



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3918

Introduced 1/10/2012, by Rep. Tom Cross - Dwight Kay - Michael Unes - Dan Brady - Roger L. Eddy, et al.

SYNOPSIS AS INTRODUCED:

35 ILCS 5/201

from Ch. 120, par. 2-201

Amends the Illinois Income Tax Act. Reduces the corporate income tax rate to (i) 6% for taxable years beginning on or after January 1, 2013 and ending prior to January 1, 2014 and (ii) 4.8% for taxable years beginning on or after January 1, 2014. Requires the Department of Revenue to monitor each month the seasonally-adjusted unemployment rate reported by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar month. Provides that, if the Department finds that (i) the average unemployment rate for the previous calendar month exceeds the average unemployment rate for any of the 3 calendar months immediately preceding the previous calendar month by more than 0.3% and (ii) the unemployment rate during the previous calendar month was 5.05% or higher, then the Department shall, by rule, decrease the rate of tax imposed on corporations by 0.25% for each 0.3% increase in the unemployment rate. Effective immediately.

LRB097 15531 HLH 60659 b

FISCAL NOTE ACT
MAY APPLY

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 201 as follows:

6 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

7 Sec. 201. Tax Imposed.

8 (a) In general. A tax measured by net income is hereby
9 imposed on every individual, corporation, trust and estate for
10 each taxable year ending after July 31, 1969 on the privilege
11 of earning or receiving income in or as a resident of this
12 State. Such tax shall be in addition to all other occupation or
13 privilege taxes imposed by this State or by any municipal
14 corporation or political subdivision thereof.

15 (b) Rates. The tax imposed by subsection (a) of this
16 Section shall be determined as follows, except as adjusted by
17 subsection (d-1):

18 (1) In the case of an individual, trust or estate, for
19 taxable years ending prior to July 1, 1989, an amount equal
20 to 2 1/2% of the taxpayer's net income for the taxable
21 year.

22 (2) In the case of an individual, trust or estate, for
23 taxable years beginning prior to July 1, 1989 and ending

1 after June 30, 1989, an amount equal to the sum of (i) 2
2 1/2% of the taxpayer's net income for the period prior to
3 July 1, 1989, as calculated under Section 202.3, and (ii)
4 3% of the taxpayer's net income for the period after June
5 30, 1989, as calculated under Section 202.3.

6 (3) In the case of an individual, trust or estate, for
7 taxable years beginning after June 30, 1989, and ending
8 prior to January 1, 2011, an amount equal to 3% of the
9 taxpayer's net income for the taxable year.

10 (4) In the case of an individual, trust, or estate, for
11 taxable years beginning prior to January 1, 2011, and
12 ending after December 31, 2010, an amount equal to the sum
13 of (i) 3% of the taxpayer's net income for the period prior
14 to January 1, 2011, as calculated under Section 202.5, and
15 (ii) 5% of the taxpayer's net income for the period after
16 December 31, 2010, as calculated under Section 202.5.

17 (5) In the case of an individual, trust, or estate, for
18 taxable years beginning on or after January 1, 2011, and
19 ending prior to January 1, 2015, an amount equal to 5% of
20 the taxpayer's net income for the taxable year.

21 (5.1) In the case of an individual, trust, or estate,
22 for taxable years beginning prior to January 1, 2015, and
23 ending after December 31, 2014, an amount equal to the sum
24 of (i) 5% of the taxpayer's net income for the period prior
25 to January 1, 2015, as calculated under Section 202.5, and
26 (ii) 3.75% of the taxpayer's net income for the period

1 after December 31, 2014, as calculated under Section 202.5.

2 (5.2) In the case of an individual, trust, or estate,
3 for taxable years beginning on or after January 1, 2015,
4 and ending prior to January 1, 2025, an amount equal to
5 3.75% of the taxpayer's net income for the taxable year.

6 (5.3) In the case of an individual, trust, or estate,
7 for taxable years beginning prior to January 1, 2025, and
8 ending after December 31, 2024, an amount equal to the sum
9 of (i) 3.75% of the taxpayer's net income for the period
10 prior to January 1, 2025, as calculated under Section
11 202.5, and (ii) 3.25% of the taxpayer's net income for the
12 period after December 31, 2024, as calculated under Section
13 202.5.

14 (5.4) In the case of an individual, trust, or estate,
15 for taxable years beginning on or after January 1, 2025, an
16 amount equal to 3.25% of the taxpayer's net income for the
17 taxable year.

18 (6) In the case of a corporation, for taxable years
19 ending prior to July 1, 1989, an amount equal to 4% of the
20 taxpayer's net income for the taxable year.

21 (7) In the case of a corporation, for taxable years
22 beginning prior to July 1, 1989 and ending after June 30,
23 1989, an amount equal to the sum of (i) 4% of the
24 taxpayer's net income for the period prior to July 1, 1989,
25 as calculated under Section 202.3, and (ii) 4.8% of the
26 taxpayer's net income for the period after June 30, 1989,

1 as calculated under Section 202.3.

2 (8) In the case of a corporation, for taxable years
3 beginning after June 30, 1989, and ending prior to January
4 1, 2011, an amount equal to 4.8% of the taxpayer's net
5 income for the taxable year.

6 (9) In the case of a corporation, for taxable years
7 beginning prior to January 1, 2011, and ending after
8 December 31, 2010, an amount equal to the sum of (i) 4.8%
9 of the taxpayer's net income for the period prior to
10 January 1, 2011, as calculated under Section 202.5, and
11 (ii) 7% of the taxpayer's net income for the period after
12 December 31, 2010, as calculated under Section 202.5.

13 (10) In the case of a corporation, for taxable years
14 beginning on or after January 1, 2011, and ending prior to
15 January 1, 2013 ~~January 1, 2015~~, an amount equal to 7% of
16 the taxpayer's net income for the taxable year.

17 (11) In the case of a corporation, for taxable years
18 beginning prior to January 1, 2013 ~~January 1, 2015~~, and
19 ending after December 31, 2012 ~~December 31, 2014~~, an amount
20 equal to the sum of (i) 7% of the taxpayer's net income for
21 the period prior to January 1, 2013 ~~January 1, 2015~~, as
22 calculated under Section 202.5, and (ii) 6% ~~5.25%~~ of the
23 taxpayer's net income for the period after December 31,
24 2012 ~~December 31, 2014~~, as calculated under Section 202.5.

25 (12) In the case of a corporation, for taxable years
26 beginning on or after January 1, 2013 ~~January 1, 2015~~, and

1 ending prior to January 1, 2014 ~~January 1, 2025~~, an amount
2 equal to 6% ~~5.25%~~ of the taxpayer's net income for the
3 taxable year.

4 (13) In the case of a corporation, for taxable years
5 beginning prior to January 1, 2014 ~~January 1, 2025~~, and
6 ending after December 31, 2013 ~~December 31, 2024~~, an amount
7 equal to the sum of (i) 6% ~~5.25%~~ of the taxpayer's net
8 income for the period prior to January 1, 2014 ~~January 1,~~
9 ~~2025~~, as calculated under Section 202.5, and (ii) 4.8% of
10 the taxpayer's net income for the period after December 31,
11 2013 ~~December 31, 2024~~, as calculated under Section 202.5.

12 (14) In the case of a corporation, for taxable years
13 beginning on or after January 1, 2014 ~~January 1, 2025~~, an
14 amount equal to 4.8% of the taxpayer's net income for the
15 taxable year.

16 The rates under this subsection (b) are subject to the
17 provisions of Section 201.5 and subsection (b-5) of this
18 Section.

19 (b-5) In each month beginning with the month in which this
20 amendatory Act of the 97th General Assembly takes effect and
21 through December 2013, the Department shall monitor the
22 seasonally-adjusted unemployment rate reported by the United
23 States Department of Labor, Bureau of Labor Statistics, for the
24 previous calendar month. Notwithstanding subsection (b) of
25 this Section, if the Department finds that (i) the average
26 unemployment rate for the previous calendar month exceeds the

1 average unemployment rate for any of the 3 calendar months
2 immediately preceding the previous calendar month by more than
3 0.3% and (ii) the unemployment rate during the previous
4 calendar month was 5.05% or higher, then, beginning on the
5 first day of the first month to occur not less than 30 days
6 after the Department makes the finding, the Department shall,
7 by rule, decrease the rate of tax imposed on corporations under
8 subsection (b) of this Section by 0.25% for each 0.3% increase
9 in the unemployment rate. The reduced rate of tax under this
10 subsection (b-5) shall remain in effect until January 1 of the
11 next calendar year or until an additional reduction is required
12 under this subsection, whichever occurs sooner. If a rate
13 reduction occurs under this subsection (b-5) during calendar
14 year 2012 as a result of an increase in the unemployment rate,
15 then, (i) beginning on January 1, 2013 and ending on December
16 31, 2013, the rate of tax imposed on corporations shall be the
17 rate of tax in effect on December 31, 2012, reduced by 1%. For
18 taxable years beginning on or after January 1, 2014, the rate
19 of tax imposed on corporations shall be 4.8%. Notwithstanding
20 any other provision of this subsection to the contrary, the
21 rate of tax on corporations may not be reduced to less than
22 4.8% at any time.

23 The taxpayer may elect to determine net income on a
24 specific accounting basis, according to the procedures
25 established under Section 202.5, so as to attribute income and
26 deduction items to a specific portion of the taxable year. The

1 rates under this subsection (b-5) are subject to the provisions
2 of Section 201.5. The Department may adopt rules to implement
3 this subsection.

4 (c) Personal Property Tax Replacement Income Tax.
5 Beginning on July 1, 1979 and thereafter, in addition to such
6 income tax, there is also hereby imposed the Personal Property
7 Tax Replacement Income Tax measured by net income on every
8 corporation (including Subchapter S corporations), partnership
9 and trust, for each taxable year ending after June 30, 1979.
10 Such taxes are imposed on the privilege of earning or receiving
11 income in or as a resident of this State. The Personal Property
12 Tax Replacement Income Tax shall be in addition to the income
13 tax imposed by subsections (a) and (b) of this Section and in
14 addition to all other occupation or privilege taxes imposed by
15 this State or by any municipal corporation or political
16 subdivision thereof.

17 (d) Additional Personal Property Tax Replacement Income
18 Tax Rates. The personal property tax replacement income tax
19 imposed by this subsection and subsection (c) of this Section
20 in the case of a corporation, other than a Subchapter S
21 corporation and except as adjusted by subsection (d-1), shall
22 be an additional amount equal to 2.85% of such taxpayer's net
23 income for the taxable year, except that beginning on January
24 1, 1981, and thereafter, the rate of 2.85% specified in this
25 subsection shall be reduced to 2.5%, and in the case of a
26 partnership, trust or a Subchapter S corporation shall be an

1 additional amount equal to 1.5% of such taxpayer's net income
2 for the taxable year.

3 (d-1) Rate reduction for certain foreign insurers. In the
4 case of a foreign insurer, as defined by Section 35A-5 of the
5 Illinois Insurance Code, whose state or country of domicile
6 imposes on insurers domiciled in Illinois a retaliatory tax
7 (excluding any insurer whose premiums from reinsurance assumed
8 are 50% or more of its total insurance premiums as determined
9 under paragraph (2) of subsection (b) of Section 304, except
10 that for purposes of this determination premiums from
11 reinsurance do not include premiums from inter-affiliate
12 reinsurance arrangements), beginning with taxable years ending
13 on or after December 31, 1999, the sum of the rates of tax
14 imposed by subsections (b) and (d) shall be reduced (but not
15 increased) to the rate at which the total amount of tax imposed
16 under this Act, net of all credits allowed under this Act,
17 shall equal (i) the total amount of tax that would be imposed
18 on the foreign insurer's net income allocable to Illinois for
19 the taxable year by such foreign insurer's state or country of
20 domicile if that net income were subject to all income taxes
21 and taxes measured by net income imposed by such foreign
22 insurer's state or country of domicile, net of all credits
23 allowed or (ii) a rate of zero if no such tax is imposed on such
24 income by the foreign insurer's state of domicile. For the
25 purposes of this subsection (d-1), an inter-affiliate includes
26 a mutual insurer under common management.

1 (1) For the purposes of subsection (d-1), in no event
2 shall the sum of the rates of tax imposed by subsections
3 (b) and (d) be reduced below the rate at which the sum of:

4 (A) the total amount of tax imposed on such foreign
5 insurer under this Act for a taxable year, net of all
6 credits allowed under this Act, plus

7 (B) the privilege tax imposed by Section 409 of the
8 Illinois Insurance Code, the fire insurance company
9 tax imposed by Section 12 of the Fire Investigation
10 Act, and the fire department taxes imposed under
11 Section 11-10-1 of the Illinois Municipal Code,
12 equals 1.25% for taxable years ending prior to December 31,
13 2003, or 1.75% for taxable years ending on or after
14 December 31, 2003, of the net taxable premiums written for
15 the taxable year, as described by subsection (1) of Section
16 409 of the Illinois Insurance Code. This paragraph will in
17 no event increase the rates imposed under subsections (b)
18 and (d).

19 (2) Any reduction in the rates of tax imposed by this
20 subsection shall be applied first against the rates imposed
21 by subsection (b) and only after the tax imposed by
22 subsection (a) net of all credits allowed under this
23 Section other than the credit allowed under subsection (i)
24 has been reduced to zero, against the rates imposed by
25 subsection (d).

26 This subsection (d-1) is exempt from the provisions of

1 Section 250.

2 (e) Investment credit. A taxpayer shall be allowed a credit
3 against the Personal Property Tax Replacement Income Tax for
4 investment in qualified property.

5 (1) A taxpayer shall be allowed a credit equal to .5%
6 of the basis of qualified property placed in service during
7 the taxable year, provided such property is placed in
8 service on or after July 1, 1984. There shall be allowed an
9 additional credit equal to .5% of the basis of qualified
10 property placed in service during the taxable year,
11 provided such property is placed in service on or after
12 July 1, 1986, and the taxpayer's base employment within
13 Illinois has increased by 1% or more over the preceding
14 year as determined by the taxpayer's employment records
15 filed with the Illinois Department of Employment Security.
16 Taxpayers who are new to Illinois shall be deemed to have
17 met the 1% growth in base employment for the first year in
18 which they file employment records with the Illinois
19 Department of Employment Security. The provisions added to
20 this Section by Public Act 85-1200 (and restored by Public
21 Act 87-895) shall be construed as declaratory of existing
22 law and not as a new enactment. If, in any year, the
23 increase in base employment within Illinois over the
24 preceding year is less than 1%, the additional credit shall
25 be limited to that percentage times a fraction, the
26 numerator of which is .5% and the denominator of which is

1 1%, but shall not exceed .5%. The investment credit shall
2 not be allowed to the extent that it would reduce a
3 taxpayer's liability in any tax year below zero, nor may
4 any credit for qualified property be allowed for any year
5 other than the year in which the property was placed in
6 service in Illinois. For tax years ending on or after
7 December 31, 1987, and on or before December 31, 1988, the
8 credit shall be allowed for the tax year in which the
9 property is placed in service, or, if the amount of the
10 credit exceeds the tax liability for that year, whether it
11 exceeds the original liability or the liability as later
12 amended, such excess may be carried forward and applied to
13 the tax liability of the 5 taxable years following the
14 excess credit years if the taxpayer (i) makes investments
15 which cause the creation of a minimum of 2,000 full-time
16 equivalent jobs in Illinois, (ii) is located in an
17 enterprise zone established pursuant to the Illinois
18 Enterprise Zone Act and (iii) is certified by the
19 Department of Commerce and Community Affairs (now
20 Department of Commerce and Economic Opportunity) as
21 complying with the requirements specified in clause (i) and
22 (ii) by July 1, 1986. The Department of Commerce and
23 Community Affairs (now Department of Commerce and Economic
24 Opportunity) shall notify the Department of Revenue of all
25 such certifications immediately. For tax years ending
26 after December 31, 1988, the credit shall be allowed for

1 the tax year in which the property is placed in service,
2 or, if the amount of the credit exceeds the tax liability
3 for that year, whether it exceeds the original liability or
4 the liability as later amended, such excess may be carried
5 forward and applied to the tax liability of the 5 taxable
6 years following the excess credit years. The credit shall
7 be applied to the earliest year for which there is a
8 liability. If there is credit from more than one tax year
9 that is available to offset a liability, earlier credit
10 shall be applied first.

11 (2) The term "qualified property" means property
12 which:

13 (A) is tangible, whether new or used, including
14 buildings and structural components of buildings and
15 signs that are real property, but not including land or
16 improvements to real property that are not a structural
17 component of a building such as landscaping, sewer
18 lines, local access roads, fencing, parking lots, and
19 other appurtenances;

20 (B) is depreciable pursuant to Section 167 of the
21 Internal Revenue Code, except that "3-year property"
22 as defined in Section 168(c)(2)(A) of that Code is not
23 eligible for the credit provided by this subsection
24 (e);

25 (C) is acquired by purchase as defined in Section
26 179(d) of the Internal Revenue Code;

1 (D) is used in Illinois by a taxpayer who is
2 primarily engaged in manufacturing, or in mining coal
3 or fluorite, or in retailing, or was placed in service
4 on or after July 1, 2006 in a River Edge Redevelopment
5 Zone established pursuant to the River Edge
6 Redevelopment Zone Act; and

7 (E) has not previously been used in Illinois in
8 such a manner and by such a person as would qualify for
9 the credit provided by this subsection (e) or
10 subsection (f).

11 (3) For purposes of this subsection (e),
12 "manufacturing" means the material staging and production
13 of tangible personal property by procedures commonly
14 regarded as manufacturing, processing, fabrication, or
15 assembling which changes some existing material into new
16 shapes, new qualities, or new combinations. For purposes of
17 this subsection (e) the term "mining" shall have the same
18 meaning as the term "mining" in Section 613(c) of the
19 Internal Revenue Code. For purposes of this subsection (e),
20 the term "retailing" means the sale of tangible personal
21 property for use or consumption and not for resale, or
22 services rendered in conjunction with the sale of tangible
23 personal property for use or consumption and not for
24 resale. For purposes of this subsection (e), "tangible
25 personal property" has the same meaning as when that term
26 is used in the Retailers' Occupation Tax Act, and, for

1 taxable years ending after December 31, 2008, does not
2 include the generation, transmission, or distribution of
3 electricity.

4 (4) The basis of qualified property shall be the basis
5 used to compute the depreciation deduction for federal
6 income tax purposes.

7 (5) If the basis of the property for federal income tax
8 depreciation purposes is increased after it has been placed
9 in service in Illinois by the taxpayer, the amount of such
10 increase shall be deemed property placed in service on the
11 date of such increase in basis.

12 (6) The term "placed in service" shall have the same
13 meaning as under Section 46 of the Internal Revenue Code.

14 (7) If during any taxable year, any property ceases to
15 be qualified property in the hands of the taxpayer within
16 48 months after being placed in service, or the situs of
17 any qualified property is moved outside Illinois within 48
18 months after being placed in service, the Personal Property
19 Tax Replacement Income Tax for such taxable year shall be
20 increased. Such increase shall be determined by (i)
21 recomputing the investment credit which would have been
22 allowed for the year in which credit for such property was
23 originally allowed by eliminating such property from such
24 computation and, (ii) subtracting such recomputed credit
25 from the amount of credit previously allowed. For the
26 purposes of this paragraph (7), a reduction of the basis of

1 qualified property resulting from a redetermination of the
2 purchase price shall be deemed a disposition of qualified
3 property to the extent of such reduction.

4 (8) Unless the investment credit is extended by law,
5 the basis of qualified property shall not include costs
6 incurred after December 31, 2013, except for costs incurred
7 pursuant to a binding contract entered into on or before
8 December 31, 2013.

9 (9) Each taxable year ending before December 31, 2000,
10 a partnership may elect to pass through to its partners the
11 credits to which the partnership is entitled under this
12 subsection (e) for the taxable year. A partner may use the
13 credit allocated to him or her under this paragraph only
14 against the tax imposed in subsections (c) and (d) of this
15 Section. If the partnership makes that election, those
16 credits shall be allocated among the partners in the
17 partnership in accordance with the rules set forth in
18 Section 704(b) of the Internal Revenue Code, and the rules
19 promulgated under that Section, and the allocated amount of
20 the credits shall be allowed to the partners for that
21 taxable year. The partnership shall make this election on
22 its Personal Property Tax Replacement Income Tax return for
23 that taxable year. The election to pass through the credits
24 shall be irrevocable.

25 For taxable years ending on or after December 31, 2000,
26 a partner that qualifies its partnership for a subtraction

1 under subparagraph (I) of paragraph (2) of subsection (d)
2 of Section 203 or a shareholder that qualifies a Subchapter
3 S corporation for a subtraction under subparagraph (S) of
4 paragraph (2) of subsection (b) of Section 203 shall be
5 allowed a credit under this subsection (e) equal to its
6 share of the credit earned under this subsection (e) during
7 the taxable year by the partnership or Subchapter S
8 corporation, determined in accordance with the
9 determination of income and distributive share of income
10 under Sections 702 and 704 and Subchapter S of the Internal
11 Revenue Code. This paragraph is exempt from the provisions
12 of Section 250.

13 (f) Investment credit; Enterprise Zone; River Edge
14 Redevelopment Zone.

15 (1) A taxpayer shall be allowed a credit against the
16 tax imposed by subsections (a) and (b) of this Section for
17 investment in qualified property which is placed in service
18 in an Enterprise Zone created pursuant to the Illinois
19 Enterprise Zone Act or, for property placed in service on
20 or after July 1, 2006, a River Edge Redevelopment Zone
21 established pursuant to the River Edge Redevelopment Zone
22 Act. For partners, shareholders of Subchapter S
23 corporations, and owners of limited liability companies,
24 if the liability company is treated as a partnership for
25 purposes of federal and State income taxation, there shall
26 be allowed a credit under this subsection (f) to be

1 determined in accordance with the determination of income
2 and distributive share of income under Sections 702 and 704
3 and Subchapter S of the Internal Revenue Code. The credit
4 shall be .5% of the basis for such property. The credit
5 shall be available only in the taxable year in which the
6 property is placed in service in the Enterprise Zone or
7 River Edge Redevelopment Zone and shall not be allowed to
8 the extent that it would reduce a taxpayer's liability for
9 the tax imposed by subsections (a) and (b) of this Section
10 to below zero. For tax years ending on or after December
11 31, 1985, the credit shall be allowed for the tax year in
12 which the property is placed in service, or, if the amount
13 of the credit exceeds the tax liability for that year,
14 whether it exceeds the original liability or the liability
15 as later amended, such excess may be carried forward and
16 applied to the tax liability of the 5 taxable years
17 following the excess credit year. The credit shall be
18 applied to the earliest year for which there is a
19 liability. If there is credit from more than one tax year
20 that is available to offset a liability, the credit
21 accruing first in time shall be applied first.

22 (2) The term qualified property means property which:

23 (A) is tangible, whether new or used, including
24 buildings and structural components of buildings;

25 (B) is depreciable pursuant to Section 167 of the
26 Internal Revenue Code, except that "3-year property"

1 as defined in Section 168(c)(2)(A) of that Code is not
2 eligible for the credit provided by this subsection
3 (f);

4 (C) is acquired by purchase as defined in Section
5 179(d) of the Internal Revenue Code;

6 (D) is used in the Enterprise Zone or River Edge
7 Redevelopment Zone by the taxpayer; and

8 (E) has not been previously used in Illinois in
9 such a manner and by such a person as would qualify for
10 the credit provided by this subsection (f) or
11 subsection (e).

12 (3) The basis of qualified property shall be the basis
13 used to compute the depreciation deduction for federal
14 income tax purposes.

15 (4) If the basis of the property for federal income tax
16 depreciation purposes is increased after it has been placed
17 in service in the Enterprise Zone or River Edge
18 Redevelopment Zone by the taxpayer, the amount of such
19 increase shall be deemed property placed in service on the
20 date of such increase in basis.

21 (5) The term "placed in service" shall have the same
22 meaning as under Section 46 of the Internal Revenue Code.

23 (6) If during any taxable year, any property ceases to
24 be qualified property in the hands of the taxpayer within
25 48 months after being placed in service, or the situs of
26 any qualified property is moved outside the Enterprise Zone

1 or River Edge Redevelopment Zone within 48 months after
2 being placed in service, the tax imposed under subsections
3 (a) and (b) of this Section for such taxable year shall be
4 increased. Such increase shall be determined by (i)
5 recomputing the investment credit which would have been
6 allowed for the year in which credit for such property was
7 originally allowed by eliminating such property from such
8 computation, and (ii) subtracting such recomputed credit
9 from the amount of credit previously allowed. For the
10 purposes of this paragraph (6), a reduction of the basis of
11 qualified property resulting from a redetermination of the
12 purchase price shall be deemed a disposition of qualified
13 property to the extent of such reduction.

14 (7) There shall be allowed an additional credit equal
15 to 0.5% of the basis of qualified property placed in
16 service during the taxable year in a River Edge
17 Redevelopment Zone, provided such property is placed in
18 service on or after July 1, 2006, and the taxpayer's base
19 employment within Illinois has increased by 1% or more over
20 the preceding year as determined by the taxpayer's
21 employment records filed with the Illinois Department of
22 Employment Security. Taxpayers who are new to Illinois
23 shall be deemed to have met the 1% growth in base
24 employment for the first year in which they file employment
25 records with the Illinois Department of Employment
26 Security. If, in any year, the increase in base employment

1 within Illinois over the preceding year is less than 1%,
2 the additional credit shall be limited to that percentage
3 times a fraction, the numerator of which is 0.5% and the
4 denominator of which is 1%, but shall not exceed 0.5%.

5 (g) Jobs Tax Credit; Enterprise Zone, River Edge
6 Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

7 (1) A taxpayer conducting a trade or business in an
8 enterprise zone or a High Impact Business designated by the
9 Department of Commerce and Economic Opportunity or for
10 taxable years ending on or after December 31, 2006, in a
11 River Edge Redevelopment Zone conducting a trade or
12 business in a federally designated Foreign Trade Zone or
13 Sub-Zone shall be allowed a credit against the tax imposed
14 by subsections (a) and (b) of this Section in the amount of
15 \$500 per eligible employee hired to work in the zone during
16 the taxable year.

17 (2) To qualify for the credit:

18 (A) the taxpayer must hire 5 or more eligible
19 employees to work in an enterprise zone, River Edge
20 Redevelopment Zone, or federally designated Foreign
21 Trade Zone or Sub-Zone during the taxable year;

22 (B) the taxpayer's total employment within the
23 enterprise zone, River Edge Redevelopment Zone, or
24 federally designated Foreign Trade Zone or Sub-Zone
25 must increase by 5 or more full-time employees beyond
26 the total employed in that zone at the end of the

1 previous tax year for which a jobs tax credit under
2 this Section was taken, or beyond the total employed by
3 the taxpayer as of December 31, 1985, whichever is
4 later; and

5 (C) the eligible employees must be employed 180
6 consecutive days in order to be deemed hired for
7 purposes of this subsection.

8 (3) An "eligible employee" means an employee who is:

9 (A) Certified by the Department of Commerce and
10 Economic Opportunity as "eligible for services"
11 pursuant to regulations promulgated in accordance with
12 Title II of the Job Training Partnership Act, Training
13 Services for the Disadvantaged or Title III of the Job
14 Training Partnership Act, Employment and Training
15 Assistance for Dislocated Workers Program.

16 (B) Hired after the enterprise zone, River Edge
17 Redevelopment Zone, or federally designated Foreign
18 Trade Zone or Sub-Zone was designated or the trade or
19 business was located in that zone, whichever is later.

20 (C) Employed in the enterprise zone, River Edge
21 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.
22 An employee is employed in an enterprise zone or
23 federally designated Foreign Trade Zone or Sub-Zone if
24 his services are rendered there or it is the base of
25 operations for the services performed.

26 (D) A full-time employee working 30 or more hours

1 per week.

2 (4) For tax years ending on or after December 31, 1985
3 and prior to December 31, 1988, the credit shall be allowed
4 for the tax year in which the eligible employees are hired.
5 For tax years ending on or after December 31, 1988, the
6 credit shall be allowed for the tax year immediately
7 following the tax year in which the eligible employees are
8 hired. If the amount of the credit exceeds the tax
9 liability for that year, whether it exceeds the original
10 liability or the liability as later amended, such excess
11 may be carried forward and applied to the tax liability of
12 the 5 taxable years following the excess credit year. The
13 credit shall be applied to the earliest year for which
14 there is a liability. If there is credit from more than one
15 tax year that is available to offset a liability, earlier
16 credit shall be applied first.

17 (5) The Department of Revenue shall promulgate such
18 rules and regulations as may be deemed necessary to carry
19 out the purposes of this subsection (g).

20 (6) The credit shall be available for eligible
21 employees hired on or after January 1, 1986.

22 (h) Investment credit; High Impact Business.

23 (1) Subject to subsections (b) and (b-5) of Section 5.5
24 of the Illinois Enterprise Zone Act, a taxpayer shall be
25 allowed a credit against the tax imposed by subsections (a)
26 and (b) of this Section for investment in qualified

1 property which is placed in service by a Department of
2 Commerce and Economic Opportunity designated High Impact
3 Business. The credit shall be .5% of the basis for such
4 property. The credit shall not be available (i) until the
5 minimum investments in qualified property set forth in
6 subdivision (a)(3)(A) of Section 5.5 of the Illinois
7 Enterprise Zone Act have been satisfied or (ii) until the
8 time authorized in subsection (b-5) of the Illinois
9 Enterprise Zone Act for entities designated as High Impact
10 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
11 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
12 Act, and shall not be allowed to the extent that it would
13 reduce a taxpayer's liability for the tax imposed by
14 subsections (a) and (b) of this Section to below zero. The
15 credit applicable to such investments shall be taken in the
16 taxable year in which such investments have been completed.
17 The credit for additional investments beyond the minimum
18 investment by a designated high impact business authorized
19 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
20 Enterprise Zone Act shall be available only in the taxable
21 year in which the property is placed in service and shall
22 not be allowed to the extent that it would reduce a
23 taxpayer's liability for the tax imposed by subsections (a)
24 and (b) of this Section to below zero. For tax years ending
25 on or after December 31, 1987, the credit shall be allowed
26 for the tax year in which the property is placed in

1 service, or, if the amount of the credit exceeds the tax
2 liability for that year, whether it exceeds the original
3 liability or the liability as later amended, such excess
4 may be carried forward and applied to the tax liability of
5 the 5 taxable years following the excess credit year. The
6 credit shall be applied to the earliest year for which
7 there is a liability. If there is credit from more than one
8 tax year that is available to offset a liability, the
9 credit accruing first in time shall be applied first.

10 Changes made in this subdivision (h) (1) by Public Act
11 88-670 restore changes made by Public Act 85-1182 and
12 reflect existing law.

13 (2) The term qualified property means property which:

14 (A) is tangible, whether new or used, including
15 buildings and structural components of buildings;

16 (B) is depreciable pursuant to Section 167 of the
17 Internal Revenue Code, except that "3-year property"
18 as defined in Section 168(c) (2) (A) of that Code is not
19 eligible for the credit provided by this subsection
20 (h);

21 (C) is acquired by purchase as defined in Section
22 179(d) of the Internal Revenue Code; and

23 (D) is not eligible for the Enterprise Zone
24 Investment Credit provided by subsection (f) of this
25 Section.

26 (3) The basis of qualified property shall be the basis

1 used to compute the depreciation deduction for federal
2 income tax purposes.

3 (4) If the basis of the property for federal income tax
4 depreciation purposes is increased after it has been placed
5 in service in a federally designated Foreign Trade Zone or
6 Sub-Zone located in Illinois by the taxpayer, the amount of
7 such increase shall be deemed property placed in service on
8 the date of such increase in basis.

9 (5) The term "placed in service" shall have the same
10 meaning as under Section 46 of the Internal Revenue Code.

11 (6) If during any taxable year ending on or before
12 December 31, 1996, any property ceases to be qualified
13 property in the hands of the taxpayer within 48 months
14 after being placed in service, or the situs of any
15 qualified property is moved outside Illinois within 48
16 months after being placed in service, the tax imposed under
17 subsections (a) and (b) of this Section for such taxable
18 year shall be increased. Such increase shall be determined
19 by (i) recomputing the investment credit which would have
20 been allowed for the year in which credit for such property
21 was originally allowed by eliminating such property from
22 such computation, and (ii) subtracting such recomputed
23 credit from the amount of credit previously allowed. For
24 the purposes of this paragraph (6), a reduction of the
25 basis of qualified property resulting from a
26 redetermination of the purchase price shall be deemed a

1 disposition of qualified property to the extent of such
2 reduction.

3 (7) Beginning with tax years ending after December 31,
4 1996, if a taxpayer qualifies for the credit under this
5 subsection (h) and thereby is granted a tax abatement and
6 the taxpayer relocates its entire facility in violation of
7 the explicit terms and length of the contract under Section
8 18-183 of the Property Tax Code, the tax imposed under
9 subsections (a) and (b) of this Section shall be increased
10 for the taxable year in which the taxpayer relocated its
11 facility by an amount equal to the amount of credit
12 received by the taxpayer under this subsection (h).

13 (i) Credit for Personal Property Tax Replacement Income
14 Tax. For tax years ending prior to December 31, 2003, a credit
15 shall be allowed against the tax imposed by subsections (a) and
16 (b) of this Section for the tax imposed by subsections (c) and
17 (d) of this Section. This credit shall be computed by
18 multiplying the tax imposed by subsections (c) and (d) of this
19 Section by a fraction, the numerator of which is base income
20 allocable to Illinois and the denominator of which is Illinois
21 base income, and further multiplying the product by the tax
22 rate imposed by subsections (a) and (b) of this Section.

23 Any credit earned on or after December 31, 1986 under this
24 subsection which is unused in the year the credit is computed
25 because it exceeds the tax liability imposed by subsections (a)
26 and (b) for that year (whether it exceeds the original

1 liability or the liability as later amended) may be carried
2 forward and applied to the tax liability imposed by subsections
3 (a) and (b) of the 5 taxable years following the excess credit
4 year, provided that no credit may be carried forward to any
5 year ending on or after December 31, 2003. This credit shall be
6 applied first to the earliest year for which there is a
7 liability. If there is a credit under this subsection from more
8 than one tax year that is available to offset a liability the
9 earliest credit arising under this subsection shall be applied
10 first.

11 If, during any taxable year ending on or after December 31,
12 1986, the tax imposed by subsections (c) and (d) of this
13 Section for which a taxpayer has claimed a credit under this
14 subsection (i) is reduced, the amount of credit for such tax
15 shall also be reduced. Such reduction shall be determined by
16 recomputing the credit to take into account the reduced tax
17 imposed by subsections (c) and (d). If any portion of the
18 reduced amount of credit has been carried to a different
19 taxable year, an amended return shall be filed for such taxable
20 year to reduce the amount of credit claimed.

21 (j) Training expense credit. Beginning with tax years
22 ending on or after December 31, 1986 and prior to December 31,
23 2003, a taxpayer shall be allowed a credit against the tax
24 imposed by subsections (a) and (b) under this Section for all
25 amounts paid or accrued, on behalf of all persons employed by
26 the taxpayer in Illinois or Illinois residents employed outside

1 of Illinois by a taxpayer, for educational or vocational
2 training in semi-technical or technical fields or semi-skilled
3 or skilled fields, which were deducted from gross income in the
4 computation of taxable income. The credit against the tax
5 imposed by subsections (a) and (b) shall be 1.6% of such
6 training expenses. For partners, shareholders of subchapter S
7 corporations, and owners of limited liability companies, if the
8 liability company is treated as a partnership for purposes of
9 federal and State income taxation, there shall be allowed a
10 credit under this subsection (j) to be determined in accordance
11 with the determination of income and distributive share of
12 income under Sections 702 and 704 and subchapter S of the
13 Internal Revenue Code.

14 Any credit allowed under this subsection which is unused in
15 the year the credit is earned may be carried forward to each of
16 the 5 taxable years following the year for which the credit is
17 first computed until it is used. This credit shall be applied
18 first to the earliest year for which there is a liability. If
19 there is a credit under this subsection from more than one tax
20 year that is available to offset a liability the earliest
21 credit arising under this subsection shall be applied first. No
22 carryforward credit may be claimed in any tax year ending on or
23 after December 31, 2003.

24 (k) Research and development credit.

25 For tax years ending after July 1, 1990 and prior to
26 December 31, 2003, and beginning again for tax years ending on

1 or after December 31, 2004, and ending prior to January 1,
2 2011, a taxpayer shall be allowed a credit against the tax
3 imposed by subsections (a) and (b) of this Section for
4 increasing research activities in this State. The credit
5 allowed against the tax imposed by subsections (a) and (b)
6 shall be equal to 6 1/2% of the qualifying expenditures for
7 increasing research activities in this State. For partners,
8 shareholders of subchapter S corporations, and owners of
9 limited liability companies, if the liability company is
10 treated as a partnership for purposes of federal and State
11 income taxation, there shall be allowed a credit under this
12 subsection to be determined in accordance with the
13 determination of income and distributive share of income under
14 Sections 702 and 704 and subchapter S of the Internal Revenue
15 Code.

16 For purposes of this subsection, "qualifying expenditures"
17 means the qualifying expenditures as defined for the federal
18 credit for increasing research activities which would be
19 allowable under Section 41 of the Internal Revenue Code and
20 which are conducted in this State, "qualifying expenditures for
21 increasing research activities in this State" means the excess
22 of qualifying expenditures for the taxable year in which
23 incurred over qualifying expenditures for the base period,
24 "qualifying expenditures for the base period" means the average
25 of the qualifying expenditures for each year in the base
26 period, and "base period" means the 3 taxable years immediately

1 preceding the taxable year for which the determination is being
2 made.

3 Any credit in excess of the tax liability for the taxable
4 year may be carried forward. A taxpayer may elect to have the
5 unused credit shown on its final completed return carried over
6 as a credit against the tax liability for the following 5
7 taxable years or until it has been fully used, whichever occurs
8 first; provided that no credit earned in a tax year ending
9 prior to December 31, 2003 may be carried forward to any year
10 ending on or after December 31, 2003, and no credit may be
11 carried forward to any taxable year ending on or after January
12 1, 2011.

13 If an unused credit is carried forward to a given year from
14 2 or more earlier years, that credit arising in the earliest
15 year will be applied first against the tax liability for the
16 given year. If a tax liability for the given year still
17 remains, the credit from the next earliest year will then be
18 applied, and so on, until all credits have been used or no tax
19 liability for the given year remains. Any remaining unused
20 credit or credits then will be carried forward to the next
21 following year in which a tax liability is incurred, except
22 that no credit can be carried forward to a year which is more
23 than 5 years after the year in which the expense for which the
24 credit is given was incurred.

25 No inference shall be drawn from this amendatory Act of the
26 91st General Assembly in construing this Section for taxable

1 years beginning before January 1, 1999.

2 (1) Environmental Remediation Tax Credit.

3 (i) For tax years ending after December 31, 1997 and on
4 or before December 31, 2001, a taxpayer shall be allowed a
5 credit against the tax imposed by subsections (a) and (b)
6 of this Section for certain amounts paid for unreimbursed
7 eligible remediation costs, as specified in this
8 subsection. For purposes of this Section, "unreimbursed
9 eligible remediation costs" means costs approved by the
10 Illinois Environmental Protection Agency ("Agency") under
11 Section 58.14 of the Environmental Protection Act that were
12 paid in performing environmental remediation at a site for
13 which a No Further Remediation Letter was issued by the
14 Agency and recorded under Section 58.10 of the
15 Environmental Protection Act. The credit must be claimed
16 for the taxable year in which Agency approval of the
17 eligible remediation costs is granted. The credit is not
18 available to any taxpayer if the taxpayer or any related
19 party caused or contributed to, in any material respect, a
20 release of regulated substances on, in, or under the site
21 that was identified and addressed by the remedial action
22 pursuant to the Site Remediation Program of the
23 Environmental Protection Act. After the Pollution Control
24 Board rules are adopted pursuant to the Illinois
25 Administrative Procedure Act for the administration and
26 enforcement of Section 58.9 of the Environmental

1 Protection Act, determinations as to credit availability
2 for purposes of this Section shall be made consistent with
3 those rules. For purposes of this Section, "taxpayer"
4 includes a person whose tax attributes the taxpayer has
5 succeeded to under Section 381 of the Internal Revenue Code
6 and "related party" includes the persons disallowed a
7 deduction for losses by paragraphs (b), (c), and (f)(1) of
8 Section 267 of the Internal Revenue Code by virtue of being
9 a related taxpayer, as well as any of its partners. The
10 credit allowed against the tax imposed by subsections (a)
11 and (b) shall be equal to 25% of the unreimbursed eligible
12 remediation costs in excess of \$100,000 per site, except
13 that the \$100,000 threshold shall not apply to any site
14 contained in an enterprise zone as determined by the
15 Department of Commerce and Community Affairs (now
16 Department of Commerce and Economic Opportunity). The
17 total credit allowed shall not exceed \$40,000 per year with
18 a maximum total of \$150,000 per site. For partners and
19 shareholders of subchapter S corporations, there shall be
20 allowed a credit under this subsection to be determined in
21 accordance with the determination of income and
22 distributive share of income under Sections 702 and 704 and
23 subchapter S of the Internal Revenue Code.

24 (ii) A credit allowed under this subsection that is
25 unused in the year the credit is earned may be carried
26 forward to each of the 5 taxable years following the year

1 for which the credit is first earned until it is used. The
2 term "unused credit" does not include any amounts of
3 unreimbursed eligible remediation costs in excess of the
4 maximum credit per site authorized under paragraph (i).
5 This credit shall be applied first to the earliest year for
6 which there is a liability. If there is a credit under this
7 subsection from more than one tax year that is available to
8 offset a liability, the earliest credit arising under this
9 subsection shall be applied first. A credit allowed under
10 this subsection may be sold to a buyer as part of a sale of
11 all or part of the remediation site for which the credit
12 was granted. The purchaser of a remediation site and the
13 tax credit shall succeed to the unused credit and remaining
14 carry-forward period of the seller. To perfect the
15 transfer, the assignor shall record the transfer in the
16 chain of title for the site and provide written notice to
17 the Director of the Illinois Department of Revenue of the
18 assignor's intent to sell the remediation site and the
19 amount of the tax credit to be transferred as a portion of
20 the sale. In no event may a credit be transferred to any
21 taxpayer if the taxpayer or a related party would not be
22 eligible under the provisions of subsection (i).

23 (iii) For purposes of this Section, the term "site"
24 shall have the same meaning as under Section 58.2 of the
25 Environmental Protection Act.

26 (m) Education expense credit. Beginning with tax years

1 ending after December 31, 1999, a taxpayer who is the custodian
2 of one or more qualifying pupils shall be allowed a credit
3 against the tax imposed by subsections (a) and (b) of this
4 Section for qualified education expenses incurred on behalf of
5 the qualifying pupils. The credit shall be equal to 25% of
6 qualified education expenses, but in no event may the total
7 credit under this subsection claimed by a family that is the
8 custodian of qualifying pupils exceed \$500. In no event shall a
9 credit under this subsection reduce the taxpayer's liability
10 under this Act to less than zero. This subsection is exempt
11 from the provisions of Section 250 of this Act.

12 For purposes of this subsection:

13 "Qualifying pupils" means individuals who (i) are
14 residents of the State of Illinois, (ii) are under the age of
15 21 at the close of the school year for which a credit is
16 sought, and (iii) during the school year for which a credit is
17 sought were full-time pupils enrolled in a kindergarten through
18 twelfth grade education program at any school, as defined in
19 this subsection.

20 "Qualified education expense" means the amount incurred on
21 behalf of a qualifying pupil in excess of \$250 for tuition,
22 book fees, and lab fees at the school in which the pupil is
23 enrolled during the regular school year.

24 "School" means any public or nonpublic elementary or
25 secondary school in Illinois that is in compliance with Title
26 VI of the Civil Rights Act of 1964 and attendance at which

1 satisfies the requirements of Section 26-1 of the School Code,
2 except that nothing shall be construed to require a child to
3 attend any particular public or nonpublic school to qualify for
4 the credit under this Section.

5 "Custodian" means, with respect to qualifying pupils, an
6 Illinois resident who is a parent, the parents, a legal
7 guardian, or the legal guardians of the qualifying pupils.

8 (n) River Edge Redevelopment Zone site remediation tax
9 credit.

10 (i) For tax years ending on or after December 31, 2006,
11 a taxpayer shall be allowed a credit against the tax
12 imposed by subsections (a) and (b) of this Section for
13 certain amounts paid for unreimbursed eligible remediation
14 costs, as specified in this subsection. For purposes of
15 this Section, "unreimbursed eligible remediation costs"
16 means costs approved by the Illinois Environmental
17 Protection Agency ("Agency") under Section 58.14a of the
18 Environmental Protection Act that were paid in performing
19 environmental remediation at a site within a River Edge
20 Redevelopment Zone for which a No Further Remediation
21 Letter was issued by the Agency and recorded under Section
22 58.10 of the Environmental Protection Act. The credit must
23 be claimed for the taxable year in which Agency approval of
24 the eligible remediation costs is granted. The credit is
25 not available to any taxpayer if the taxpayer or any
26 related party caused or contributed to, in any material

1 respect, a release of regulated substances on, in, or under
2 the site that was identified and addressed by the remedial
3 action pursuant to the Site Remediation Program of the
4 Environmental Protection Act. Determinations as to credit
5 availability for purposes of this Section shall be made
6 consistent with rules adopted by the Pollution Control
7 Board pursuant to the Illinois Administrative Procedure
8 Act for the administration and enforcement of Section 58.9
9 of the Environmental Protection Act. For purposes of this
10 Section, "taxpayer" includes a person whose tax attributes
11 the taxpayer has succeeded to under Section 381 of the
12 Internal Revenue Code and "related party" includes the
13 persons disallowed a deduction for losses by paragraphs
14 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
15 Code by virtue of being a related taxpayer, as well as any
16 of its partners. The credit allowed against the tax imposed
17 by subsections (a) and (b) shall be equal to 25% of the
18 unreimbursed eligible remediation costs in excess of
19 \$100,000 per site.

20 (ii) A credit allowed under this subsection that is
21 unused in the year the credit is earned may be carried
22 forward to each of the 5 taxable years following the year
23 for which the credit is first earned until it is used. This
24 credit shall be applied first to the earliest year for
25 which there is a liability. If there is a credit under this
26 subsection from more than one tax year that is available to

1 offset a liability, the earliest credit arising under this
2 subsection shall be applied first. A credit allowed under
3 this subsection may be sold to a buyer as part of a sale of
4 all or part of the remediation site for which the credit
5 was granted. The purchaser of a remediation site and the
6 tax credit shall succeed to the unused credit and remaining
7 carry-forward period of the seller. To perfect the
8 transfer, the assignor shall record the transfer in the
9 chain of title for the site and provide written notice to
10 the Director of the Illinois Department of Revenue of the
11 assignor's intent to sell the remediation site and the
12 amount of the tax credit to be transferred as a portion of
13 the sale. In no event may a credit be transferred to any
14 taxpayer if the taxpayer or a related party would not be
15 eligible under the provisions of subsection (i).

16 (iii) For purposes of this Section, the term "site"
17 shall have the same meaning as under Section 58.2 of the
18 Environmental Protection Act.

19 (Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09;
20 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff.
21 1-13-11; 97-2, eff. 5-6-11.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.