



Sen. Don Harmon

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LRB098 04618 HLH 42292 a

1 AMENDMENT TO SENATE BILL 333

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 333 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Income Tax Act is amended by  
5 changing Sections 223 and 704A as follows:

6 (35 ILCS 5/223)

7 Sec. 223. Hospital credit.

8 (a) For tax years ending on or after December 31, 2012, a  
9 taxpayer that is the owner of a hospital licensed under the  
10 Hospital Licensing Act, but not including an organization that  
11 is exempt from federal income taxes under the Internal Revenue  
12 Code, is entitled to a credit against the taxes imposed under  
13 subsections (a) and (b) of Section 201 of this Act or the  
14 payments due under Section 704A of this Act in an amount equal  
15 to the lesser of the amount of real property taxes paid during  
16 the tax year on real property used for hospital purposes during

1 the prior tax year or the cost of free or discounted services  
2 provided during the tax year pursuant to the hospital's  
3 charitable financial assistance policy, measured at cost.

4 (b) If the taxpayer is a partnership or Subchapter S  
5 corporation, the credit is allowed to the partners or  
6 shareholders in accordance with the determination of income and  
7 distributive share of income under Sections 702 and 704 and  
8 Subchapter S of the Internal Revenue Code. A transfer of this  
9 credit may be made by the taxpayer earning the credit within  
10 one year after the credit is earned in accordance with rules  
11 adopted by the Department. The Department shall prescribe rules  
12 to enforce and administer provisions of this Section. If the  
13 amount of the credit exceeds the tax liability for the year,  
14 then the excess credit may be carried forward and applied to  
15 the tax liability of the 5 taxable years following the excess  
16 credit year. The credit shall be applied to the earliest year  
17 for which there is a tax liability. If there are credits from  
18 more than one tax year that are available to offset a  
19 liability, the earlier credit shall be applied first. In no  
20 event shall a credit under this Section reduce the taxpayer's  
21 liability to less than zero.

22 (c) This Section is exempt from the provisions of Section  
23 250.

24 (Source: P.A. 97-688, eff. 6-14-12.)

1           Sec. 704A. Employer's return and payment of tax withheld.

2           (a) In general, every employer who deducts and withholds or  
3 is required to deduct and withhold tax under this Act on or  
4 after January 1, 2008 shall make those payments and returns as  
5 provided in this Section.

6           (b) Returns. Every employer shall, in the form and manner  
7 required by the Department, make returns with respect to taxes  
8 withheld or required to be withheld under this Article 7 for  
9 each quarter beginning on or after January 1, 2008, on or  
10 before the last day of the first month following the close of  
11 that quarter.

12           (c) Payments. With respect to amounts withheld or required  
13 to be withheld on or after January 1, 2008:

14           (1) Semi-weekly payments. For each calendar year, each  
15 employer who withheld or was required to withhold more than  
16 \$12,000 during the one-year period ending on June 30 of the  
17 immediately preceding calendar year, payment must be made:

18           (A) on or before each Friday of the calendar year,  
19 for taxes withheld or required to be withheld on the  
20 immediately preceding Saturday, Sunday, Monday, or  
21 Tuesday;

22           (B) on or before each Wednesday of the calendar  
23 year, for taxes withheld or required to be withheld on  
24 the immediately preceding Wednesday, Thursday, or  
25 Friday.

26           Beginning with calendar year 2011, payments made under

1           this paragraph (1) of subsection (c) must be made by  
2           electronic funds transfer.

3           (2) Semi-weekly payments. Any employer who withholds  
4           or is required to withhold more than \$12,000 in any quarter  
5           of a calendar year is required to make payments on the  
6           dates set forth under item (1) of this subsection (c) for  
7           each remaining quarter of that calendar year and for the  
8           subsequent calendar year.

9           (3) Monthly payments. Each employer, other than an  
10          employer described in items (1) or (2) of this subsection,  
11          shall pay to the Department, on or before the 15th day of  
12          each month the taxes withheld or required to be withheld  
13          during the immediately preceding month.

14          (4) Payments with returns. Each employer shall pay to  
15          the Department, on or before the due date for each return  
16          required to be filed under this Section, any tax withheld  
17          or required to be withheld during the period for which the  
18          return is due and not previously paid to the Department.

19          (d) Regulatory authority. The Department may, by rule:

20               (1) Permit employers, in lieu of the requirements of  
21               subsections (b) and (c), to file annual returns due on or  
22               before January 31 of the year for taxes withheld or  
23               required to be withheld during the previous calendar year  
24               and, if the aggregate amounts required to be withheld by  
25               the employer under this Article 7 (other than amounts  
26               required to be withheld under Section 709.5) do not exceed

1           \$1,000 for the previous calendar year, to pay the taxes  
2           required to be shown on each such return no later than the  
3           due date for such return.

4           (2) Provide that any payment required to be made under  
5           subsection (c)(1) or (c)(2) is deemed to be timely to the  
6           extent paid by electronic funds transfer on or before the  
7           due date for deposit of federal income taxes withheld from,  
8           or federal employment taxes due with respect to, the wages  
9           from which the Illinois taxes were withheld.

10          (3) Designate one or more depositories to which payment  
11          of taxes required to be withheld under this Article 7 must  
12          be paid by some or all employers.

13          (4) Increase the threshold dollar amounts at which  
14          employers are required to make semi-weekly payments under  
15          subsection (c)(1) or (c)(2).

16          (e) Annual return and payment. Every employer who deducts  
17          and withholds or is required to deduct and withhold tax from a  
18          person engaged in domestic service employment, as that term is  
19          defined in Section 3510 of the Internal Revenue Code, may  
20          comply with the requirements of this Section with respect to  
21          such employees by filing an annual return and paying the taxes  
22          required to be deducted and withheld on or before the 15th day  
23          of the fourth month following the close of the employer's  
24          taxable year. The Department may allow the employer's return to  
25          be submitted with the employer's individual income tax return  
26          or to be submitted with a return due from the employer under

1 Section 1400.2 of the Unemployment Insurance Act.

2 (f) Magnetic media and electronic filing. Any W-2 Form  
3 that, under the Internal Revenue Code and regulations  
4 promulgated thereunder, is required to be submitted to the  
5 Internal Revenue Service on magnetic media or electronically  
6 must also be submitted to the Department on magnetic media or  
7 electronically for Illinois purposes, if required by the  
8 Department.

9 (g) For amounts deducted or withheld after December 31,  
10 2009, a taxpayer who makes an election under subsection (f) of  
11 Section 5-15 of the Economic Development for a Growing Economy  
12 Tax Credit Act for a taxable year shall be allowed a credit  
13 against payments due under this Section for amounts withheld  
14 during the first calendar year beginning after the end of that  
15 taxable year equal to the amount of the credit for the  
16 incremental income tax attributable to full-time employees of  
17 the taxpayer awarded to the taxpayer by the Department of  
18 Commerce and Economic Opportunity under the Economic  
19 Development for a Growing Economy Tax Credit Act for the  
20 taxable year and credits not previously claimed and allowed to  
21 be carried forward under Section 211(4) of this Act as provided  
22 in subsection (f) of Section 5-15 of the Economic Development  
23 for a Growing Economy Tax Credit Act. The credit or credits may  
24 not reduce the taxpayer's obligation for any payment due under  
25 this Section to less than zero. If the amount of the credit or  
26 credits exceeds the total payments due under this Section with

1 respect to amounts withheld during the calendar year, the  
2 excess may be carried forward and applied against the  
3 taxpayer's liability under this Section in the succeeding  
4 calendar years as allowed to be carried forward under paragraph  
5 (4) of Section 211 of this Act. The credit or credits shall be  
6 applied to the earliest year for which there is a tax  
7 liability. If there are credits from more than one taxable year  
8 that are available to offset a liability, the earlier credit  
9 shall be applied first. Each employer who deducts and withholds  
10 or is required to deduct and withhold tax under this Act and  
11 who retains income tax withholdings under subsection (f) of  
12 Section 5-15 of the Economic Development for a Growing Economy  
13 Tax Credit Act must make a return with respect to such taxes  
14 and retained amounts in the form and manner that the  
15 Department, by rule, requires and pay to the Department or to a  
16 depository designated by the Department those withheld taxes  
17 not retained by the taxpayer. For purposes of this subsection  
18 (g), the term taxpayer shall include taxpayer and members of  
19 the taxpayer's unitary business group as defined under  
20 paragraph (27) of subsection (a) of Section 1501 of this Act.  
21 This Section is exempt from the provisions of Section 250 of  
22 this Act.

23 (h) An employer may claim a credit against payments due  
24 under this Section for amounts withheld during the first  
25 calendar year ending after the date on which a tax credit  
26 certificate was issued under Section 35 of the Small Business

1 Job Creation Tax Credit Act. The credit shall be equal to the  
2 amount shown on the certificate, but may not reduce the  
3 taxpayer's obligation for any payment due under this Section to  
4 less than zero. If the amount of the credit exceeds the total  
5 payments due under this Section with respect to amounts  
6 withheld during the calendar year, the excess may be carried  
7 forward and applied against the taxpayer's liability under this  
8 Section in the 5 succeeding calendar years. The credit shall be  
9 applied to the earliest year for which there is a tax  
10 liability. If there are credits from more than one calendar  
11 year that are available to offset a liability, the earlier  
12 credit shall be applied first. This Section is exempt from the  
13 provisions of Section 250 of this Act.

14 (i) A taxpayer may claim a credit against payments due  
15 under this Section for amounts withheld during the first  
16 calendar year ending after the date on which an Illinois income  
17 tax return is filed by the taxpayer as required by Section 502  
18 of this Act on which a credit was claimed pursuant to Section  
19 223 of this Act. The credit shall be equal to the amount shown  
20 on the taxpayer's Illinois income tax return less any amounts  
21 claimed as a credit on the return to offset the taxes imposed  
22 on the taxpayer under Section (a) and (b) of Section 201 of  
23 this Act, but may not reduce the taxpayer's obligation for any  
24 payment due under this Section to less than zero. If the amount  
25 of the credit exceeds the total payments due under this Section  
26 with respect to amounts withheld during the calendar year, the



1 excess may be carried forward and applied against the  
2 taxpayer's liability under this Section in the 5 succeeding  
3 calendar years. The credit shall be applied to the earliest  
4 year for which there is a tax liability. If there are credits  
5 from more than one calendar year that are available to offset a  
6 liability, the earlier credit shall be applied first. For  
7 purposes of this subsection (i), the term taxpayer shall  
8 include taxpayer and members of the taxpayer's unitary business  
9 group as defined under paragraph (27) of subsection (a) of  
10 Section 1501 of this Act. This Section is exempt from the  
11 provisions of Section 250 of this Act.

12 (Source: P.A. 96-834, eff. 12-14-09; 96-888, eff. 4-13-10;  
13 96-905, eff. 6-4-10; 96-1027, eff. 7-12-10; 97-333, eff.  
14 8-12-11; 97-507, eff. 8-23-11.)

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