



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5111

Introduced 1/29/2010, by Rep. Tom Cross - Timothy L. Schmitz -
Michael G. Connelly

SYNOPSIS AS INTRODUCED:

35 ILCS 5/219 new

Amends the Illinois Income Tax Act. Creates a credit in an amount equal to 10%, but in no event to exceed \$1,200, of the gross wages paid by the taxpayer to any person with a developmental disability in the course of that person's sustained employment during the taxable year. Defines "sustained employment" as a period of employment that is not less than 185 days during the taxable year. Exempts the credit from the Act's automatic sunset provision. Effective immediately.

LRB096 19340 HLH 34731 b

FISCAL NOTE ACT
MAY APPLY

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 adding
5 Section 219 as follows:

6 (35 ILCS 5/219 new)

7 Sec. 219. Credit for wages paid to persons with a
8 developmental disability.

9 (a) For each taxable year beginning on or after January 1,
10 2010, each taxpayer is entitled to a credit against the tax
11 imposed by subsections (a) and (b) of Section 201 of this Act
12 in an amount equal to 10%, but in no event to exceed \$1,200, of
13 the gross wages paid by the taxpayer to any person with a
14 developmental disability in the course of that person's
15 sustained employment during the taxable year. For partners,
16 shareholders of Subchapter S corporations, and owners of
17 limited liability companies, if the liability company is
18 treated as a partnership for purposes of federal and State
19 income taxation, there shall be allowed a credit under this
20 Section to be determined in accordance with the determination
21 of income and distributive share of income under Sections 702
22 and 704 and Subchapter S of the Internal Revenue Code.

23 (b) For the purposes of this Section, "developmental

1 disability" means a severe, chronic disability of a person
2 which:

3 (1) is attributable to a mental or physical impairment
4 or combination of mental and physical impairments;

5 (2) is manifested before the person attains age 22;

6 (3) is likely to continue indefinitely; and

7 (4) results in substantial functional limitations in 3
8 or more of the following areas of major life activity: (i)
9 self-care, (ii) receptive and expressive language, (iii)
10 learning, (iv) mobility, (v) self-direction, (vi) capacity
11 for independent living, and (vii) economic
12 self-sufficiency.

13 For the purpose of this Section, "sustained employment"
14 means a period of employment that is not less than 185 days
15 during the taxable year.

16 (c) In no event shall a credit under this Section reduce
17 the taxpayer's liability to less than zero. If the amount of
18 the credit exceeds the tax liability for the year, the excess
19 may be carried forward and applied to the tax liability of the
20 5 taxable years following the excess credit year. The tax
21 credit shall be applied to the earliest year for which there is
22 a tax liability. If there are credits for more than one year
23 that are available to offset a liability, the earlier credit
24 shall be applied first.

25 (d) This Section is exempt from the provisions of Section
26 250.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.