

1 AN ACT concerning taxes.

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 203 as follows:

6 (35 ILCS 5/203) (from Ch. 120, par. 2-203)
7 Sec. 203. Base income defined.

8 (a) Individuals.

9 (1) In general. In the case of an individual, base
10 income means an amount equal to the taxpayer's adjusted
11 gross income for the taxable year as modified by
12 paragraph (2).

13 (2) Modifications. The adjusted gross income
14 referred to in paragraph (1) shall be modified by adding
15 thereto the sum of the following amounts:

16 (A) An amount equal to all amounts paid or
17 accrued to the taxpayer as interest or dividends
18 during the taxable year to the extent excluded from
19 gross income in the computation of adjusted gross
20 income, except stock dividends of qualified public
21 utilities described in Section 305(e) of the
22 Internal Revenue Code;

23 (B) An amount equal to the amount of tax
24 imposed by this Act to the extent deducted from
25 gross income in the computation of adjusted gross
26 income for the taxable year;

27 (C) An amount equal to the amount received
28 during the taxable year as a recovery or refund of
29 real property taxes paid with respect to the
30 taxpayer's principal residence under the Revenue Act
31 of 1939 and for which a deduction was previously

1 taken under subparagraph (L) of this paragraph (2)
2 prior to July 1, 1991, the retrospective application
3 date of Article 4 of Public Act 87-17. In the case
4 of multi-unit or multi-use structures and farm
5 dwellings, the taxes on the taxpayer's principal
6 residence shall be that portion of the total taxes
7 for the entire property which is attributable to
8 such principal residence;

9 (D) An amount equal to the amount of the
10 capital gain deduction allowable under the Internal
11 Revenue Code, to the extent deducted from gross
12 income in the computation of adjusted gross income;

13 (D-5) An amount, to the extent not included in
14 adjusted gross income, equal to the amount of money
15 withdrawn by the taxpayer in the taxable year from a
16 medical care savings account and the interest earned
17 on the account in the taxable year of a withdrawal
18 pursuant to subsection (b) of Section 20 of the
19 Medical Care Savings Account Act or subsection (b)
20 of Section 20 of the Medical Care Savings Account
21 Act of 2000; and

22 (D-10) For taxable years ending after December
23 31, 1997, an amount equal to any eligible
24 remediation costs that the individual deducted in
25 computing adjusted gross income and for which the
26 individual claims a credit under subsection (1) of
27 Section 201;

28 and by deducting from the total so obtained the sum of
29 the following amounts:

30 (E) Any amount included in such total in
31 respect of any compensation (including but not
32 limited to any compensation paid or accrued to a
33 serviceman while a prisoner of war or missing in
34 action) paid to a resident by reason of being on

1 active duty in the Armed Forces of the United States
2 and in respect of any compensation paid or accrued
3 to a resident who as a governmental employee was a
4 prisoner of war or missing in action, and in respect
5 of any compensation paid to a resident in 1971 or
6 thereafter for annual training performed pursuant to
7 Sections 502 and 503, Title 32, United States Code
8 as a member of the Illinois National Guard;

9 (F) An amount equal to all amounts included in
10 such total pursuant to the provisions of Sections
11 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
12 408 of the Internal Revenue Code, or included in
13 such total as distributions under the provisions of
14 any retirement or disability plan for employees of
15 any governmental agency or unit, or retirement
16 payments to retired partners, which payments are
17 excluded in computing net earnings from self
18 employment by Section 1402 of the Internal Revenue
19 Code and regulations adopted pursuant thereto;

20 (G) The valuation limitation amount;

21 (H) An amount equal to the amount of any tax
22 imposed by this Act which was refunded to the
23 taxpayer and included in such total for the taxable
24 year;

25 (I) An amount equal to all amounts included in
26 such total pursuant to the provisions of Section 111
27 of the Internal Revenue Code as a recovery of items
28 previously deducted from adjusted gross income in
29 the computation of taxable income;

30 (J) An amount equal to those dividends
31 included in such total which were paid by a
32 corporation which conducts business operations in an
33 Enterprise Zone or zones created under the Illinois
34 Enterprise Zone Act, and conducts substantially all

1 of its operations in an Enterprise Zone or zones;

2 (K) An amount equal to those dividends
3 included in such total that were paid by a
4 corporation that conducts business operations in a
5 federally designated Foreign Trade Zone or Sub-Zone
6 and that is designated a High Impact Business
7 located in Illinois; provided that dividends
8 eligible for the deduction provided in subparagraph
9 (J) of paragraph (2) of this subsection shall not be
10 eligible for the deduction provided under this
11 subparagraph (K);

12 (L) For taxable years ending after December
13 31, 1983, an amount equal to all social security
14 benefits and railroad retirement benefits included
15 in such total pursuant to Sections 72(r) and 86 of
16 the Internal Revenue Code;

17 (M) With the exception of any amounts
18 subtracted under subparagraph (N), an amount equal
19 to the sum of all amounts disallowed as deductions
20 by (i) Sections 171(a) (2), and 265(2) of the
21 Internal Revenue Code of 1954, as now or hereafter
22 amended, and all amounts of expenses allocable to
23 interest and disallowed as deductions by Section
24 265(1) of the Internal Revenue Code of 1954, as now
25 or hereafter amended; and (ii) for taxable years
26 ending on or after August 13, 1999, Sections
27 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
28 Internal Revenue Code; the provisions of this
29 subparagraph are exempt from the provisions of
30 Section 250;

31 (N) An amount equal to all amounts included in
32 such total which are exempt from taxation by this
33 State either by reason of its statutes or
34 Constitution or by reason of the Constitution,

1 treaties or statutes of the United States; provided
2 that, in the case of any statute of this State that
3 exempts income derived from bonds or other
4 obligations from the tax imposed under this Act, the
5 amount exempted shall be the interest net of bond
6 premium amortization;

7 (O) An amount equal to any contribution made
8 to a job training project established pursuant to
9 the Tax Increment Allocation Redevelopment Act;

10 (P) An amount equal to the amount of the
11 deduction used to compute the federal income tax
12 credit for restoration of substantial amounts held
13 under claim of right for the taxable year pursuant
14 to Section 1341 of the Internal Revenue Code of
15 1986;

16 (Q) An amount equal to any amounts included in
17 such total, received by the taxpayer as an
18 acceleration in the payment of life, endowment or
19 annuity benefits in advance of the time they would
20 otherwise be payable as an indemnity for a terminal
21 illness;

22 (R) An amount equal to the amount of any
23 federal or State bonus paid to veterans of the
24 Persian Gulf War;

25 (S) An amount, to the extent included in
26 adjusted gross income, equal to the amount of a
27 contribution made in the taxable year on behalf of
28 the taxpayer to a medical care savings account
29 established under the Medical Care Savings Account
30 Act or the Medical Care Savings Account Act of 2000
31 to the extent the contribution is accepted by the
32 account administrator as provided in that Act;

33 (T) An amount, to the extent included in
34 adjusted gross income, equal to the amount of

1 interest earned in the taxable year on a medical
2 care savings account established under the Medical
3 Care Savings Account Act or the Medical Care Savings
4 Account Act of 2000 on behalf of the taxpayer, other
5 than interest added pursuant to item (D-5) of this
6 paragraph (2);

7 (U) For one taxable year beginning on or after
8 January 1, 1994, an amount equal to the total amount
9 of tax imposed and paid under subsections (a) and
10 (b) of Section 201 of this Act on grant amounts
11 received by the taxpayer under the Nursing Home
12 Grant Assistance Act during the taxpayer's taxable
13 years 1992 and 1993;

14 (V) Beginning with tax years ending on or
15 after December 31, 1995 and ending with tax years
16 ending on or before December 31, 2004, an amount
17 equal to the amount paid by a taxpayer who is a
18 self-employed taxpayer, a partner of a partnership,
19 or a shareholder in a Subchapter S corporation for
20 health insurance or long-term care insurance for
21 that taxpayer or that taxpayer's spouse or
22 dependents, to the extent that the amount paid for
23 that health insurance or long-term care insurance
24 may be deducted under Section 213 of the Internal
25 Revenue Code of 1986, has not been deducted on the
26 federal income tax return of the taxpayer, and does
27 not exceed the taxable income attributable to that
28 taxpayer's income, self-employment income, or
29 Subchapter S corporation income; except that no
30 deduction shall be allowed under this item (V) if
31 the taxpayer is eligible to participate in any
32 health insurance or long-term care insurance plan of
33 an employer of the taxpayer or the taxpayer's
34 spouse. The amount of the health insurance and

1 long-term care insurance subtracted under this item
2 (V) shall be determined by multiplying total health
3 insurance and long-term care insurance premiums paid
4 by the taxpayer times a number that represents the
5 fractional percentage of eligible medical expenses
6 under Section 213 of the Internal Revenue Code of
7 1986 not actually deducted on the taxpayer's federal
8 income tax return;

9 (W) For taxable years beginning on or after
10 January 1, 1998, all amounts included in the
11 taxpayer's federal gross income in the taxable year
12 from amounts converted from a regular IRA to a Roth
13 IRA. This paragraph is exempt from the provisions of
14 Section 250; and

15 (X) For taxable year 1999 and thereafter, an
16 amount equal to the amount of any (i) distributions,
17 to the extent includible in gross income for federal
18 income tax purposes, made to the taxpayer because of
19 his or her status as a victim of persecution for
20 racial or religious reasons by Nazi Germany or any
21 other Axis regime or as an heir of the victim and
22 (ii) items of income, to the extent includible in
23 gross income for federal income tax purposes,
24 attributable to, derived from or in any way related
25 to assets stolen from, hidden from, or otherwise
26 lost to a victim of persecution for racial or
27 religious reasons by Nazi Germany or any other Axis
28 regime immediately prior to, during, and immediately
29 after World War II, including, but not limited to,
30 interest on the proceeds receivable as insurance
31 under policies issued to a victim of persecution for
32 racial or religious reasons by Nazi Germany or any
33 other Axis regime by European insurance companies
34 immediately prior to and during World War II;

1 provided, however, this subtraction from federal
2 adjusted gross income does not apply to assets
3 acquired with such assets or with the proceeds from
4 the sale of such assets; provided, further, this
5 paragraph shall only apply to a taxpayer who was the
6 first recipient of such assets after their recovery
7 and who is a victim of persecution for racial or
8 religious reasons by Nazi Germany or any other Axis
9 regime or as an heir of the victim. The amount of
10 and the eligibility for any public assistance,
11 benefit, or similar entitlement is not affected by
12 the inclusion of items (i) and (ii) of this
13 paragraph in gross income for federal income tax
14 purposes. This paragraph is exempt from the
15 provisions of Section 250; and

16 (Y) Beginning with taxable years ending on or
17 after December 31, 2001, for taxpayers 62 years of
18 age and older, an amount equal to all amounts the
19 taxpayer pays during the taxable year for Medicare
20 Part B benefits under Title XVIII of the federal
21 Social Security Act for costs of, including but not
22 limited to, physician services, outpatient hospital
23 services, medical equipment and supplies, and other
24 health services and supplies. This subparagraph (Y)
25 is exempt from the provisions of Section 250.

26 (b) Corporations.

27 (1) In general. In the case of a corporation, base
28 income means an amount equal to the taxpayer's taxable
29 income for the taxable year as modified by paragraph (2).

30 (2) Modifications. The taxable income referred to
31 in paragraph (1) shall be modified by adding thereto the
32 sum of the following amounts:

33 (A) An amount equal to all amounts paid or
34 accrued to the taxpayer as interest and all

1 distributions received from regulated investment
2 companies during the taxable year to the extent
3 excluded from gross income in the computation of
4 taxable income;

5 (B) An amount equal to the amount of tax
6 imposed by this Act to the extent deducted from
7 gross income in the computation of taxable income
8 for the taxable year;

9 (C) In the case of a regulated investment
10 company, an amount equal to the excess of (i) the
11 net long-term capital gain for the taxable year,
12 over (ii) the amount of the capital gain dividends
13 designated as such in accordance with Section
14 852(b)(3)(C) of the Internal Revenue Code and any
15 amount designated under Section 852(b)(3)(D) of the
16 Internal Revenue Code, attributable to the taxable
17 year (this amendatory Act of 1995 (Public Act 89-89)
18 is declarative of existing law and is not a new
19 enactment);

20 (D) The amount of any net operating loss
21 deduction taken in arriving at taxable income, other
22 than a net operating loss carried forward from a
23 taxable year ending prior to December 31, 1986;

24 (E) For taxable years in which a net operating
25 loss carryback or carryforward from a taxable year
26 ending prior to December 31, 1986 is an element of
27 taxable income under paragraph (1) of subsection (e)
28 or subparagraph (E) of paragraph (2) of subsection
29 (e), the amount by which addition modifications
30 other than those provided by this subparagraph (E)
31 exceeded subtraction modifications in such earlier
32 taxable year, with the following limitations applied
33 in the order that they are listed:

34 (i) the addition modification relating to

1 the net operating loss carried back or forward
2 to the taxable year from any taxable year
3 ending prior to December 31, 1986 shall be
4 reduced by the amount of addition modification
5 under this subparagraph (E) which related to
6 that net operating loss and which was taken
7 into account in calculating the base income of
8 an earlier taxable year, and

9 (ii) the addition modification relating
10 to the net operating loss carried back or
11 forward to the taxable year from any taxable
12 year ending prior to December 31, 1986 shall
13 not exceed the amount of such carryback or
14 carryforward;

15 For taxable years in which there is a net
16 operating loss carryback or carryforward from more
17 than one other taxable year ending prior to December
18 31, 1986, the addition modification provided in this
19 subparagraph (E) shall be the sum of the amounts
20 computed independently under the preceding
21 provisions of this subparagraph (E) for each such
22 taxable year; and

23 (E-5) For taxable years ending after December
24 31, 1997, an amount equal to any eligible
25 remediation costs that the corporation deducted in
26 computing adjusted gross income and for which the
27 corporation claims a credit under subsection (l) of
28 Section 201;

29 and by deducting from the total so obtained the sum of
30 the following amounts:

31 (F) An amount equal to the amount of any tax
32 imposed by this Act which was refunded to the
33 taxpayer and included in such total for the taxable
34 year;

1 (G) An amount equal to any amount included in
2 such total under Section 78 of the Internal Revenue
3 Code;

4 (H) In the case of a regulated investment
5 company, an amount equal to the amount of exempt
6 interest dividends as defined in subsection (b) (5)
7 of Section 852 of the Internal Revenue Code, paid to
8 shareholders for the taxable year;

9 (I) With the exception of any amounts
10 subtracted under subparagraph (J), an amount equal
11 to the sum of all amounts disallowed as deductions
12 by (i) Sections 171(a) (2), and 265(a)(2) and
13 amounts disallowed as interest expense by Section
14 291(a)(3) of the Internal Revenue Code, as now or
15 hereafter amended, and all amounts of expenses
16 allocable to interest and disallowed as deductions
17 by Section 265(a)(1) of the Internal Revenue Code,
18 as now or hereafter amended; and (ii) for taxable
19 years ending on or after August 13, 1999, Sections
20 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i)
21 of the Internal Revenue Code; the provisions of this
22 subparagraph are exempt from the provisions of
23 Section 250;

24 (J) An amount equal to all amounts included in
25 such total which are exempt from taxation by this
26 State either by reason of its statutes or
27 Constitution or by reason of the Constitution,
28 treaties or statutes of the United States; provided
29 that, in the case of any statute of this State that
30 exempts income derived from bonds or other
31 obligations from the tax imposed under this Act, the
32 amount exempted shall be the interest net of bond
33 premium amortization;

34 (K) An amount equal to those dividends

1 included in such total which were paid by a
2 corporation which conducts business operations in an
3 Enterprise Zone or zones created under the Illinois
4 Enterprise Zone Act and conducts substantially all
5 of its operations in an Enterprise Zone or zones;

6 (L) An amount equal to those dividends
7 included in such total that were paid by a
8 corporation that conducts business operations in a
9 federally designated Foreign Trade Zone or Sub-Zone
10 and that is designated a High Impact Business
11 located in Illinois; provided that dividends
12 eligible for the deduction provided in subparagraph
13 (K) of paragraph 2 of this subsection shall not be
14 eligible for the deduction provided under this
15 subparagraph (L);

16 (M) For any taxpayer that is a financial
17 organization within the meaning of Section 304(c) of
18 this Act, an amount included in such total as
19 interest income from a loan or loans made by such
20 taxpayer to a borrower, to the extent that such a
21 loan is secured by property which is eligible for
22 the Enterprise Zone Investment Credit. To determine
23 the portion of a loan or loans that is secured by
24 property eligible for a Section 201(f) ~~201(h)~~
25 investment credit to the borrower, the entire
26 principal amount of the loan or loans between the
27 taxpayer and the borrower should be divided into the
28 basis of the Section 201(f) ~~201(h)~~ investment credit
29 property which secures the loan or loans, using for
30 this purpose the original basis of such property on
31 the date that it was placed in service in the
32 Enterprise Zone. The subtraction modification
33 available to taxpayer in any year under this
34 subsection shall be that portion of the total

1 interest paid by the borrower with respect to such
2 loan attributable to the eligible property as
3 calculated under the previous sentence;

4 (M-1) For any taxpayer that is a financial
5 organization within the meaning of Section 304(c) of
6 this Act, an amount included in such total as
7 interest income from a loan or loans made by such
8 taxpayer to a borrower, to the extent that such a
9 loan is secured by property which is eligible for
10 the High Impact Business Investment Credit. To
11 determine the portion of a loan or loans that is
12 secured by property eligible for a Section 201(h)
13 ~~201(i)~~ investment credit to the borrower, the entire
14 principal amount of the loan or loans between the
15 taxpayer and the borrower should be divided into the
16 basis of the Section 201(h) ~~201(i)~~ investment credit
17 property which secures the loan or loans, using for
18 this purpose the original basis of such property on
19 the date that it was placed in service in a
20 federally designated Foreign Trade Zone or Sub-Zone
21 located in Illinois. No taxpayer that is eligible
22 for the deduction provided in subparagraph (M) of
23 paragraph (2) of this subsection shall be eligible
24 for the deduction provided under this subparagraph
25 (M-1). The subtraction modification available to
26 taxpayers in any year under this subsection shall be
27 that portion of the total interest paid by the
28 borrower with respect to such loan attributable to
29 the eligible property as calculated under the
30 previous sentence;

31 (N) Two times any contribution made during the
32 taxable year to a designated zone organization to
33 the extent that the contribution (i) qualifies as a
34 charitable contribution under subsection (c) of

1 Section 170 of the Internal Revenue Code and (ii)
2 must, by its terms, be used for a project approved
3 by the Department of Commerce and Community Affairs
4 under Section 11 of the Illinois Enterprise Zone
5 Act;

6 (0) An amount equal to: (i) 85% for taxable
7 years ending on or before December 31, 1992, or, a
8 percentage equal to the percentage allowable under
9 Section 243(a)(1) of the Internal Revenue Code of
10 1986 for taxable years ending after December 31,
11 1992, of the amount by which dividends included in
12 taxable income and received from a corporation that
13 is not created or organized under the laws of the
14 United States or any state or political subdivision
15 thereof, including, for taxable years ending on or
16 after December 31, 1988, dividends received or
17 deemed received or paid or deemed paid under
18 Sections 951 through 964 of the Internal Revenue
19 Code, exceed the amount of the modification provided
20 under subparagraph (G) of paragraph (2) of this
21 subsection (b) which is related to such dividends;
22 plus (ii) 100% of the amount by which dividends,
23 included in taxable income and received, including,
24 for taxable years ending on or after December 31,
25 1988, dividends received or deemed received or paid
26 or deemed paid under Sections 951 through 964 of the
27 Internal Revenue Code, from any such corporation
28 specified in clause (i) that would but for the
29 provisions of Section 1504 (b) (3) of the Internal
30 Revenue Code be treated as a member of the
31 affiliated group which includes the dividend
32 recipient, exceed the amount of the modification
33 provided under subparagraph (G) of paragraph (2) of
34 this subsection (b) which is related to such

1 dividends;

2 (P) An amount equal to any contribution made
3 to a job training project established pursuant to
4 the Tax Increment Allocation Redevelopment Act;

5 (Q) An amount equal to the amount of the
6 deduction used to compute the federal income tax
7 credit for restoration of substantial amounts held
8 under claim of right for the taxable year pursuant
9 to Section 1341 of the Internal Revenue Code of
10 1986;

11 (R) In the case of an attorney-in-fact with
12 respect to whom an interinsurer or a reciprocal
13 insurer has made the election under Section 835 of
14 the Internal Revenue Code, 26 U.S.C. 835, an amount
15 equal to the excess, if any, of the amounts paid or
16 incurred by that interinsurer or reciprocal insurer
17 in the taxable year to the attorney-in-fact over the
18 deduction allowed to that interinsurer or reciprocal
19 insurer with respect to the attorney-in-fact under
20 Section 835(b) of the Internal Revenue Code for the
21 taxable year; and

22 (S) For taxable years ending on or after
23 December 31, 1997, in the case of a Subchapter S
24 corporation, an amount equal to all amounts of
25 income allocable to a shareholder subject to the
26 Personal Property Tax Replacement Income Tax imposed
27 by subsections (c) and (d) of Section 201 of this
28 Act, including amounts allocable to organizations
29 exempt from federal income tax by reason of Section
30 501(a) of the Internal Revenue Code. This
31 subparagraph (S) is exempt from the provisions of
32 Section 250.

33 (3) Special rule. For purposes of paragraph (2)

34 (A), "gross income" in the case of a life insurance

1 company, for tax years ending on and after December 31,
2 1994, shall mean the gross investment income for the
3 taxable year.

4 (c) Trusts and estates.

5 (1) In general. In the case of a trust or estate,
6 base income means an amount equal to the taxpayer's
7 taxable income for the taxable year as modified by
8 paragraph (2).

9 (2) Modifications. Subject to the provisions of
10 paragraph (3), the taxable income referred to in
11 paragraph (1) shall be modified by adding thereto the sum
12 of the following amounts:

13 (A) An amount equal to all amounts paid or
14 accrued to the taxpayer as interest or dividends
15 during the taxable year to the extent excluded from
16 gross income in the computation of taxable income;

17 (B) In the case of (i) an estate, \$600; (ii) a
18 trust which, under its governing instrument, is
19 required to distribute all of its income currently,
20 \$300; and (iii) any other trust, \$100, but in each
21 such case, only to the extent such amount was
22 deducted in the computation of taxable income;

23 (C) An amount equal to the amount of tax
24 imposed by this Act to the extent deducted from
25 gross income in the computation of taxable income
26 for the taxable year;

27 (D) The amount of any net operating loss
28 deduction taken in arriving at taxable income, other
29 than a net operating loss carried forward from a
30 taxable year ending prior to December 31, 1986;

31 (E) For taxable years in which a net operating
32 loss carryback or carryforward from a taxable year
33 ending prior to December 31, 1986 is an element of
34 taxable income under paragraph (1) of subsection (e)

1 or subparagraph (E) of paragraph (2) of subsection
2 (e), the amount by which addition modifications
3 other than those provided by this subparagraph (E)
4 exceeded subtraction modifications in such taxable
5 year, with the following limitations applied in the
6 order that they are listed:

7 (i) the addition modification relating to
8 the net operating loss carried back or forward
9 to the taxable year from any taxable year
10 ending prior to December 31, 1986 shall be
11 reduced by the amount of addition modification
12 under this subparagraph (E) which related to
13 that net operating loss and which was taken
14 into account in calculating the base income of
15 an earlier taxable year, and

16 (ii) the addition modification relating
17 to the net operating loss carried back or
18 forward to the taxable year from any taxable
19 year ending prior to December 31, 1986 shall
20 not exceed the amount of such carryback or
21 carryforward;

22 For taxable years in which there is a net
23 operating loss carryback or carryforward from more
24 than one other taxable year ending prior to December
25 31, 1986, the addition modification provided in this
26 subparagraph (E) shall be the sum of the amounts
27 computed independently under the preceding
28 provisions of this subparagraph (E) for each such
29 taxable year;

30 (F) For taxable years ending on or after
31 January 1, 1989, an amount equal to the tax deducted
32 pursuant to Section 164 of the Internal Revenue Code
33 if the trust or estate is claiming the same tax for
34 purposes of the Illinois foreign tax credit under

1 Section 601 of this Act;

2 (G) An amount equal to the amount of the
3 capital gain deduction allowable under the Internal
4 Revenue Code, to the extent deducted from gross
5 income in the computation of taxable income; and

6 (G-5) For taxable years ending after December
7 31, 1997, an amount equal to any eligible
8 remediation costs that the trust or estate deducted
9 in computing adjusted gross income and for which the
10 trust or estate claims a credit under subsection (l)
11 of Section 201;

12 and by deducting from the total so obtained the sum of
13 the following amounts:

14 (H) An amount equal to all amounts included in
15 such total pursuant to the provisions of Sections
16 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and
17 408 of the Internal Revenue Code or included in such
18 total as distributions under the provisions of any
19 retirement or disability plan for employees of any
20 governmental agency or unit, or retirement payments
21 to retired partners, which payments are excluded in
22 computing net earnings from self employment by
23 Section 1402 of the Internal Revenue Code and
24 regulations adopted pursuant thereto;

25 (I) The valuation limitation amount;

26 (J) An amount equal to the amount of any tax
27 imposed by this Act which was refunded to the
28 taxpayer and included in such total for the taxable
29 year;

30 (K) An amount equal to all amounts included in
31 taxable income as modified by subparagraphs (A),
32 (B), (C), (D), (E), (F) and (G) which are exempt
33 from taxation by this State either by reason of its
34 statutes or Constitution or by reason of the

1 Constitution, treaties or statutes of the United
2 States; provided that, in the case of any statute of
3 this State that exempts income derived from bonds or
4 other obligations from the tax imposed under this
5 Act, the amount exempted shall be the interest net
6 of bond premium amortization;

7 (L) With the exception of any amounts
8 subtracted under subparagraph (K), an amount equal
9 to the sum of all amounts disallowed as deductions
10 by (i) Sections 171(a) (2) and 265(a)(2) of the
11 Internal Revenue Code, as now or hereafter amended,
12 and all amounts of expenses allocable to interest
13 and disallowed as deductions by Section 265(1) of
14 the Internal Revenue Code of 1954, as now or
15 hereafter amended; and (ii) for taxable years ending
16 on or after August 13, 1999, Sections 171(a)(2),
17 265, 280C, and 832(b)(5)(B)(i) of the Internal
18 Revenue Code; the provisions of this subparagraph
19 are exempt from the provisions of Section 250;

20 (M) An amount equal to those dividends
21 included in such total which were paid by a
22 corporation which conducts business operations in an
23 Enterprise Zone or zones created under the Illinois
24 Enterprise Zone Act and conducts substantially all
25 of its operations in an Enterprise Zone or Zones;

26 (N) An amount equal to any contribution made
27 to a job training project established pursuant to
28 the Tax Increment Allocation Redevelopment Act;

29 (O) An amount equal to those dividends
30 included in such total that were paid by a
31 corporation that conducts business operations in a
32 federally designated Foreign Trade Zone or Sub-Zone
33 and that is designated a High Impact Business
34 located in Illinois; provided that dividends

1 eligible for the deduction provided in subparagraph
2 (M) of paragraph (2) of this subsection shall not be
3 eligible for the deduction provided under this
4 subparagraph (O);

5 (P) An amount equal to the amount of the
6 deduction used to compute the federal income tax
7 credit for restoration of substantial amounts held
8 under claim of right for the taxable year pursuant
9 to Section 1341 of the Internal Revenue Code of
10 1986; and

11 (Q) For taxable year 1999 and thereafter, an
12 amount equal to the amount of any (i) distributions,
13 to the extent includible in gross income for federal
14 income tax purposes, made to the taxpayer because of
15 his or her status as a victim of persecution for
16 racial or religious reasons by Nazi Germany or any
17 other Axis regime or as an heir of the victim and
18 (ii) items of income, to the extent includible in
19 gross income for federal income tax purposes,
20 attributable to, derived from or in any way related
21 to assets stolen from, hidden from, or otherwise
22 lost to a victim of persecution for racial or
23 religious reasons by Nazi Germany or any other Axis
24 regime immediately prior to, during, and immediately
25 after World War II, including, but not limited to,
26 interest on the proceeds receivable as insurance
27 under policies issued to a victim of persecution for
28 racial or religious reasons by Nazi Germany or any
29 other Axis regime by European insurance companies
30 immediately prior to and during World War II;
31 provided, however, this subtraction from federal
32 adjusted gross income does not apply to assets
33 acquired with such assets or with the proceeds from
34 the sale of such assets; provided, further, this

1 paragraph shall only apply to a taxpayer who was the
2 first recipient of such assets after their recovery
3 and who is a victim of persecution for racial or
4 religious reasons by Nazi Germany or any other Axis
5 regime or as an heir of the victim. The amount of
6 and the eligibility for any public assistance,
7 benefit, or similar entitlement is not affected by
8 the inclusion of items (i) and (ii) of this
9 paragraph in gross income for federal income tax
10 purposes. This paragraph is exempt from the
11 provisions of Section 250.

12 (3) Limitation. The amount of any modification
13 otherwise required under this subsection shall, under
14 regulations prescribed by the Department, be adjusted by
15 any amounts included therein which were properly paid,
16 credited, or required to be distributed, or permanently
17 set aside for charitable purposes pursuant to Internal
18 Revenue Code Section 642(c) during the taxable year.

19 (d) Partnerships.

20 (1) In general. In the case of a partnership, base
21 income means an amount equal to the taxpayer's taxable
22 income for the taxable year as modified by paragraph (2).

23 (2) Modifications. The taxable income referred to
24 in paragraph (1) shall be modified by adding thereto the
25 sum of the following amounts:

26 (A) An amount equal to all amounts paid or
27 accrued to the taxpayer as interest or dividends
28 during the taxable year to the extent excluded from
29 gross income in the computation of taxable income;

30 (B) An amount equal to the amount of tax
31 imposed by this Act to the extent deducted from
32 gross income for the taxable year;

33 (C) The amount of deductions allowed to the
34 partnership pursuant to Section 707 (c) of the

1 Internal Revenue Code in calculating its taxable
2 income; and

3 (D) An amount equal to the amount of the
4 capital gain deduction allowable under the Internal
5 Revenue Code, to the extent deducted from gross
6 income in the computation of taxable income;

7 and by deducting from the total so obtained the following
8 amounts:

9 (E) The valuation limitation amount;

10 (F) An amount equal to the amount of any tax
11 imposed by this Act which was refunded to the
12 taxpayer and included in such total for the taxable
13 year;

14 (G) An amount equal to all amounts included in
15 taxable income as modified by subparagraphs (A),
16 (B), (C) and (D) which are exempt from taxation by
17 this State either by reason of its statutes or
18 Constitution or by reason of the Constitution,
19 treaties or statutes of the United States; provided
20 that, in the case of any statute of this State that
21 exempts income derived from bonds or other
22 obligations from the tax imposed under this Act, the
23 amount exempted shall be the interest net of bond
24 premium amortization;

25 (H) Any income of the partnership which
26 constitutes personal service income as defined in
27 Section 1348 (b) (1) of the Internal Revenue Code
28 (as in effect December 31, 1981) or a reasonable
29 allowance for compensation paid or accrued for
30 services rendered by partners to the partnership,
31 whichever is greater;

32 (I) An amount equal to all amounts of income
33 distributable to an entity subject to the Personal
34 Property Tax Replacement Income Tax imposed by

1 subsections (c) and (d) of Section 201 of this Act
2 including amounts distributable to organizations
3 exempt from federal income tax by reason of Section
4 501(a) of the Internal Revenue Code;

5 (J) With the exception of any amounts
6 subtracted under subparagraph (G), an amount equal
7 to the sum of all amounts disallowed as deductions
8 by (i) Sections 171(a) (2), and 265(2) of the
9 Internal Revenue Code of 1954, as now or hereafter
10 amended, and all amounts of expenses allocable to
11 interest and disallowed as deductions by Section
12 265(1) of the Internal Revenue Code, as now or
13 hereafter amended; and (ii) for taxable years ending
14 on or after August 13, 1999, Sections 171(a)(2),
15 265, 280C, and 832(b)(5)(B)(i) of the Internal
16 Revenue Code; the provisions of this subparagraph
17 are exempt from the provisions of Section 250;

18 (K) An amount equal to those dividends
19 included in such total which were paid by a
20 corporation which conducts business operations in an
21 Enterprise Zone or zones created under the Illinois
22 Enterprise Zone Act, enacted by the 82nd General
23 Assembly, and which does not conduct such operations
24 other than in an Enterprise Zone or Zones;

25 (L) An amount equal to any contribution made
26 to a job training project established pursuant to
27 the Real Property Tax Increment Allocation
28 Redevelopment Act;

29 (M) An amount equal to those dividends
30 included in such total that were paid by a
31 corporation that conducts business operations in a
32 federally designated Foreign Trade Zone or Sub-Zone
33 and that is designated a High Impact Business
34 located in Illinois; provided that dividends

1 eligible for the deduction provided in subparagraph
2 (K) of paragraph (2) of this subsection shall not be
3 eligible for the deduction provided under this
4 subparagraph (M); and

5 (N) An amount equal to the amount of the
6 deduction used to compute the federal income tax
7 credit for restoration of substantial amounts held
8 under claim of right for the taxable year pursuant
9 to Section 1341 of the Internal Revenue Code of
10 1986.

11 (e) Gross income; adjusted gross income; taxable income.

12 (1) In general. Subject to the provisions of
13 paragraph (2) and subsection (b) (3), for purposes of
14 this Section and Section 803(e), a taxpayer's gross
15 income, adjusted gross income, or taxable income for the
16 taxable year shall mean the amount of gross income,
17 adjusted gross income or taxable income properly
18 reportable for federal income tax purposes for the
19 taxable year under the provisions of the Internal Revenue
20 Code. Taxable income may be less than zero. However, for
21 taxable years ending on or after December 31, 1986, net
22 operating loss carryforwards from taxable years ending
23 prior to December 31, 1986, may not exceed the sum of
24 federal taxable income for the taxable year before net
25 operating loss deduction, plus the excess of addition
26 modifications over subtraction modifications for the
27 taxable year. For taxable years ending prior to December
28 31, 1986, taxable income may never be an amount in excess
29 of the net operating loss for the taxable year as defined
30 in subsections (c) and (d) of Section 172 of the Internal
31 Revenue Code, provided that when taxable income of a
32 corporation (other than a Subchapter S corporation),
33 trust, or estate is less than zero and addition
34 modifications, other than those provided by subparagraph

1 (E) of paragraph (2) of subsection (b) for corporations
2 or subparagraph (E) of paragraph (2) of subsection (c)
3 for trusts and estates, exceed subtraction modifications,
4 an addition modification must be made under those
5 subparagraphs for any other taxable year to which the
6 taxable income less than zero (net operating loss) is
7 applied under Section 172 of the Internal Revenue Code or
8 under subparagraph (E) of paragraph (2) of this
9 subsection (e) applied in conjunction with Section 172 of
10 the Internal Revenue Code.

11 (2) Special rule. For purposes of paragraph (1) of
12 this subsection, the taxable income properly reportable
13 for federal income tax purposes shall mean:

14 (A) Certain life insurance companies. In the
15 case of a life insurance company subject to the tax
16 imposed by Section 801 of the Internal Revenue Code,
17 life insurance company taxable income, plus the
18 amount of distribution from pre-1984 policyholder
19 surplus accounts as calculated under Section 815a of
20 the Internal Revenue Code;

21 (B) Certain other insurance companies. In the
22 case of mutual insurance companies subject to the
23 tax imposed by Section 831 of the Internal Revenue
24 Code, insurance company taxable income;

25 (C) Regulated investment companies. In the
26 case of a regulated investment company subject to
27 the tax imposed by Section 852 of the Internal
28 Revenue Code, investment company taxable income;

29 (D) Real estate investment trusts. In the
30 case of a real estate investment trust subject to
31 the tax imposed by Section 857 of the Internal
32 Revenue Code, real estate investment trust taxable
33 income;

34 (E) Consolidated corporations. In the case of

1 a corporation which is a member of an affiliated
2 group of corporations filing a consolidated income
3 tax return for the taxable year for federal income
4 tax purposes, taxable income determined as if such
5 corporation had filed a separate return for federal
6 income tax purposes for the taxable year and each
7 preceding taxable year for which it was a member of
8 an affiliated group. For purposes of this
9 subparagraph, the taxpayer's separate taxable income
10 shall be determined as if the election provided by
11 Section 243(b) (2) of the Internal Revenue Code had
12 been in effect for all such years;

13 (F) Cooperatives. In the case of a
14 cooperative corporation or association, the taxable
15 income of such organization determined in accordance
16 with the provisions of Section 1381 through 1388 of
17 the Internal Revenue Code;

18 (G) Subchapter S corporations. In the case
19 of: (i) a Subchapter S corporation for which there
20 is in effect an election for the taxable year under
21 Section 1362 of the Internal Revenue Code, the
22 taxable income of such corporation determined in
23 accordance with Section 1363(b) of the Internal
24 Revenue Code, except that taxable income shall take
25 into account those items which are required by
26 Section 1363(b)(1) of the Internal Revenue Code to
27 be separately stated; and (ii) a Subchapter S
28 corporation for which there is in effect a federal
29 election to opt out of the provisions of the
30 Subchapter S Revision Act of 1982 and have applied
31 instead the prior federal Subchapter S rules as in
32 effect on July 1, 1982, the taxable income of such
33 corporation determined in accordance with the
34 federal Subchapter S rules as in effect on July 1,

1 1982; and

2 (H) Partnerships. In the case of a
3 partnership, taxable income determined in accordance
4 with Section 703 of the Internal Revenue Code,
5 except that taxable income shall take into account
6 those items which are required by Section 703(a)(1)
7 to be separately stated but which would be taken
8 into account by an individual in calculating his
9 taxable income.

10 (f) Valuation limitation amount.

11 (1) In general. The valuation limitation amount
12 referred to in subsections (a) (2) (G), (c) (2) (I) and
13 (d)(2) (E) is an amount equal to:

14 (A) The sum of the pre-August 1, 1969
15 appreciation amounts (to the extent consisting of
16 gain reportable under the provisions of Section 1245
17 or 1250 of the Internal Revenue Code) for all
18 property in respect of which such gain was reported
19 for the taxable year; plus

20 (B) The lesser of (i) the sum of the
21 pre-August 1, 1969 appreciation amounts (to the
22 extent consisting of capital gain) for all property
23 in respect of which such gain was reported for
24 federal income tax purposes for the taxable year, or
25 (ii) the net capital gain for the taxable year,
26 reduced in either case by any amount of such gain
27 included in the amount determined under subsection
28 (a) (2) (F) or (c) (2) (H).

29 (2) Pre-August 1, 1969 appreciation amount.

30 (A) If the fair market value of property
31 referred to in paragraph (1) was readily
32 ascertainable on August 1, 1969, the pre-August 1,
33 1969 appreciation amount for such property is the
34 lesser of (i) the excess of such fair market value

1 over the taxpayer's basis (for determining gain) for
2 such property on that date (determined under the
3 Internal Revenue Code as in effect on that date), or
4 (ii) the total gain realized and reportable for
5 federal income tax purposes in respect of the sale,
6 exchange or other disposition of such property.

7 (B) If the fair market value of property
8 referred to in paragraph (1) was not readily
9 ascertainable on August 1, 1969, the pre-August 1,
10 1969 appreciation amount for such property is that
11 amount which bears the same ratio to the total gain
12 reported in respect of the property for federal
13 income tax purposes for the taxable year, as the
14 number of full calendar months in that part of the
15 taxpayer's holding period for the property ending
16 July 31, 1969 bears to the number of full calendar
17 months in the taxpayer's entire holding period for
18 the property.

19 (C) The Department shall prescribe such
20 regulations as may be necessary to carry out the
21 purposes of this paragraph.

22 (g) Double deductions. Unless specifically provided
23 otherwise, nothing in this Section shall permit the same item
24 to be deducted more than once.

25 (h) Legislative intention. Except as expressly provided
26 by this Section there shall be no modifications or
27 limitations on the amounts of income, gain, loss or deduction
28 taken into account in determining gross income, adjusted
29 gross income or taxable income for federal income tax
30 purposes for the taxable year, or in the amount of such items
31 entering into the computation of base income and net income
32 under this Act for such taxable year, whether in respect of
33 property values as of August 1, 1969 or otherwise.

1 (Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98;
2 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff.
3 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676,
4 eff. 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01;
5 revised 1-15-01.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.