



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3953

Introduced 5/14/2024, by Sen. Steve Stadelman

#### SYNOPSIS AS INTRODUCED:

New Act  
35 ILCS 5/241 new  
35 ILCS 5/704A

Creates the Local Journalism Sustainability Act. Creates a credit against an employer's withholding tax liability if the employer is a local news organization. Provides that the amount of the credit is equal to 50% of the amount of wages paid by the employer to qualified journalists in the calendar year in which the credit certificate is issued, not to exceed \$25,000 in credits per qualified journalist. Provides that an additional withholding tax credit of \$5,000 shall be awarded for each qualified journalist who fills a new journalism position for the employer during the calendar year in which the credit certificate is issued. Provides that those credits are subject to certain limitations. Amends the Illinois Income Tax Act. Creates an income tax credit, subject to certain limitations, in an amount equal to the consideration paid during the taxable year by an eligible small business to local newspapers or local broadcast stations for advertising in this State. Effective immediately.

LRB103 40673 HLH 73417 b

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 1. Short title. This Act may be cited as the Local  
5 Journalism Sustainability Act.

6 Section 5. Definitions.

7 "Department" means the Department of Commerce and Economic  
8 Opportunity.

9 "Independently owned" means, as applied to a local news  
10 organization, that:

11 (1) the local news organization is not a publicly  
12 traded entity and no more than 5% of the beneficial  
13 ownership of the local news organization is owned,  
14 directly or indirectly, by a publicly traded entity; and

15 (2) the local news organization is not a subsidiary.

16 "Local news organization" means an entity that:

17 (1) engages professionals to create, edit, produce,  
18 and distribute original content concerning matters of  
19 public interest through reporting activities, including  
20 conducting interviews, observing current events, or  
21 analyzing documents or other information;

22 (2) has at least one employee who meets all of the  
23 following criteria:

1 (A) the employee is employed by the entity on a  
2 full-time basis for at least 30 hours a week;

3 (B) the employee's job duties for the entity  
4 consist primarily of providing coverage of Illinois or  
5 local Illinois community news as described in  
6 paragraph (C);

7 (C) the employee gathers, prepares, collects,  
8 photographs, writes, edits, reports, or publishes  
9 original local or State community news for  
10 dissemination to the local or State community; and

11 (D) the employee lives within 50 miles of the  
12 coverage area.

13 (3) in the case of print publications, has published  
14 at least one print publication per month over the previous  
15 12 months, and either holds a valid United States Postal  
16 Service periodical permit or has at least 25% of its  
17 content dedicated to local news;

18 (4) in the case of digital-only entities, has  
19 published one piece about the community per week over the  
20 previous 12 months and has at least 33% of its digital  
21 audience in Illinois, averaged over a 12-month period;

22 (5) in the case of hybrid entities that have both  
23 print and digital outlets, meets the requirements in  
24 either paragraph (3) or (4) of this definition;

25 (6) has disclosed in its print publication or on its  
26 website its beneficial ownership or, in the case of a

1 not-for-profit entity, its board of directors;

2 (7) in the case of an entity that maintains tax status  
3 under Section 501(c)(3) of the federal Internal Revenue  
4 Code, has declared the coverage of local or State news as  
5 the stated mission in its filings with the Internal  
6 Revenue Service; and

7 (8) has not received more than 50% of its gross  
8 receipts for the previous year from political action  
9 committees or other entities described in Section 527 of  
10 the federal Internal Revenue Code or from an organization  
11 that maintains Section 501(c)(4) or 501(c)(6) status under  
12 the federal Internal Revenue Code.

13 "New journalism position" means an employment position  
14 that results in a net increase in qualified journalists  
15 employed by the local news organization from January 1 of the  
16 preceding calendar year compared to January 1 of the calendar  
17 year in which a credit under this Act is sought.

18 "Qualified journalist" means a person who:

19 (1) is employed for an average of at least 30 hours per  
20 week, and

21 (2) is responsible for gathering, developing,  
22 preparing, directing the recording of, producing,  
23 collecting, photographing, recording, writing, editing,  
24 reporting, designing, presenting, distributing, or  
25 publishing original news or information that concerns  
26 local, regional, national, or international matters of

1 public interest.

2 Section 10. Credit award. For reporting periods that begin  
3 on or after January 1, 2025 and before January 1, 2030,  
4 employers that are local news organizations and that are  
5 required to deduct and withhold taxes as provided in Article 7  
6 of the Illinois Income Tax Act are eligible to receive a credit  
7 against payments due under Section 704A of the Illinois Income  
8 Tax Act for amounts withheld during the first calendar year to  
9 occur after the calendar year in which the local journalism  
10 certificate is issued under this Act. The credit shall be  
11 equal to 50% of the amount of wages paid by the employer to  
12 qualified journalists in the calendar year in which the credit  
13 certificate is issued, not to exceed \$25,000 in credits per  
14 qualified journalist. An additional credit of \$5,000 shall be  
15 awarded against payments due under Section 704A of the  
16 Illinois Income Tax Act for each qualified journalist who  
17 fills a new journalism position for the employer during the  
18 calendar year in which the credit certificate is issued. No  
19 more than \$250,000 in credits under this Act may be awarded to  
20 any one local news organization in a single calendar year. If  
21 the local news organization is not independently owned, no  
22 more than \$500,000 in credit may be awarded in a single  
23 calendar year to all local news organizations that share the  
24 same ownership interest. The total amount in credits that may  
25 be awarded under this Act in any given calendar year may not

1 exceed \$8,000,000, of which no more than \$6,500,000 may be  
2 awarded for the credit that is based on wages for qualified  
3 journalists, and no more than \$1,500,000 may be awarded for  
4 the additional \$5,000 credit that is awarded for new  
5 journalism positions. Credits under this Section shall be  
6 awarded by the Department on a first-come, first-served basis.  
7 The credit for partners and shareholders of subchapter S  
8 corporations shall be determined as provided in Section 251.

9 Section 15. Application for local journalism certificate.

10 (a) In order to qualify for a tax credit award under this  
11 Act, an applicant must apply with the Department, in the form  
12 and manner required by the Department, for each year for which  
13 a credit under this Act is sought, providing information  
14 necessary to calculate the tax credit award and any additional  
15 information as reasonably required by the Department. A  
16 separate application shall be filed for each local news  
17 organization. The tax credit award shall be calculated each  
18 tax year based upon the filing by the applicant on forms  
19 prescribed by the Department. The Department shall cooperate  
20 with the Department of Revenue as needed in order to determine  
21 credit amount and eligibility.

22 (b) Upon satisfactory review of the application, the  
23 Department shall issue a local journalism certificate stating  
24 the amount of the tax credit award to which the applicant is  
25 entitled for the credit period and shall contemporaneously

1 notify the applicant and Department of Revenue upon issuance  
2 of the certificate.

3 Section 20. Powers of the Department. The Department may,  
4 in consultation with the Department of Revenue, adopt any  
5 rules necessary to administer the provisions of this Act.

6 Section 25. Program terms and conditions. Any documentary  
7 materials or data made available or received from an applicant  
8 by any agent or employee of the Department are confidential  
9 and are not public records to the extent that the materials or  
10 data consist of commercial or financial information regarding  
11 the operation of or the production of the applicant or  
12 recipient of any tax credit award under this Act.

13 Section 900. The Illinois Income Tax Act is amended by  
14 changing Section 704A and by adding Section 241 as follows:

15 (35 ILCS 5/241 new)

16 Sec. 241. Small business income tax credit for local  
17 journalism advertising.

18 (a) As used in this Section:

19 "Advertising" means the publication, dissemination,  
20 solicitation, or circulation, or visual, oral, or written  
21 communication of information that appears in a local newspaper  
22 or on a local broadcast station, for consideration paid to

1 that local newspaper or local broadcast station, and that is  
2 designed to directly or indirectly induce a person to purchase  
3 a good or service.

4 "Department" means the Department of Commerce and Economic  
5 Opportunity.

6 "Disqualified organization" means any organization:

7 (1) described in Section 502(c)(4) of the Internal  
8 Revenue Code that is exempt from taxation under Section  
9 501(a) of the Internal Revenue Code;

10 (2) described in Section 527 of the Internal Revenue  
11 Code; or

12 (3) owned or controlled by one or more organizations  
13 described in Section 527 of the Internal Revenue Code.

14 "Eligible small business" means a business that is  
15 registered in Illinois, is not a disqualified organization,  
16 and has fewer than 50 employees.

17 "Local newspaper" means a print or digital publication  
18 that:

19 (1) primarily serves the needs of the State or a  
20 regional or local community in the State; and

21 (2) employs at least one journalist who resides in the  
22 State and who regularly gathers, collects, photographs,  
23 records, writes, or reports news or information that  
24 concerns local events or other matters of local public  
25 interest.

26 "Local broadcast station" means a broadcast entity



1 licensed by the Federal Communications Commission that:

2 (1) primarily serves the needs of the State or a  
3 regional or local community within the State with news,  
4 weather, and emergency information; and

5 (2) employs at least one journalist who resides in the  
6 State and who regularly gathers, collects, photographs,  
7 records, writes, or reports news or information that  
8 concerns local events or other matters or local public  
9 interest.

10 (b) For taxable years that begin on or after January 1,  
11 2025 and before January 1, 2030, an eligible small business  
12 may apply to the Department for a credit against the tax  
13 imposed by subsections (a) and (b) of Section 201 of this Act.  
14 The credit shall be in an amount equal to the consideration  
15 paid during the taxable year by the eligible small business to  
16 local newspapers or local broadcast stations for advertising  
17 in this State, but not to exceed a total credit amount of  
18 \$2,500 per taxpayer in any taxable year. The total amount of  
19 credits awarded under this Section may not exceed \$1,500,000  
20 in any given taxable year. Taxpayers seeking a credit under  
21 this Section shall apply to the Department in the form and  
22 manner required by the Department. Credits under this Section  
23 shall be awarded by the Department on a first-come,  
24 first-served basis. The credit for partners and shareholders  
25 of subchapter S corporations shall be determined as provided  
26 in Section 251.

1       (c) In no event shall a credit under this Section reduce  
2 the taxpayer's liability to less than zero. If the amount of  
3 the credit exceeds the tax liability for the year, the excess  
4 may be carried forward and applied to the tax liability of the  
5 5 taxable years following the excess credit year. The tax  
6 credit shall be applied to the earliest year for which there is  
7 a tax liability. If there are credits for more than one year  
8 that are available to offset a liability, the earlier credit  
9 shall be applied first.

10       (35 ILCS 5/704A)

11       Sec. 704A. Employer's return and payment of tax withheld.

12       (a) In general, every employer who deducts and withholds  
13 or is required to deduct and withhold tax under this Act on or  
14 after January 1, 2008 shall make those payments and returns as  
15 provided in this Section.

16       (b) Returns. Every employer shall, in the form and manner  
17 required by the Department, make returns with respect to taxes  
18 withheld or required to be withheld under this Article 7 for  
19 each quarter beginning on or after January 1, 2008, on or  
20 before the last day of the first month following the close of  
21 that quarter.

22       (c) Payments. With respect to amounts withheld or required  
23 to be withheld on or after January 1, 2008:

24             (1) Semi-weekly payments. For each calendar year, each  
25 employer who withheld or was required to withhold more

1 than \$12,000 during the one-year period ending on June 30  
2 of the immediately preceding calendar year, payment must  
3 be made:

4 (A) on or before each Friday of the calendar year,  
5 for taxes withheld or required to be withheld on the  
6 immediately preceding Saturday, Sunday, Monday, or  
7 Tuesday;

8 (B) on or before each Wednesday of the calendar  
9 year, for taxes withheld or required to be withheld on  
10 the immediately preceding Wednesday, Thursday, or  
11 Friday.

12 Beginning with calendar year 2011, payments made under  
13 this paragraph (1) of subsection (c) must be made by  
14 electronic funds transfer.

15 (2) Semi-weekly payments. Any employer who withholds  
16 or is required to withhold more than \$12,000 in any  
17 quarter of a calendar year is required to make payments on  
18 the dates set forth under item (1) of this subsection (c)  
19 for each remaining quarter of that calendar year and for  
20 the subsequent calendar year.

21 (3) Monthly payments. Each employer, other than an  
22 employer described in items (1) or (2) of this subsection,  
23 shall pay to the Department, on or before the 15th day of  
24 each month the taxes withheld or required to be withheld  
25 during the immediately preceding month.

26 (4) Payments with returns. Each employer shall pay to

1 the Department, on or before the due date for each return  
2 required to be filed under this Section, any tax withheld  
3 or required to be withheld during the period for which the  
4 return is due and not previously paid to the Department.

5 (d) Regulatory authority. The Department may, by rule:

6 (1) Permit employers, in lieu of the requirements of  
7 subsections (b) and (c), to file annual returns due on or  
8 before January 31 of the year for taxes withheld or  
9 required to be withheld during the previous calendar year  
10 and, if the aggregate amounts required to be withheld by  
11 the employer under this Article 7 (other than amounts  
12 required to be withheld under Section 709.5) do not exceed  
13 \$1,000 for the previous calendar year, to pay the taxes  
14 required to be shown on each such return no later than the  
15 due date for such return.

16 (2) Provide that any payment required to be made under  
17 subsection (c)(1) or (c)(2) is deemed to be timely to the  
18 extent paid by electronic funds transfer on or before the  
19 due date for deposit of federal income taxes withheld  
20 from, or federal employment taxes due with respect to, the  
21 wages from which the Illinois taxes were withheld.

22 (3) Designate one or more depositories to which  
23 payment of taxes required to be withheld under this  
24 Article 7 must be paid by some or all employers.

25 (4) Increase the threshold dollar amounts at which  
26 employers are required to make semi-weekly payments under

1 subsection (c)(1) or (c)(2).

2 (e) Annual return and payment. Every employer who deducts  
3 and withholds or is required to deduct and withhold tax from a  
4 person engaged in domestic service employment, as that term is  
5 defined in Section 3510 of the Internal Revenue Code, may  
6 comply with the requirements of this Section with respect to  
7 such employees by filing an annual return and paying the taxes  
8 required to be deducted and withheld on or before the 15th day  
9 of the fourth month following the close of the employer's  
10 taxable year. The Department may allow the employer's return  
11 to be submitted with the employer's individual income tax  
12 return or to be submitted with a return due from the employer  
13 under Section 1400.2 of the Unemployment Insurance Act.

14 (f) Magnetic media and electronic filing. With respect to  
15 taxes withheld in calendar years prior to 2017, any W-2 Form  
16 that, under the Internal Revenue Code and regulations  
17 promulgated thereunder, is required to be submitted to the  
18 Internal Revenue Service on magnetic media or electronically  
19 must also be submitted to the Department on magnetic media or  
20 electronically for Illinois purposes, if required by the  
21 Department.

22 With respect to taxes withheld in 2017 and subsequent  
23 calendar years, the Department may, by rule, require that any  
24 return (including any amended return) under this Section and  
25 any W-2 Form that is required to be submitted to the Department  
26 must be submitted on magnetic media or electronically.

1           The due date for submitting W-2 Forms shall be as  
2 prescribed by the Department by rule.

3           (g) For amounts deducted or withheld after December 31,  
4 2009, a taxpayer who makes an election under subsection (f) of  
5 Section 5-15 of the Economic Development for a Growing Economy  
6 Tax Credit Act for a taxable year shall be allowed a credit  
7 against payments due under this Section for amounts withheld  
8 during the first calendar year beginning after the end of that  
9 taxable year equal to the amount of the credit for the  
10 incremental income tax attributable to full-time employees of  
11 the taxpayer awarded to the taxpayer by the Department of  
12 Commerce and Economic Opportunity under the Economic  
13 Development for a Growing Economy Tax Credit Act for the  
14 taxable year and credits not previously claimed and allowed to  
15 be carried forward under Section 211(4) of this Act as  
16 provided in subsection (f) of Section 5-15 of the Economic  
17 Development for a Growing Economy Tax Credit Act. The credit  
18 or credits may not reduce the taxpayer's obligation for any  
19 payment due under this Section to less than zero. If the amount  
20 of the credit or credits exceeds the total payments due under  
21 this Section with respect to amounts withheld during the  
22 calendar year, the excess may be carried forward and applied  
23 against the taxpayer's liability under this Section in the  
24 succeeding calendar years as allowed to be carried forward  
25 under paragraph (4) of Section 211 of this Act. The credit or  
26 credits shall be applied to the earliest year for which there

1 is a tax liability. If there are credits from more than one  
2 taxable year that are available to offset a liability, the  
3 earlier credit shall be applied first. Each employer who  
4 deducts and withholds or is required to deduct and withhold  
5 tax under this Act and who retains income tax withholdings  
6 under subsection (f) of Section 5-15 of the Economic  
7 Development for a Growing Economy Tax Credit Act must make a  
8 return with respect to such taxes and retained amounts in the  
9 form and manner that the Department, by rule, requires and pay  
10 to the Department or to a depository designated by the  
11 Department those withheld taxes not retained by the taxpayer.  
12 For purposes of this subsection (g), the term taxpayer shall  
13 include taxpayer and members of the taxpayer's unitary  
14 business group as defined under paragraph (27) of subsection  
15 (a) of Section 1501 of this Act. This Section is exempt from  
16 the provisions of Section 250 of this Act. No credit awarded  
17 under the Economic Development for a Growing Economy Tax  
18 Credit Act for agreements entered into on or after January 1,  
19 2015 may be credited against payments due under this Section.

20 (g-1) For amounts deducted or withheld after December 31,  
21 2024, a taxpayer who makes an election under the Reimagining  
22 Energy and Vehicles in Illinois Act shall be allowed a credit  
23 against payments due under this Section for amounts withheld  
24 during the first quarterly reporting period beginning after  
25 the certificate is issued equal to the portion of the REV  
26 Illinois Credit attributable to the incremental income tax

1 attributable to new employees and retained employees as  
2 certified by the Department of Commerce and Economic  
3 Opportunity pursuant to an agreement with the taxpayer under  
4 the Reimagining Energy and Vehicles in Illinois Act for the  
5 taxable year. The credit or credits may not reduce the  
6 taxpayer's obligation for any payment due under this Section  
7 to less than zero. If the amount of the credit or credits  
8 exceeds the total payments due under this Section with respect  
9 to amounts withheld during the quarterly reporting period, the  
10 excess may be carried forward and applied against the  
11 taxpayer's liability under this Section in the succeeding  
12 quarterly reporting period as allowed to be carried forward  
13 under paragraph (4) of Section 211 of this Act. The credit or  
14 credits shall be applied to the earliest quarterly reporting  
15 period for which there is a tax liability. If there are credits  
16 from more than one quarterly reporting period that are  
17 available to offset a liability, the earlier credit shall be  
18 applied first. Each employer who deducts and withholds or is  
19 required to deduct and withhold tax under this Act and who  
20 retains income tax withholdings this subsection must make a  
21 return with respect to such taxes and retained amounts in the  
22 form and manner that the Department, by rule, requires and pay  
23 to the Department or to a depository designated by the  
24 Department those withheld taxes not retained by the taxpayer.  
25 For purposes of this subsection (g-1), the term taxpayer shall  
26 include taxpayer and members of the taxpayer's unitary



1 business group as defined under paragraph (27) of subsection  
2 (a) of Section 1501 of this Act. This Section is exempt from  
3 the provisions of Section 250 of this Act.

4 (g-2) For amounts deducted or withheld after December 31,  
5 2024, a taxpayer who makes an election under the Manufacturing  
6 Illinois Chips for Real Opportunity (MICRO) Act shall be  
7 allowed a credit against payments due under this Section for  
8 amounts withheld during the first quarterly reporting period  
9 beginning after the certificate is issued equal to the portion  
10 of the MICRO Illinois Credit attributable to the incremental  
11 income tax attributable to new employees and retained  
12 employees as certified by the Department of Commerce and  
13 Economic Opportunity pursuant to an agreement with the  
14 taxpayer under the Manufacturing Illinois Chips for Real  
15 Opportunity (MICRO) Act for the taxable year. The credit or  
16 credits may not reduce the taxpayer's obligation for any  
17 payment due under this Section to less than zero. If the amount  
18 of the credit or credits exceeds the total payments due under  
19 this Section with respect to amounts withheld during the  
20 quarterly reporting period, the excess may be carried forward  
21 and applied against the taxpayer's liability under this  
22 Section in the succeeding quarterly reporting period as  
23 allowed to be carried forward under paragraph (4) of Section  
24 211 of this Act. The credit or credits shall be applied to the  
25 earliest quarterly reporting period for which there is a tax  
26 liability. If there are credits from more than one quarterly

1 reporting period that are available to offset a liability, the  
2 earlier credit shall be applied first. Each employer who  
3 deducts and withholds or is required to deduct and withhold  
4 tax under this Act and who retains income tax withholdings  
5 this subsection must make a return with respect to such taxes  
6 and retained amounts in the form and manner that the  
7 Department, by rule, requires and pay to the Department or to a  
8 depository designated by the Department those withheld taxes  
9 not retained by the taxpayer. For purposes of this subsection,  
10 the term taxpayer shall include taxpayer and members of the  
11 taxpayer's unitary business group as defined under paragraph  
12 (27) of subsection (a) of Section 1501 of this Act. This  
13 Section is exempt from the provisions of Section 250 of this  
14 Act.

15 (h) An employer may claim a credit against payments due  
16 under this Section for amounts withheld during the first  
17 calendar year ending after the date on which a tax credit  
18 certificate was issued under Section 35 of the Small Business  
19 Job Creation Tax Credit Act. The credit shall be equal to the  
20 amount shown on the certificate, but may not reduce the  
21 taxpayer's obligation for any payment due under this Section  
22 to less than zero. If the amount of the credit exceeds the  
23 total payments due under this Section with respect to amounts  
24 withheld during the calendar year, the excess may be carried  
25 forward and applied against the taxpayer's liability under  
26 this Section in the 5 succeeding calendar years. The credit

1 shall be applied to the earliest year for which there is a tax  
2 liability. If there are credits from more than one calendar  
3 year that are available to offset a liability, the earlier  
4 credit shall be applied first. This Section is exempt from the  
5 provisions of Section 250 of this Act.

6 (i) Each employer with 50 or fewer full-time equivalent  
7 employees during the reporting period may claim a credit  
8 against the payments due under this Section for each qualified  
9 employee in an amount equal to the maximum credit allowable.  
10 The credit may be taken against payments due for reporting  
11 periods that begin on or after January 1, 2020, and end on or  
12 before December 31, 2027. An employer may not claim a credit  
13 for an employee who has worked fewer than 90 consecutive days  
14 immediately preceding the reporting period; however, such  
15 credits may accrue during that 90-day period and be claimed  
16 against payments under this Section for future reporting  
17 periods after the employee has worked for the employer at  
18 least 90 consecutive days. In no event may the credit exceed  
19 the employer's liability for the reporting period. Each  
20 employer who deducts and withholds or is required to deduct  
21 and withhold tax under this Act and who retains income tax  
22 withholdings under this subsection must make a return with  
23 respect to such taxes and retained amounts in the form and  
24 manner that the Department, by rule, requires and pay to the  
25 Department or to a depository designated by the Department  
26 those withheld taxes not retained by the employer.

1 For each reporting period, the employer may not claim a  
2 credit or credits for more employees than the number of  
3 employees making less than the minimum or reduced wage for the  
4 current calendar year during the last reporting period of the  
5 preceding calendar year. Notwithstanding any other provision  
6 of this subsection, an employer shall not be eligible for  
7 credits for a reporting period unless the average wage paid by  
8 the employer per employee for all employees making less than  
9 \$55,000 during the reporting period is greater than the  
10 average wage paid by the employer per employee for all  
11 employees making less than \$55,000 during the same reporting  
12 period of the prior calendar year.

13 For purposes of this subsection (i):

14 "Compensation paid in Illinois" has the meaning ascribed  
15 to that term under Section 304(a)(2)(B) of this Act.

16 "Employer" and "employee" have the meaning ascribed to  
17 those terms in the Minimum Wage Law, except that "employee"  
18 also includes employees who work for an employer with fewer  
19 than 4 employees. Employers that operate more than one  
20 establishment pursuant to a franchise agreement or that  
21 constitute members of a unitary business group shall aggregate  
22 their employees for purposes of determining eligibility for  
23 the credit.

24 "Full-time equivalent employees" means the ratio of the  
25 number of paid hours during the reporting period and the  
26 number of working hours in that period.

1 "Maximum credit" means the percentage listed below of the  
2 difference between the amount of compensation paid in Illinois  
3 to employees who are paid not more than the required minimum  
4 wage reduced by the amount of compensation paid in Illinois to  
5 employees who were paid less than the current required minimum  
6 wage during the reporting period prior to each increase in the  
7 required minimum wage on January 1. If an employer pays an  
8 employee more than the required minimum wage and that employee  
9 previously earned less than the required minimum wage, the  
10 employer may include the portion that does not exceed the  
11 required minimum wage as compensation paid in Illinois to  
12 employees who are paid not more than the required minimum  
13 wage.

14 (1) 25% for reporting periods beginning on or after  
15 January 1, 2020 and ending on or before December 31, 2020;

16 (2) 21% for reporting periods beginning on or after  
17 January 1, 2021 and ending on or before December 31, 2021;

18 (3) 17% for reporting periods beginning on or after  
19 January 1, 2022 and ending on or before December 31, 2022;

20 (4) 13% for reporting periods beginning on or after  
21 January 1, 2023 and ending on or before December 31, 2023;

22 (5) 9% for reporting periods beginning on or after  
23 January 1, 2024 and ending on or before December 31, 2024;

24 (6) 5% for reporting periods beginning on or after  
25 January 1, 2025 and ending on or before December 31, 2025.

26 The amount computed under this subsection may continue to

1 be claimed for reporting periods beginning on or after January  
2 1, 2026 and:

3 (A) ending on or before December 31, 2026 for  
4 employers with more than 5 employees; or

5 (B) ending on or before December 31, 2027 for  
6 employers with no more than 5 employees.

7 "Qualified employee" means an employee who is paid not  
8 more than the required minimum wage and has an average wage  
9 paid per hour by the employer during the reporting period  
10 equal to or greater than his or her average wage paid per hour  
11 by the employer during each reporting period for the  
12 immediately preceding 12 months. A new qualified employee is  
13 deemed to have earned the required minimum wage in the  
14 preceding reporting period.

15 "Reporting period" means the quarter for which a return is  
16 required to be filed under subsection (b) of this Section.

17 (j) For reporting periods beginning on or after January 1,  
18 2023, if a private employer grants all of its employees the  
19 option of taking a paid leave of absence of at least 30 days  
20 for the purpose of serving as an organ donor or bone marrow  
21 donor, then the private employer may take a credit against the  
22 payments due under this Section in an amount equal to the  
23 amount withheld under this Section with respect to wages paid  
24 while the employee is on organ donation leave, not to exceed  
25 \$1,000 in withholdings for each employee who takes organ  
26 donation leave. To be eligible for the credit, such a leave of

1 absence must be taken without loss of pay, vacation time,  
2 compensatory time, personal days, or sick time for at least  
3 the first 30 days of the leave of absence. The private employer  
4 shall adopt rules governing organ donation leave, including  
5 rules that (i) establish conditions and procedures for  
6 requesting and approving leave and (ii) require medical  
7 documentation of the proposed organ or bone marrow donation  
8 before leave is approved by the private employer. A private  
9 employer must provide, in the manner required by the  
10 Department, documentation from the employee's medical  
11 provider, which the private employer receives from the  
12 employee, that verifies the employee's organ donation. The  
13 private employer must also provide, in the manner required by  
14 the Department, documentation that shows that a qualifying  
15 organ donor leave policy was in place and offered to all  
16 qualifying employees at the time the leave was taken. For the  
17 private employer to receive the tax credit, the employee  
18 taking organ donor leave must allow for the applicable medical  
19 records to be disclosed to the Department. If the private  
20 employer cannot provide the required documentation to the  
21 Department, then the private employer is ineligible for the  
22 credit under this Section. A private employer must also  
23 provide, in the form required by the Department, any  
24 additional documentation or information required by the  
25 Department to administer the credit under this Section. The  
26 credit under this subsection (j) shall be taken within one

1 year after the date upon which the organ donation leave  
2 begins. If the leave taken spans into a second tax year, the  
3 employer qualifies for the allowable credit in the later of  
4 the 2 years. If the amount of credit exceeds the tax liability  
5 for the year, the excess may be carried and applied to the tax  
6 liability for the 3 taxable years following the excess credit  
7 year. The tax credit shall be applied to the earliest year for  
8 which there is a tax liability. If there are credits for more  
9 than one year that are available to offset liability, the  
10 earlier credit shall be applied first.

11 Nothing in this subsection (j) prohibits a private  
12 employer from providing an unpaid leave of absence to its  
13 employees for the purpose of serving as an organ donor or bone  
14 marrow donor; however, if the employer's policy provides for  
15 fewer than 30 days of paid leave for organ or bone marrow  
16 donation, then the employer shall not be eligible for the  
17 credit under this Section.

18 As used in this subsection (j):

19 "Organ" means any biological tissue of the human body that  
20 may be donated by a living donor, including, but not limited  
21 to, the kidney, liver, lung, pancreas, intestine, bone, skin,  
22 or any subpart of those organs.

23 "Organ donor" means a person from whose body an organ is  
24 taken to be transferred to the body of another person.

25 "Private employer" means a sole proprietorship,  
26 corporation, partnership, limited liability company, or other



1 entity with one or more employees. "Private employer" does not  
2 include a municipality, county, State agency, or other public  
3 employer.

4 This subsection (j) is exempt from the provisions of  
5 Section 250 of this Act.

6 (k) A taxpayer who is issued a certificate under the Local  
7 Journalism Sustainability Act for a taxable year shall be  
8 allowed a credit against payments due under this Section as  
9 provided in that Act.

10 (Source: P.A. 101-1, eff. 2-19-19; 102-669, eff. 11-16-21;  
11 102-700, Article 30, Section 30-5, eff. 4-19-22; 102-700,  
12 Article 110, Section 110-905, eff. 4-19-22; 102-1125, eff.  
13 2-3-23.)

14 Section 999. Effective date. This Act takes effect upon  
15 becoming law.