



Sen. Donne E. Trotter

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09900HB0200sam001

LRB099 03515 HLH 36112 a

1 AMENDMENT TO HOUSE BILL 200

2 AMENDMENT NO. _____. Amend House Bill 200 by replacing
3 everything after the enacting clause with the following:

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)

1 of Section 201 of this Act shall be paid into the Personal
2 Property Tax Replacement Fund, a special fund in the State
3 Treasury; and money collected under Section 2505-650 of the
4 Department of Revenue Law (20 ILCS 2505/2505-650) shall be paid
5 into the Child Support Enforcement Trust Fund, a special fund
6 outside the State Treasury, or to the State Disbursement Unit
7 established under Section 10-26 of the Illinois Public Aid
8 Code, as directed by the Department of Healthcare and Family
9 Services.

10 (b) Local Government Distributive Fund.

11 Beginning August 1, 1969, and continuing through June 30,
12 1994, the Treasurer shall transfer each month from the General
13 Revenue Fund to a special fund in the State treasury, to be
14 known as the "Local Government Distributive Fund", an amount
15 equal to 1/12 of the net revenue realized from the tax imposed
16 by subsections (a) and (b) of Section 201 of this Act during
17 the preceding month. Beginning July 1, 1994, and continuing
18 through June 30, 1995, the Treasurer shall transfer each month
19 from the General Revenue Fund to the Local Government
20 Distributive Fund an amount equal to 1/11 of the net revenue
21 realized from the tax imposed by subsections (a) and (b) of
22 Section 201 of this Act during the preceding month. Beginning
23 July 1, 1995 and continuing through January 31, 2011, the
24 Treasurer shall transfer each month from the General Revenue
25 Fund to the Local Government Distributive Fund an amount equal
26 to the net of (i) 1/10 of the net revenue realized from the tax

1 imposed by subsections (a) and (b) of Section 201 of the
2 Illinois Income Tax Act during the preceding month (ii) minus,
3 beginning July 1, 2003 and ending June 30, 2004, \$6,666,666,
4 and beginning July 1, 2004, zero. Beginning February 1, 2011,
5 and continuing through January 31, 2015, the Treasurer shall
6 transfer each month from the General Revenue Fund to the Local
7 Government Distributive Fund an amount equal to the sum of (i)
8 6% (10% of the ratio of the 3% individual income tax rate prior
9 to 2011 to the 5% individual income tax rate after 2010) of the
10 net revenue realized from the tax imposed by subsections (a)
11 and (b) of Section 201 of this Act upon individuals, trusts,
12 and estates during the preceding month and (ii) 6.86% (10% of
13 the ratio of the 4.8% corporate income tax rate prior to 2011
14 to the 7% corporate income tax rate after 2010) of the net
15 revenue realized from the tax imposed by subsections (a) and
16 (b) of Section 201 of this Act upon corporations during the
17 preceding month. Beginning February 1, 2015 and continuing
18 through June 30, 2015 ~~January 31, 2025~~, the Treasurer shall
19 transfer each month from the General Revenue Fund to the Local
20 Government Distributive Fund an amount equal to the sum of (i)
21 8% (10% of the ratio of the 3% individual income tax rate prior
22 to 2011 to the 3.75% individual income tax rate after 2014) of
23 the net revenue realized from the tax imposed by subsections
24 (a) and (b) of Section 201 of this Act upon individuals,
25 trusts, and estates during the preceding month and (ii) 9.14%
26 (10% of the ratio of the 4.8% corporate income tax rate prior

1 to 2011 to the 5.25% corporate income tax rate after 2014) of
2 the net revenue realized from the tax imposed by subsections
3 (a) and (b) of Section 201 of this Act upon corporations during
4 the preceding month. Beginning July 1, 2015 and continuing
5 through June 30, 2016, the Treasurer shall transfer each month
6 from the General Revenue Fund to the Local Government
7 Distributive Fund an amount equal to the sum of (i) 4% (5% of
8 the ratio of the 3% individual income tax rate prior to 2011 to
9 the 3.75% individual income tax rate after 2014) of the net
10 revenue realized from the tax imposed by subsections (a) and
11 (b) of Section 201 of this Act upon individuals, trusts, and
12 estates during the preceding month and (ii) 4.57% (5% of the
13 ratio of the 4.8% corporate income tax rate prior to 2011 to
14 the 5.25% corporate income tax rate after 2014) of the net
15 revenue realized from the tax imposed by subsections (a) and
16 (b) of Section 201 of this Act upon corporations during the
17 preceding month. Beginning July 1, 2016 and continuing through
18 January 31, 2025, the Treasurer shall transfer each month from
19 the General Revenue Fund to the Local Government Distributive
20 Fund an amount equal to the sum of (i) 8% (10% of the ratio of
21 the 3% individual income tax rate prior to 2011 to the 3.75%
22 individual income tax rate after 2014) of the net revenue
23 realized from the tax imposed by subsections (a) and (b) of
24 Section 201 of this Act upon individuals, trusts, and estates
25 during the preceding month and (ii) 9.14% (10% of the ratio of
26 the 4.8% corporate income tax rate prior to 2011 to the 5.25%

1 corporate income tax rate after 2014) of the net revenue
2 realized from the tax imposed by subsections (a) and (b) of
3 Section 201 of this Act upon corporations during the preceding
4 month. Beginning February 1, 2025, the Treasurer shall transfer
5 each month from the General Revenue Fund to the Local
6 Government Distributive Fund an amount equal to the sum of (i)
7 9.23% (10% of the ratio of the 3% individual income tax rate
8 prior to 2011 to the 3.25% individual income tax rate after
9 2024) of the net revenue realized from the tax imposed by
10 subsections (a) and (b) of Section 201 of this Act upon
11 individuals, trusts, and estates during the preceding month and
12 (ii) 10% of the net revenue realized from the tax imposed by
13 subsections (a) and (b) of Section 201 of this Act upon
14 corporations during the preceding month. Net revenue realized
15 for a month shall be defined as the revenue from the tax
16 imposed by subsections (a) and (b) of Section 201 of this Act
17 which is deposited in the General Revenue Fund, the Education
18 Assistance Fund, the Income Tax Surcharge Local Government
19 Distributive Fund, the Fund for the Advancement of Education,
20 and the Commitment to Human Services Fund during the month
21 minus the amount paid out of the General Revenue Fund in State
22 warrants during that same month as refunds to taxpayers for
23 overpayment of liability under the tax imposed by subsections
24 (a) and (b) of Section 201 of this Act.

25 Beginning on August 26, 2014 (the effective date of Public
26 Act 98-1052) ~~this amendatory Act of the 98th General Assembly,~~

1 the Comptroller shall perform the transfers required by this
2 subsection (b) no later than 60 days after he or she receives
3 the certification from the Treasurer as provided in Section 1
4 of the State Revenue Sharing Act.

5 (c) Deposits Into Income Tax Refund Fund.

6 (1) Beginning on January 1, 1989 and thereafter, the
7 Department shall deposit a percentage of the amounts
8 collected pursuant to subsections (a) and (b)(1), (2), and
9 (3), of Section 201 of this Act into a fund in the State
10 treasury known as the Income Tax Refund Fund. The
11 Department shall deposit 6% of such amounts during the
12 period beginning January 1, 1989 and ending on June 30,
13 1989. Beginning with State fiscal year 1990 and for each
14 fiscal year thereafter, the percentage deposited into the
15 Income Tax Refund Fund during a fiscal year shall be the
16 Annual Percentage. For fiscal years 1999 through 2001, the
17 Annual Percentage shall be 7.1%. For fiscal year 2003, the
18 Annual Percentage shall be 8%. For fiscal year 2004, the
19 Annual Percentage shall be 11.7%. Upon the effective date
20 of this amendatory Act of the 93rd General Assembly, the
21 Annual Percentage shall be 10% for fiscal year 2005. For
22 fiscal year 2006, the Annual Percentage shall be 9.75%. For
23 fiscal year 2007, the Annual Percentage shall be 9.75%. For
24 fiscal year 2008, the Annual Percentage shall be 7.75%. For
25 fiscal year 2009, the Annual Percentage shall be 9.75%. For
26 fiscal year 2010, the Annual Percentage shall be 9.75%. For

1 fiscal year 2011, the Annual Percentage shall be 8.75%. For
2 fiscal year 2012, the Annual Percentage shall be 8.75%. For
3 fiscal year 2013, the Annual Percentage shall be 9.75%. For
4 fiscal year 2014, the Annual Percentage shall be 9.5%. For
5 fiscal year 2015, the Annual Percentage shall be 10%. For
6 all other fiscal years, the Annual Percentage shall be
7 calculated as a fraction, the numerator of which shall be
8 the amount of refunds approved for payment by the
9 Department during the preceding fiscal year as a result of
10 overpayment of tax liability under subsections (a) and
11 (b) (1), (2), and (3) of Section 201 of this Act plus the
12 amount of such refunds remaining approved but unpaid at the
13 end of the preceding fiscal year, minus the amounts
14 transferred into the Income Tax Refund Fund from the
15 Tobacco Settlement Recovery Fund, and the denominator of
16 which shall be the amounts which will be collected pursuant
17 to subsections (a) and (b) (1), (2), and (3) of Section 201
18 of this Act during the preceding fiscal year; except that
19 in State fiscal year 2002, the Annual Percentage shall in
20 no event exceed 7.6%. The Director of Revenue shall certify
21 the Annual Percentage to the Comptroller on the last
22 business day of the fiscal year immediately preceding the
23 fiscal year for which it is to be effective.

24 (2) Beginning on January 1, 1989 and thereafter, the
25 Department shall deposit a percentage of the amounts
26 collected pursuant to subsections (a) and (b) (6), (7), and

1 (8), (c) and (d) of Section 201 of this Act into a fund in
2 the State treasury known as the Income Tax Refund Fund. The
3 Department shall deposit 18% of such amounts during the
4 period beginning January 1, 1989 and ending on June 30,
5 1989. Beginning with State fiscal year 1990 and for each
6 fiscal year thereafter, the percentage deposited into the
7 Income Tax Refund Fund during a fiscal year shall be the
8 Annual Percentage. For fiscal years 1999, 2000, and 2001,
9 the Annual Percentage shall be 19%. For fiscal year 2003,
10 the Annual Percentage shall be 27%. For fiscal year 2004,
11 the Annual Percentage shall be 32%. Upon the effective date
12 of this amendatory Act of the 93rd General Assembly, the
13 Annual Percentage shall be 24% for fiscal year 2005. For
14 fiscal year 2006, the Annual Percentage shall be 20%. For
15 fiscal year 2007, the Annual Percentage shall be 17.5%. For
16 fiscal year 2008, the Annual Percentage shall be 15.5%. For
17 fiscal year 2009, the Annual Percentage shall be 17.5%. For
18 fiscal year 2010, the Annual Percentage shall be 17.5%. For
19 fiscal year 2011, the Annual Percentage shall be 17.5%. For
20 fiscal year 2012, the Annual Percentage shall be 17.5%. For
21 fiscal year 2013, the Annual Percentage shall be 14%. For
22 fiscal year 2014, the Annual Percentage shall be 13.4%. For
23 fiscal year 2015, the Annual Percentage shall be 14%. For
24 all other fiscal years, the Annual Percentage shall be
25 calculated as a fraction, the numerator of which shall be
26 the amount of refunds approved for payment by the

1 Department during the preceding fiscal year as a result of
2 overpayment of tax liability under subsections (a) and
3 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
4 Act plus the amount of such refunds remaining approved but
5 unpaid at the end of the preceding fiscal year, and the
6 denominator of which shall be the amounts which will be
7 collected pursuant to subsections (a) and (b) (6), (7), and
8 (8), (c) and (d) of Section 201 of this Act during the
9 preceding fiscal year; except that in State fiscal year
10 2002, the Annual Percentage shall in no event exceed 23%.
11 The Director of Revenue shall certify the Annual Percentage
12 to the Comptroller on the last business day of the fiscal
13 year immediately preceding the fiscal year for which it is
14 to be effective.

15 (3) The Comptroller shall order transferred and the
16 Treasurer shall transfer from the Tobacco Settlement
17 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
18 in January, 2001, (ii) \$35,000,000 in January, 2002, and
19 (iii) \$35,000,000 in January, 2003.

20 (d) Expenditures from Income Tax Refund Fund.

21 (1) Beginning January 1, 1989, money in the Income Tax
22 Refund Fund shall be expended exclusively for the purpose
23 of paying refunds resulting from overpayment of tax
24 liability under Section 201 of this Act, for paying rebates
25 under Section 208.1 in the event that the amounts in the
26 Homeowners' Tax Relief Fund are insufficient for that

1 purpose, and for making transfers pursuant to this
2 subsection (d).

3 (2) The Director shall order payment of refunds
4 resulting from overpayment of tax liability under Section
5 201 of this Act from the Income Tax Refund Fund only to the
6 extent that amounts collected pursuant to Section 201 of
7 this Act and transfers pursuant to this subsection (d) and
8 item (3) of subsection (c) have been deposited and retained
9 in the Fund.

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

22 (4) As soon as possible after the end of each fiscal
23 year, the Director shall order transferred and the State
24 Treasurer and State Comptroller shall transfer from the
25 Personal Property Tax Replacement Fund to the Income Tax
26 Refund Fund an amount, certified by the Director to the

1 Comptroller, equal to the excess of the amount of refunds
2 resulting from overpayment of tax liability under
3 subsections (c) and (d) of Section 201 of this Act paid
4 from the Income Tax Refund Fund during the fiscal year over
5 the amount collected pursuant to subsections (c) and (d) of
6 Section 201 of this Act deposited into the Income Tax
7 Refund Fund during the fiscal year.

8 (4.5) As soon as possible after the end of fiscal year
9 1999 and of each fiscal year thereafter, the Director shall
10 order transferred and the State Treasurer and State
11 Comptroller shall transfer from the Income Tax Refund Fund
12 to the General Revenue Fund any surplus remaining in the
13 Income Tax Refund Fund as of the end of such fiscal year;
14 excluding for fiscal years 2000, 2001, and 2002 amounts
15 attributable to transfers under item (3) of subsection (c)
16 less refunds resulting from the earned income tax credit.

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

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

23 On July 1, 1991, and thereafter, of the amounts collected
24 pursuant to subsections (a) and (b) of Section 201 of this Act,
25 minus deposits into the Income Tax Refund Fund, the Department
26 shall deposit 7.3% into the Education Assistance Fund in the

1 State Treasury. Beginning July 1, 1991, and continuing through
2 January 31, 1993, of the amounts collected pursuant to
3 subsections (a) and (b) of Section 201 of the Illinois Income
4 Tax Act, minus deposits into the Income Tax Refund Fund, the
5 Department shall deposit 3.0% into the Income Tax Surcharge
6 Local Government Distributive Fund in the State Treasury.
7 Beginning February 1, 1993 and continuing through June 30,
8 1993, of the amounts collected pursuant to subsections (a) and
9 (b) of Section 201 of the Illinois Income Tax Act, minus
10 deposits into the Income Tax Refund Fund, the Department shall
11 deposit 4.4% into the Income Tax Surcharge Local Government
12 Distributive Fund in the State Treasury. Beginning July 1,
13 1993, and continuing through June 30, 1994, of the amounts
14 collected under subsections (a) and (b) of Section 201 of this
15 Act, minus deposits into the Income Tax Refund Fund, the
16 Department shall deposit 1.475% into the Income Tax Surcharge
17 Local Government Distributive Fund in the State Treasury.

18 (f) Deposits into the Fund for the Advancement of
19 Education. Beginning February 1, 2015, the Department shall
20 deposit the following portions of the revenue realized from the
21 tax imposed upon individuals, trusts, and estates by
22 subsections (a) and (b) of Section 201 of this Act during the
23 preceding month, minus deposits into the Income Tax Refund
24 Fund, into the Fund for the Advancement of Education:

25 (1) beginning February 1, 2015, and prior to February
26 1, 2025, 1/30; and

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

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

6 (g) Deposits into the Commitment to Human Services Fund.
7 Beginning February 1, 2015, the Department shall deposit the
8 following portions of the revenue realized from the tax imposed
9 upon individuals, trusts, and estates by subsections (a) and
10 (b) of Section 201 of this Act during the preceding month,
11 minus deposits into the Income Tax Refund Fund, into the
12 Commitment to Human Services Fund:

13 (1) beginning February 1, 2015, and prior to February
14 1, 2025, 1/30; and

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

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

20 (h) Deposits into the Tax Compliance and Administration
21 Fund. Beginning on the first day of the first calendar month to
22 occur on or after August 26, 2014 (the effective date of Public
23 Act 98-1098) ~~this amendatory Act of the 98th General Assembly,~~
24 each month the Department shall pay into the Tax Compliance and
25 Administration Fund, to be used, subject to appropriation, to
26 fund additional auditors and compliance personnel at the

1 Department, an amount equal to 1/12 of 5% of the cash receipts
2 collected during the preceding fiscal year by the Audit Bureau
3 of the Department from the tax imposed by subsections (a), (b),
4 (c), and (d) of Section 201 of this Act, net of deposits into
5 the Income Tax Refund Fund made from those cash receipts.

6 (Source: P.A. 97-72, eff. 7-1-11; 97-732, eff. 6-30-12; 98-24,
7 eff. 6-19-13; 98-674, eff. 6-30-14; 98-1052, eff. 8-26-14;
8 98-1098, eff. 8-26-14; revised 9-26-14.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."