



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4187

Introduced 3/4/2022, by Sen. Terri Bryant, Sally J. Turner,
Dan McConchie, Steve McClure and Win Stoller

SYNOPSIS AS INTRODUCED:

35 ILCS 5/210
35 ILCS 5/210.5

Amends the Illinois Income Tax Act. Provides that, for taxable years ending on or after December 31, 2022, the credit for employee child care shall be in an amount equal to: (1) 50% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees; and (2) 20% of the annual amount paid by the corporate taxpayer to (i) provide an on-site child care facility for the children of its employees, (ii) provide child care offsite for the children of its employees, or (iii) a combination of (i) and (ii) (currently, 30% of the start-up costs and 5% of the annual amount paid by the taxpayer in providing the child care facility). Provides that the taxpayer may coordinate with an independent child care facility to provide care for the children of employees. Effective immediately.

LRB102 26488 HLH 37002 b

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Income Tax Act is amended by
5 changing Sections 210 and 210.5 as follows:

6 (35 ILCS 5/210)

7 Sec. 210. Dependent care assistance program tax credit.

8 (a) Beginning with tax years ending on or after June 30,
9 1995, each taxpayer who is primarily engaged in manufacturing
10 is entitled to a credit against the tax imposed by subsections
11 (a) and (b) of Section 201 in an amount equal to 5% of the
12 amount of expenditures by the taxpayer in the tax year for
13 which the credit is claimed, reported pursuant to Section
14 129(d)(7) of the Internal Revenue Code, to provide in the
15 Illinois premises of the taxpayer's workplace an on-site
16 facility dependent care assistance program under Section 129
17 of the Internal Revenue Code.

18 (b) If the amount of credit exceeds the tax liability for
19 the year, the excess may be carried forward and applied to the
20 tax liability of the 2 taxable years following the excess
21 credit year. The credit shall be applied to the earliest year
22 for which there is a tax liability. If there are credits from
23 more than one tax year that are available to offset a

1 liability, the earlier credit shall be applied first.

2 (c) A taxpayer claiming the credit provided by this
3 Section shall maintain and record such information as the
4 Department may require by regulation regarding the dependent
5 care assistance program for which credit is claimed. When
6 claiming the credit provided by this Section, the taxpayer
7 shall provide such information regarding the taxpayer's
8 provision of a dependent care assistance program under Section
9 129 of the Internal Revenue Code.

10 (d) If a taxpayer claims a credit under this Section for a
11 taxable year, then the taxpayer may not also claim a credit
12 under Section 210.5 for the same taxable year.

13 (Source: P.A. 88-505.)

14 (35 ILCS 5/210.5)

15 Sec. 210.5. Tax credit for employee child care.

16 (a) Each corporate taxpayer is entitled to a credit
17 against the tax imposed by subsections (a) and (b) of Section
18 201 as provided in this Section. For taxable years ending on or
19 after December 31, 2000 and on or before December 31, 2004, the
20 amount of the credit shall be equal to: (1) 30% of the start-up
21 costs expended by the corporate taxpayer to provide a child
22 care facility for the children of its employees; and (2) 5% of
23 the annual amount paid by the corporate taxpayer in providing
24 the child care facility for the children of its employees. For
25 taxable years ending after December 31, 2004 and prior to

1 December 31, 2007, the amount of the credit shall be equal to
2 5% of the annual amount paid by the corporate taxpayer in
3 providing the child care facility for the children of its
4 employees. For taxable years ending on or after December 31,
5 2007 and before December 31, 2022, the amount of the credit
6 shall be equal to: (1) 30% of the start-up costs expended by
7 the corporate taxpayer to provide a child care facility for
8 the children of its employees; and (2) 5% of the annual amount
9 paid by the corporate taxpayer in providing the child care
10 facility for the children of its employees. For taxable years
11 ending on or after December 31, 2022, the amount of the credit
12 shall be equal to: (1) 50% of the start-up costs expended by
13 the corporate taxpayer to provide a child care facility for
14 the children of its employees; and (2) 20% of the annual amount
15 paid by the corporate taxpayer to (i) provide an on-site child
16 care facility for the children of its employees, (ii) provide
17 child care offsite for the children of its employees, or (iii)
18 a combination of (i) and (ii). This amendatory Act of the 102nd
19 General Assembly is not intended to make any substantive
20 changes with respect to taxable years ending prior to December
21 31, 2022. ~~in an amount equal to (i) for taxable years ending on~~
22 ~~or after December 31, 2000 and on or before December 31, 2004~~
23 ~~and for taxable years ending on or after December 31, 2007, 30%~~
24 ~~of the start up costs expended by the corporate taxpayer to~~
25 ~~provide a child care facility for the children of its~~
26 ~~employees and (ii) for taxable years ending on or after~~

1 ~~December 31, 2000, 5% of the annual amount paid by the~~
2 ~~corporate taxpayer in providing the child care facility for~~
3 ~~the children of its employees.~~ The provisions of Section 250
4 do not apply to the credits allowed under this Section. If the
5 ~~5%~~ credit authorized under ~~item (ii) of this Section~~
6 ~~subsection~~ is claimed, the ~~5%~~ credit authorized under Section
7 210 cannot also be claimed.

8 To receive the tax credit under this Section a corporate
9 taxpayer may do one or more of the following: it may either
10 independently provide and operate a child care facility for
11 the children of its employees; ~~or~~ it may join in a partnership
12 with one or more other corporations to jointly provide and
13 operate a child care facility for the children of employees of
14 the corporations in the partnership; or it may coordinate with
15 an independent child care facility to provide care for the
16 children of employees.

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

26 (c) As used in this Section, "start-up costs" means

1 planning, site-preparation, construction, renovation, or
2 acquisition of a child care facility. As used in this Section,
3 "child care facility" is limited to a child care facility
4 located in Illinois.

5 (d) A corporate taxpayer claiming the credit provided by
6 this Section shall maintain and record such information as the
7 Department may require by rule regarding the child care
8 facility for which the credit is claimed.

9 (Source: P.A. 95-648, eff. 10-11-07.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.