



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1642

Introduced 2/1/2023, by Rep. Blaine Wilhour

SYNOPSIS AS INTRODUCED:

35 ILCS 40/10
35 ILCS 40/65
35 ILCS 40/995 rep.

Amends the Invest in Kids Act. Provides that the credit shall be equal to 100% (rather than 75%) of the total amount of qualified contributions made by the taxpayer during a taxable year, not to exceed a credit of \$1,333,333 (rather than \$1,000,000) per taxpayer. Provides that the aggregate credit cap per year may not exceed \$100,000,000 (rather than \$75,000,000). Provides that the cap shall be increased by 20% beginning on the first day of a calendar year if, in at least 2 of the previous 3 calendar years, the cap was reached. Removes language limiting the credit to tax years ending before January 1, 2024 and repealing the Act on January 1, 2025. Provides that the Act is exempt from the sunset provisions of the Illinois Income Tax Act. Repeals an inseverability clause. Effective immediately.

LRB103 05252 HLH 50270 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 Invest in Kids Act is amended by changing
5 Sections 10 and 65 as follows:

6 (35 ILCS 40/10)

7 (Section scheduled to be repealed on January 1, 2025)

8 Sec. 10. Credit awards.

9 (a) The Department shall award credits against the tax
10 imposed under subsections (a) and (b) of Section 201 of the
11 Illinois Income Tax Act to taxpayers who make qualified
12 contributions. For contributions made under this Act, the
13 credit shall be equal to 100% ~~75%~~ of the total amount of
14 qualified contributions made by the taxpayer during a taxable
15 year, not to exceed a credit of \$1,333,333 ~~\$1,000,000~~ per
16 taxpayer.

17 (b) The aggregate amount of all credits the Department may
18 award under this Act in any calendar year may not exceed
19 \$100,000,000 ~~\$75,000,000~~. The aggregate credit cap under this
20 subsection (b) shall be increased by 20% beginning on the
21 first day of a calendar year if, in at least 2 of the previous
22 3 calendar years, the applicable aggregate credit cap under
23 this subsection (b) was reached.

1 (c) Contributions made by corporations (including
2 Subchapter S corporations), partnerships, and trusts under
3 this Act may not be directed to a particular subset of schools,
4 a particular school, a particular group of students, or a
5 particular student. Contributions made by individuals under
6 this Act may be directed to a particular subset of schools or a
7 particular school but may not be directed to a particular
8 group of students or a particular student.

9 (d) No credit shall be taken under this Act for any
10 qualified contribution for which the taxpayer claims a federal
11 income tax deduction.

12 (e) Credits shall be awarded in a manner, as determined by
13 the Department, that is geographically proportionate to
14 enrollment in recognized non-public schools in Illinois. If
15 the cap on the aggregate credits that may be awarded by the
16 Department is not reached by June 1 of a given year, the
17 Department shall award remaining credits on a first-come,
18 first-served basis, without regard to the limitation of this
19 subsection.

20 (f) Credits awarded for donations made to a technical
21 academy shall be awarded without regard to subsection (e), but
22 shall not exceed 15% of the annual statewide program cap. For
23 the purposes of this subsection, "technical academy" means a
24 technical academy that is registered with the Board within 30
25 days after the effective date of this amendatory Act of the
26 102nd General Assembly.

1 (Source: P.A. 102-16, eff. 6-17-21.)

2 (35 ILCS 40/65)

3 (Section scheduled to be repealed on January 1, 2025)

4 Sec. 65. Credit period; exemption ~~repeal~~.

5 (a) A taxpayer may take a credit under this Act for tax
6 years beginning on or after January 1, 2018 ~~and ending before~~
7 ~~January 1, 2024. A taxpayer may not take a credit pursuant to~~
8 ~~this Act for tax years beginning on or after January 1, 2024.~~

9 (b) This Act is exempt from the provisions of Section 250
10 of the Illinois Income Tax Act ~~repealed on January 1, 2025.~~

11 (Source: P.A. 102-16, eff. 6-17-21.)

12 (35 ILCS 40/995 rep.)

13 Section 10. The Invest in Kids Act is amended by repealing
14 Section 995.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.