



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0315

Introduced 1/29/2021, by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

35 ILCS 5/901

Amends the Illinois Income Tax Act. 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) 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, 2023 through January 31, 2024, 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, 2024 through January 31, 2025, 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, 2025, 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.

LRB102 03587 HLH 13600 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 without the changes made by P.A. 101-8,  
8 which did not take effect (see Section 99 of P.A. 101-8))

9 Sec. 901. Collection authority.

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

1 special fund outside the State Treasury, or to the State  
2 Disbursement Unit established under Section 10-26 of the  
3 Illinois Public Aid Code, as directed by the Department of  
4 Healthcare and Family Services.

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

1 upon corporations during the preceding month. Beginning  
2 February 1, 2023 and continuing through January 31, 2024, the  
3 Treasurer shall transfer each month from the General Revenue  
4 Fund to the Local Government Distributive Fund an amount equal  
5 to the sum of (i) 9% of the net revenue realized from the tax  
6 imposed by subsections (a) and (b) of Section 201 of this Act  
7 upon individuals, trusts, and estates during the preceding  
8 month and (ii) 9.57% of the net revenue realized from the tax  
9 imposed by subsections (a) and (b) of Section 201 of this Act  
10 upon corporations during the preceding month. Beginning  
11 February 1, 2024 and continuing through January 31, 2025, the  
12 Treasurer shall transfer each month from the General Revenue  
13 Fund to the Local Government Distributive Fund an amount equal  
14 to the sum of (i) 9.5% of the net revenue realized from the tax  
15 imposed by subsections (a) and (b) of Section 201 of this Act  
16 upon individuals, trusts, and estates during the preceding  
17 month and (ii) 9.785% of the net revenue realized from the tax  
18 imposed by subsections (a) and (b) of Section 201 of this Act  
19 upon corporations during the preceding month. Beginning on  
20 February 1, 2025, the Treasurer shall transfer each month from  
21 the General Revenue Fund to the Local Government Distributive  
22 Fund an amount equal to 10% of the net revenue realized from  
23 the tax imposed on individuals, trusts, estates, and  
24 corporations by subsections (a) and (b) of Section 201 of the  
25 Illinois Income Tax Act during the preceding month. Net  
26 revenue realized for a month shall be defined as the revenue

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

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

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

22 (c) Deposits Into Income Tax Refund Fund.

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

1 treasury known as the Income Tax Refund Fund. Beginning  
2 with State fiscal year 1990 and for each fiscal year  
3 thereafter, the percentage deposited into the Income Tax  
4 Refund Fund during a fiscal year shall be the Annual  
5 Percentage. For fiscal year 2011, the Annual Percentage  
6 shall be 8.75%. For fiscal year 2012, the Annual  
7 Percentage shall be 8.75%. For fiscal year 2013, the  
8 Annual Percentage shall be 9.75%. For fiscal year 2014,  
9 the Annual Percentage shall be 9.5%. For fiscal year 2015,  
10 the Annual Percentage shall be 10%. For fiscal year 2018,  
11 the Annual Percentage shall be 9.8%. For fiscal year 2019,  
12 the Annual Percentage shall be 9.7%. For fiscal year 2020,  
13 the Annual Percentage shall be 9.5%. For fiscal year 2021,  
14 the Annual Percentage shall be 9%. For all other fiscal  
15 years, the Annual Percentage shall be calculated as a  
16 fraction, the numerator of which shall be the amount of  
17 refunds approved for payment by the Department during the  
18 preceding fiscal year as a result of overpayment of tax  
19 liability under subsections (a) and (b)(1), (2), and (3)  
20 of 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, minus the amounts transferred into the Income  
23 Tax Refund Fund from the Tobacco Settlement Recovery Fund,  
24 and the denominator of which shall be the amounts which  
25 will be collected pursuant to subsections (a) and (b)(1),  
26 (2), and (3) of Section 201 of this Act during the

1 preceding fiscal year; except that in State fiscal year  
2 2002, the Annual Percentage shall in no event exceed 7.6%.  
3 The Director of Revenue shall certify the Annual  
4 Percentage to the Comptroller on the last business day of  
5 the fiscal year immediately preceding the fiscal year for  
6 which it is to be 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  
17 Percentage shall be 17.5%. For fiscal year 2013, the  
18 Annual Percentage shall be 14%. For fiscal year 2014, the  
19 Annual Percentage shall be 13.4%. For fiscal year 2015,  
20 the Annual Percentage shall be 14%. For fiscal year 2018,  
21 the Annual Percentage shall be 17.5%. For fiscal year  
22 2019, the Annual Percentage shall be 15.5%. For fiscal  
23 year 2020, the Annual Percentage shall be 14.25%. For  
24 fiscal year 2021, the Annual Percentage shall be 14%. For  
25 all other fiscal years, the Annual Percentage shall be  
26 calculated as a fraction, the numerator of which shall be

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

16 (3) The Comptroller shall order transferred and the  
17 Treasurer shall transfer from the Tobacco Settlement  
18 Recovery Fund to the Income Tax Refund Fund (i)  
19 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,  
20 2002, and (iii) \$35,000,000 in January, 2003.

21 (d) Expenditures from Income Tax Refund Fund.

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



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

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

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

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

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

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

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

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

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

24 (1) beginning February 1, 2015, and prior to February  
25 1, 2025, 1/30; and

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

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

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

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

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

16           If the rate of tax imposed by subsection (a) and (b) of  
17 Section 201 is reduced pursuant to Section 201.5 of this Act,  
18 the Department shall not make the deposits required by this  
19 subsection (g) on or after the effective date of the  
20 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  
3 by 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; 101-10, eff. 6-5-19; 101-81,  
10 eff. 7-12-19; 101-636, eff. 6-10-20.)

11 (Text of Section with the changes made by P.A. 101-8,  
12 which did not take effect (see Section 99 of P.A. 101-8))

13 Sec. 901. Collection authority.

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

1 Revenue Law of the Civil Administrative Code of Illinois shall  
2 be paid into the Child Support Enforcement Trust Fund, a  
3 special fund outside the State Treasury, or to the State  
4 Disbursement Unit established under Section 10-26 of the  
5 Illinois Public Aid Code, as directed by the Department of  
6 Healthcare and Family Services.

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

1 individuals, trusts, and estates during the preceding month  
2 and (ii) 9.355% of the net revenue realized from the tax  
3 imposed by subsections (a) and (b) of Section 201 of this Act  
4 upon corporations during the preceding month. Beginning  
5 February 1, 2023 and continuing through January 31, 2024, 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) 9% of the net revenue realized from the tax  
9 imposed by subsections (a) and (b) of Section 201 of this Act  
10 upon individuals, trusts, and estates during the preceding  
11 month and (ii) 9.57% of the net revenue realized from the tax  
12 imposed by subsections (a) and (b) of Section 201 of this Act  
13 upon corporations during the preceding month. Beginning  
14 February 1, 2024 and continuing through January 31, 2025, the  
15 Treasurer shall transfer each month from the General Revenue  
16 Fund to the Local Government Distributive Fund an amount equal  
17 to the sum of (i) 9.5% of the net revenue realized from the tax  
18 imposed by subsections (a) and (b) of Section 201 of this Act  
19 upon individuals, trusts, and estates during the preceding  
20 month and (ii) 9.785% of the net revenue realized from the tax  
21 imposed by subsections (a) and (b) of Section 201 of this Act  
22 upon corporations during the preceding month. Beginning on  
23 February 1, 2025, the Treasurer shall transfer each month from  
24 the General Revenue Fund to the Local Government Distributive  
25 Fund an amount equal to 10% of the net revenue realized from  
26 the tax imposed on individuals, trusts, estates, and

1 corporations by subsections (a) and (b) of Section 201 of the  
2 Illinois Income Tax Act during the preceding month. Beginning  
3 ~~February 1, 2021, the Treasurer shall transfer each month from~~  
4 ~~the General Revenue Fund to the Local Government Distributive~~  
5 ~~Fund an amount equal to the sum of (i) 5.32% of the net revenue~~  
6 ~~realized from the tax imposed by subsections (a) and (b) of~~  
7 ~~Section 201 of this Act upon individuals, trusts, and estates~~  
8 ~~during the preceding month and (ii) 6.16% of the net revenue~~  
9 ~~realized from the tax imposed by subsections (a) and (b) of~~  
10 ~~Section 201 of this Act upon corporations during the preceding~~  
11 ~~month.~~ Net revenue realized for a month shall be defined as the  
12 revenue from the tax imposed by subsections (a) and (b) of  
13 Section 201 of this Act which is deposited in the General  
14 Revenue Fund, the Education Assistance Fund, the Income Tax  
15 Surcharge Local Government Distributive Fund, the Fund for the  
16 Advancement of Education, and the Commitment to Human Services  
17 Fund during the month minus the amount paid out of the General  
18 Revenue Fund in State warrants during that same month as  
19 refunds to taxpayers for overpayment of liability under the  
20 tax imposed by subsections (a) and (b) of Section 201 of this  
21 Act.

22 Notwithstanding any provision of law to the contrary,  
23 beginning on July 6, 2017 (the effective date of Public Act  
24 100-23), those amounts required under this subsection (b) to  
25 be transferred by the Treasurer into the Local Government  
26 Distributive Fund from the General Revenue Fund shall be



1 directly deposited into the Local Government Distributive Fund  
2 as the revenue is realized from the tax imposed by subsections  
3 (a) and (b) of Section 201 of this Act.

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

8 (c) Deposits Into Income Tax Refund Fund.

9 (1) Beginning on January 1, 1989 and thereafter, the  
10 Department shall deposit a percentage of the amounts  
11 collected pursuant to subsections (a) and (b)(1), (2), and  
12 (3) of Section 201 of this Act into a fund in the State  
13 treasury known as the Income Tax Refund Fund. Beginning  
14 with State fiscal year 1990 and for each fiscal year  
15 thereafter, the percentage deposited into the Income Tax  
16 Refund Fund during a fiscal year shall be the Annual  
17 Percentage. For fiscal year 2011, the Annual Percentage  
18 shall be 8.75%. For fiscal year 2012, the Annual  
19 Percentage shall be 8.75%. For fiscal year 2013, the  
20 Annual Percentage shall be 9.75%. For fiscal year 2014,  
21 the Annual Percentage shall be 9.5%. For fiscal year 2015,  
22 the Annual Percentage shall be 10%. For fiscal year 2018,  
23 the Annual Percentage shall be 9.8%. For fiscal year 2019,  
24 the Annual Percentage shall be 9.7%. For fiscal year 2020,  
25 the Annual Percentage shall be 9.5%. For fiscal year 2021,  
26 the Annual Percentage shall be 9%. For all other fiscal

1 years, the Annual Percentage shall be calculated as a  
2 fraction, the numerator of which shall be the amount of  
3 refunds approved for payment by the Department during the  
4 preceding fiscal year as a result of overpayment of tax  
5 liability under subsections (a) and (b)(1), (2), and (3)  
6 of Section 201 of this Act plus the amount of such refunds  
7 remaining approved but unpaid at the end of the preceding  
8 fiscal year, minus the amounts transferred into the Income  
9 Tax Refund Fund from the Tobacco Settlement Recovery Fund,  
10 and the denominator of which shall be the amounts which  
11 will be collected pursuant to subsections (a) and (b)(1),  
12 (2), and (3) of Section 201 of this Act during the  
13 preceding fiscal year; except that in State fiscal year  
14 2002, the Annual Percentage shall in no event exceed 7.6%.  
15 The Director of Revenue shall certify the Annual  
16 Percentage to the Comptroller on the last business day of  
17 the fiscal year immediately preceding the fiscal year for  
18 which it is to be effective.

19 (2) Beginning on January 1, 1989 and thereafter, the  
20 Department shall deposit a percentage of the amounts  
21 collected pursuant to subsections (a) and (b)(6), (7), and  
22 (8), (c) and (d) of Section 201 of this Act into a fund in  
23 the State treasury known as the Income Tax Refund Fund.  
24 Beginning with State fiscal year 1990 and for each fiscal  
25 year thereafter, the percentage deposited into the Income  
26 Tax Refund Fund during a fiscal year shall be the Annual

1 Percentage. For fiscal year 2011, the Annual Percentage  
2 shall be 17.5%. For fiscal year 2012, the Annual  
3 Percentage shall be 17.5%. For fiscal year 2013, the  
4 Annual Percentage shall be 14%. For fiscal year 2014, the  
5 Annual Percentage shall be 13.4%. For fiscal year 2015,  
6 the Annual Percentage shall be 14%. For fiscal year 2018,  
7 the Annual Percentage shall be 17.5%. For fiscal year  
8 2019, the Annual Percentage shall be 15.5%. For fiscal  
9 year 2020, the Annual Percentage shall be 14.25%. For  
10 fiscal year 2021, the Annual Percentage shall be 14%. For  
11 all other fiscal years, the Annual Percentage shall be  
12 calculated as a fraction, the numerator of which shall be  
13 the amount of refunds approved for payment by the  
14 Department during the preceding fiscal year as a result of  
15 overpayment of tax liability under subsections (a) and  
16 (b) (6), (7), and (8), (c) and (d) of Section 201 of this  
17 Act plus the amount of such refunds remaining approved but  
18 unpaid at the end of the preceding fiscal year, and the  
19 denominator of which shall be the amounts which will be  
20 collected pursuant to subsections (a) and (b) (6), (7), and  
21 (8), (c) and (d) of Section 201 of this Act during the  
22 preceding fiscal year; except that in State fiscal year  
23 2002, the Annual Percentage shall in no event exceed 23%.  
24 The Director of Revenue shall certify the Annual  
25 Percentage to the Comptroller on the last business day of  
26 the fiscal year immediately preceding the fiscal year for

1           which it is to be effective.

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

7           (d) Expenditures from Income Tax Refund Fund.

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

13          (2) The Director shall order payment of refunds  
14          resulting from overpayment of tax liability under Section  
15          201 of this Act from the Income Tax Refund Fund only to the  
16          extent that amounts collected pursuant to Section 201 of  
17          this Act and transfers pursuant to this subsection (d) and  
18          item (3) of subsection (c) have been deposited and  
19          retained in the Fund.

20          (3) As soon as possible after the end of each fiscal  
21          year, the Director shall order transferred and the State  
22          Treasurer and State Comptroller shall transfer from the  
23          Income Tax Refund Fund to the Personal Property Tax  
24          Replacement Fund an amount, certified by the Director to  
25          the Comptroller, equal to the excess of the amount  
26          collected pursuant to subsections (c) and (d) of Section

1           201 of this Act deposited into the Income Tax Refund Fund  
2           during the fiscal year over the amount of refunds  
3           resulting from overpayment of tax liability under  
4           subsections (c) and (d) of Section 201 of this Act paid  
5           from the Income Tax Refund Fund during the fiscal year.

6           (4) 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           Personal Property Tax Replacement Fund to the Income Tax  
10          Refund Fund an amount, certified by the Director to the  
11          Comptroller, equal to the excess of the amount of refunds  
12          resulting from overpayment of tax liability under  
13          subsections (c) and (d) of Section 201 of this Act paid  
14          from the Income Tax Refund Fund during the fiscal year  
15          over the amount collected pursuant to subsections (c) and  
16          (d) of Section 201 of this Act deposited into the Income  
17          Tax Refund Fund during the fiscal year.

18          (4.5) As soon as possible after the end of fiscal year  
19          1999 and of each fiscal year thereafter, the Director  
20          shall order transferred and the State Treasurer and State  
21          Comptroller shall transfer from the Income Tax Refund Fund  
22          to the General Revenue Fund any surplus remaining in the  
23          Income Tax Refund Fund as of the end of such fiscal year;  
24          excluding for fiscal years 2000, 2001, and 2002 amounts  
25          attributable to transfers under item (3) of subsection (c)  
26          less refunds resulting from the earned income tax credit.

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

6           (e) Deposits into the Education Assistance Fund and the  
7 Income Tax Surcharge Local Government Distributive Fund. On  
8 July 1, 1991, and thereafter, of the amounts collected  
9 pursuant to subsections (a) and (b) of Section 201 of this Act,  
10 minus deposits into the Income Tax Refund Fund, the Department  
11 shall deposit 7.3% into the Education Assistance Fund in the  
12 State Treasury. Beginning July 1, 1991, and continuing through  
13 January 31, 1993, of the amounts collected pursuant to  
14 subsections (a) and (b) of Section 201 of the Illinois Income  
15 Tax Act, minus deposits into the Income Tax Refund Fund, the  
16 Department shall deposit 3.0% into the Income Tax Surcharge  
17 Local Government Distributive Fund in the State Treasury.  
18 Beginning February 1, 1993 and continuing through June 30,  
19 1993, of the amounts collected pursuant to subsections (a) and  
20 (b) of Section 201 of the Illinois Income Tax Act, minus  
21 deposits into the Income Tax Refund Fund, the Department shall  
22 deposit 4.4% into the Income Tax Surcharge Local Government  
23 Distributive Fund in the State Treasury. Beginning July 1,  
24 1993, and continuing through June 30, 1994, of the amounts  
25 collected under subsections (a) and (b) of Section 201 of this  
26 Act, minus deposits into the Income Tax Refund Fund, the

1 Department shall deposit 1.475% into the Income Tax Surcharge  
2 Local Government Distributive Fund in the State Treasury.

3 (f) Deposits into the Fund for the Advancement of  
4 Education. Beginning February 1, 2015, the Department shall  
5 deposit the following portions of the revenue realized from  
6 the tax imposed upon individuals, trusts, and estates by  
7 subsections (a) and (b) of Section 201 of this Act, minus  
8 deposits into the Income Tax Refund Fund, into the Fund for the  
9 Advancement of Education:

10 (1) beginning February 1, 2015, and prior to February  
11 1, 2025, 1/30; and

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

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

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

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

19           (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;  
20 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.  
21 8-14-18; 100-1171, eff. 1-4-19; 101-8, see Section 99 for  
22 effective date; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;  
23 101-636, eff. 6-10-20.)

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