



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3785

Introduced 2/14/2020, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

35 ILCS 5/901

Amends the Illinois Income Tax Act. Provides that, from February 1, 2021 through January 31, 2022, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be: (i) 8.5% of the net revenue realized from the tax imposed on individuals, trusts, and estates, and (ii) 9.355% of the net revenue realized from the tax imposed on corporations. Provides that, from February 1, 2022 through January 31, 2023, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be: (i) 9% of the net revenue realized from the tax imposed on individuals, trusts, and estates, and (ii) 9.57% of the net revenue realized from the tax imposed on corporations. Provides that, from February 1, 2023 through January 31, 2024, the amount transferred from the General Revenue Fund to the Local Government Distributive Fund shall be: (i) 9.5% of the net revenue realized from the tax imposed on individuals, trusts, and estates, and (ii) 9.785% of the net revenue realized from the tax imposed on corporations. Provides that, beginning on February 1, 2024, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 10% of the net revenue realized from the tax imposed on individuals, trusts, estates, and corporations during the preceding month. Effective immediately.

LRB101 16530 HLH 65914 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 Treasurer shall transfer each month from the General Revenue  
20 Fund to the Local Government Distributive Fund an amount equal  
21 to the sum of (i) 8.5% of the net revenue realized from the tax  
22 imposed by subsections (a) and (b) of Section 201 of this Act  
23 upon individuals, trusts, and estates during the preceding  
24 month and (ii) 9.355% of the net revenue realized from the tax  
25 imposed by subsections (a) and (b) of Section 201 of this Act  
26 upon corporations during the preceding month. Beginning

1 February 1, 2022 and continuing through January 31, 2023, the  
2 Treasurer shall transfer each month from the General Revenue  
3 Fund to the Local Government Distributive Fund an amount equal  
4 to the sum of (i) 9% of the net revenue realized from the tax  
5 imposed by subsections (a) and (b) of Section 201 of this Act  
6 upon individuals, trusts, and estates during the preceding  
7 month and (ii) 9.57% of the net revenue realized from the tax  
8 imposed by subsections (a) and (b) of Section 201 of this Act  
9 upon corporations during the preceding month. Beginning  
10 February 1, 2023 and continuing through January 31, 2024, the  
11 Treasurer shall transfer each month from the General Revenue  
12 Fund to the Local Government Distributive Fund an amount equal  
13 to the sum of (i) 9.5% of the net revenue realized from the tax  
14 imposed by subsections (a) and (b) of Section 201 of this Act  
15 upon individuals, trusts, and estates during the preceding  
16 month and (ii) 9.785% of the net revenue realized from the tax  
17 imposed by subsections (a) and (b) of Section 201 of this Act  
18 upon corporations during the preceding month. Beginning on  
19 February 1, 2024, the Treasurer shall transfer each month from  
20 the General Revenue Fund to the Local Government Distributive  
21 Fund an amount equal to 10% of the net revenue realized from  
22 the tax imposed on individuals, trusts, estates, and  
23 corporations by subsections (a) and (b) of Section 201 of the  
24 Illinois Income Tax Act during the preceding month. Net revenue  
25 realized for a month shall be defined as the revenue from the  
26 tax imposed by subsections (a) and (b) of Section 201 of this

1 Act which is deposited in the General Revenue Fund, the  
2 Education Assistance Fund, the Income Tax Surcharge Local  
3 Government Distributive Fund, the Fund for the Advancement of  
4 Education, and the Commitment to Human Services Fund during the  
5 month minus the amount paid out of the General Revenue Fund in  
6 State warrants during that same month as refunds to taxpayers  
7 for overpayment of liability under the tax imposed by  
8 subsections (a) and (b) of Section 201 of this Act.

9 Notwithstanding any provision of law to the contrary,  
10 beginning on July 6, 2017 (the effective date of Public Act  
11 100-23), those amounts required under this subsection (b) to be  
12 transferred by the Treasurer into the Local Government  
13 Distributive Fund from the General Revenue Fund shall be  
14 directly deposited into the Local Government Distributive Fund  
15 as the revenue is realized from the tax imposed by subsections  
16 (a) and (b) of Section 201 of this Act.

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

21 (c) Deposits Into Income Tax Refund Fund.

22 (1) Beginning on January 1, 1989 and thereafter, the  
23 Department shall deposit a percentage of the amounts  
24 collected pursuant to subsections (a) and (b) (1), (2), and  
25 (3) of Section 201 of this Act into a fund in the State  
26 treasury known as the Income Tax Refund Fund. Beginning

1 with State fiscal year 1990 and for each fiscal year  
2 thereafter, the percentage deposited into the Income Tax  
3 Refund Fund during a fiscal year shall be the Annual  
4 Percentage. For fiscal year 2011, the Annual Percentage  
5 shall be 8.75%. For fiscal year 2012, the Annual Percentage  
6 shall be 8.75%. For fiscal year 2013, the Annual Percentage  
7 shall be 9.75%. For fiscal year 2014, the Annual Percentage  
8 shall be 9.5%. For fiscal year 2015, the Annual Percentage  
9 shall be 10%. For fiscal year 2018, the Annual Percentage  
10 shall be 9.8%. For fiscal year 2019, the Annual Percentage  
11 shall be 9.7%. For fiscal year 2020, the Annual Percentage  
12 shall be 9.5%. For all other fiscal years, the Annual  
13 Percentage shall be calculated as a fraction, the numerator  
14 of which shall be the amount of refunds approved for  
15 payment by the Department during the preceding fiscal year  
16 as a result of overpayment of tax liability under  
17 subsections (a) and (b) (1), (2), and (3) of Section 201 of  
18 this Act plus the amount of such refunds remaining approved  
19 but unpaid at the end of the preceding fiscal year, minus  
20 the amounts transferred into the Income Tax Refund Fund  
21 from the Tobacco Settlement Recovery Fund, and the  
22 denominator of which shall be the amounts which will be  
23 collected pursuant to subsections (a) and (b) (1), (2), and  
24 (3) of Section 201 of this Act during the preceding fiscal  
25 year; except that in State fiscal year 2002, the Annual  
26 Percentage shall in no event exceed 7.6%. The Director of

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

5 (2) Beginning on January 1, 1989 and thereafter, the  
6 Department shall deposit a percentage of the amounts  
7 collected pursuant to subsections (a) and (b) (6), (7), and  
8 (8), (c) and (d) of Section 201 of this Act into a fund in  
9 the State treasury known as the Income Tax Refund Fund.  
10 Beginning with State fiscal year 1990 and for each fiscal  
11 year thereafter, the percentage deposited into the Income  
12 Tax Refund Fund during a fiscal year shall be the Annual  
13 Percentage. For fiscal year 2011, the Annual Percentage  
14 shall be 17.5%. For fiscal year 2012, the Annual Percentage  
15 shall be 17.5%. For fiscal year 2013, the Annual Percentage  
16 shall be 14%. For fiscal year 2014, the Annual Percentage  
17 shall be 13.4%. For fiscal year 2015, the Annual Percentage  
18 shall be 14%. For fiscal year 2018, the Annual Percentage  
19 shall be 17.5%. For fiscal year 2019, the Annual Percentage  
20 shall be 15.5%. For fiscal year 2020, the Annual Percentage  
21 shall be 14.25%. For all other fiscal years, the Annual  
22 Percentage shall be calculated as a fraction, the numerator  
23 of which shall be the amount of refunds approved for  
24 payment by the Department during the preceding fiscal year  
25 as a result of overpayment of tax liability under  
26 subsections (a) and (b) (6), (7), and (8), (c) and (d) of

1 Section 201 of this Act plus the amount of such refunds  
2 remaining approved but unpaid at the end of the preceding  
3 fiscal year, and the denominator of which shall be the  
4 amounts which will be collected pursuant to subsections (a)  
5 and (b) (6), (7), and (8), (c) and (d) of Section 201 of  
6 this Act during the preceding fiscal year; except that in  
7 State fiscal year 2002, the Annual Percentage shall in no  
8 event exceed 23%. The Director of Revenue shall certify the  
9 Annual Percentage to the Comptroller on the last business  
10 day of the fiscal year immediately preceding the fiscal  
11 year for which it is to be effective.

12 (3) The Comptroller shall order transferred and the  
13 Treasurer shall transfer from the Tobacco Settlement  
14 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
15 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
16 (iii) \$35,000,000 in January, 2003.

17 (d) Expenditures from Income Tax Refund Fund.

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

23 (2) The Director shall order payment of refunds  
24 resulting from overpayment of tax liability under Section  
25 201 of this Act from the Income Tax Refund Fund only to the  
26 extent that amounts collected pursuant to Section 201 of



1           this Act and transfers pursuant to this subsection (d) and  
2           item (3) of subsection (c) have been deposited and retained  
3           in the Fund.

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

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

1 Refund Fund during the fiscal year.

2 (4.5) As soon as possible after the end of fiscal year  
3 1999 and of each fiscal year thereafter, the Director shall  
4 order transferred and the State Treasurer and State  
5 Comptroller shall transfer from the Income Tax Refund Fund  
6 to the General Revenue Fund any surplus remaining in the  
7 Income Tax Refund Fund as of the end of such fiscal year;  
8 excluding for fiscal years 2000, 2001, and 2002 amounts  
9 attributable to transfers under item (3) of subsection (c)  
10 less refunds resulting from the earned income tax credit.

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

15 (e) Deposits into the Education Assistance Fund and the  
16 Income Tax Surcharge Local Government Distributive Fund. On  
17 July 1, 1991, and thereafter, of the amounts collected pursuant  
18 to subsections (a) and (b) of Section 201 of this Act, minus  
19 deposits into the Income Tax Refund Fund, the Department shall  
20 deposit 7.3% into the Education Assistance Fund in the State  
21 Treasury. Beginning July 1, 1991, and continuing through  
22 January 31, 1993, of the amounts collected pursuant to  
23 subsections (a) and (b) of Section 201 of the Illinois Income  
24 Tax Act, minus deposits into the Income Tax Refund Fund, the  
25 Department shall deposit 3.0% into the Income Tax Surcharge  
26 Local Government Distributive Fund in the State Treasury.

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

12 (f) Deposits into the Fund for the Advancement of  
13 Education. Beginning February 1, 2015, the Department shall  
14 deposit the following portions of the revenue realized from the  
15 tax imposed upon individuals, trusts, and estates by  
16 subsections (a) and (b) of Section 201 of this Act, minus  
17 deposits into the Income Tax Refund Fund, into the Fund for the  
18 Advancement of Education:

19 (1) beginning February 1, 2015, and prior to February  
20 1, 2025, 1/30; and

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

22 If the rate of tax imposed by subsection (a) and (b) of  
23 Section 201 is reduced pursuant to Section 201.5 of this Act,  
24 the Department shall not make the deposits required by this  
25 subsection (f) on or after the effective date of the reduction.

26 (g) Deposits into the Commitment to Human Services Fund.

1 Beginning February 1, 2015, the Department shall deposit the  
2 following portions of the revenue realized from the tax imposed  
3 upon individuals, trusts, and estates by subsections (a) and  
4 (b) of Section 201 of this Act, minus deposits into the Income  
5 Tax Refund Fund, into the Commitment to Human Services Fund:

6 (1) beginning February 1, 2015, and prior to February  
7 1, 2025, 1/30; and

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

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

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

25 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;  
26 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.

1 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81,  
2 eff. 7-12-19.)

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

4 Sec. 901. Collection authority.

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

23 (b) Local Government Distributive Fund. Beginning August  
24 1, 2017 and continuing through January 31, 2021, the Treasurer  
25 shall transfer each month from the General Revenue Fund to the

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

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

1 ~~month.~~ Net revenue realized for a month shall be defined as the  
2 revenue from the tax imposed by subsections (a) and (b) of  
3 Section 201 of this Act which is deposited in the General  
4 Revenue Fund, the Education Assistance Fund, the Income Tax  
5 Surcharge Local Government Distributive Fund, the Fund for the  
6 Advancement of Education, and the Commitment to Human Services  
7 Fund during the month minus the amount paid out of the General  
8 Revenue Fund in State warrants during that same month as  
9 refunds to taxpayers for overpayment of liability under the tax  
10 imposed by subsections (a) and (b) of Section 201 of this Act.

11 Notwithstanding any provision of law to the contrary,  
12 beginning on July 6, 2017 (the effective date of Public Act  
13 100-23), those amounts required under this subsection (b) to be  
14 transferred by the Treasurer into the Local Government  
15 Distributive Fund from the General Revenue Fund shall be  
16 directly deposited into the Local Government Distributive Fund  
17 as the revenue is realized from the tax imposed by subsections  
18 (a) and (b) of Section 201 of this Act.

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

23 (c) Deposits Into Income Tax Refund Fund.

24 (1) 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) (1), (2), and



1 (3) of Section 201 of this Act into a fund in the State  
2 treasury known as the Income Tax Refund Fund. Beginning  
3 with State fiscal year 1990 and for each fiscal year  
4 thereafter, the percentage deposited into the Income Tax  
5 Refund Fund during a fiscal year shall be the Annual  
6 Percentage. For fiscal year 2011, the Annual Percentage  
7 shall be 8.75%. For fiscal year 2012, the Annual Percentage  
8 shall be 8.75%. For fiscal year 2013, the Annual Percentage  
9 shall be 9.75%. For fiscal year 2014, the Annual Percentage  
10 shall be 9.5%. For fiscal year 2015, the Annual Percentage  
11 shall be 10%. For fiscal year 2018, the Annual Percentage  
12 shall be 9.8%. For fiscal year 2019, the Annual Percentage  
13 shall be 9.7%. For fiscal year 2020, the Annual Percentage  
14 shall be 9.5%. 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) (1), (2), and (3) of Section 201 of  
20 this Act plus the amount of such refunds remaining approved  
21 but unpaid at the end of the preceding fiscal year, minus  
22 the amounts transferred into the Income Tax Refund Fund  
23 from the Tobacco Settlement Recovery Fund, and the  
24 denominator of which shall be the amounts which will be  
25 collected pursuant to subsections (a) and (b) (1), (2), and  
26 (3) of Section 201 of this Act during the preceding fiscal

1 year; except that in State fiscal year 2002, the Annual  
2 Percentage shall in no event exceed 7.6%. The Director of  
3 Revenue shall certify the Annual Percentage to the  
4 Comptroller on the last business day of the fiscal year  
5 immediately preceding the fiscal year for which it is to be  
6 effective.

7 (2) Beginning on January 1, 1989 and thereafter, the  
8 Department shall deposit a percentage of the amounts  
9 collected pursuant to subsections (a) and (b) (6), (7), and  
10 (8), (c) and (d) of Section 201 of this Act into a fund in  
11 the State treasury known as the Income Tax Refund Fund.  
12 Beginning with State fiscal year 1990 and for each fiscal  
13 year thereafter, the percentage deposited into the Income  
14 Tax Refund Fund during a fiscal year shall be the Annual  
15 Percentage. For fiscal year 2011, the Annual Percentage  
16 shall be 17.5%. For fiscal year 2012, the Annual Percentage  
17 shall be 17.5%. For fiscal year 2013, the Annual Percentage  
18 shall be 14%. For fiscal year 2014, the Annual Percentage  
19 shall be 13.4%. For fiscal year 2015, the Annual Percentage  
20 shall be 14%. For fiscal year 2018, the Annual Percentage  
21 shall be 17.5%. For fiscal year 2019, the Annual Percentage  
22 shall be 15.5%. For fiscal year 2020, the Annual Percentage  
23 shall be 14.25%. For all other fiscal years, the Annual  
24 Percentage shall be calculated as a fraction, the numerator  
25 of which shall be the amount of refunds approved for  
26 payment by the Department during the preceding fiscal year

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

14 (3) The Comptroller shall order transferred and the  
15 Treasurer shall transfer from the Tobacco Settlement  
16 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
17 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
18 (iii) \$35,000,000 in January, 2003.

19 (d) Expenditures from Income Tax Refund Fund.

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

25 (2) The Director shall order payment of refunds  
26 resulting from overpayment of tax liability under Section

1           201 of this Act from the Income Tax Refund Fund only to the  
2           extent that amounts collected pursuant to Section 201 of  
3           this Act and transfers pursuant to this subsection (d) and  
4           item (3) of subsection (c) have been deposited and retained  
5           in the Fund.

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

18          (4) As soon as possible after the end of each fiscal  
19          year, the Director shall order transferred and the State  
20          Treasurer and State Comptroller shall transfer from the  
21          Personal Property Tax Replacement Fund to the Income Tax  
22          Refund Fund an amount, certified by the Director to the  
23          Comptroller, equal to the excess of the amount of refunds  
24          resulting from overpayment of tax liability under  
25          subsections (c) and (d) of Section 201 of this Act paid  
26          from the Income Tax Refund Fund during the fiscal year over

1 the amount collected pursuant to subsections (c) and (d) of  
2 Section 201 of this Act deposited into the Income Tax  
3 Refund Fund during the fiscal year.

4 (4.5) As soon as possible after the end of fiscal year  
5 1999 and of each fiscal year thereafter, the Director shall  
6 order transferred and the State Treasurer and State  
7 Comptroller shall transfer from the Income Tax Refund Fund  
8 to the General Revenue Fund any surplus remaining in the  
9 Income Tax Refund Fund as of the end of such fiscal year;  
10 excluding for fiscal years 2000, 2001, and 2002 amounts  
11 attributable to transfers under item (3) of subsection (c)  
12 less refunds resulting from the earned income tax credit.

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

17 (e) Deposits into the Education Assistance Fund and the  
18 Income Tax Surcharge Local Government Distributive Fund. On  
19 July 1, 1991, and thereafter, of the amounts collected pursuant  
20 to subsections (a) and (b) of Section 201 of this Act, minus  
21 deposits into the Income Tax Refund Fund, the Department shall  
22 deposit 7.3% into the Education Assistance Fund in the State  
23 Treasury. Beginning July 1, 1991, and continuing through  
24 January 31, 1993, of the amounts collected pursuant to  
25 subsections (a) and (b) of Section 201 of the Illinois Income  
26 Tax Act, minus deposits into the Income Tax Refund Fund, the

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

14 (f) Deposits into the Fund for the Advancement of  
15 Education. Beginning February 1, 2015, the Department shall  
16 deposit the following portions of the revenue realized from the  
17 tax imposed upon individuals, trusts, and estates by  
18 subsections (a) and (b) of Section 201 of this Act, minus  
19 deposits into the Income Tax Refund Fund, into the Fund for the  
20 Advancement of Education:

21 (1) beginning February 1, 2015, and prior to February  
22 1, 2025, 1/30; and

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

24 If the rate of tax imposed by subsection (a) and (b) of  
25 Section 201 is reduced pursuant to Section 201.5 of this Act,  
26 the Department shall not make the deposits required by this

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

2 (g) Deposits into the Commitment to Human Services Fund.  
3 Beginning February 1, 2015, the Department shall deposit the  
4 following portions of the revenue realized from the tax imposed  
5 upon individuals, trusts, and estates by subsections (a) and  
6 (b) of Section 201 of this Act, minus deposits into the Income  
7 Tax Refund Fund, into the Commitment to Human Services Fund:

8 (1) beginning February 1, 2015, and prior to February  
9 1, 2025, 1/30; and

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

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

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

1 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;  
2 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.  
3 8-14-18; 100-1171, eff. 1-4-19; 101-8, see Section 99 for  
4 effective date; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
5 revised 10-1-19.)

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.