

HB1116



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1116

Introduced 1/12/2023, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

35 ILCS 5/901

Amends the Illinois Income Tax Act. Increases the amount transferred from the General Revenue Fund to the Local Government Distributive Fund. Effective immediately.

LRB103 00010 HLH 45010 b

A BILL FOR

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)

7 Sec. 901. Collection authority.

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

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

3 (b) Local Government Distributive Fund.

4 (1) Beginning August 1, 2017 and continuing through
5 July 31, 2022, 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) 6.06%
8 (10% of the ratio of the 3% individual income tax rate
9 prior to 2011 to the 4.95% individual income tax rate
10 after July 1, 2017) of the net revenue realized from the
11 tax imposed by subsections (a) and (b) of Section 201 of
12 this Act upon individuals, trusts, and estates during the
13 preceding month; (ii) 6.85% (10% of the ratio of the 4.8%
14 corporate income tax rate prior to 2011 to the 7%
15 corporate income tax rate after July 1, 2017) of the net
16 revenue realized from the tax imposed by subsections (a)
17 and (b) of Section 201 of this Act upon corporations
18 during the preceding month; and (iii) beginning February
19 1, 2022, 6.06% of the net revenue realized from the tax
20 imposed by subsection (p) of Section 201 of this Act upon
21 electing pass-through entities.

22 (2) Beginning August 1, 2022 and continuing through
23 June 30, 2023, the Treasurer shall transfer each month
24 from the General Revenue Fund to the Local Government
25 Distributive Fund an amount equal to the sum of: (i) 6.16%
26 of the net revenue realized from the tax imposed by

1 subsections (a) and (b) of Section 201 of this Act upon
2 individuals, trusts, and estates during the preceding
3 month; (ii) 6.85% of the net revenue realized from the tax
4 imposed by subsections (a) and (b) of Section 201 of this
5 Act upon corporations during the preceding month; and
6 (iii) 6.16% of the net revenue realized from the tax
7 imposed by subsection (p) of Section 201 of this Act upon
8 electing pass-through entities.

9 (3) Beginning July 1, 2023 and continuing through June
10 30, 2024, the Treasurer shall transfer each month from the
11 General Revenue Fund to the Local Government Distributive
12 Fund an amount equal to the sum of: (i) 8.5% of the net
13 revenue realized from the tax imposed by subsections (a)
14 and (b) of Section 201 of this Act upon individuals,
15 trusts, and estates during the preceding month; (ii)
16 9.355% of the net revenue realized from the tax imposed by
17 subsections (a) and (b) of Section 201 of this Act upon
18 corporations during the preceding month; and (iii) 8.5% of
19 the net revenue realized from the tax imposed by
20 subsection (p) of Section 201 of this Act upon electing
21 pass-through entities.

22 (4) Beginning July 1, 2024 and continuing through June
23 30, 2025, the Treasurer shall transfer each month from the
24 General Revenue Fund to the Local Government Distributive
25 Fund an amount equal to the sum of: (i) 9% of the net
26 revenue realized from the tax imposed by subsections (a)

1 and (b) of Section 201 of this Act upon individuals,
2 trusts, and estates during the preceding month; (ii) 9.57%
3 of the net revenue realized from the tax imposed by
4 subsections (a) and (b) of Section 201 of this Act upon
5 corporations during the preceding month; and (iii) 9% of
6 the net revenue realized from the tax imposed by
7 subsection (p) of Section 201 of this Act upon electing
8 pass-through entities.

9 (5) Beginning July 1, 2025 and continuing through June
10 30, 2026, the Treasurer shall transfer each month from the
11 General Revenue Fund to the Local Government Distributive
12 Fund an amount equal to the sum of: (i) 9.5% of the net
13 revenue realized from the tax imposed by subsections (a)
14 and (b) of Section 201 of this Act upon individuals,
15 trusts, and estates during the preceding month; (ii)
16 9.785% of the net revenue realized from the tax imposed by
17 subsections (a) and (b) of Section 201 of this Act upon
18 corporations during the preceding month; and (iii) 9.5% of
19 the net revenue realized from the tax imposed by
20 subsection (p) of Section 201 of this Act upon electing
21 pass-through entities.

22 (6) Beginning on July 1, 2026, the Treasurer shall
23 transfer each month from the General Revenue Fund to the
24 Local Government Distributive Fund an amount equal to: (i)
25 10% of the net revenue realized from the tax imposed on
26 individuals, trusts, estates, and corporations by

1 subsections (a) and (b) of Section 201 of this Act during
2 the preceding month; and (ii) 10% of the net revenue
3 realized from the tax imposed by subsection (p) of Section
4 201 of this Act upon electing pass-through entities.

5 Net revenue realized for a month shall be defined as the
6 revenue from the tax imposed by subsections (a) and (b) of
7 Section 201 of this Act which is deposited in the General
8 Revenue Fund, the Education Assistance Fund, the Income Tax
9 Surcharge Local Government Distributive Fund, the Fund for the
10 Advancement of Education, and the Commitment to Human Services
11 Fund during the month minus the amount paid out of the General
12 Revenue Fund in State warrants during that same month as
13 refunds to taxpayers for overpayment of liability under the
14 tax imposed by subsections (a) and (b) of Section 201 of this
15 Act.

16 Notwithstanding any provision of law to the contrary,
17 beginning on July 6, 2017 (the effective date of Public Act
18 100-23), those amounts required under this subsection (b) to
19 be transferred by the Treasurer into the Local Government
20 Distributive Fund from the General Revenue Fund shall be
21 directly deposited into the Local Government Distributive Fund
22 as the revenue is realized from the tax imposed by subsections
23 (a) and (b) of Section 201 of this Act.

24 (c) Deposits Into Income Tax Refund Fund.

25 (1) Beginning on January 1, 1989 and thereafter, the
26 Department shall deposit a percentage of the amounts

1 collected pursuant to subsections (a) and (b)(1), (2), and
2 (3) of Section 201 of this Act into a fund in the State
3 treasury known as the Income Tax Refund Fund. Beginning
4 with State fiscal year 1990 and for each fiscal year
5 thereafter, the percentage deposited into the Income Tax
6 Refund Fund during a fiscal year shall be the Annual
7 Percentage. For fiscal year 2011, the Annual Percentage
8 shall be 8.75%. For fiscal year 2012, the Annual
9 Percentage shall be 8.75%. For fiscal year 2013, the
10 Annual Percentage shall be 9.75%. For fiscal year 2014,
11 the Annual Percentage shall be 9.5%. For fiscal year 2015,
12 the Annual Percentage shall be 10%. For fiscal year 2018,
13 the Annual Percentage shall be 9.8%. For fiscal year 2019,
14 the Annual Percentage shall be 9.7%. For fiscal year 2020,
15 the Annual Percentage shall be 9.5%. For fiscal year 2021,
16 the Annual Percentage shall be 9%. For fiscal year 2022,
17 the Annual Percentage shall be 9.25%. For fiscal year
18 2023, the Annual Percentage shall be 9.25%. For all other
19 fiscal years, the Annual Percentage shall be calculated as
20 a fraction, the numerator of which shall be the amount of
21 refunds approved for payment by the Department during the
22 preceding fiscal year as a result of overpayment of tax
23 liability under subsections (a) and (b)(1), (2), and (3)
24 of Section 201 of this Act plus the amount of such refunds
25 remaining approved but unpaid at the end of the preceding
26 fiscal year, minus the amounts transferred into the Income

1 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
2 and the denominator of which shall be the amounts which
3 will be collected pursuant to subsections (a) and (b)(1),
4 (2), and (3) of Section 201 of this Act during the
5 preceding fiscal year; except that in State fiscal year
6 2002, the Annual Percentage shall in no event exceed 7.6%.
7 The Director of Revenue shall certify the Annual
8 Percentage to the Comptroller on the last business day of
9 the fiscal year immediately preceding the fiscal year for
10 which it is to be effective.

11 (2) Beginning on January 1, 1989 and thereafter, the
12 Department shall deposit a percentage of the amounts
13 collected pursuant to subsections (a) and (b)(6), (7), and
14 (8), (c) and (d) of Section 201 of this Act into a fund in
15 the State treasury known as the Income Tax Refund Fund.
16 Beginning with State fiscal year 1990 and for each fiscal
17 year thereafter, the percentage deposited into the Income
18 Tax Refund Fund during a fiscal year shall be the Annual
19 Percentage. For fiscal year 2011, the Annual Percentage
20 shall be 17.5%. For fiscal year 2012, the Annual
21 Percentage shall be 17.5%. For fiscal year 2013, the
22 Annual Percentage shall be 14%. For fiscal year 2014, the
23 Annual Percentage shall be 13.4%. For fiscal year 2015,
24 the Annual Percentage shall be 14%. For fiscal year 2018,
25 the Annual Percentage shall be 17.5%. For fiscal year
26 2019, the Annual Percentage shall be 15.5%. For fiscal

1 year 2020, the Annual Percentage shall be 14.25%. For
2 fiscal year 2021, the Annual Percentage shall be 14%. For
3 fiscal year 2022, the Annual Percentage shall be 15%. For
4 fiscal year 2023, the Annual Percentage shall be 14.5%.
5 For all other fiscal years, the Annual Percentage shall be
6 calculated as a fraction, the numerator of which shall be
7 the amount of refunds approved for payment by the
8 Department during the preceding fiscal year as a result of
9 overpayment of tax liability under subsections (a) and
10 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
11 Act plus the amount of such refunds remaining approved but
12 unpaid at the end of the preceding fiscal year, and the
13 denominator of which shall be the amounts which will be
14 collected pursuant to subsections (a) and (b) (6), (7), and
15 (8), (c) and (d) of Section 201 of this Act during the
16 preceding fiscal year; except that in State fiscal year
17 2002, the Annual Percentage shall in no event exceed 23%.
18 The Director of Revenue shall certify the Annual
19 Percentage to the Comptroller on the last business day of
20 the fiscal year immediately preceding the fiscal year for
21 which it is to be effective.

22 (3) The Comptroller shall order transferred and the
23 Treasurer shall transfer from the Tobacco Settlement
24 Recovery Fund to the Income Tax Refund Fund (i)
25 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
26 2002, and (iii) \$35,000,000 in January, 2003.

1 (d) Expenditures from Income Tax Refund Fund.

2 (1) Beginning January 1, 1989, money in the Income Tax
3 Refund Fund shall be expended exclusively for the purpose
4 of paying refunds resulting from overpayment of tax
5 liability under Section 201 of this Act and for making
6 transfers pursuant to this subsection (d), except that in
7 State fiscal years 2022 and 2023, moneys in the Income Tax
8 Refund Fund shall also be used to pay one-time rebate
9 payments as provided under Sections 208.5 and 212.1.

10 (2) The Director shall order payment of refunds
11 resulting from overpayment of tax liability under Section
12 201 of this Act from the Income Tax Refund Fund only to the
13 extent that amounts collected pursuant to Section 201 of
14 this Act and transfers pursuant to this subsection (d) and
15 item (3) of subsection (c) have been deposited and
16 retained in the Fund.

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

1 subsections (c) and (d) of Section 201 of this Act paid
2 from the Income Tax Refund Fund during the fiscal year.

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

15 (4.5) As soon as possible after the end of fiscal year
16 1999 and of each fiscal year thereafter, the Director
17 shall order transferred and the State Treasurer and State
18 Comptroller shall transfer from the Income Tax Refund Fund
19 to the General Revenue Fund any surplus remaining in the
20 Income Tax Refund Fund as of the end of such fiscal year;
21 excluding for fiscal years 2000, 2001, and 2002 amounts
22 attributable to transfers under item (3) of subsection (c)
23 less refunds resulting from the earned income tax credit,
24 and excluding for fiscal year 2022 amounts attributable to
25 transfers from the General Revenue Fund authorized by
26 Public Act 102-700 ~~this amendatory Act of the 102nd~~

1 ~~General Assembly.~~

2 (5) This Act shall constitute an irrevocable and
3 continuing appropriation from the Income Tax Refund Fund
4 for the purposes of (i) paying refunds upon the order of
5 the Director in accordance with the provisions of this
6 Section and (ii) paying one-time rebate payments under
7 Sections 208.5 and 212.1.

8 (e) Deposits into the Education Assistance Fund and the
9 Income Tax Surcharge Local Government Distributive Fund. On
10 July 1, 1991, and thereafter, of the amounts collected
11 pursuant to subsections (a) and (b) of Section 201 of this Act,
12 minus deposits into the Income Tax Refund Fund, the Department
13 shall deposit 7.3% into the Education Assistance Fund in the
14 State Treasury. Beginning July 1, 1991, and continuing through
15 January 31, 1993, of the amounts collected pursuant to
16 subsections (a) and (b) of Section 201 of the Illinois Income
17 Tax Act, minus deposits into the Income Tax Refund Fund, the
18 Department shall deposit 3.0% into the Income Tax Surcharge
19 Local Government Distributive Fund in the State Treasury.
20 Beginning February 1, 1993 and continuing through June 30,
21 1993, of the amounts collected pursuant to subsections (a) and
22 (b) of Section 201 of the Illinois Income Tax Act, minus
23 deposits into the Income Tax Refund Fund, the Department shall
24 deposit 4.4% into the Income Tax Surcharge Local Government
25 Distributive Fund in the State Treasury. Beginning July 1,
26 1993, and continuing through June 30, 1994, of the amounts

1 collected under subsections (a) and (b) of Section 201 of this
2 Act, minus deposits into the Income Tax Refund Fund, the
3 Department shall deposit 1.475% into the Income Tax Surcharge
4 Local Government Distributive Fund in the State Treasury.

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

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

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

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

20 (g) Deposits into the Commitment to Human Services Fund.
21 Beginning February 1, 2015, the Department shall deposit the
22 following portions of the revenue realized from the tax
23 imposed upon individuals, trusts, and estates by subsections
24 (a) and (b) of Section 201 of this Act, minus deposits into the
25 Income Tax Refund Fund, into the Commitment to Human Services
26 Fund:

1 (1) beginning February 1, 2015, and prior to February
2 1, 2025, 1/30; and

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

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

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

21 (Source: P.A. 101-8, see Section 99 for effective date;
22 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; 101-636, eff.
23 6-10-20; 102-16, eff. 6-17-21; 102-558, eff. 8-20-21; 102-658,
24 eff. 8-27-21; 102-699, eff. 4-19-22; 102-700, eff. 4-19-22;
25 102-813, eff. 5-13-22; revised 8-2-22.)

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

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1 becoming law.