Income Tax Refund Fund.

23 (1) Beginning on January 1, 1989 and thereafter, the  
24 Department shall deposit a percentage of the amounts  
25 collected pursuant to subsections (a) and (b) (1), (2), and  
26 (3), of Section 201 of this Act into a fund in the State

1 treasury known as the Income Tax Refund Fund. The  
2 Department shall deposit 6% of such amounts during the  
3 period beginning January 1, 1989 and ending on June 30,  
4 1989. Beginning with State fiscal year 1990 and for each  
5 fiscal year thereafter, the percentage deposited into the  
6 Income Tax Refund Fund during a fiscal year shall be the  
7 Annual Percentage. For fiscal years 1999 through 2001, the  
8 Annual Percentage shall be 7.1%. For fiscal year 2003, the  
9 Annual Percentage shall be 8%. For fiscal year 2004, the  
10 Annual Percentage shall be 11.7%. Upon the effective date  
11 of this amendatory Act of the 93rd General Assembly, the  
12 Annual Percentage shall be 10% for fiscal year 2005. For  
13 fiscal year 2006, the Annual Percentage shall be 9.75%. For  
14 fiscal year 2007, the Annual Percentage shall be 9.75%. For  
15 fiscal year 2008, the Annual Percentage shall be 7.75%. For  
16 fiscal year 2009, the Annual Percentage shall be 9.75%. For  
17 fiscal year 2010, the Annual Percentage shall be 9.75%. For  
18 fiscal year 2011, the Annual Percentage shall be 8.75%. For  
19 fiscal year 2012, the Annual Percentage shall be 8.75%. For  
20 fiscal year 2013, the Annual Percentage shall be 9.75%. For  
21 fiscal year 2014, the Annual Percentage shall be 9.5%. For  
22 fiscal year 2015, the Annual Percentage shall be 10%. For  
23 all other fiscal years, the Annual Percentage shall be  
24 calculated as a fraction, the numerator of which shall be  
25 the amount of refunds approved for payment by the  
26 Department during the preceding fiscal year as a result of

1 overpayment of tax liability under subsections (a) and  
2 (b) (1), (2), and (3) of Section 201 of this Act plus the  
3 amount of such refunds remaining approved but unpaid at the  
4 end of the preceding fiscal year, minus the amounts  
5 transferred into the Income Tax Refund Fund from the  
6 Tobacco Settlement Recovery Fund, and the denominator of  
7 which shall be the amounts which will be collected pursuant  
8 to subsections (a) and (b) (1), (2), and (3) of Section 201  
9 of this Act during the preceding fiscal year; except that  
10 in State fiscal year 2002, the Annual Percentage shall in  
11 no event exceed 7.6%. The Director of Revenue shall certify  
12 the Annual Percentage to the Comptroller on the last  
13 business day of the fiscal year immediately preceding the  
14 fiscal year for which it is to be effective.

15 (2) Beginning on January 1, 1989 and thereafter, the  
16 Department shall deposit a percentage of the amounts  
17 collected pursuant to subsections (a) and (b) (6), (7), and  
18 (8), (c) and (d) of Section 201 of this Act into a fund in  
19 the State treasury known as the Income Tax Refund Fund. The  
20 Department shall deposit 18% of such amounts during the  
21 period beginning January 1, 1989 and ending on June 30,  
22 1989. Beginning with State fiscal year 1990 and for each  
23 fiscal year thereafter, the percentage deposited into the  
24 Income Tax Refund Fund during a fiscal year shall be the  
25 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
26 the Annual Percentage shall be 19%. For fiscal year 2003,



1 the Annual Percentage shall be 27%. For fiscal year 2004,  
2 the Annual Percentage shall be 32%. Upon the effective date  
3 of this amendatory Act of the 93rd General Assembly, the  
4 Annual Percentage shall be 24% for fiscal year 2005. For  
5 fiscal year 2006, the Annual Percentage shall be 20%. For  
6 fiscal year 2007, the Annual Percentage shall be 17.5%. For  
7 fiscal year 2008, the Annual Percentage shall be 15.5%. For  
8 fiscal year 2009, the Annual Percentage shall be 17.5%. For  
9 fiscal year 2010, the Annual Percentage shall be 17.5%. For  
10 fiscal year 2011, the Annual Percentage shall be 17.5%. For  
11 fiscal year 2012, the Annual Percentage shall be 17.5%. For  
12 fiscal year 2013, the Annual Percentage shall be 14%. For  
13 fiscal year 2014, the Annual Percentage shall be 13.4%. For  
14 fiscal year 2015, the Annual Percentage shall be 14%. For  
15 all other fiscal years, the Annual Percentage shall be  
16 calculated as a fraction, the numerator of which shall be  
17 the amount of refunds approved for payment by the  
18 Department during the preceding fiscal year as a result of  
19 overpayment of tax liability under subsections (a) and  
20 (b) (6), (7), and (8), (c) and (d) of Section 201 of this  
21 Act plus the amount of such refunds remaining approved but  
22 unpaid at the end of the preceding fiscal year, and the  
23 denominator of which shall be the amounts which will be  
24 collected pursuant to subsections (a) and (b) (6), (7), and  
25 (8), (c) and (d) of Section 201 of this Act during the  
26 preceding fiscal year; except that in State fiscal year

1           2002, the Annual Percentage shall in no event exceed 23%.  
2           The Director of Revenue shall certify the Annual Percentage  
3           to the Comptroller on the last business day of the fiscal  
4           year immediately preceding the fiscal year for which it is  
5           to be effective.

6           (3) The Comptroller shall order transferred and the  
7           Treasurer shall transfer from the Tobacco Settlement  
8           Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
9           in January, 2001, (ii) \$35,000,000 in January, 2002, and  
10          (iii) \$35,000,000 in January, 2003.

11          (d) Expenditures from Income Tax Refund Fund.

12          (1) Beginning January 1, 1989, money in the Income Tax  
13          Refund Fund shall be expended exclusively for the purpose  
14          of paying refunds resulting from overpayment of tax  
15          liability under Section 201 of this Act, for paying rebates  
16          under Section 208.1 in the event that the amounts in the  
17          Homeowners' Tax Relief Fund are insufficient for that  
18          purpose, and for making transfers pursuant to this  
19          subsection (d).

20          (2) The Director shall order payment of refunds  
21          resulting from overpayment of tax liability under Section  
22          201 of this Act from the Income Tax Refund Fund only to the  
23          extent that amounts collected pursuant to Section 201 of  
24          this Act and transfers pursuant to this subsection (d) and  
25          item (3) of subsection (c) have been deposited and retained  
26          in the Fund.

1           (3) As soon as possible after the end of each fiscal  
2 year, the Director shall order transferred and the State  
3 Treasurer and State Comptroller shall transfer from the  
4 Income Tax Refund Fund to the Personal Property Tax  
5 Replacement Fund an amount, certified by the Director to  
6 the Comptroller, equal to the excess of the amount  
7 collected pursuant to subsections (c) and (d) of Section  
8 201 of this Act deposited into the Income Tax Refund Fund  
9 during the fiscal year over the amount of refunds resulting  
10 from overpayment of tax liability under subsections (c) and  
11 (d) of Section 201 of this Act paid from the Income Tax  
12 Refund Fund during the fiscal year.

13           (4) As soon as possible after the end of each fiscal  
14 year, the Director shall order transferred and the State  
15 Treasurer and State Comptroller shall transfer from the  
16 Personal Property Tax Replacement Fund to the Income Tax  
17 Refund Fund an amount, certified by the Director to the  
18 Comptroller, equal to the excess of the amount of refunds  
19 resulting from overpayment of tax liability under  
20 subsections (c) and (d) of Section 201 of this Act paid  
21 from the Income Tax Refund Fund during the fiscal year over  
22 the amount collected pursuant to subsections (c) and (d) of  
23 Section 201 of this Act deposited into the Income Tax  
24 Refund Fund during the fiscal year.

25           (4.5) As soon as possible after the end of fiscal year  
26 1999 and of each fiscal year thereafter, the Director shall

1 order transferred and the State Treasurer and State  
2 Comptroller shall transfer from the Income Tax Refund Fund  
3 to the General Revenue Fund any surplus remaining in the  
4 Income Tax Refund Fund as of the end of such fiscal year;  
5 excluding for fiscal years 2000, 2001, and 2002 amounts  
6 attributable to transfers under item (3) of subsection (c)  
7 less refunds resulting from the earned income tax credit.

8 (5) This Act shall constitute an irrevocable and  
9 continuing appropriation from the Income Tax Refund Fund  
10 for the purpose of paying refunds upon the order of the  
11 Director in accordance with the provisions of this Section.

12 (e) Deposits into the Education Assistance Fund and the  
13 Income Tax Surcharge Local Government Distributive Fund.

14 On July 1, 1991, and thereafter, of the amounts collected  
15 pursuant to subsections (a) and (b) of Section 201 of this Act,  
16 minus deposits into the Income Tax Refund Fund, the Department  
17 shall deposit 7.3% into the Education Assistance Fund in the  
18 State Treasury. Beginning July 1, 1991, and continuing through  
19 January 31, 1993, of the amounts collected pursuant to  
20 subsections (a) and (b) of Section 201 of the Illinois Income  
21 Tax Act, minus deposits into the Income Tax Refund Fund, the  
22 Department shall deposit 3.0% into the Income Tax Surcharge  
23 Local Government Distributive Fund in the State Treasury.  
24 Beginning February 1, 1993 and continuing through June 30,  
25 1993, of the amounts collected pursuant to subsections (a) and  
26 (b) of Section 201 of the Illinois Income Tax Act, minus

1 deposits into the Income Tax Refund Fund, the Department shall  
2 deposit 4.4% into the Income Tax Surcharge Local Government  
3 Distributive Fund in the State Treasury. Beginning July 1,  
4 1993, and continuing through June 30, 1994, of the amounts  
5 collected under subsections (a) and (b) of Section 201 of this  
6 Act, minus deposits into the Income Tax Refund Fund, the  
7 Department shall deposit 1.475% into the Income Tax Surcharge  
8 Local Government Distributive Fund in the State Treasury.

9 (f) Deposits into the Fund for the Advancement of  
10 Education. Beginning February 1, 2015, the Department shall  
11 deposit the following portions of the revenue realized from the  
12 tax imposed upon individuals, trusts, and estates by  
13 subsections (a) and (b) of Section 201 of this Act during the  
14 preceding month, minus deposits into the Income Tax Refund  
15 Fund, into the Fund for the Advancement of Education:

16 (1) beginning February 1, 2015, and prior to February  
17 1, 2025, 1/30; and

18 (2) beginning February 1, 2025, 1/26.

19 If the rate of tax imposed by subsection (a) and (b) of  
20 Section 201 is reduced pursuant to Section 201.5 of this Act,  
21 the Department shall not make the deposits required by this  
22 subsection (f) on or after the effective date of the reduction.

23 (g) Deposits into the Commitment to Human Services Fund.  
24 Beginning February 1, 2015, the Department shall deposit the  
25 following portions of the revenue realized from the tax imposed  
26 upon individuals, trusts, and estates by subsections (a) and

1 (b) of Section 201 of this Act during the preceding month,  
2 minus deposits into the Income Tax Refund Fund, into the  
3 Commitment to Human Services Fund:

4 (1) beginning February 1, 2015, and prior to February  
5 1, 2025, 1/30; and

6 (2) beginning February 1, 2025, 1/26.

7 If the rate of tax imposed by subsection (a) and (b) of  
8 Section 201 is reduced pursuant to Section 201.5 of this Act,  
9 the Department shall not make the deposits required by this  
10 subsection (g) on or after the effective date of the reduction.

11 (h) Deposits into the Tax Compliance and Administration  
12 Fund. Beginning on the first day of the first calendar month to  
13 occur on or after August 26, 2014 (the effective date of Public  
14 Act 98-1098), each month the Department shall pay into the Tax  
15 Compliance and Administration Fund, to be used, subject to  
16 appropriation, to fund additional auditors and compliance  
17 personnel at the Department, an amount equal to 1/12 of 5% of  
18 the cash receipts collected during the preceding fiscal year by  
19 the Audit Bureau of the Department from the tax imposed by  
20 subsections (a), (b), (c), and (d) of Section 201 of this Act,  
21 net of deposits into the Income Tax Refund Fund made from those  
22 cash receipts.

23 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14;  
24 98-1052, eff. 8-26-14; 98-1098, eff. 8-26-14; 99-78, eff.  
25 7-20-15.)

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

1 becoming law.