

SB3392



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3392

Introduced 2/14/2020, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

35 ILCS 5/901

Amends the Illinois Income Tax Act. Increases the amount deposited into the Local Government Distributive Fund. Effective immediately.

LRB101 19975 HLH 69501 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
5 changing Section 901 as follows:

6 (35 ILCS 5/901)

7 (Text of Section before amendment by P.A. 101-8)

8 Sec. 901. Collection authority.

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

1 Disbursement Unit established under Section 10-26 of the
2 Illinois Public Aid Code, as directed by the Department of
3 Healthcare and Family Services.

4 (b) Local Government Distributive Fund. Beginning August
5 1, 2017 and continuing through January 31, 2021, the Treasurer
6 shall transfer each month from the General Revenue Fund to the
7 Local Government Distributive Fund an amount equal to the sum
8 of (i) 6.06% (10% of the ratio of the 3% individual income tax
9 rate prior to 2011 to the 4.95% individual income tax rate
10 after July 1, 2017) of the net revenue realized from the tax
11 imposed by subsections (a) and (b) of Section 201 of this Act
12 upon individuals, trusts, and estates during the preceding
13 month and (ii) 6.85% (10% of the ratio of the 4.8% corporate
14 income tax rate prior to 2011 to the 7% corporate income tax
15 rate after July 1, 2017) of the net revenue realized from the
16 tax imposed by subsections (a) and (b) of Section 201 of this
17 Act upon corporations during the preceding month. Beginning
18 February 1, 2021 and continuing through January 31, 2022, the
19 following amounts shall be deposited into the Local Government
20 Distributive Fund: (i) 8.5% of the net revenue realized from
21 the tax imposed by subsections (a) and (b) of Section 201 of
22 this Act upon individuals, trusts, and estates and (ii) 9.355%
23 of the net revenue realized from the tax imposed by subsections
24 (a) and (b) of Section 201 of this Act upon corporations.
25 Beginning February 1, 2022 and continuing through January 31,
26 2023, the following amounts shall be deposited into the Local

1 Government Distributive Fund: (i) 9% of the net revenue
2 realized from the tax imposed by subsections (a) and (b) of
3 Section 201 of this Act upon individuals, trusts, and estates
4 and (ii) 9.57% of the net revenue realized from the tax imposed
5 by subsections (a) and (b) of Section 201 of this Act upon
6 corporations. Beginning February 1, 2023 and continuing
7 through January 31, 2024, the following amounts shall be
8 deposited into the Local Government Distributive Fund: (i) 9.5%
9 of the net revenue realized from the tax imposed by subsections
10 (a) and (b) of Section 201 of this Act upon individuals,
11 trusts, and estates and (ii) 9.785% of the net revenue realized
12 from the tax imposed by subsections (a) and (b) of Section 201
13 of this Act upon corporations. Beginning on February 1, 2024,
14 the following amounts shall be deposited into the Local
15 Government Distributive Fund: 10% of the net revenue realized
16 from the tax imposed on individuals, trusts, estates, and
17 corporations by subsections (a) and (b) of Section 201. Net
18 revenue realized for a month shall be defined as the revenue
19 from the tax imposed by subsections (a) and (b) of Section 201
20 of this Act which is deposited in the General Revenue Fund, the
21 Education Assistance Fund, the Income Tax Surcharge Local
22 Government Distributive Fund, the Fund for the Advancement of
23 Education, and the Commitment to Human Services Fund during the
24 month minus the amount paid out of the General Revenue Fund in
25 State warrants during that same month as refunds to taxpayers
26 for overpayment of liability under the tax imposed by

1 subsections (a) and (b) of Section 201 of this Act.

2 Notwithstanding any provision of law to the contrary,
3 beginning on July 6, 2017 (the effective date of Public Act
4 100-23), those amounts required under this subsection (b) to be
5 transferred by the Treasurer into the Local Government
6 Distributive Fund from the General Revenue Fund shall be
7 directly deposited into the Local Government Distributive Fund
8 as the revenue is realized from the tax imposed by subsections
9 (a) and (b) of Section 201 of this Act.

10 For State fiscal year 2020 only, notwithstanding any
11 provision of law to the contrary, the total amount of revenue
12 and deposits under this Section attributable to revenues
13 realized during State fiscal year 2020 shall be reduced by 5%.

14 (c) Deposits Into Income Tax Refund Fund.

15 (1) 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) (1), (2), and
18 (3) of Section 201 of this Act into a fund in the State
19 treasury known as the Income Tax Refund Fund. Beginning
20 with State fiscal year 1990 and for each fiscal year
21 thereafter, the percentage deposited into the Income Tax
22 Refund Fund during a fiscal year shall be the Annual
23 Percentage. For fiscal year 2011, the Annual Percentage
24 shall be 8.75%. For fiscal year 2012, the Annual Percentage
25 shall be 8.75%. For fiscal year 2013, the Annual Percentage
26 shall be 9.75%. For fiscal year 2014, the Annual Percentage

1 shall be 9.5%. For fiscal year 2015, the Annual Percentage
2 shall be 10%. For fiscal year 2018, the Annual Percentage
3 shall be 9.8%. For fiscal year 2019, the Annual Percentage
4 shall be 9.7%. For fiscal year 2020, the Annual Percentage
5 shall be 9.5%. For all other fiscal years, the Annual
6 Percentage shall be calculated as a fraction, the numerator
7 of which shall be the amount of refunds approved for
8 payment by the Department during the preceding fiscal year
9 as a result of overpayment of tax liability under
10 subsections (a) and (b) (1), (2), and (3) of Section 201 of
11 this Act plus the amount of such refunds remaining approved
12 but unpaid at the end of the preceding fiscal year, minus
13 the amounts transferred into the Income Tax Refund Fund
14 from the Tobacco Settlement Recovery Fund, and the
15 denominator of which shall be the amounts which will be
16 collected pursuant to subsections (a) and (b) (1), (2), and
17 (3) of Section 201 of this Act during the preceding fiscal
18 year; except that in State fiscal year 2002, the Annual
19 Percentage shall in no event exceed 7.6%. The Director of
20 Revenue shall certify the Annual Percentage to the
21 Comptroller on the last business day of the fiscal year
22 immediately preceding the fiscal year for which it is to be
23 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.
3 Beginning with State fiscal year 1990 and for each fiscal
4 year thereafter, the percentage deposited into the Income
5 Tax Refund Fund during a fiscal year shall be the Annual
6 Percentage. For fiscal year 2011, the Annual Percentage
7 shall be 17.5%. For fiscal year 2012, the Annual Percentage
8 shall be 17.5%. For fiscal year 2013, the Annual Percentage
9 shall be 14%. For fiscal year 2014, the Annual Percentage
10 shall be 13.4%. For fiscal year 2015, the Annual Percentage
11 shall be 14%. For fiscal year 2018, the Annual Percentage
12 shall be 17.5%. For fiscal year 2019, the Annual Percentage
13 shall be 15.5%. For fiscal year 2020, the Annual Percentage
14 shall be 14.25%. For all other fiscal years, the Annual
15 Percentage shall be calculated as a fraction, the numerator
16 of which shall be the amount of refunds approved for
17 payment by the Department during the preceding fiscal year
18 as a result of overpayment of tax liability under
19 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
20 Section 201 of this Act plus the amount of such refunds
21 remaining approved but unpaid at the end of the preceding
22 fiscal year, and the denominator of which shall be the
23 amounts which will be collected pursuant to subsections (a)
24 and (b) (6), (7), and (8), (c) and (d) of Section 201 of
25 this Act during the preceding fiscal year; except that in
26 State fiscal year 2002, the Annual Percentage shall in no

1 event exceed 23%. The Director of Revenue shall certify the
2 Annual Percentage to the Comptroller on the last business
3 day of the fiscal year immediately preceding the fiscal
4 year for which it is to be effective.

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

10 (d) Expenditures from Income Tax Refund Fund.

11 (1) Beginning January 1, 1989, money in the Income Tax
12 Refund Fund shall be expended exclusively for the purpose
13 of paying refunds resulting from overpayment of tax
14 liability under Section 201 of this Act and for making
15 transfers pursuant to this subsection (d).

16 (2) The Director shall order payment of refunds
17 resulting from overpayment of tax liability under Section
18 201 of this Act from the Income Tax Refund Fund only to the
19 extent that amounts collected pursuant to Section 201 of
20 this Act and transfers pursuant to this subsection (d) and
21 item (3) of subsection (c) have been deposited and retained
22 in the Fund.

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

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

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

21 (4.5) As soon as possible after the end of fiscal year
22 1999 and of each fiscal year thereafter, the Director shall
23 order transferred and the State Treasurer and State
24 Comptroller shall transfer from the Income Tax Refund Fund
25 to the General Revenue Fund any surplus remaining in the
26 Income Tax Refund Fund as of the end of such fiscal year;

1 excluding for fiscal years 2000, 2001, and 2002 amounts
2 attributable to transfers under item (3) of subsection (c)
3 less refunds resulting from the earned income tax credit.

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

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 pursuant
11 to subsections (a) and (b) of Section 201 of this Act, minus
12 deposits into the Income Tax Refund Fund, the Department shall
13 deposit 7.3% into the Education Assistance Fund in the State
14 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 the
8 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 reduction.

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

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 (g) on or after the effective date of the reduction.

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

18 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;
19 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
20 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81,
21 eff. 7-12-19.)

22 (Text of Section after amendment by P.A. 101-8)

23 Sec. 901. Collection authority.

24 (a) In general. The Department shall collect the taxes
25 imposed by this Act. The Department shall collect certified

1 past due child support amounts under Section 2505-650 of the
2 Department of Revenue Law of the Civil Administrative Code of
3 Illinois. Except as provided in subsections (b), (c), (e), (f),
4 (g), and (h) of this Section, money collected pursuant to
5 subsections (a) and (b) of Section 201 of this Act shall be
6 paid into the General Revenue Fund in the State treasury; money
7 collected pursuant to subsections (c) and (d) of Section 201 of
8 this Act shall be paid into the Personal Property Tax
9 Replacement Fund, a special fund in the State Treasury; and
10 money collected under Section 2505-650 of the Department of
11 Revenue Law of the Civil Administrative Code of Illinois shall
12 be paid into the Child Support Enforcement Trust Fund, a
13 special fund outside the State Treasury, or to the State
14 Disbursement Unit established under Section 10-26 of the
15 Illinois Public Aid Code, as directed by the Department of
16 Healthcare and Family Services.

17 (b) Local Government Distributive Fund. Beginning August
18 1, 2017 and continuing through January 31, 2021, the Treasurer
19 shall transfer each month from the General Revenue Fund to the
20 Local Government Distributive Fund an amount equal to the sum
21 of (i) 6.06% (10% of the ratio of the 3% individual income tax
22 rate prior to 2011 to the 4.95% individual income tax rate
23 after July 1, 2017) of the net revenue realized from the tax
24 imposed by subsections (a) and (b) of Section 201 of this Act
25 upon individuals, trusts, and estates during the preceding
26 month and (ii) 6.85% (10% of the ratio of the 4.8% corporate

1 income tax rate prior to 2011 to the 7% corporate income tax
2 rate after July 1, 2017) of the net revenue realized from the
3 tax imposed by subsections (a) and (b) of Section 201 of this
4 Act upon corporations during the preceding month. Beginning
5 February 1, 2021 and continuing through January 31, 2022, the
6 Treasurer shall transfer each month from the General Revenue
7 Fund to the Local Government Distributive Fund an amount equal
8 to the sum of (i) 8.5% ~~5.32%~~ of the net revenue realized from
9 the tax imposed by subsections (a) and (b) of Section 201 of
10 this Act upon individuals, trusts, and estates during the
11 preceding month and (ii) 9.355% ~~6.16%~~ of the net revenue
12 realized from the tax imposed by subsections (a) and (b) of
13 Section 201 of this Act upon corporations during the preceding
14 month. Beginning February 1, 2022 and continuing through
15 January 31, 2023, the following amounts shall be deposited into
16 the Local Government Distributive Fund: (i) 9% of the net
17 revenue realized from the tax imposed by subsections (a) and
18 (b) of Section 201 of this Act upon individuals, trusts, and
19 estates and (ii) 9.57% of the net revenue realized from the tax
20 imposed by subsections (a) and (b) of Section 201 of this Act
21 upon corporations. Beginning February 1, 2023 and continuing
22 through January 31, 2024, the following amounts shall be
23 deposited into the Local Government Distributive Fund: (i) 9.5%
24 of the net revenue realized from the tax imposed by subsections
25 (a) and (b) of Section 201 of this Act upon individuals,
26 trusts, and estates and (ii) 9.785% of the net revenue realized

1 from the tax imposed by subsections (a) and (b) of Section 201
2 of this Act upon corporations. Beginning on February 1, 2024,
3 the following amounts shall be deposited into the Local
4 Government Distributive Fund: 10% of the net revenue realized
5 from the tax imposed on individuals, trusts, estates, and
6 corporations by subsections (a) and (b) of Section 201. Net
7 revenue realized for a month shall be defined as the revenue
8 from the tax imposed by subsections (a) and (b) of Section 201
9 of this 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 Notwithstanding any provision of law to the contrary,
18 beginning on July 6, 2017 (the effective date of Public Act
19 100-23), those amounts required under this subsection (b) to be
20 transferred by the Treasurer into the Local Government
21 Distributive Fund from the General Revenue Fund shall be
22 directly deposited into the Local Government Distributive Fund
23 as the revenue is realized from the tax imposed by subsections
24 (a) and (b) of Section 201 of this Act.

25 For State fiscal year 2020 only, notwithstanding any
26 provision of law to the contrary, the total amount of revenue

1 and deposits under this Section attributable to revenues
2 realized during State fiscal year 2020 shall be reduced by 5%.

3 (c) Deposits Into Income Tax Refund Fund.

4 (1) Beginning on January 1, 1989 and thereafter, the
5 Department shall deposit a percentage of the amounts
6 collected pursuant to subsections (a) and (b) (1), (2), and
7 (3) of Section 201 of this Act into a fund in the State
8 treasury known as the Income Tax Refund Fund. Beginning
9 with State fiscal year 1990 and for each fiscal year
10 thereafter, the percentage deposited into the Income Tax
11 Refund Fund during a fiscal year shall be the Annual
12 Percentage. For fiscal year 2011, the Annual Percentage
13 shall be 8.75%. For fiscal year 2012, the Annual Percentage
14 shall be 8.75%. For fiscal year 2013, the Annual Percentage
15 shall be 9.75%. For fiscal year 2014, the Annual Percentage
16 shall be 9.5%. For fiscal year 2015, the Annual Percentage
17 shall be 10%. For fiscal year 2018, the Annual Percentage
18 shall be 9.8%. For fiscal year 2019, the Annual Percentage
19 shall be 9.7%. For fiscal year 2020, the Annual Percentage
20 shall be 9.5%. For all other fiscal years, the Annual
21 Percentage shall be calculated as a fraction, the numerator
22 of which shall be the amount of refunds approved for
23 payment by the Department during the preceding fiscal year
24 as a result of overpayment of tax liability under
25 subsections (a) and (b) (1), (2), and (3) of Section 201 of
26 this Act plus the amount of such refunds remaining approved

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

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

1 shall be 17.5%. For fiscal year 2019, the Annual Percentage
2 shall be 15.5%. For fiscal year 2020, the Annual Percentage
3 shall be 14.25%. For all other fiscal years, the Annual
4 Percentage shall be calculated as a fraction, the numerator
5 of which shall be the amount of refunds approved for
6 payment by the Department during the preceding fiscal year
7 as a result of overpayment of tax liability under
8 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
9 Section 201 of this Act plus the amount of such refunds
10 remaining approved but unpaid at the end of the preceding
11 fiscal year, and the denominator of which shall be the
12 amounts which will be collected pursuant to subsections (a)
13 and (b) (6), (7), and (8), (c) and (d) of Section 201 of
14 this Act during the preceding fiscal year; except that in
15 State fiscal year 2002, the Annual Percentage shall in no
16 event exceed 23%. The Director of Revenue shall certify the
17 Annual Percentage to the Comptroller on the last business
18 day of the fiscal year immediately preceding the fiscal
19 year for which it is to be effective.

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

25 (d) Expenditures from Income Tax Refund Fund.

26 (1) Beginning January 1, 1989, money in the Income Tax

1 Refund Fund shall be expended exclusively for the purpose
2 of paying refunds resulting from overpayment of tax
3 liability under Section 201 of this Act and for making
4 transfers pursuant to this subsection (d).

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

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

24 (4) As soon as possible after the end of each fiscal
25 year, the Director shall order transferred and the State
26 Treasurer and State Comptroller shall transfer from the

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

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

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

23 (e) Deposits into the Education Assistance Fund and the
24 Income Tax Surcharge Local Government Distributive Fund. On
25 July 1, 1991, and thereafter, of the amounts collected pursuant
26 to subsections (a) and (b) of Section 201 of this Act, minus

1 deposits into the Income Tax Refund Fund, the Department shall
2 deposit 7.3% into the Education Assistance Fund in the State
3 Treasury. Beginning July 1, 1991, and continuing through
4 January 31, 1993, of the amounts collected pursuant to
5 subsections (a) and (b) of Section 201 of the Illinois Income
6 Tax Act, minus deposits into the Income Tax Refund Fund, the
7 Department shall deposit 3.0% into the Income Tax Surcharge
8 Local Government Distributive Fund in the State Treasury.
9 Beginning February 1, 1993 and continuing through June 30,
10 1993, of the amounts collected pursuant to subsections (a) and
11 (b) of Section 201 of the Illinois Income Tax Act, minus
12 deposits into the Income Tax Refund Fund, the Department shall
13 deposit 4.4% into the Income Tax Surcharge Local Government
14 Distributive Fund in the State Treasury. Beginning July 1,
15 1993, and continuing through June 30, 1994, of the amounts
16 collected under subsections (a) and (b) of Section 201 of this
17 Act, minus deposits into the Income Tax Refund Fund, the
18 Department shall deposit 1.475% into the Income Tax Surcharge
19 Local Government Distributive Fund in the State Treasury.

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

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 (f) on or after the effective date of the reduction.

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

14 (1) beginning February 1, 2015, and prior to February
15 1, 2025, 1/30; and

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

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

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

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

7 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;
8 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
9 8-14-18; 100-1171, eff. 1-4-19; 101-8, see Section 99 for
10 effective date; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
11 revised 10-1-19.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.