



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0318

Introduced 1/29/2021, by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.935 new
30 ILCS 105/6z-114 new
35 ILCS 5/232 new
55 ILCS 5/5-1005

from Ch. 34, par. 5-1005

Amends the Illinois Income Tax Act. Creates an income tax credit in an amount equal to the contributions made by the taxpayer to the Illinois Education Excellence Fund during the taxable year. Amends the State Finance Act. Creates the Illinois Education Excellence Fund. Provides that moneys in the Fund shall be used for public education purposes. Amends the Counties Code. Provides that the county board may establish a fund in the county treasury to accept contributions for public purposes. Provides that the county may provide for a credit against the taxpayer's property tax liability in an amount equal to the amount of the contribution. Effective immediately.

LRB102 04052 HLH 14068 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 State Finance Act is amended by adding
5 Sections 5.935 and 6z-114 as follows:

6 (30 ILCS 105/5.935 new)

7 Sec. 5.935. The Illinois Education Excellence Fund.

8 (30 ILCS 105/6z-114 new)

9 Sec. 6z-114. The Illinois Education Excellence Fund;
10 creation.

11 (a) The Illinois Education Excellence Fund is hereby
12 created as a special fund in the State treasury. The Fund may
13 accept contributions for exclusively public education
14 purposes, as specified under Section 170 of the Internal
15 Revenue Code relating to charitable contributions and gifts.
16 All moneys in the Fund shall be used for those public education
17 purposes, subject to appropriation by the General Assembly.
18 "Public education purposes" includes, but is not limited to,
19 early childhood education, elementary and secondary education,
20 higher education, adult education, and teachers' employment
21 benefits.

22 (b) The State Treasurer shall adopt any rules necessary or

1 appropriate to administer the Fund, including rules allowing
2 the public to make monetary contributions to the Fund and
3 obtain a certification from the Treasurer for the credit
4 allowed under Section 229 of the Illinois Income Tax Act. The
5 Treasurer shall certify the contribution amount eligible for
6 credit within 45 days following receipt of the contribution
7 and shall provide a copy of the certification, which may be
8 provided electronically, to the taxpayer and the Department of
9 Revenue as soon as possible after the certification.

10 Section 10. The Illinois Income Tax Act is amended by
11 adding Section 232 as follows:

12 (35 ILCS 5/232 new)

13 Sec. 232. Contributions to the Illinois Education
14 Excellence Fund.

15 (a) For taxable years ending after December 31, 2021 and
16 before January 1, 2030, any individual taxpayer who makes a
17 contribution to the Illinois Education Excellence Fund is
18 entitled to a credit against the taxes imposed under
19 subsections (a) and (b) of Section 201 in an amount equal to
20 100% of the contributions made by the taxpayer to the Fund
21 during the taxable year.

22 (b) For partners, shareholders of Subchapter S
23 corporations, and owners of limited liability companies, if
24 the liability company is treated as a partnership for the

1 purposes of federal and State income taxation, there shall be
2 allowed a credit under this Section to be determined in
3 accordance with the determination of income and distributive
4 share of income under Sections 702 and 704 and Subchapter S of
5 the Internal Revenue Code.

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

15 (d) This Section is exempt from the provisions of Section
16 250.

17 Section 20. The Counties Code is amended by changing
18 Section 5-1005 as follows:

19 (55 ILCS 5/5-1005) (from Ch. 34, par. 5-1005)

20 Sec. 5-1005. Powers. Each county shall have power:

21 1. To purchase and hold the real and personal estate
22 necessary for the uses of the county, and to purchase and
23 hold, for the benefit of the county, real estate sold by
24 virtue of judicial proceedings in which the county is

1 plaintiff.

2 2. To sell and convey or lease any real or personal
3 estate owned by the county.

4 3. To make all contracts and do all other acts in
5 relation to the property and concerns of the county
6 necessary to the exercise of its corporate powers.

7 4. To take all necessary measures and institute
8 proceedings to enforce all laws for the prevention of
9 cruelty to animals.

10 5. To purchase and hold or lease real estate upon
11 which may be erected and maintained buildings to be
12 utilized for purposes of agricultural experiments and to
13 purchase, hold and use personal property for the care and
14 maintenance of such real estate in connection with such
15 experimental purposes.

16 6. To cause to be erected, or otherwise provided,
17 suitable buildings for, and maintain a county hospital and
18 necessary branch hospitals and/or a county sheltered care
19 home or county nursing home for the care of such sick,
20 chronically ill or infirm persons as may by law be proper
21 charges upon the county, or upon other governmental units,
22 and to provide for the management of the same. The county
23 board may establish rates to be paid by persons seeking
24 care and treatment in such hospital or home in accordance
25 with their financial ability to meet such charges, either
26 personally or through a hospital plan or hospital

1 insurance, and the rates to be paid by governmental units,
2 including the State, for the care of sick, chronically ill
3 or infirm persons admitted therein upon the request of
4 such governmental units. Any hospital maintained by a
5 county under this Section is authorized to provide any
6 service and enter into any contract or other arrangement
7 not prohibited for a hospital that is licensed under the
8 Hospital Licensing Act, incorporated under the General
9 Not-For-Profit Corporation Act, and exempt from taxation
10 under paragraph (3) of subsection (c) of Section 501 of
11 the Internal Revenue Code.

12 7. To contribute such sums of money toward erecting,
13 building, maintaining, and supporting any non-sectarian
14 public hospital located within its limits as the county
15 board of the county shall deem proper.

16 8. To purchase and hold real estate for the
17 preservation of forests, prairies and other natural areas
18 and to maintain and regulate the use thereof.

19 9. To purchase and hold real estate for the purpose of
20 preserving historical spots in the county, to restore,
21 maintain and regulate the use thereof and to donate any
22 historical spot to the State.

23 10. To appropriate funds from the county treasury to
24 be used in any manner to be determined by the board for the
25 suppression, eradication and control of tuberculosis among
26 domestic cattle in such county.

1 11. To take all necessary measures to prevent forest
2 fires and encourage the maintenance and planting of trees
3 and the preservation of forests.

4 12. To authorize the closing on Saturday mornings of
5 all offices of all county officers at the county seat of
6 each county, and to otherwise regulate and fix the days
7 and the hours of opening and closing of such offices,
8 except when the days and the hours of opening and closing
9 of the office of any county officer are otherwise fixed by
10 law; but the power herein conferred shall not apply to the
11 office of State's Attorney and the offices of judges and
12 clerks of courts and, in counties of 500,000 or more
13 population, the offices of county clerk.

14 13. To provide for the conservation, preservation and
15 propagation of insectivorous birds through the expenditure
16 of funds provided for such purpose.

17 14. To appropriate funds from the county treasury and
18 expend the same for care and treatment of tuberculosis
19 residents.

20 15. In counties having less than 1,000,000
21 inhabitants, to take all necessary or proper steps for the
22 extermination of mosquitoes, flies or other insects within
23 the county.

24 16. To install an adequate system of accounts and
25 financial records in the offices and divisions of the
26 county, suitable to the needs of the office and in

1 accordance with generally accepted principles of
2 accounting for governmental bodies, which system may
3 include such reports as the county board may determine.

4 17. To purchase and hold real estate for the
5 construction and maintenance of motor vehicle parking
6 facilities for persons using county buildings, but the
7 purchase and use of such real estate shall not be for
8 revenue producing purposes.

9 18. To acquire and hold title to real property located
10 within the county, or partly within and partly outside the
11 county by dedication, purchase, gift, legacy or lease, for
12 park and recreational purposes and to charge reasonable
13 fees for the use of or admission to any such park or
14 recreational area and to provide police protection for
15 such park or recreational area. Personnel employed to
16 provide such police protection shall be conservators of
17 the peace within such park or recreational area and shall
18 have power to make arrests on view of the offense or upon
19 warrants for violation of any of the ordinances governing
20 such park or recreational area or for any breach of the
21 peace in the same manner as the police in municipalities
22 organized and existing under the general laws of the
23 State. All such real property outside the county shall be
24 contiguous to the county and within the boundaries of the
25 State of Illinois.

26 19. To appropriate funds from the county treasury to

1 be used to provide supportive social services designed to
2 prevent the unnecessary institutionalization of elderly
3 residents, or, for operation of, and equipment for, senior
4 citizen centers providing social services to elderly
5 residents.

6 20. To appropriate funds from the county treasury and
7 loan such funds to a county water commission created under
8 the "Water Commission Act", approved June 30, 1984, as now
9 or hereafter amended, in such amounts and upon such terms
10 as the county may determine or the county and the
11 commission may agree. The county shall not under any
12 circumstances be obligated to make such loans. The county
13 shall not be required to charge interest on any such
14 loans.

15 21. To appropriate and expend funds from the county
16 treasury for economic development purposes, including the
17 making of grants to any other governmental entity or
18 commercial enterprise deemed necessary or desirable for
19 the promotion of economic development in the county.

20 22. To lease space on a telecommunications tower to a
21 public or private entity.

22 23. In counties having a population of 100,000 or less
23 and a public building commission organized by the county
24 seat of the county, to cause to be erected or otherwise
25 provided, and to maintain or cause to be maintained,
26 suitable facilities to house students pursuing a

1 post-secondary education at an academic institution
2 located within the county. The county may provide for the
3 management of the facilities.

4 24. For taxable years 2021 through 2028, to establish
5 a fund in the county treasury for the purpose of accepting
6 contributions from individual taxpayers for exclusively
7 public purposes, as specified under Section 170 of the
8 Internal Revenue Code relating to charitable contributions
9 and gifts. All moneys in the Fund shall be used for those
10 public purposes. The county may provide for a credit
11 against the taxpayer's property tax liability in an amount
12 equal to the amount of the contribution.

13 All contracts for the purchase of coal under this Section
14 shall be subject to the provisions of "An Act concerning the
15 use of Illinois mined coal in certain plants and
16 institutions", filed July 13, 1937, as amended.

17 (Source: P.A. 95-197, eff. 8-16-07; 95-813, eff. 1-1-09;
18 96-622, eff. 8-24-09.)

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