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LRB093 08833 SJM 19861 a

7	1 AMENDMENT	\Box	SENATE	DTTT	1025
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- 2 AMENDMENT NO. ____. Amend Senate Bill 1935 by replacing
- 3 everything after the enacting clause with the following:
- 4 "ARTICLE 1
- 5 Section 1-1. Earned income tax credit; continuation; 6 validation.
- 7 (a) The General Assembly finds and declares:
- 8 (1) Section 212 of the Illinois Income Tax Act
 9 provided for its repeal on June 1, 2003.
- (2) Senate Bill 4 of the 93rd General Assembly, 10 among other things, deleted the language of Section 212 11 repealing that Section on June 1, 2003. Senate Bill 4 12 passed both houses of the General Assembly on May 31, 13 14 2003. Senate Bill 4 was approved by the Governor on August 18, 2003 and took effect on that date as Public 15 Act 93-534. It was the intention of the General Assembly 16 in passing Senate Bill 4 that Section 212 of the Illinois 17 Income Tax Act not be repealed. 18
 - (3) The Statute on Statutes sets forth general rules on the repeal of statutes, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest

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intent of the General Assembly or repugnant to the context of the statute".

- (4) The actions of the General Assembly clearly manifest the intention of the General Assembly not to repeal Section 212 of the Illinois Income Tax Act. Any construction of Public Act 93-534 that results in the repeal of Section 212 of the Illinois Income Tax Act on June 1, 2003 would be inconsistent with the manifest intent of the General Assembly.
- 10 (b) It is hereby declared to have been the intent of the 11 General Assembly, in enacting Public Act 93-534, that Section 12 212 of the Illinois Income Tax Act be changed to, among other 13 things, eliminate its repeal and that it not be subject to 14 repeal on June 1, 2003.
- 15 (c) Section 212 of the Illinois Income Tax Act is deemed 16 to have been in continuous effect since its original 17 effective date, and it shall continue to be in effect until 18 it is otherwise repealed.
 - (d) All otherwise lawful actions taken in reliance on or pursuant to Section 212 of the Illinois Income Tax Act before the effective date of this amendatory Act of the 93rd General Assembly by any officer or agency of State government or any other person or entity are validated.
- (e) To ensure the continuing effectiveness of Section 25 212 of the Illinois Income Tax Act, it is set forth in full 26 and re-enacted by this Act. This re-enactment is intended as 27 a continuation of Section 212 of the Illinois Income Tax Act.
- 28 (f) This Article applies to all claims, actions, 29 proceedings, and returns pending on or filed on, before, or 30 after the effective date of this Act.
- 31 Section 1-5. The Illinois Income Tax Act is amended by 32 re-enacting Section 212 as follows:

- 1 (35 ILCS 5/212)
- 2 Sec. 212. Earned income tax credit.
- 3 (a) With respect to the federal earned income tax credit
- 4 allowed for the taxable year under Section 32 of the federal
- 5 Internal Revenue Code, 26 U.S.C. 32, each individual taxpayer
- 6 is entitled to a credit against the tax imposed by
- 7 subsections (a) and (b) of Section 201 in an amount equal to
- 8 5% of the federal tax credit for each taxable year beginning
- 9 on or after January 1, 2000.
- 10 For a non-resident or part-year resident, the amount of
- 11 the credit under this Section shall be in proportion to the
- 12 amount of income attributable to this State.
- 13 (b) For taxable years beginning before January 1, 2003,
- in no event shall a credit under this Section reduce the
- 15 taxpayer's liability to less than zero. For each taxable
- 16 year beginning on or after January 1, 2003, if the amount of
- 17 the credit exceeds the income tax liability for the
- 18 applicable tax year, then the excess credit shall be refunded
- 19 to the taxpayer. The amount of a refund shall not be
- 20 included in the taxpayer's income or resources for the
- 21 purposes of determining eligibility or benefit level in any
- 22 means-tested benefit program administered by a governmental
- 23 entity unless required by federal law.
- 24 (b-5) Refunds authorized by subsection (b) are subject
- 25 to the availability of funds from the federal Temporary
- 26 Assistance for Needy Families Block Grant and the State's
- ability to meet its required Maintenance of Effort.
- 28 (c) This Section is exempt from the provisions of
- 29 Section 250.
- 30 (Source: P.A. 93-534, eff. 8-18-03.)
- 31 ARTICLE 2
- 32 Section 2-1. The State Finance Act is amended by adding

- 1 Section 8.27a as follows:
- 2 (30 ILCS 105/8.27a new)
- 3 <u>Sec. 8.27a. TANF funds; earned income tax credit. Funds</u>
- 4 <u>from the federal Temporary Assistance for Needy Families</u>
- 5 <u>block grant under Title IV-A of the federal Social Security</u>
- 6 Act designated by the Illinois Department of Human Services
- 7 <u>as reimbursement for expenditures made by the Illinois</u>
- 8 <u>Department of Revenue for the refundable portion of the</u>
- 9 <u>earned income tax credit shall be deposited into the Income</u>
- 10 Tax Refund Fund. Such deposits shall be made as needed on
- 11 approximately the fifteenth calendar day of each month.
- 12 ARTICLE 99
- 13 Section 99-99. Effective date. This Act takes effect
- 14 upon becoming law.".