

**SB0676**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0676**

Introduced 2/18/2005, by Sen. Don Harmon - Emil Jones, Jr.

**SYNOPSIS AS INTRODUCED:**

35 ILCS 5/212

Amends the Illinois Income Tax Act. Makes a technical change in a Section concerning the earned income tax credit.

LRB094 04414 BDD 34443 b

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 212 as follows:

6 (35 ILCS 5/212)

7 Sec. 212. Earned income tax credit.

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

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

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

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

1           (c) This Section is exempt from the provisions of Section  
2    250.

3    (Source: P.A. 93-534, eff. 8-18-03; 93-653, eff. 1-8-04.)