



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3361

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

35 ILCS 5/201	from Ch. 120, par. 2-201
35 ILCS 5/216	
35 ILCS 120/5k	from Ch. 120, par. 444k
415 ILCS 5/58.14a	

Amends the Illinois Income Tax Act. Provides that the Department of Commerce and Economic Opportunity may designate investment zones. Provides that an area is eligible for designation as an investment zone if the median household income is less than 125% of the federal poverty level. Provides that the corporate authorities of the municipality in which a prospective investment zone is located may apply with the Department of Commerce and Economic Opportunity to have the area designated as an investment zone. Provides for an income tax credit for site remediation in an investment zone. Provides that the credit for wages paid to ex-felons shall be equal to 25% (currently, 5%) of those wages. Provides that the total credit for each ex-offender may not exceed \$2,500 (currently, \$1,500). Requires qualified ex-offenders to complete certain job training programs. Amends the Retailers' Occupation Tax Act. Provides for a building materials exemption for investment zones.

LRB100 10875 HLH 21110 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 Sections 201 and 216 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, 2015, an amount equal to 7% of the taxpayer's
16 net income for the taxable year.

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

24 (12) In the case of a corporation, for taxable years
25 beginning on or after January 1, 2015, and ending prior to
26 January 1, 2025, an amount equal to 5.25% of the taxpayer's

1 net income for the taxable year.

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

9 (14) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2025, an amount equal to
11 4.8% of the taxpayer's net income for the taxable year.

12 The rates under this subsection (b) are subject to the
13 provisions of Section 201.5.

14 (c) Personal Property Tax Replacement Income Tax.
15 Beginning on July 1, 1979 and thereafter, in addition to such
16 income tax, there is also hereby imposed the Personal Property
17 Tax Replacement Income Tax measured by net income on every
18 corporation (including Subchapter S corporations), partnership
19 and trust, for each taxable year ending after June 30, 1979.
20 Such taxes are imposed on the privilege of earning or receiving
21 income in or as a resident of this State. The Personal Property
22 Tax Replacement Income Tax shall be in addition to the income
23 tax imposed by subsections (a) and (b) of this Section and in
24 addition to all other occupation or privilege taxes imposed by
25 this State or by any municipal corporation or political
26 subdivision thereof.

1 (d) Additional Personal Property Tax Replacement Income
2 Tax Rates. The personal property tax replacement income tax
3 imposed by this subsection and subsection (c) of this Section
4 in the case of a corporation, other than a Subchapter S
5 corporation and except as adjusted by subsection (d-1), shall
6 be an additional amount equal to 2.85% of such taxpayer's net
7 income for the taxable year, except that beginning on January
8 1, 1981, and thereafter, the rate of 2.85% specified in this
9 subsection shall be reduced to 2.5%, and in the case of a
10 partnership, trust or a Subchapter S corporation shall be an
11 additional amount equal to 1.5% of such taxpayer's net income
12 for the taxable year.

13 (d-1) Rate reduction for certain foreign insurers. In the
14 case of a foreign insurer, as defined by Section 35A-5 of the
15 Illinois Insurance Code, whose state or country of domicile
16 imposes on insurers domiciled in Illinois a retaliatory tax
17 (excluding any insurer whose premiums from reinsurance assumed
18 are 50% or more of its total insurance premiums as determined
19 under paragraph (2) of subsection (b) of Section 304, except
20 that for purposes of this determination premiums from
21 reinsurance do not include premiums from inter-affiliate
22 reinsurance arrangements), beginning with taxable years ending
23 on or after December 31, 1999, the sum of the rates of tax
24 imposed by subsections (b) and (d) shall be reduced (but not
25 increased) to the rate at which the total amount of tax imposed
26 under this Act, net of all credits allowed under this Act,

1 shall equal (i) the total amount of tax that would be imposed
2 on the foreign insurer's net income allocable to Illinois for
3 the taxable year by such foreign insurer's state or country of
4 domicile if that net income were subject to all income taxes
5 and taxes measured by net income imposed by such foreign
6 insurer's state or country of domicile, net of all credits
7 allowed or (ii) a rate of zero if no such tax is imposed on such
8 income by the foreign insurer's state of domicile. For the
9 purposes of this subsection (d-1), an inter-affiliate includes
10 a mutual insurer under common management.

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

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

17 (B) the privilege tax imposed by Section 409 of the
18 Illinois Insurance Code, the fire insurance company
19 tax imposed by Section 12 of the Fire Investigation
20 Act, and the fire department taxes imposed under
21 Section 11-10-1 of the Illinois Municipal Code,

22 equals 1.25% for taxable years ending prior to December 31,
23 2003, or 1.75% for taxable years ending on or after
24 December 31, 2003, of the net taxable premiums written for
25 the taxable year, as described by subsection (1) of Section
26 409 of the Illinois Insurance Code. This paragraph will in

1 no event increase the rates imposed under subsections (b)
2 and (d).

3 (2) Any reduction in the rates of tax imposed by this
4 subsection shall be applied first against the rates imposed
5 by subsection (b) and only after the tax imposed by
6 subsection (a) net of all credits allowed under this
7 Section other than the credit allowed under subsection (i)
8 has been reduced to zero, against the rates imposed by
9 subsection (d).

10 This subsection (d-1) is exempt from the provisions of
11 Section 250.

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

15 (1) A taxpayer shall be allowed a credit equal to .5%
16 of the basis of qualified property placed in service during
17 the taxable year, provided such property is placed in
18 service on or after July 1, 1984. There shall be allowed an
19 additional credit equal to .5% of the basis of qualified
20 property placed in service during the taxable year,
21 provided such property is placed in service on or after
22 July 1, 1986, and the taxpayer's base employment within
23 Illinois has increased by 1% or more over the preceding
24 year as determined by the taxpayer's employment records
25 filed with the Illinois Department of Employment Security.
26 Taxpayers who are new to Illinois shall be deemed to have

1 met the 1% growth in base employment for the first year in
2 which they file employment records with the Illinois
3 Department of Employment Security. The provisions added to
4 this Section by Public Act 85-1200 (and restored by Public
5 Act 87-895) shall be construed as declaratory of existing
6 law and not as a new enactment. If, in any year, the
7 increase in base employment within Illinois over the
8 preceding year is less than 1%, the additional credit shall
9 be limited to that percentage times a fraction, the
10 numerator of which is .5% and the denominator of which is
11 1%, but shall not exceed .5%. The investment credit shall
12 not be allowed to the extent that it would reduce a
13 taxpayer's liability in any tax year below zero, nor may
14 any credit for qualified property be allowed for any year
15 other than the year in which the property was placed in
16 service in Illinois. For tax years ending on or after
17 December 31, 1987, and on or before December 31, 1988, the
18 credit shall be allowed for the tax year in which the
19 property is placed in service, or, if the amount of the
20 credit exceeds the tax liability for that year, whether it
21 exceeds the original liability or the liability as later
22 amended, such excess may be carried forward and applied to
23 the tax liability of the 5 taxable years following the
24 excess credit years if the taxpayer (i) makes investments
25 which cause the creation of a minimum of 2,000 full-time
26 equivalent jobs in Illinois, (ii) is located in an

1 enterprise zone established pursuant to the Illinois
2 Enterprise Zone Act and (iii) is certified by the
3 Department of Commerce and Community Affairs (now
4 Department of Commerce and Economic Opportunity) as
5 complying with the requirements specified in clause (i) and
6 (ii) by July 1, 1986. The Department of Commerce and
7 Community Affairs (now Department of Commerce and Economic
8 Opportunity) shall notify the Department of Revenue of all
9 such certifications immediately. For tax years ending
10 after December 31, 1988, the credit shall be allowed for
11 the tax year in which the property is placed in service,
12 or, if the amount of the credit exceeds the tax liability
13 for that year, whether it exceeds the original liability or
14 the liability as later amended, such excess may be carried
15 forward and applied to the tax liability of the 5 taxable
16 years following the excess credit years. The credit shall
17 be applied to the earliest year for which there is a
18 liability. If there is credit from more than one tax year
19 that is available to offset a liability, earlier credit
20 shall be applied first.

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

23 (A) is tangible, whether new or used, including
24 buildings and structural components of buildings and
25 signs that are real property, but not including land or
26 improvements to real property that are not a structural

1 component of a building such as landscaping, sewer
2 lines, local access roads, fencing, parking lots, and
3 other appurtenances;

4 (B) is depreciable pursuant to Section 167 of the
5 Internal Revenue Code, except that "3-year property"
6 as defined in Section 168(c)(2)(A) of that Code is not
7 eligible for the credit provided by this subsection
8 (e);

9 (C) is acquired by purchase as defined in Section
10 179(d) of the Internal Revenue Code;

11 (D) is used in Illinois by a taxpayer who is
12 primarily engaged in manufacturing, or in mining coal
13 or fluorite, or in retailing, or was placed in service
14 on or after July 1, 2006 in a River Edge Redevelopment
15 Zone established pursuant to the River Edge
16 Redevelopment Zone Act; and

17 (E) has not previously been used in Illinois in
18 such a manner and by such a person as would qualify for
19 the credit provided by this subsection (e) or
20 subsection (f).

21 (3) For purposes of this subsection (e),
22 "manufacturing" means the material staging and production
23 of tangible personal property by procedures commonly
24 regarded as manufacturing, processing, fabrication, or
25 assembling which changes some existing material into new
26 shapes, new qualities, or new combinations. For purposes of

1 this subsection (e) the term "mining" shall have the same
2 meaning as the term "mining" in Section 613(c) of the
3 Internal Revenue Code. For purposes of this subsection (e),
4 the term "retailing" means the sale of tangible personal
5 property for use or consumption and not for resale, or
6 services rendered in conjunction with the sale of tangible
7 personal property for use or consumption and not for
8 resale. For purposes of this subsection (e), "tangible
9 personal property" has the same meaning as when that term
10 is used in the Retailers' Occupation Tax Act, and, for
11 taxable years ending after December 31, 2008, does not
12 include the generation, transmission, or distribution of
13 electricity.

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

17 (5) If the basis of the property for federal income tax
18 depreciation purposes is increased after it has been placed
19 in service in Illinois by the taxpayer, the amount of such
20 increase shall be deemed property placed in service on the
21 date of such increase in basis.

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

24 (7) If during any taxable year, any property ceases to
25 be qualified property in the hands of the taxpayer within
26 48 months after being placed in service, or the situs of

1 any qualified property is moved outside Illinois within 48
2 months after being placed in service, the Personal Property
3 Tax Replacement Income Tax 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 (7), 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 (8) Unless the investment credit is extended by law,
15 the basis of qualified property shall not include costs
16 incurred after December 31, 2018, except for costs incurred
17 pursuant to a binding contract entered into on or before
18 December 31, 2018.

19 (9) Each taxable year ending before December 31, 2000,
20 a partnership may elect to pass through to its partners the
21 credits to which the partnership is entitled under this
22 subsection (e) for the taxable year. A partner may use the
23 credit allocated to him or her under this paragraph only
24 against the tax imposed in subsections (c) and (d) of this
25 Section. If the partnership makes that election, those
26 credits shall be allocated among the partners in the

1 partnership in accordance with the rules set forth in
2 Section 704(b) of the Internal Revenue Code, and the rules
3 promulgated under that Section, and the allocated amount of
4 the credits shall be allowed to the partners for that
5 taxable year. The partnership shall make this election on
6 its Personal Property Tax Replacement Income Tax return for
7 that taxable year. The election to pass through the credits
8 shall be irrevocable.

9 For taxable years ending on or after December 31, 2000,
10 a partner that qualifies its partnership for a subtraction
11 under subparagraph (I) of paragraph (2) of subsection (d)
12 of Section 203 or a shareholder that qualifies a Subchapter
13 S corporation for a subtraction under subparagraph (S) of
14 paragraph (2) of subsection (b) of Section 203 shall be
15 allowed a credit under this subsection (e) equal to its
16 share of the credit earned under this subsection (e) during
17 the taxable year by the partnership or Subchapter S
18 corporation, determined in accordance with the
19 determination of income and distributive share of income
20 under Sections 702 and 704 and Subchapter S of the Internal
21 Revenue Code. This paragraph is exempt from the provisions
22 of Section 250.

23 (f) Investment credit; Enterprise Zone; River Edge
24 Redevelopment Zone.

25 (1) A taxpayer shall be allowed a credit against the
26 tax imposed by subsections (a) and (b) of this Section for

1 investment in qualified property which is placed in service
2 in an Enterprise Zone created pursuant to the Illinois
3 Enterprise Zone Act or, for property placed in service on
4 or after July 1, 2006, a River Edge Redevelopment Zone
5 established pursuant to the River Edge Redevelopment Zone
6 Act. For partners, shareholders of Subchapter S
7 corporations, and owners of limited liability companies,
8 if the liability company is treated as a partnership for
9 purposes of federal and State income taxation, there shall
10 be allowed a credit under this subsection (f) to be
11 determined in accordance with the determination of income
12 and distributive share of income under Sections 702 and 704
13 and Subchapter S of the Internal Revenue Code. The credit
14 shall be .5% of the basis for such property. The credit
15 shall be available only in the taxable year in which the
16 property is placed in service in the Enterprise Zone or
17 River Edge Redevelopment Zone and shall not be allowed to
18 the extent that it would reduce a taxpayer's liability for
19 the tax imposed by subsections (a) and (b) of this Section
20 to below zero. For tax years ending on or after December
21 31, 1985, the credit shall be allowed for the tax year in
22 which the property is placed in service, or, if the amount
23 of the credit exceeds the tax liability for that year,
24 whether it exceeds the original liability or the liability
25 as later amended, such excess may be carried forward and
26 applied to the tax liability of the 5 taxable years

1 following the excess credit year. The credit shall be
2 applied to the earliest year for which there is a
3 liability. If there is credit from more than one tax year
4 that is available to offset a liability, the credit
5 accruing first in time shall be applied first.

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

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

9 (B) is depreciable pursuant to Section 167 of the
10 Internal Revenue Code, except that "3-year property"
11 as defined in Section 168(c)(2)(A) of that Code is not
12 eligible for the credit provided by this subsection
13 (f);

14 (C) is acquired by purchase as defined in Section
15 179(d) of the Internal Revenue Code;

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

18 (E) has not been previously used in Illinois in
19 such a manner and by such a person as would qualify for
20 the credit provided by this subsection (f) or
21 subsection (e).

22 (3) The basis of qualified property shall be the basis
23 used to compute the depreciation deduction for federal
24 income tax purposes.

25 (4) If the basis of the property for federal income tax
26 depreciation purposes is increased after it has been placed

1 in service in the Enterprise Zone or River Edge
2 Redevelopment Zone by the taxpayer, the amount of such
3 increase shall be deemed property placed in service on the
4 date of such increase in basis.

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

7 (6) If during any taxable year, any property ceases to
8 be qualified property in the hands of the taxpayer within
9 48 months after being placed in service, or the situs of
10 any qualified property is moved outside the Enterprise Zone
11 or River Edge Redevelopment Zone within 48 months after
12 being placed in service, the tax imposed under subsections
13 (a) and (b) of this Section for such taxable year shall be
14 increased. Such increase shall be determined by (i)
15 recomputing the investment credit which would have been
16 allowed for the year in which credit for such property was
17 originally allowed by eliminating such property from such
18 computation, and (ii) subtracting such recomputed credit
19 from the amount of credit previously allowed. For the
20 purposes of this paragraph (6), a reduction of the basis of
21 qualified property resulting from a redetermination of the
22 purchase price shall be deemed a disposition of qualified
23 property to the extent of such reduction.

24 (7) There shall be allowed an additional credit equal
25 to 0.5% of the basis of qualified property placed in
26 service during the taxable year in a River Edge

1 Redevelopment Zone, provided such property is placed in
2 service on or after July 1, 2006, and the taxpayer's base
3 employment within Illinois has increased by 1% or more over
4 the preceding year as determined by the taxpayer's
5 employment records filed with the Illinois Department of
6 Employment Security. Taxpayers who are new to Illinois
7 shall be deemed to have met the 1% growth in base
8 employment for the first year in which they file employment
9 records with the Illinois Department of Employment
10 Security. If, in any year, the increase in base employment
11 within Illinois over the preceding year is less than 1%,
12 the additional credit shall be limited to that percentage
13 times a fraction, the numerator of which is 0.5% and the
14 denominator of which is 1%, but shall not exceed 0.5%.

15 (g) (Blank).

16 (h) Investment credit; High Impact Business.

17 (1) Subject to subsections (b) and (b-5) of Section 5.5
18 of the Illinois Enterprise Zone Act, a taxpayer shall be
19 allowed a credit against the tax imposed by subsections (a)
20 and (b) of this Section for investment in qualified
21 property which is placed in service by a Department of
22 Commerce and Economic Opportunity designated High Impact
23 Business. The credit shall be .5% of the basis for such
24 property. The credit shall not be available (i) until the
25 minimum investments in qualified property set forth in
26 subdivision (a)(3)(A) of Section 5.5 of the Illinois

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

1 there is a liability. If there is credit from more than one
2 tax year that is available to offset a liability, the
3 credit accruing first in time shall be applied first.

4 Changes made in this subdivision (h) (1) by Public Act
5 88-670 restore changes made by Public Act 85-1182 and
6 reflect existing law.

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

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

10 (B) is depreciable pursuant to Section 167 of the
11 Internal Revenue Code, except that "3-year property"
12 as defined in Section 168(c) (2) (A) of that Code is not
13 eligible for the credit provided by this subsection
14 (h);

15 (C) is acquired by purchase as defined in Section
16 179(d) of the Internal Revenue Code; and

17 (D) is not eligible for the Enterprise Zone
18 Investment Credit provided by subsection (f) of this
19 Section.

20 (3) The basis of qualified property shall be the basis
21 used to compute the depreciation deduction for federal
22 income tax purposes.

23 (4) If the basis of the property for federal income tax
24 depreciation purposes is increased after it has been placed
25 in service in a federally designated Foreign Trade Zone or
26 Sub-Zone located in Illinois by the taxpayer, the amount of

1 such increase shall be deemed property placed in service on
2 the date of such increase in basis.

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

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

23 (7) Beginning with tax years ending after December 31,
24 1996, if a taxpayer qualifies for the credit under this
25 subsection (h) and thereby is granted a tax abatement and
26 the taxpayer relocates its entire facility in violation of

1 the explicit terms and length of the contract under Section
2 18-183 of the Property Tax Code, the tax imposed under
3 subsections (a) and (b) of this Section shall be increased
4 for the taxable year in which the taxpayer relocated its
5 facility by an amount equal to the amount of credit
6 received by the taxpayer under this subsection (h).

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

17 Any credit earned on or after December 31, 1986 under this
18 subsection which is unused in the year the credit is computed
19 because it exceeds the tax liability imposed by subsections (a)
20 and (b) for that year (whether it exceeds the original
21 liability or the liability as later amended) may be carried
22 forward and applied to the tax liability imposed by subsections
23 (a) and (b) of the 5 taxable years following the excess credit
24 year, provided that no credit may be carried forward to any
25 year ending on or after December 31, 2003. This credit shall be
26 applied first to the earliest year for which there is a

1 liability. If there is a credit under this subsection from more
2 than one tax year that is available to offset a liability the
3 earliest credit arising under this subsection shall be applied
4 first.

5 If, during any taxable year ending on or after December 31,
6 1986, the tax imposed by subsections (c) and (d) of this
7 Section for which a taxpayer has claimed a credit under this
8 subsection (i) is reduced, the amount of credit for such tax
9 shall also be reduced. Such reduction shall be determined by
10 recomputing the credit to take into account the reduced tax
11 imposed by subsections (c) and (d). If any portion of the
12 reduced amount of credit has been carried to a different
13 taxable year, an amended return shall be filed for such taxable
14 year to reduce the amount of credit claimed.

15 (j) Training expense credit. Beginning with tax years
16 ending on or after December 31, 1986 and prior to December 31,
17 2003, a taxpayer shall be allowed a credit against the tax
18 imposed by subsections (a) and (b) under this Section for all
19 amounts paid or accrued, on behalf of all persons employed by
20 the taxpayer in Illinois or Illinois residents employed outside
21 of Illinois by a taxpayer, for educational or vocational
22 training in semi-technical or technical fields or semi-skilled
23 or skilled fields, which were deducted from gross income in the
24 computation of taxable income. The credit against the tax
25 imposed by subsections (a) and (b) shall be 1.6% of such
26 training expenses. For partners, shareholders of subchapter S

1 corporations, and owners of limited liability companies, if the
2 liability company is treated as a partnership for purposes of
3 federal and State income taxation, there shall be allowed a
4 credit under this subsection (j) to be determined in accordance
5 with the determination of income and distributive share of
6 income under Sections 702 and 704 and subchapter S of the
7 Internal Revenue Code.

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

18 (k) Research and development credit. For tax years ending
19 after July 1, 1990 and prior to December 31, 2003, and
20 beginning again for tax years ending on or after December 31,
21 2004, and ending prior to January 1, 2016, a taxpayer shall be
22 allowed a credit against the tax imposed by subsections (a) and
23 (b) of this Section for increasing research activities in this
24 State. The credit allowed against the tax imposed by
25 subsections (a) and (b) shall be equal to 6 1/2% of the
26 qualifying expenditures for increasing research activities in

1 this State. For partners, shareholders of subchapter S
2 corporations, and owners of limited liability companies, if the
3 liability company is treated as a partnership for purposes of
4 federal and State income taxation, there shall be allowed a
5 credit under this subsection to be determined in accordance
6 with the determination of income and distributive share of
7 income under Sections 702 and 704 and subchapter S of the
8 Internal Revenue Code.

9 For purposes of this subsection, "qualifying expenditures"
10 means the qualifying expenditures as defined for the federal
11 credit for increasing research activities which would be
12 allowable under Section 41 of the Internal Revenue Code and
13 which are conducted in this State, "qualifying expenditures for
14 increasing research activities in this State" means the excess
15 of qualifying expenditures for the taxable year in which
16 incurred over qualifying expenditures for the base period,
17 "qualifying expenditures for the base period" means the average
18 of the qualifying expenditures for each year in the base
19 period, and "base period" means the 3 taxable years immediately
20 preceding the taxable year for which the determination is being
21 made.

22 Any credit in excess of the tax liability for the taxable
23 year may be carried forward. A taxpayer may elect to have the
24 unused credit shown on its final completed return carried over
25 as a credit against the tax liability for the following 5
26 taxable years or until it has been fully used, whichever occurs

1 first; provided that no credit earned in a tax year ending
2 prior to December 31, 2003 may be carried forward to any year
3 ending on or after December 31, 2003.

4 If an unused credit is carried forward to a given year from
5 2 or more earlier years, that credit arising in the earliest
6 year will be applied first against the tax liability for the
7 given year. If a tax liability for the given year still
8 remains, the credit from the next earliest year will then be
9 applied, and so on, until all credits have been used or no tax
10 liability for the given year remains. Any remaining unused
11 credit or credits then will be carried forward to the next
12 following year in which a tax liability is incurred, except
13 that no credit can be carried forward to a year which is more
14 than 5 years after the year in which the expense for which the
15 credit is given was incurred.

16 No inference shall be drawn from this amendatory Act of the
17 91st General Assembly in construing this Section for taxable
18 years beginning before January 1, 1999.

19 (1) Environmental Remediation Tax Credit.

20 (i) For tax years ending after December 31, 1997 and on
21 or before December 31, 2001, a taxpayer shall be allowed a
22 credit against the tax imposed by subsections (a) and (b)
23 of this Section for certain amounts paid for unreimbursed
24 eligible remediation costs, as specified in this
25 subsection. For purposes of this Section, "unreimbursed
26 eligible remediation costs" means costs approved by the

1 Illinois Environmental Protection Agency ("Agency") under
2 Section 58.14 of the Environmental Protection Act that were
3 paid in performing environmental remediation at a site for
4 which a No Further Remediation Letter was issued by the
5 Agency and recorded under Section 58.10 of the
6 Environmental Protection Act. The credit must be claimed
7 for the taxable year in which Agency approval of the
8 eligible remediation costs is granted. The credit is not
9 available to any taxpayer if the taxpayer or any related
10 party caused or contributed to, in any material respect, a
11 release of regulated substances on, in, or under the site
12 that was identified and addressed by the remedial action
13 pursuant to the Site Remediation Program of the
14 Environmental Protection Act. After the Pollution Control
15 Board rules are adopted pursuant to the Illinois
16 Administrative Procedure Act for the administration and
17 enforcement of Section 58.9 of the Environmental
18 Protection Act, determinations as to credit availability
19 for purposes of this Section shall be made consistent with
20 those rules. For purposes of this Section, "taxpayer"
21 includes a person whose tax attributes the taxpayer has
22 succeeded to under Section 381 of the Internal Revenue Code
23 and "related party" includes the persons disallowed a
24 deduction for losses by paragraphs (b), (c), and (f)(1) of
25 Section 267 of the Internal Revenue Code by virtue of being
26 a related taxpayer, as well as any of its partners. The

1 credit allowed against the tax imposed by subsections (a)
2 and (b) shall be equal to 25% of the unreimbursed eligible
3 remediation costs in excess of \$100,000 per site, except
4 that the \$100,000 threshold shall not apply to any site
5 contained in an enterprise zone as determined by the
6 Department of Commerce and Community Affairs (now
7 Department of Commerce and Economic Opportunity). The
8 total credit allowed shall not exceed \$40,000 per year with
9 a maximum total of \$150,000 per site. For partners and
10 shareholders of subchapter S corporations, there shall be
11 allowed a credit under this subsection to be determined in
12 accordance with the determination of income and
13 distributive share of income under Sections 702 and 704 and
14 subchapter S of the Internal Revenue Code.

15 (ii) A credit allowed under this subsection that is
16 unused in the year the credit is earned may be carried
17 forward to each of the 5 taxable years following the year
18 for which the credit is first earned until it is used. The
19 term "unused credit" does not include any amounts of
20 unreimbursed eligible remediation costs in excess of the
21 maximum credit per site authorized under paragraph (i).
22 This credit shall be applied first to the earliest year for
23 which there is a liability. If there is a credit under this
24 subsection from more than one tax year that is available to
25 offset a liability, the earliest credit arising under this
26 subsection shall be applied first. A credit allowed under

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

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

17 (m) Education expense credit. Beginning with tax years
18 ending after December 31, 1999, a taxpayer who is the custodian
19 of one or more qualifying pupils shall be allowed a credit
20 against the tax imposed by subsections (a) and (b) of this
21 Section for qualified education expenses incurred on behalf of
22 the qualifying pupils. The credit shall be equal to 25% of
23 qualified education expenses, but in no event may the total
24 credit under this subsection claimed by a family that is the
25 custodian of qualifying pupils exceed \$500. In no event shall a
26 credit under this subsection reduce the taxpayer's liability

1 under this Act to less than zero. This subsection is exempt
2 from the provisions of Section 250 of this Act.

3 For purposes of this subsection:

4 "Qualifying pupils" means individuals who (i) are
5 residents of the State of Illinois, (ii) are under the age of
6 21 at the close of the school year for which a credit is
7 sought, and (iii) during the school year for which a credit is
8 sought were full-time pupils enrolled in a kindergarten through
9 twelfth grade education program at any school, as defined in
10 this subsection.

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

15 "School" means any public or nonpublic elementary or
16 secondary school in Illinois that is in compliance with Title
17 VI of the Civil Rights Act of 1964 and attendance at which
18 satisfies the requirements of Section 26-1 of the School Code,
19 except that nothing shall be construed to require a child to
20 attend any particular public or nonpublic school to qualify for
21 the credit under this Section.

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

25 (n) River Edge Redevelopment Zone site remediation tax
26 credit.

1 (i) For tax years ending on or after December 31, 2006,
2 a taxpayer shall be allowed a credit against the tax
3 imposed by subsections (a) and (b) of this Section for
4 certain amounts paid for unreimbursed eligible remediation
5 costs, as specified in this subsection. For purposes of
6 this Section, "unreimbursed eligible remediation costs"
7 means costs approved by the Illinois Environmental
8 Protection Agency ("Agency") under Section 58.14a of the
9 Environmental Protection Act that were paid in performing
10 environmental remediation at a site within a River Edge
11 Redevelopment Zone for which a No Further Remediation
12 Letter was issued by the Agency and recorded under Section
13 58.10 of the Environmental Protection Act. The credit must
14 be claimed for the taxable year in which Agency approval of
15 the eligible remediation costs is granted. The credit is
16 not available to any taxpayer if the taxpayer or any
17 related party caused or contributed to, in any material
18 respect, a release of regulated substances on, in, or under
19 the site that was identified and addressed by the remedial
20 action pursuant to the Site Remediation Program of the
21 Environmental Protection Act. Determinations as to credit
22 availability for purposes of this Section shall be made
23 consistent with rules adopted by the Pollution Control
24 Board pursuant to the Illinois Administrative Procedure
25 Act for the administration and enforcement of Section 58.9
26 of the Environmental Protection Act. For purposes of this

1 Section, "taxpayer" includes a person whose tax attributes
2 the taxpayer has succeeded to under Section 381 of the
3 Internal Revenue Code and "related party" includes the
4 persons disallowed a deduction for losses by paragraphs
5 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
6 Code by virtue of being a related taxpayer, as well as any
7 of its partners. The credit allowed against the tax imposed
8 by subsections (a) and (b) shall be equal to 25% of the
9 unreimbursed eligible remediation costs in excess of
10 \$100,000 per site.

11 (ii) A credit allowed under this subsection that is
12 unused in the year the credit is earned may be carried
13 forward to each of the 5 taxable years following the year
14 for which the credit is first earned until it is used. This
15 credit shall be applied first to the earliest year for
16 which there is a liability. If there is a credit under this
17 subsection from more than one tax year that is available to
18 offset a liability, the earliest credit arising under this
19 subsection shall be applied first. A credit allowed under
20 this subsection may be sold to a buyer as part of a sale of
21 all or part of the remediation site for which the credit
22 was granted. The purchaser of a remediation site and the
23 tax credit shall succeed to the unused credit and remaining
24 carry-forward period of the seller. To perfect the
25 transfer, the assignor shall record the transfer in the
26 chain of title for the site and provide written notice to

1 the Director of the Illinois Department of Revenue of the
2 assignor's intent to sell the remediation site and the
3 amount of the tax credit to be transferred as a portion of
4 the sale. In no event may a credit be transferred to any
5 taxpayer if the taxpayer or a related party would not be
6 eligible under the provisions of subsection (i).

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

10 (n-1) Investment zone site remediation tax credit.

11 (i) For tax years beginning on or after January 1,
12 2018, a taxpayer shall be allowed a credit against the tax
13 imposed by subsections (a) and (b) of this Section for
14 certain amounts paid for unreimbursed eligible remediation
15 costs, as specified in this subsection. For purposes of
16 this Section, "unreimbursed eligible remediation costs"
17 means costs approved by the Illinois Environmental
18 Protection Agency ("Agency") under Section 58.14a of the
19 Environmental Protection Act that were paid in performing
20 environmental remediation at a site within an investment
21 zone for which a No Further Remediation Letter was issued
22 by the Agency and recorded under Section 58.10 of the
23 Environmental Protection Act. The credit must be claimed
24 for the taxable year in which Agency approval of the
25 eligible remediation costs is granted. The credit is not
26 available to any taxpayer if the taxpayer or any related

1 party caused or contributed to, in any material respect, a
2 release of regulated substances on, in, or under the site
3 that was identified and addressed by the remedial action
4 pursuant to the Site Remediation Program of the
5 Environmental Protection Act. Determinations as to credit
6 availability for purposes of this Section shall be made
7 consistent with rules adopted by the Pollution Control
8 Board pursuant to the Illinois Administrative Procedure
9 Act for the administration and enforcement of Section 58.9
10 of the Environmental Protection Act. For purposes of this
11 Section, "taxpayer" includes a person whose tax attributes
12 the taxpayer has succeeded to under Section 381 of the
13 Internal Revenue Code and "related party" includes the
14 persons disallowed a deduction for losses by paragraphs
15 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
16 Code by virtue of being a related taxpayer, as well as any
17 of its partners. The credit allowed against the tax imposed
18 by subsections (a) and (b) shall be equal to 25% of the
19 unreimbursed eligible remediation costs in excess of
20 \$100,000 per site.

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

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

17 (iii) For the purposes of this subsection, "investment
18 zone" means an area designated as an investment zone by the
19 Department of Commerce and Economic Opportunity. An area is
20 eligible for designation as an investment zone if the
21 median household income is less than 125% of the federal
22 poverty level. The corporate authorities of the
23 municipality in which a prospective investment zone is
24 located may apply with the Department of Commerce and
25 Economic Opportunity to have the area designated as an
26 investment zone in the form and manner required by the

1 Department.

2 (iv) The credit under this subsection (n-1) is exempt
3 from the provisions of Section 250.

4 (o) For each of taxable years during the Compassionate Use
5 of Medical Cannabis Pilot Program, a surcharge is imposed on
6 all taxpayers on income arising from the sale or exchange of
7 capital assets, depreciable business property, real property
8 used in the trade or business, and Section 197 intangibles of
9 an organization registrant under the Compassionate Use of
10 Medical Cannabis Pilot Program Act. The amount of the surcharge
11 is equal to the amount of federal income tax liability for the
12 taxable year attributable to those sales and exchanges. The
13 surcharge imposed does not apply if:

14 (1) the medical cannabis cultivation center
15 registration, medical cannabis dispensary registration, or
16 the property of a registration is transferred as a result
17 of any of the following:

18 (A) bankruptcy, a receivership, or a debt
19 adjustment initiated by or against the initial
20 registration or the substantial owners of the initial
21 registration;

22 (B) cancellation, revocation, or termination of
23 any registration by the Illinois Department of Public
24 Health;

25 (C) a determination by the Illinois Department of
26 Public Health that transfer of the registration is in

1 the best interests of Illinois qualifying patients as
2 defined by the Compassionate Use of Medical Cannabis
3 Pilot Program Act;

4 (D) the death of an owner of the equity interest in
5 a registrant;

6 (E) the acquisition of a controlling interest in
7 the stock or substantially all of the assets of a
8 publicly traded company;

9 (F) a transfer by a parent company to a wholly
10 owned subsidiary; or

11 (G) the transfer or sale to or by one person to
12 another person where both persons were initial owners
13 of the registration when the registration was issued;
14 or

15 (2) the cannabis cultivation center registration,
16 medical cannabis dispensary registration, or the
17 controlling interest in a registrant's property is
18 transferred in a transaction to lineal descendants in which
19 no gain or loss is recognized or as a result of a
20 transaction in accordance with Section 351 of the Internal
21 Revenue Code in which no gain or loss is recognized.

22 (Source: P.A. 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905,
23 eff. 8-7-12; 98-109, eff. 7-25-13; 98-122, eff. 1-1-14; 98-756,
24 eff. 7-16-14.)

25 (35 ILCS 5/216)

1 Sec. 216. Credit for wages paid to ex-felons.

2 (a) For each taxable year beginning on or after January 1,
3 2007, each taxpayer is entitled to a credit against the tax
4 imposed by subsections (a) and (b) of Section 201 of this Act
5 in an amount equal to a portion of the 5% of qualified wages
6 paid by the taxpayer during the taxable year to one or more
7 Illinois residents who are qualified ex-offenders. For tax
8 years beginning prior to January 1, 2017, the amount of the
9 credit shall be equal to 5% of qualified wages paid by the
10 taxpayer during the taxable year to one or more Illinois
11 residents who are qualified ex-offenders. For tax years
12 beginning on or after January 1, 2017, the amount of the credit
13 shall be equal to 25% of qualified wages paid by the taxpayer
14 during the taxable year to one or more Illinois residents who
15 are qualified ex-offenders. The total credit allowed to a
16 taxpayer with respect to each qualified ex-offender may not
17 exceed (i) \$1,500 for taxable years beginning prior to January
18 1, 2017 and (ii) \$2,500 for all taxable years beginning on or
19 after January 1, 2017. For partners, shareholders of Subchapter
20 S corporations, and owners of limited liability companies, if
21 the liability company is treated as a partnership for purposes
22 of federal and State income taxation, there shall be allowed a
23 credit under this Section to be determined in accordance with
24 the determination of income and distributive share of income
25 under Sections 702 and 704 and Subchapter S of the Internal
26 Revenue Code.

1 (b) For purposes of this Section, "qualified wages":

2 (1) includes only wages that are subject to federal
3 unemployment tax under Section 3306 of the Internal Revenue
4 Code, without regard to any dollar limitation contained in
5 that Section;

6 (2) does not include any amounts paid or incurred by an
7 employer for any period to any qualified ex-offender for
8 whom the employer receives federally funded payments for
9 on-the-job training of that qualified ex-offender for that
10 period; and

11 (3) includes only wages attributable to service
12 rendered during the one-year period beginning with the day
13 the qualified ex-offender begins work for the employer.

14 If the taxpayer has received any payment from a program
15 established under Section 482(e)(1) of the federal Social
16 Security Act with respect to a qualified ex-offender, then, for
17 purposes of calculating the credit under this Section, the
18 amount of the qualified wages paid to that qualified
19 ex-offender must be reduced by the amount of the payment.

20 (c) For purposes of this Section, "qualified ex-offender"
21 means any person who:

22 (1) has been convicted of a crime in this State or of
23 an offense in any other jurisdiction, not including any
24 offense or attempted offense that would subject a person to
25 registration under the Sex Offender Registration Act;

26 (2) was sentenced to a period of incarceration in an

1 Illinois adult correctional center; ~~and~~

2 (3) was hired by the taxpayer within 2 ~~3~~ years after
3 being released from an Illinois adult correctional center;
4 and ~~—~~

5 (4) has completed a job skills training program or a
6 job readiness program under Section 9A-9 of the Illinois
7 Public Aid Code.

8 (d) In no event shall a credit under this Section reduce
9 the taxpayer's liability to less than zero. If the amount of
10 the credit exceeds the tax liability for the year, the excess
11 may be carried forward and applied to the tax liability of the
12 5 taxable years following the excess credit year. The tax
13 credit shall be applied to the earliest year for which there is
14 a tax liability. If there are credits for more than one year
15 that are available to offset a liability, the earlier credit
16 shall be applied first.

17 (e) This Section is exempt from the provisions of Section
18 250.

19 (Source: P.A. 98-165, eff. 8-5-13.)

20 Section 10. The Retailers' Occupation Tax Act is amended by
21 changing Section 5k as follows:

22 (35 ILCS 120/5k) (from Ch. 120, par. 444k)

23 Sec. 5k. Building materials exemption; enterprise zone.

24 (a) Each retailer who makes a qualified sale of building

1 materials to be incorporated into real estate in an investment
2 zone established under subsection (n-1) of Section 201 of the
3 Illinois Income Tax Act or an enterprise zone established by a
4 county or municipality under the Illinois Enterprise Zone Act
5 by remodeling, rehabilitation or new construction, may deduct
6 receipts from such sales when calculating the tax imposed by
7 this Act. For purposes of this Section, before July 1, 2013,
8 "qualified sale" means a sale of building materials that will
9 be incorporated into real estate as part of a building project
10 for which a Certificate of Eligibility for Sales Tax Exemption
11 has been issued by the administrator of the enterprise zone in
12 which the building project is located, and on and after July 1,
13 2013, "qualified sale" means a sale of building materials that
14 will be incorporated into real estate as part of a building
15 project for which an Enterprise Zone Building Materials
16 Exemption Certificate or an Investment Zone Building Materials
17 Exemption Certificate has been issued to the purchaser by the
18 Department. A construction contractor or other entity shall not
19 make tax-free purchases unless it has an active Exemption
20 Certificate issued by the Department at the time of the
21 purchase.

22 (b) Before July 1, 2013, to document the exemption allowed
23 under this Section, the retailer must obtain from the purchaser
24 a copy of the Certificate of Eligibility for Sales Tax
25 Exemption issued by the administrator of the enterprise zone
26 into which the building materials will be incorporated. On and

1 after July 1, 2013, to document the exemption allowed under
2 this Section, the retailer must obtain from the purchaser the
3 certification required under subsection (c), which must
4 contain the ~~Enterprise Zone Building Materials~~ Exemption
5 Certificate number issued to the purchaser by the Department.
6 Upon request from the enterprise zone administrator, the
7 Department shall issue an Enterprise Zone Building Materials
8 Exemption Certificate for each construction contractor or
9 other entity identified by the enterprise zone administrator.
10 Upon request from the corporate authorities of the municipality
11 in which an investment zone is located, the Department shall
12 issue an Investment Zone Building Materials Exemption
13 Certificate for each construction contractor or other entity
14 identified by the corporate authorities. The Department shall
15 make the Exemption Certificates available directly to each
16 enterprise zone administrator, construction contractor, or
17 other entity. The request for ~~Enterprise Zone Building~~
18 ~~Materials~~ Exemption Certificates from the enterprise zone
19 administrator or the corporate authorities to the Department
20 must include the following information:

21 (1) the name and address of the construction contractor
22 or other entity;

23 (2) the name and number of the enterprise zone or
24 investment zone;

25 (3) the name and location or address of the building
26 project in the enterprise zone or investment zone;

1 (4) the estimated amount of the exemption for each
2 construction contractor or other entity for which a request
3 for Exemption Certificate is made, based on a stated
4 estimated average tax rate and the percentage of the
5 contract that consists of materials;

6 (5) the period of time over which supplies for the
7 project are expected to be purchased; and

8 (6) other reasonable information as the Department may
9 require, including, but not limited to FEIN numbers, to
10 determine if the contractor or other entity, or any
11 partner, or a corporate officer, and in the case of a
12 limited liability company, any manager or member, of the
13 construction contractor or other entity, is or has been the
14 owner, a partner, a corporate officer, and in the case of a
15 limited liability company, a manager or member, of a person
16 that is in default for moneys due to the Department under
17 this Act or any other tax or fee Act administered by the
18 Department.

19 The Department shall issue the ~~Enterprise Zone Building~~
20 ~~Materials~~ Exemption Certificates within 3 business days after
21 receipt of request from the zone administrator or corporate
22 authorities. This requirement does not apply in circumstances
23 where the Department, for reasonable cause, is unable to issue
24 the Exemption Certificate within 3 business days. The
25 Department may refuse to issue an Exemption Certificate if the
26 owner, any partner, or a corporate officer, and in the case of

1 a limited liability company, any manager or member, of the
2 construction contractor or other entity is or has been the
3 owner, a partner, a corporate officer, and in the case of a
4 limited liability company, a manager or member, of a person
5 that is in default for moneys due to the Department under this
6 Act or any other tax or fee Act administered by the Department.
7 The ~~Enterprise Zone Building Materials~~ Exemption Certificate
8 shall contain language stating that if the construction
9 contractor or other entity who is issued the Exemption
10 Certificate makes a tax-exempt purchase, as described in this
11 Section, that is not eligible for exemption under this Section
12 or allows another person to make a tax-exempt purchase, as
13 described in this Section, that is not eligible for exemption
14 under this Section, then, in addition to any tax or other
15 penalty imposed, the construction contractor or other entity is
16 subject to a penalty equal to the tax that would have been paid
17 by the retailer under this Act as well as any applicable local
18 retailers' occupation tax on the purchase that is not eligible
19 for the exemption.

20 The Department, in its discretion, may require that
21 requests ~~the request~~ for ~~Enterprise Zone Building Materials~~
22 Exemption Certificates be submitted electronically. The
23 Department may, in its discretion, issue the Exemption
24 Certificates electronically. The ~~Enterprise Zone Building~~
25 ~~Materials~~ Exemption Certificate number shall be designed in
26 such a way that the Department can identify from the unique

1 number on the Exemption Certificate issued to a given
2 construction contractor or other entity, the name of the
3 Enterprise Zone or Investment Zone, the project for which the
4 Exemption Certificate is issued, and the construction
5 contractor or other entity to whom the Exemption Certificate is
6 issued. The Exemption Certificate shall contain an expiration
7 date, which shall be no more than 2 years after the date of
8 issuance. At the request of the zone administrator, the
9 Department may renew an Exemption Certificate. After the
10 Department issues Exemption Certificates for a given
11 ~~enterprise zone~~ project, the enterprise zone administrator or
12 corporate authorities may notify the Department of additional
13 construction contractors or other entities eligible for an
14 ~~Enterprise Zone Building Materials~~ Exemption Certificate. Upon
15 notification by the enterprise zone administrator or corporate
16 authorities and subject to the other provisions of this
17 subsection (b), the Department shall issue an ~~Enterprise Zone~~
18 ~~Building Materials~~ Exemption Certificate to each additional
19 construction contractor or other entity identified by the
20 enterprise zone administrator or corporate authorities. An
21 enterprise zone administrator may notify the Department to
22 rescind an Enterprise Zone Building Materials Exemption
23 Certificate previously issued by the Department but that has
24 not yet expired; the corporate authorities of the municipality
25 may notify the Department to rescind an Investment Zone
26 Building Materials Exemption Certificate previously issued by

1 the Department but that has not yet expired. Upon such
2 notification ~~by the enterprise zone administrator~~ and subject
3 to the other provisions of this subsection (b), the Department
4 shall issue the rescission of the ~~Enterprise Zone Building~~
5 ~~Materials~~ Exemption Certificate to the construction contractor
6 or other entity identified by the enterprise zone administrator
7 or corporate authorities and provide a copy to the enterprise
8 zone administrator or corporate authorities.

9 If the Department of Revenue determines that a construction
10 contractor or other entity that was issued an Exemption
11 Certificate under this subsection (b) made a tax-exempt
12 purchase, as described in this Section, that was not eligible
13 for exemption under this Section or allowed another person to
14 make a tax-exempt purchase, as described in this Section, that
15 was not eligible for exemption under this Section, then, in
16 addition to any tax or other penalty imposed, the construction
17 contractor or other entity is subject to a penalty equal to the
18 tax that would have been paid by the retailer under this Act as
19 well as any applicable local retailers' occupation tax on the
20 purchase that was not eligible for the exemption.

21 (c) In addition, the retailer must obtain certification
22 from the purchaser that contains:

23 (1) a statement that the building materials are being
24 purchased for incorporation into real estate located in an
25 Illinois enterprise zone or investment zone;

26 (2) the location or address of the real estate into

1 which the building materials will be incorporated;

2 (3) the name of the ~~enterprise~~ zone in which that real
3 estate is located;

4 (4) a description of the building materials being
5 purchased;

6 (5) on and after July 1, 2013, the purchaser's
7 ~~Enterprise Zone Building Materials~~ Exemption Certificate
8 number issued by the Department; and

9 (6) the purchaser's signature and date of purchase.

10 (d) The deduction allowed by this Section for the sale of
11 building materials may be limited, to the extent authorized by
12 ordinance, adopted after the effective date of this amendatory
13 Act of 1992, by the municipality or county that created the
14 ~~enterprise~~ zone into which the building materials will be
15 incorporated. The ordinance, however, may neither require nor
16 prohibit the purchase of building materials from any retailer
17 or class of retailers in order to qualify for the exemption
18 allowed under this Section. The provisions of this Section are
19 exempt from Section 2-70.

20 (e) Notwithstanding anything to the contrary in this
21 Section, for enterprise zone projects already in existence and
22 for which construction contracts are already in place on July
23 1, 2013, the request for Enterprise Zone Building Materials
24 Exemption Certificates from the enterprise zone administrator
25 to the Department for these pre-existing construction
26 contractors and other entities must include the information

1 required under subsection (b), but not including the
2 information listed in items (4) and (5). For any new
3 construction contract entered into on or after July 1, 2013,
4 however, all of the information in subsection (b) must be
5 provided.

6 (Source: P.A. 97-905, eff. 8-7-12; 98-109, eff. 7-25-13.)

7 Section 15. The Environmental Protection Act is amended by
8 changing Section 58.14a as follows:

9 (415 ILCS 5/58.14a)

10 Sec. 58.14a. River Edge Redevelopment Zone Site
11 Remediation Tax Credit Review.

12 (a) Prior to applying for the River Edge Redevelopment Zone
13 site remediation tax credit under subsection (n) of Section 201
14 of the Illinois Income Tax Act or an investment zone site
15 remediation tax credit under subsection (n-5) of the Illinois
16 Income Tax Act, a Remediation Applicant must first submit to
17 the Agency an application for review of remediation costs. The
18 Agency shall review the application in consultation with the
19 Department of Commerce and Economic Opportunity. The
20 application and review process must be conducted in accordance
21 with the requirements of this Section and the rules adopted
22 under subsection (g). A preliminary review of the estimated
23 remediation costs for development and implementation of the
24 Remedial Action Plan may be obtained in accordance with

1 subsection (d).

2 (b) No application for review may be submitted until a No
3 Further Remediation Letter has been issued by the Agency and
4 recorded in the chain of title for the site in accordance with
5 Section 58.10. The Agency shall review the application to
6 determine whether the costs submitted are remediation costs and
7 whether the costs incurred are reasonable. The application must
8 be on forms prescribed and provided by the Agency. At a
9 minimum, the application must include the following:

10 (1) information identifying the Remediation Applicant,
11 the site for which the tax credit is being sought, and the
12 date of acceptance of the site into the Site Remediation
13 Program;

14 (2) a copy of the No Further Remediation Letter with
15 official verification that the letter has been recorded in
16 the chain of title for the site and a demonstration that
17 the site for which the application is submitted is the same
18 site as the one for which the No Further Remediation Letter
19 is issued;

20 (3) a demonstration that the release of the regulated
21 substances of concern for which the No Further Remediation
22 Letter was issued were not caused or contributed to in any
23 material respect by the Remediation Applicant.
24 Determinations as to credit availability shall be made
25 consistent with the Pollution Control Board rules for the
26 administration and enforcement of Section 58.9 of this Act;

1 (4) an itemization and documentation, including
2 receipts, of the remediation costs incurred;

3 (5) a demonstration that the costs incurred are
4 remediation costs as defined in this Act and its rules;

5 (6) a demonstration that the costs submitted for review
6 were incurred by the Remediation Applicant who received the
7 No Further Remediation Letter;

8 (7) an application fee in the amount set forth in
9 subsection (e) for each site for which review of
10 remediation costs is requested and, if applicable,
11 certification from the Department of Commerce and Economic
12 Opportunity that the site is located in a River Edge
13 Redevelopment Zone or an Investment Zone; and

14 (8) any other information deemed appropriate by the
15 Agency.

16 (c) Within 60 days after receipt by the Agency of an
17 application meeting the requirements of subsection (b), the
18 Agency shall issue a letter to the applicant approving,
19 disapproving, or modifying the remediation costs submitted in
20 the application. If the remediation costs are approved as
21 submitted, then the Agency's letter must state the amount of
22 the remediation costs to be applied toward the ~~River Edge~~
23 ~~Redevelopment Zone site remediation~~ tax credit. If an
24 application is disapproved or approved with modification of
25 remediation costs, then the Agency's letter must set forth the
26 reasons for the disapproval or modification and must state the

1 amount of the remediation costs, if any, to be applied toward
2 the ~~River Edge Redevelopment Zone site remediation~~ tax credit.

3 If a preliminary review of a budget plan has been obtained
4 under subsection (d), then the Remediation Applicant may
5 submit, with the application and supporting documentation
6 under subsection (b), a copy of the Agency's final
7 determination accompanied by a certification that the actual
8 remediation costs incurred for the development and
9 implementation of the Remedial Action Plan are equal to or less
10 than the costs approved in the Agency's final determination on
11 the budget plan. The certification must be signed by the
12 Remediation Applicant and notarized. Based on that submission,
13 the Agency is not required to conduct further review of the
14 costs incurred for development and implementation of the
15 Remedial Action Plan, and it may approve the costs as
16 submitted. Within 35 days after the receipt of an Agency letter
17 disapproving or modifying an application for approval of
18 remediation costs, the Remediation Applicant may appeal the
19 Agency's decision to the Board in the manner provided for the
20 review of permits under Section 40 of this Act.

21 (d) A Remediation Applicant may obtain a preliminary review
22 of estimated remediation costs for the development and
23 implementation of the Remedial Action Plan by submitting a
24 budget plan along with the Remedial Action Plan. The budget
25 plan must be set forth on forms prescribed and provided by the
26 Agency and must include, without limitation, line-item

1 estimates of the costs associated with each line item (such as
2 personnel, equipment, and materials) that the Remediation
3 Applicant anticipates will be incurred for the development and
4 implementation of the Remedial Action Plan. The Agency shall
5 review the budget plan along with the Remedial Action Plan to
6 determine whether the estimated costs submitted are
7 remediation costs and whether the costs estimated for the
8 activities are reasonable.

9 If the Remedial Action Plan is amended by the Remediation
10 Applicant or as a result of Agency action, then the
11 corresponding budget plan must be revised accordingly and
12 resubmitted for Agency review.

13 The budget plan must be accompanied by the applicable fee
14 as set forth in subsection (e).

15 The submittal of a budget plan is deemed to be an automatic
16 60-day waiver of the Remedial Action Plan review deadlines set
17 forth in this Section and its rules.

18 Within the applicable period of review, the Agency shall
19 issue a letter to the Remediation Applicant approving,
20 disapproving, or modifying the estimated remediation costs
21 submitted in the budget plan. If a budget plan is disapproved
22 or approved with modification of estimated remediation costs,
23 then the Agency's letter must set forth the reasons for the
24 disapproval or modification.

25 Within 35 days after receipt of an Agency letter
26 disapproving or modifying a budget plan, the Remediation

1 Applicant may appeal the Agency's decision to the Board in the
2 manner provided for the review of permits under Section 40 of
3 this Act.

4 (e) Any fee for a review conducted under this Section is in
5 addition to any other fees or payments for Agency services
6 rendered under the Site Remediation Program. The fees under
7 this Section are as follows:

8 (1) the fee for an application for review of
9 remediation costs is \$250 for each site reviewed; and

10 (2) there is no fee for the review of the budget plan
11 submitted under subsection (d).

12 The application fee must be made payable to the State of
13 Illinois, for deposit into the Hazardous Waste Fund. Pursuant
14 to appropriation, the Agency shall use the fees collected under
15 this subsection for development and administration of the
16 review program.

17 (f) The Agency has the authority to enter into any
18 contracts or agreements that may be necessary to carry out its
19 duties and responsibilities under this Section.

20 (g) The Agency shall adopt rules prescribing procedures and
21 standards for its administration of this Section. Prior to the
22 effective date of rules adopted under this Section, the Agency
23 may conduct reviews of applications under this Section. The
24 Agency may publish informal guidelines concerning this Section
25 to provide guidance.

26 (Source: P.A. 95-454, eff. 8-27-07.)