



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3617

by Rep. Cynthia Soto

#### SYNOPSIS AS INTRODUCED:

New Act  
35 ILCS 5/224 new

Creates the Endow Illinois Tax Credit Act and amends the Illinois Income Tax Act. Provides that the Department of Commerce and Economic Opportunity shall award an income tax credit to taxpayers who provide an endowment gift to a permanent endowment fund. Provides that the amount of the credit shall be equal to 50% of the endowment gift. Sets forth procedures and criteria for authorizing the credits. Limits the aggregate amount of credits that may be awarded in each calendar year. Provides conditions for eligibility. Requires the Department to make an annual report concerning the credits. Provides that the credit may be carried forward for 5 years. Exempts the credit from the Act's sunset provisions. Effective immediately.

LRB099 05715 HLH 29231 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 1. Short title. This Act may be cited as the Endow  
5 Illinois Tax Credit Act.

6 Section 5. Definitions. For the purposes of this Act:

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

9 "Endowment gift" means an irrevocable contribution, made  
10 in cash or stock, to a permanent endowment fund held by a  
11 qualified community foundation.

12 "Permanent endowment fund" means a fund that (i) is held by  
13 a qualified community foundation to provide benefit only to  
14 charitable causes in the State, (ii) is intended to exist in  
15 perpetuity, and (iii) has an annual spend rate based on the  
16 foundation spending policy, but not to exceed 7%.

17 "Qualified community foundation" means a community  
18 foundation or similar publicly supported organization  
19 described in Section 170 (b) (1) (A) (vi) of the Internal Revenue  
20 Code of 1986 that is organized or operating in this State and  
21 that substantially complies with the national standards for  
22 U.S. community foundations that are established by the National  
23 Council on Foundations, as determined by the Department.

1 Section 10. Tax credit awards.

2 (a) The Department shall award an income tax credit to  
3 taxpayers who make an endowment gift to a permanent endowment  
4 fund. The amount of the credit that may be awarded to a  
5 taxpayer by the Department under this Act is an amount equal to  
6 50% of the endowment gift. Except in the case of an individual,  
7 a taxpayer is not eligible to receive a credit under this Act  
8 for the taxable year if the taxpayer's average gross business  
9 receipts for the 3 taxable years prior to the taxable year for  
10 which the taxpayer applies for a credit under this Act exceed  
11 \$5,000,000 for taxable years ending in 2015 or \$12,500,000 for  
12 taxable years ending in 2016 or thereafter.

13 (b) The aggregate amount of all credits that the Department  
14 may award under this Act in any calendar year may not exceed  
15 \$5,000,000 in 2015, \$12,500,000 in 2016, or \$25,000,000 in 2017  
16 and each calendar year thereafter. The aggregate amount of all  
17 credits that the Department may authorize to any single  
18 taxpayer in a calendar year may not exceed \$500,000 in 2015 and  
19 each calendar year thereafter. The aggregate amount of all  
20 credits that the Department may authorize based on endowment  
21 gifts to any specific community foundation may not exceed  
22 \$2,500,000 in 2015, \$6,250,000 in 2016, or \$12,500,000 in 2017  
23 and each calendar year thereafter.

24 (c) If the Department receives applications for tax credits  
25 in excess of the aggregate limitation under subsection (b),

1 then the applications must be prioritized by the date that the  
2 Department received them, and the Department must establish a  
3 wait list for the next year's allocation of tax credits and  
4 fund applications in the order listed on that wait list.

5 Section 15. Applications for tax credits.

6 (a) The Department shall develop and make available a  
7 standardized application pertaining to the allocation of tax  
8 credits under this Act. A separate application for tax credit  
9 must be made for each endowment gift, and shall be submitted  
10 jointly by the taxpayer and the qualified community foundation  
11 to which the endowment gift is to be made. The application  
12 shall include such information as the Department deems  
13 necessary to determine that the taxpayer is eligible to receive  
14 a credit under this Act, and such other information as the  
15 Department deems necessary to the administration of this Act.  
16 If an application for tax credit is approved, the Department  
17 shall issue the taxpayer a certificate of verification that  
18 states the amount of the tax credit to which the taxpayer is  
19 entitled and the taxable year to which such credit applies. A  
20 taxpayer claiming a credit under this Act shall submit to the  
21 Department of Revenue a copy of the certificate of verification  
22 under this Act.

23 (b) Of the annual amount available for tax credits under  
24 subsection (b) of Section 10 of this Act, 10% must be reserved  
25 for those endowment gifts of \$30,000 or less. If the entire 10%

1 that is reserved for permanent endowment gifts totalling  
2 \$30,000 or less is not allocated, then the remaining amount is  
3 available in the following years for endowment gifts of \$30,000  
4 or less.

5 (c) The Department must accept applications and authorize  
6 credits on an ongoing basis. The Department must make public,  
7 by June 1 and by December 1 of each year, the total number of  
8 requests for tax credits and the total amount of requested tax  
9 credits that have been submitted and awarded.

10 (d) Notwithstanding any other law to the contrary, the  
11 Director of Revenue may make available to the Department  
12 information received by the Director from tax returns filed  
13 under the Illinois Income Tax Act, for the limited purpose of  
14 determining the taxpayer's eligibility for credit under this  
15 Act.

16 Section 20. Annual report. By January 31 of each year, the  
17 Department must submit an annual report to the Governor and the  
18 General Assembly concerning the activities conducted under  
19 this Act during the previous calendar year. The report must  
20 include a detailed listing of tax credits authorized under this  
21 Act by the Department.

22 Section 90. The Illinois Income Tax Act is amended by  
23 adding Section 224 as follows:

1 (35 ILCS 5/224 new)

2 Sec. 224. The Endow Illinois Tax Credit.

3 (a) For taxable years ending on or after December 31, 2015,  
4 each taxpayer for whom a tax credit has been awarded by the  
5 Department of Commerce and Economic Opportunity under the Endow  
6 Illinois Tax Credit Act is entitled to a credit against the tax  
7 imposed under subsections (a) and (b) of Section 201 in an  
8 amount equal to the amount awarded under that Act.

9 (b) If the taxpayer is a partnership or a Subchapter S  
10 corporation, the credit is allowed to the partners or  
11 shareholders in accordance with the determination of income and  
12 distributive share of income under Sections 702 and 704 and  
13 Subchapter S of the Internal Revenue Code.

14 (c) The credit may not be carried back and may not reduce  
15 the taxpayer's liability to less than zero. If the amount of  
16 the credit exceeds the tax liability for the year, the excess  
17 may be carried forward and applied to the tax liability of the  
18 5 taxable years following the excess credit year. The tax  
19 credit shall be applied to the earliest year for which there is  
20 a tax liability. If there are credits for more than one year  
21 that are available to offset a liability, the earlier credit  
22 shall be applied first.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.