

1 AMENDMENT TO SENATE BILL 1935

2 AMENDMENT NO. _____. Amend Senate Bill 1935 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1

5 Section 1-1. Earned income tax credit; continuation;
6 validation.

7 (a) The General Assembly finds and declares:

8 (1) Section 212 of the Illinois Income Tax Act
9 provided for its repeal on June 1, 2003.

10 (2) Senate Bill 4 of the 93rd General Assembly,
11 among other things, deleted the language of Section 212
12 repealing that Section on June 1, 2003. Senate Bill 4
13 passed both houses of the General Assembly on May 31,
14 2003. Senate Bill 4 was approved by the Governor on
15 August 18, 2003 and took effect on that date as Public
16 Act 93-534. It was the intention of the General Assembly
17 in passing Senate Bill 4 that Section 212 of the Illinois
18 Income Tax Act not be repealed.

19 (3) The Statute on Statutes sets forth general
20 rules on the repeal of statutes, but Section 1 of that
21 Act also states that these rules will not be observed
22 when the result would be "inconsistent with the manifest

1 intent of the General Assembly or repugnant to the
2 context of the statute".

3 (4) The actions of the General Assembly clearly
4 manifest the intention of the General Assembly not to
5 repeal Section 212 of the Illinois Income Tax Act. Any
6 construction of Public Act 93-534 that results in the
7 repeal of Section 212 of the Illinois Income Tax Act on
8 June 1, 2003 would be inconsistent with the manifest
9 intent of the General Assembly.

10 (b) It is hereby declared to have been the intent of the
11 General Assembly, in enacting Public Act 93-534, that Section
12 212 of the Illinois Income Tax Act be changed to, among other
13 things, eliminate its repeal and that it not be subject to
14 repeal on June 1, 2003.

15 (c) Section 212 of the Illinois Income Tax Act is deemed
16 to have been in continuous effect since its original
17 effective date, and it shall continue to be in effect until
18 it is otherwise repealed.

19 (d) All otherwise lawful actions taken in reliance on or
20 pursuant to Section 212 of the Illinois Income Tax Act before
21 the effective date of this amendatory Act of the 93rd General
22 Assembly by any officer or agency of State government or any
23 other person or entity are validated.

24 (e) To ensure the continuing effectiveness of Section
25 212 of the Illinois Income Tax Act, it is set forth in full
26 and re-enacted by this Act. This re-enactment is intended as
27 a continuation of Section 212 of the Illinois Income Tax Act.

28 (f) This Article applies to all claims, actions,
29 proceedings, and returns pending on or filed on, before, or
30 after the effective date of this Act.

31 Section 1-5. The Illinois Income Tax Act is amended by
32 re-enacting Section 212 as follows:

1 (35 ILCS 5/212)

2 Sec. 212. Earned income tax credit.

3 (a) With respect to the federal earned income tax credit
4 allowed for the taxable year under Section 32 of the federal
5 Internal Revenue Code, 26 U.S.C. 32, each individual taxpayer
6 is entitled to a credit against the tax imposed by
7 subsections (a) and (b) of Section 201 in an amount equal to
8 5% of the federal tax credit for each taxable year beginning
9 on or after January 1, 2000.

10 For a non-resident or part-year resident, the amount of
11 the credit under this Section shall be in proportion to the
12 amount of income attributable to this State.

13 (b) For taxable years beginning before January 1, 2003,
14 in no event shall a credit under this Section reduce the
15 taxpayer's liability to less than zero. For each taxable
16 year beginning on or after January 1, 2003, if the amount of
17 the credit exceeds the income tax liability for the
18 applicable tax year, then the excess credit shall be refunded
19 to the taxpayer. The amount of a refund shall not be
20 included in the taxpayer's income or resources for the
21 purposes of determining eligibility or benefit level in any
22 means-tested benefit program administered by a governmental
23 entity unless required by federal law.

24 (b-5) Refunds authorized by subsection (b) are subject
25 to the availability of funds from the federal Temporary
26 Assistance for Needy Families Block Grant and the State's
27 ability to meet its required Maintenance of Effort.

28 (c) This Section is exempt from the provisions of
29 Section 250.

30 (Source: P.A. 93-534, eff. 8-18-03.)

31 ARTICLE 2

32 Section 2-1. The State Finance Act is amended by adding

1 Section 8.27a as follows:

2 (30 ILCS 105/8.27a new)

3 Sec. 8.27a. TANF funds; earned income tax credit.

4 (a) Receipts from federal financial participation in the
5 Temporary Assistance for Needy Families (TANF) program under
6 Title IV-A of the federal Social Security Act received by the
7 Illinois Department of Human Services as reimbursement of
8 claims for expenditures made from the Illinois Department of
9 Revenue appropriations for earned income tax credits refunded
10 to eligible TANF recipients shall be deposited into the
11 Income Tax Refund Fund.

12 (b) Deposits shall be made as needed to the Income Tax
13 Refund Fund from the amounts received from the Temporary
14 Assistance for Needy Families program under Title IV-A of the
15 federal Social Security Act by the Department of Human
16 Services on approximately the fifteenth calendar day of each
17 month.

18 ARTICLE 99

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