



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB3811

Introduced 10/5/2011, by Rep. Tom Cross, Jason Barickman, Patricia R. Bellock, Mike Bost, Dan Brady, et al.

#### SYNOPSIS AS INTRODUCED:

|                    |                                |
|--------------------|--------------------------------|
| 20 ILCS 655/5.3    | from Ch. 67 1/2, par. 608      |
| 35 ILCS 5/201      | from Ch. 120, par. 2-201       |
| 35 ILCS 5/207      | from Ch. 120, par. 2-207       |
| 35 ILCS 120/1f     | from Ch. 120, par. 440f        |
| 35 ILCS 405/2      | from Ch. 120, par. 405A-2      |
| 220 ILCS 5/9-222.1 | from Ch. 111 2/3, par. 9-222.1 |
| 805 ILCS 180/50-10 |                                |

Amends the Illinois Enterprise Zone Act. Provides that an Enterprise Zone shall be extended for an additional 20 years upon application by the corporate authorities of the county or municipality that designated the Enterprise Zone. Amends the Retailers' Occupation Tax Act. Provides that exemptions granted under the Act for tangible personal property used or consumed in an Enterprise Zone may be in effect for not more than the term of the enterprise zone. Amends the Public Utilities Act to make conforming changes in provisions concerning tax exemptions for businesses located in Enterprise Zones. Amends the Illinois Estate and Generation-Skipping Transfer Tax Act. Provides that the annual exclusion amount is \$5,000,000 (instead of \$2,000,000). Amends the Illinois Income Tax Act. Provides that the research and development credit is effective for all taxable years ending on or after December 31, 2004 and is not subject to the Act's automatic sunset provisions. Provides that amounts paid or incurred for ethanol and biodiesel research are included in the definition of "qualified expenditure". Amends the Limited Liability Company Act. Provides that the fee for articles of organization is \$100 (instead of \$750 for limited liability companies with a series and \$500 for other limited liability companies). Effective immediately.

LRB097 13527 HLH 58048 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 Enterprise Zone Act is amended by  
5 changing Section 5.3 as follows:

6 (20 ILCS 655/5.3) (from Ch. 67 1/2, par. 608)

7 Sec. 5.3. Certification of Enterprise Zones; Effective  
8 date.

9 (a) Approval of designated Enterprise Zones shall be made  
10 by the Department by certification of the designating  
11 ordinance. The Department shall promptly issue a certificate  
12 for each Enterprise Zone upon its approval. The certificate  
13 shall be signed by the Director of the Department, shall make  
14 specific reference to the designating ordinance, which shall be  
15 attached thereto, and shall be filed in the office of the  
16 Secretary of State. A certified copy of the Enterprise Zone  
17 Certificate, or a duplicate original thereof, shall be recorded  
18 in the office of recorder of deeds of the county in which the  
19 Enterprise Zone lies.

20 (b) An Enterprise Zone shall be effective upon its  
21 certification. The Department shall transmit a copy of the  
22 certification to the Department of Revenue, and to the  
23 designating municipality or county.

1           Upon certification of an Enterprise Zone, the terms and  
2 provisions of the designating ordinance shall be in effect, and  
3 may not be amended or repealed except in accordance with  
4 Section 5.4.

5           (c) An Enterprise Zone shall be in effect for 30 calendar  
6 years, or for a lesser number of years specified in the  
7 certified designating ordinance. Enterprise Zones shall  
8 terminate at midnight of December 31 of the final calendar year  
9 of the certified term, except as provided in Section 5.4. The  
10 Department shall grant, upon application by the corporate  
11 authorities of the county or municipality that adopted the  
12 ordinance designating the Enterprise Zone, a one-time  
13 extension of 20 additional calendar years for each Zone.

14           (d) No more than 12 Enterprise Zones may be certified by  
15 the Department in calendar year 1984, no more than 12  
16 Enterprise Zones may be certified by the Department in calendar  
17 year 1985, no more than 13 Enterprise Zones may be certified by  
18 the Department in calendar year 1986, no more than 15  
19 Enterprise Zones may be certified by the Department in calendar  
20 year 1987, and no more than 20 Enterprise Zones may be  
21 certified by the Department in calendar year 1990. In other  
22 calendar years, no more than 13 Enterprise Zones may be  
23 certified by the Department. The Department may also designate  
24 up to 8 additional Enterprise Zones outside the regular  
25 application cycle if warranted by the extreme economic  
26 circumstances as determined by the Department. The Department

1 may also designate one additional Enterprise Zone outside the  
2 regular application cycle if an aircraft manufacturer agrees to  
3 locate an aircraft manufacturing facility in the proposed  
4 Enterprise Zone. Notwithstanding any other provision of this  
5 Act, no more than 89 Enterprise Zones may be certified by the  
6 Department for the 10 calendar years commencing with 1983. The  
7 7 additional Enterprise Zones authorized by Public Act 86-15  
8 shall not lie within municipalities or unincorporated areas of  
9 counties that abut or are contiguous to Enterprise Zones  
10 certified pursuant to this Section prior to June 30, 1989. The  
11 7 additional Enterprise Zones (excluding the additional  
12 Enterprise Zone which may be designated outside the regular  
13 application cycle) authorized by Public Act 86-1030 shall not  
14 lie within municipalities or unincorporated areas of counties  
15 that abut or are contiguous to Enterprise Zones certified  
16 pursuant to this Section prior to February 28, 1990. Beginning  
17 in calendar year 2004 and until December 31, 2008, one  
18 additional enterprise zone may be certified by the Department.  
19 In any calendar year, the Department may not certify more than  
20 3 Zones located within the same municipality. The Department  
21 may certify Enterprise Zones in each of the 10 calendar years  
22 commencing with 1983. The Department may not certify more than  
23 a total of 18 Enterprise Zones located within the same county  
24 (whether within municipalities or within unincorporated  
25 territory) for the 10 calendar years commencing with 1983.  
26 Thereafter, the Department may not certify any additional

1 Enterprise Zones, but may amend and rescind certifications of  
2 existing Enterprise Zones in accordance with Section 5.4.

3 (e) Notwithstanding any other provision of law, if (i) the  
4 county board of any county in which a current military base is  
5 located, in part or in whole, or in which a military base that  
6 has been closed within 20 years of the effective date of this  
7 amendatory Act of 1998 is located, in part or in whole, adopts  
8 a designating ordinance in accordance with Section 5 of this  
9 Act to designate the military base in that county as an  
10 enterprise zone and (ii) the property otherwise meets the  
11 qualifications for an enterprise zone as prescribed in Section  
12 4 of this Act, then the Department may certify the designating  
13 ordinance or ordinances, as the case may be.

14 (Source: P.A. 92-16, eff. 6-28-01; 92-777, eff. 1-1-03; 93-436,  
15 eff. 1-1-04.)

16 Section 10. The Illinois Income Tax Act is amended by  
17 changing Sections 201 and 207 as follows:

18 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

19 Sec. 201. Tax Imposed.

20 (a) In general. A tax measured by net income is hereby  
21 imposed on every individual, corporation, trust and estate for  
22 each taxable year ending after July 31, 1969 on the privilege  
23 of earning or receiving income in or as a resident of this  
24 State. Such tax shall be in addition to all other occupation or

1 privilege taxes imposed by this State or by any municipal  
2 corporation or political subdivision thereof.

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

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

10 (2) In the case of an individual, trust or estate, for  
11 taxable years beginning prior to July 1, 1989 and ending  
12 after June 30, 1989, an amount equal to the sum of (i) 2  
13 1/2% of the taxpayer's net income for the period prior to  
14 July 1, 1989, as calculated under Section 202.3, and (ii)  
15 3% of the taxpayer's net income for the period after June  
16 30, 1989, as calculated under Section 202.3.

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

21 (4) In the case of an individual, trust, or estate, for  
22 taxable years beginning prior to January 1, 2011, and  
23 ending after December 31, 2010, an amount equal to the sum  
24 of (i) 3% of the taxpayer's net income for the period prior  
25 to January 1, 2011, as calculated under Section 202.5, and  
26 (ii) 5% of the taxpayer's net income for the period after

1 December 31, 2010, as calculated under Section 202.5.

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

6 (5.1) In the case of an individual, trust, or estate,  
7 for taxable years beginning prior to January 1, 2015, and  
8 ending after December 31, 2014, an amount equal to the sum  
9 of (i) 5% of the taxpayer's net income for the period prior  
10 to January 1, 2015, as calculated under Section 202.5, and  
11 (ii) 3.75% of the taxpayer's net income for the period  
12 after December 31, 2014, as calculated under Section 202.5.

13 (5.2) In the case of an individual, trust, or estate,  
14 for taxable years beginning on or after January 1, 2015,  
15 and ending prior to January 1, 2025, an amount equal to  
16 3.75% of the taxpayer's net income for the taxable year.

17 (5.3) In the case of an individual, trust, or estate,  
18 for taxable years beginning prior to January 1, 2025, and  
19 ending after December 31, 2024, an amount equal to the sum  
20 of (i) 3.75% of the taxpayer's net income for the period  
21 prior to January 1, 2025, as calculated under Section  
22 202.5, and (ii) 3.25% of the taxpayer's net income for the  
23 period after December 31, 2024, as calculated under Section  
24 202.5.

25 (5.4) In the case of an individual, trust, or estate,  
26 for taxable years beginning on or after January 1, 2025, an

1 amount equal to 3.25% of the taxpayer's net income for the  
2 taxable year.

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

6 (7) In the case of a corporation, for taxable years  
7 beginning prior to July 1, 1989 and ending after June 30,  
8 1989, an amount equal to the sum of (i) 4% of the  
9 taxpayer's net income for the period prior to July 1, 1989,  
10 as calculated under Section 202.3, and (ii) 4.8% of the  
11 taxpayer's net income for the period after June 30, 1989,  
12 as calculated under Section 202.3.

13 (8) In the case of a corporation, for taxable years  
14 beginning after June 30, 1989, and ending prior to January  
15 1, 2011, an amount equal to 4.8% of the taxpayer's net  
16 income for the taxable year.

17 (9) In the case of a corporation, for taxable years  
18 beginning prior to January 1, 2011, and ending after  
19 December 31, 2010, an amount equal to the sum of (i) 4.8%  
20 of the taxpayer's net income for the period prior to  
21 January 1, 2011, as calculated under Section 202.5, and  
22 (ii) 7% of the taxpayer's net income for the period after  
23 December 31, 2010, as calculated under Section 202.5.

24 (10) In the case of a corporation, for taxable years  
25 beginning on or after January 1, 2011, and ending prior to  
26 January 1, 2015, an amount equal to 7% of the taxpayer's



1 net income for the taxable year.

2 (11) In the case of a corporation, for taxable years  
3 beginning prior to January 1, 2015, and ending after  
4 December 31, 2014, an amount equal to the sum of (i) 7% of  
5 the taxpayer's net income for the period prior to January  
6 1, 2015, as calculated under Section 202.5, and (ii) 5.25%  
7 of the taxpayer's net income for the period after December  
8 31, 2014, as calculated under Section 202.5.

9 (12) In the case of a corporation, for taxable years  
10 beginning on or after January 1, 2015, and ending prior to  
11 January 1, 2025, an amount equal to 5.25% of the taxpayer's  
12 net income for the taxable year.

13 (13) In the case of a corporation, for taxable years  
14 beginning prior to January 1, 2025, and ending after  
15 December 31, 2024, an amount equal to the sum of (i) 5.25%  
16 of the taxpayer's net income for the period prior to  
17 January 1, 2025, as calculated under Section 202.5, and  
18 (ii) 4.8% of the taxpayer's net income for the period after  
19 December 31, 2024, as calculated under Section 202.5.

20 (14) In the case of a corporation, for taxable years  
21 beginning on or after January 1, 2025, an amount equal to  
22 4.8% of the taxpayer's net income for the taxable year.

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

25 (c) Personal Property Tax Replacement Income Tax.  
26 Beginning on July 1, 1979 and thereafter, in addition to such

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

12 (d) Additional Personal Property Tax Replacement Income  
13 Tax Rates. The personal property tax replacement income tax  
14 imposed by this subsection and subsection (c) of this Section  
15 in the case of a corporation, other than a Subchapter S  
16 corporation and except as adjusted by subsection (d-1), shall  
17 be an additional amount equal to 2.85% of such taxpayer's net  
18 income for the taxable year, except that beginning on January  
19 1, 1981, and thereafter, the rate of 2.85% specified in this  
20 subsection shall be reduced to 2.5%, and in the case of a  
21 partnership, trust or a Subchapter S corporation shall be an  
22 additional amount equal to 1.5% of such taxpayer's net income  
23 for the taxable year.

24 (d-1) Rate reduction for certain foreign insurers. In the  
25 case of a foreign insurer, as defined by Section 35A-5 of the  
26 Illinois Insurance Code, whose state or country of domicile

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

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

25 (A) the total amount of tax imposed on such foreign  
26 insurer under this Act for a taxable year, net of all

1 credits allowed under this Act, plus

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

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

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

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

26 (1) A taxpayer shall be allowed a credit equal to .5%

1 of the basis of qualified property placed in service during  
2 the taxable year, provided such property is placed in  
3 service on or after July 1, 1984. There shall be allowed an  
4 additional credit equal to .5% of the basis of qualified  
5 property placed in service during the taxable year,  
6 provided such property is placed in service on or after  
7 July 1, 1986, and the taxpayer's base employment within  
8 Illinois has increased by 1% or more over the preceding  
9 year as determined by the taxpayer's employment records  
10 filed with the Illinois Department of Employment Security.  
11 Taxpayers who are new to Illinois shall be deemed to have  
12 met the 1% growth in base employment for the first year in  
13 which they file employment records with the Illinois  
14 Department of Employment Security. The provisions added to  
15 this Section by Public Act 85-1200 (and restored by Public  
16 Act 87-895) shall be construed as declaratory of existing  
17 law and not as a new enactment. If, in any year, the  
18 increase in base employment within Illinois over the  
19 preceding year is less than 1%, the additional credit shall  
20 be limited to that percentage times a fraction, the  
21 numerator of which is .5% and the denominator of which is  
22 1%, but shall not exceed .5%. The investment credit shall  
23 not be allowed to the extent that it would reduce a  
24 taxpayer's liability in any tax year below zero, nor may  
25 any credit for qualified property be allowed for any year  
26 other than the year in which the property was placed in

1 service in Illinois. For tax years ending on or after  
2 December 31, 1987, and on or before December 31, 1988, the  
3 credit shall be allowed for the tax year in which the  
4 property is placed in service, or, if the amount of the  
5 credit exceeds the tax liability for that year, whether it  
6 exceeds the original liability or the liability as later  
7 amended, such excess may be carried forward and applied to  
8 the tax liability of the 5 taxable years following the  
9 excess credit years if the taxpayer (i) makes investments  
10 which cause the creation of a minimum of 2,000 full-time  
11 equivalent jobs in Illinois, (ii) is located in an  
12 enterprise zone established pursuant to the Illinois  
13 Enterprise Zone Act and (iii) is certified by the  
14 Department of Commerce and Community Affairs (now  
15 Department of Commerce and Economic Opportunity) as  
16 complying with the requirements specified in clause (i) and  
17 (ii) by July 1, 1986. The Department of Commerce and  
18 Community Affairs (now Department of Commerce and Economic  
19 Opportunity) shall notify the Department of Revenue of all  
20 such certifications immediately. For tax years ending  
21 after December 31, 1988, the credit shall be allowed for  
22 the tax year in which the property is placed in service,  
23 or, if the amount of the credit exceeds the tax liability  
24 for that year, whether it exceeds the original liability or  
25 the liability as later amended, such excess may be carried  
26 forward and applied to the tax liability of the 5 taxable

1 years following the excess credit years. The credit shall  
2 be 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, earlier credit  
5 shall be applied first.

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

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

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

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

22 (D) is used in Illinois by a taxpayer who is  
23 primarily engaged in manufacturing, or in mining coal  
24 or fluorite, or in retailing, or was placed in service  
25 on or after July 1, 2006 in a River Edge Redevelopment  
26 Zone established pursuant to the River Edge

1           Redevelopment Zone Act; and

2                   (E) has not previously been used in Illinois in  
3           such a manner and by such a person as would qualify for  
4           the credit provided by this subsection (e) or  
5           subsection (f).

6           (3) For purposes of this subsection (e),  
7           "manufacturing" means the material staging and production  
8           of tangible personal property by procedures commonly  
9           regarded as manufacturing, processing, fabrication, or  
10          assembling which changes some existing material into new  
11          shapes, new qualities, or new combinations. For purposes of  
12          this subsection (e) the term "mining" shall have the same  
13          meaning as the term "mining" in Section 613(c) of the  
14          Internal Revenue Code. For purposes of this subsection (e),  
15          the term "retailing" means the sale of tangible personal  
16          property for use or consumption and not for resale, or  
17          services rendered in conjunction with the sale of tangible  
18          personal property for use or consumption and not for  
19          resale. For purposes of this subsection (e), "tangible  
20          personal property" has the same meaning as when that term  
21          is used in the Retailers' Occupation Tax Act, and, for  
22          taxable years ending after December 31, 2008, does not  
23          include the generation, transmission, or distribution of  
24          electricity.

25          (4) The basis of qualified property shall be the basis  
26          used to compute the depreciation deduction for federal



1 income tax purposes.

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

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

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

25 (8) Unless the investment credit is extended by law,  
26 the basis of qualified property shall not include costs

1 incurred after December 31, 2013, except for costs incurred  
2 pursuant to a binding contract entered into on or before  
3 December 31, 2013.

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

20 For taxable years ending on or after December 31, 2000,  
21 a partner that qualifies its partnership for a subtraction  
22 under subparagraph (I) of paragraph (2) of subsection (d)  
23 of Section 203 or a shareholder that qualifies a Subchapter  
24 S corporation for a subtraction under subparagraph (S) of  
25 paragraph (2) of subsection (b) of Section 203 shall be  
26 allowed a credit under this subsection (e) equal to its

1 share of the credit earned under this subsection (e) during  
2 the taxable year by the partnership or Subchapter S  
3 corporation, determined in accordance with the  
4 determination of income and distributive share of income  
5 under Sections 702 and 704 and Subchapter S of the Internal  
6 Revenue Code. This paragraph is exempt from the provisions  
7 of Section 250.

8 (f) Investment credit; Enterprise Zone; River Edge  
9 Redevelopment Zone.

10 (1) A taxpayer shall be allowed a credit against the  
11 tax imposed by subsections (a) and (b) of this Section for  
12 investment in qualified property which is placed in service  
13 in an Enterprise Zone created pursuant to the Illinois  
14 Enterprise Zone Act or, for property placed in service on  
15 or after July 1, 2006, a River Edge Redevelopment Zone  
16 established pursuant to the River Edge Redevelopment Zone  
17 Act. For partners, shareholders of Subchapter S  
18 corporations, and owners of limited liability companies,  
19 if the liability company is treated as a partnership for  
20 purposes of federal and State income taxation, there shall  
21 be allowed a credit under this subsection (f) to be  
22 determined in accordance with the determination of income  
23 and distributive share of income under Sections 702 and 704  
24 and Subchapter S of the Internal Revenue Code. The credit  
25 shall be .5% of the basis for such property. The credit  
26 shall be available only in the taxable year in which the

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

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

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

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 (f);

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

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

3 (E) has not been previously used in Illinois in  
4 such a manner and by such a person as would qualify for  
5 the credit provided by this subsection (f) or  
6 subsection (e).

7 (3) The basis of qualified property shall be the basis  
8 used to compute the depreciation deduction for federal  
9 income tax purposes.

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

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

18 (6) If during any taxable year, any property ceases to  
19 be qualified property in the hands of the taxpayer within  
20 48 months after being placed in service, or the situs of  
21 any qualified property is moved outside the Enterprise Zone  
22 or River Edge Redevelopment Zone within 48 months after  
23 being placed in service, the tax imposed under subsections  
24 (a) and (b) of this Section for such taxable year shall be  
25 increased. Such increase shall be determined by (i)  
26 recomputing the investment credit which would have been

1 allowed for the year in which credit for such property was  
2 originally allowed by eliminating such property from such  
3 computation, and (ii) subtracting such recomputed credit  
4 from the amount of credit previously allowed. For the  
5 purposes of this paragraph (6), a reduction of the basis of  
6 qualified property resulting from a redetermination of the  
7 purchase price shall be deemed a disposition of qualified  
8 property to the extent of such reduction.

9 (7) There shall be allowed an additional credit equal  
10 to 0.5% of the basis of qualified property placed in  
11 service during the taxable year in a River Edge  
12 Redevelopment Zone, provided such property is placed in  
13 service on or after July 1, 2006, and the taxpayer's base  
14 employment within Illinois has increased by 1% or more over  
15 the preceding year as determined by the taxpayer's  
16 employment records filed with the Illinois Department of  
17 Employment Security. Taxpayers who are new to Illinois  
18 shall be deemed to have met the 1% growth in base  
19 employment for the first year in which they file employment  
20 records with the Illinois Department of Employment  
21 Security. If, in any year, the increase in base employment  
22 within Illinois over the preceding year is less than 1%,  
23 the additional credit shall be limited to that percentage  
24 times a fraction, the numerator of which is 0.5% and the  
25 denominator of which is 1%, but shall not exceed 0.5%.

26 (g) Jobs Tax Credit; Enterprise Zone, River Edge

1 Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

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

12 (2) To qualify for the credit:

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

17 (B) the taxpayer's total employment within the  
18 enterprise zone, River Edge Redevelopment Zone, or  
19 federally designated Foreign Trade Zone or Sub-Zone  
20 must increase by 5 or more full-time employees beyond  
21 the total employed in that zone at the end of the  
22 previous tax year for which a jobs tax credit under  
23 this Section was taken, or beyond the total employed by  
24 the taxpayer as of December 31, 1985, whichever is  
25 later; and

26 (C) the eligible employees must be employed 180

1 consecutive days in order to be deemed hired for  
2 purposes of this subsection.

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

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

11 (B) Hired after the enterprise zone, River Edge  
12 Redevelopment Zone, or federally designated Foreign  
13 Trade Zone or Sub-Zone was designated or the trade or  
14 business was located in that zone, whichever is later.

15 (C) Employed in the enterprise zone, River Edge  
16 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.  
17 An employee is employed in an enterprise zone or  
18 federally designated Foreign Trade Zone or Sub-Zone if  
19 his services are rendered there or it is the base of  
20 operations for the services performed.

21 (D) A full-time employee working 30 or more hours  
22 per week.

23 (4) For tax years ending on or after December 31, 1985  
24 and prior to December 31, 1988, the credit shall be allowed  
25 for the tax year in which the eligible employees are hired.  
26 For tax years ending on or after December 31, 1988, the



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

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

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

17 (h) Investment credit; High Impact Business.

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

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

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

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

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

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

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

16 (C) is acquired by purchase as defined in Section  
17 179(d) of the Internal Revenue Code; and

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

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

24 (4) If the basis of the property for federal income tax  
25 depreciation purposes is increased after it has been placed  
26 in service in a federally designated Foreign Trade Zone or

1 Sub-Zone located in Illinois by the taxpayer, the amount of  
2 such increase shall be deemed property placed in service on  
3 the date of such increase in basis.

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

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

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

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

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

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

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

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

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

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

19 (k) Research and development credit.

20 For tax years ending after July 1, 1990 and prior to  
21 December 31, 2003, and beginning again for tax years ending on  
22 or after December 31, 2004, ~~and ending prior to January 1,~~  
23 ~~2011,~~ a taxpayer shall be allowed a credit against the tax  
24 imposed by subsections (a) and (b) of this Section for  
25 increasing research activities in this State. The credit  
26 allowed against the tax imposed by subsections (a) and (b)

1 shall be equal to 6 1/2% of the qualifying expenditures for  
2 increasing research activities in this State. For partners,  
3 shareholders of subchapter S corporations, and owners of  
4 limited liability companies, if the liability company is  
5 treated as a partnership for purposes of federal and State  
6 income taxation, there shall be allowed a credit under this  
7 subsection to be determined in accordance with the  
8 determination of income and distributive share of income under  
9 Sections 702 and 704 and subchapter S of the Internal Revenue  
10 Code. It is the intention of the General Assembly that the  
11 credit awarded under this subsection (k) be available for all  
12 tax years ending on or after December, 31, 2004, including, but  
13 not limited to, tax years ending on or after December, 31, 2004  
14 and prior to the effective date of this amendatory Act of the  
15 97th General Assembly.

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. For purposes of this subsection, the term "qualifying  
3 expenditures" also includes amounts paid or incurred for  
4 ethanol and biodiesel research conducted in this State.

5 Any credit in excess of the tax liability for the taxable  
6 year may be carried forward. A taxpayer may elect to have the  
7 unused credit shown on its final completed return carried over  
8 as a credit against the tax liability for the following 5  
9 taxable years or until it has been fully used, whichever occurs  
10 first; provided that no credit earned in a tax year ending  
11 prior to December 31, 2003 may be carried forward to any year  
12 ending on or after December 31, 2003, ~~and no credit may be~~  
13 ~~carried forward to any taxable year ending on or after January~~  
14 ~~1, 2011.~~

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

1 No inference shall be drawn from this amendatory Act of the  
2 91st General Assembly in construing this Section for taxable  
3 years beginning before January 1, 1999.

4 This subsection (k) is exempt from the provisions of  
5 Section 250.

6 (l) Environmental Remediation Tax Credit.

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

1 Environmental Protection Act. After the Pollution Control  
2 Board rules are adopted pursuant to the Illinois  
3 Administrative Procedure Act for the administration and  
4 enforcement of Section 58.9 of the Environmental  
5 Protection Act, determinations as to credit availability  
6 for purposes of this Section shall be made consistent with  
7 those rules. For purposes of this Section, "taxpayer"  
8 includes a person whose tax attributes the taxpayer has  
9 succeeded to under Section 381 of the Internal Revenue Code  
10 and "related party" includes the persons disallowed a  
11 deduction for losses by paragraphs (b), (c), and (f)(1) of  
12 Section 267 of the Internal Revenue Code by virtue of being  
13 a related taxpayer, as well as any of its partners. The  
14 credit allowed against the tax imposed by subsections (a)  
15 and (b) shall be equal to 25% of the unreimbursed eligible  
16 remediation costs in excess of \$100,000 per site, except  
17 that the \$100,000 threshold shall not apply to any site  
18 contained in an enterprise zone as determined by the  
19 Department of Commerce and Community Affairs (now  
20 Department of Commerce and Economic Opportunity). The  
21 total credit allowed shall not exceed \$40,000 per year with  
22 a maximum total of \$150,000 per site. For partners and  
23 shareholders of subchapter S corporations, there shall be  
24 allowed a credit under this subsection to be determined in  
25 accordance with the determination of income and  
26 distributive share of income under Sections 702 and 704 and

1 subchapter S of the Internal Revenue Code.

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

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

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

16          For purposes of this subsection:

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

24          "Qualified education expense" means the amount incurred on  
25          behalf of a qualifying pupil in excess of \$250 for tuition,  
26          book fees, and lab fees at the school in which the pupil is

1 enrolled during the regular school year.

2 "School" means any public or nonpublic elementary or  
3 secondary school in Illinois that is in compliance with Title  
4 VI of the Civil Rights Act of 1964 and attendance at which  
5 satisfies the requirements of Section 26-1 of the School Code,  
6 except that nothing shall be construed to require a child to  
7 attend any particular public or nonpublic school to qualify for  
8 the credit under this Section.

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

12 (n) River Edge Redevelopment Zone site remediation tax  
13 credit.

14 (i) For tax years ending on or after December 31, 2006,  
15 a taxpayer shall be allowed a credit against the tax  
16 imposed by subsections (a) and (b) of this Section for  
17 certain amounts paid for unreimbursed eligible remediation  
18 costs, as specified in this subsection. For purposes of  
19 this Section, "unreimbursed eligible remediation costs"  
20 means costs approved by the Illinois Environmental  
21 Protection Agency ("Agency") under Section 58.14a of the  
22 Environmental Protection Act that were paid in performing  
23 environmental remediation at a site within a River Edge  
24 Redevelopment Zone for which a No Further Remediation  
25 Letter was issued by the Agency and recorded under Section  
26 58.10 of the Environmental Protection Act. The credit must

1 be claimed for the taxable year in which Agency approval of  
2 the eligible remediation costs is granted. The credit is  
3 not available to any taxpayer if the taxpayer or any  
4 related party caused or contributed to, in any material  
5 respect, a release of regulated substances on, in, or under  
6 the site that was identified and addressed by the remedial  
7 action pursuant to the Site Remediation Program of the  
8 Environmental Protection Act. Determinations as to credit  
9 availability for purposes of this Section shall be made  
10 consistent with rules adopted by the Pollution Control  
11 Board pursuant to the Illinois Administrative Procedure  
12 Act for the administration and enforcement of Section 58.9  
13 of the Environmental Protection Act. For purposes of this  
14 Section, "taxpayer" includes a person whose tax attributes  
15 the taxpayer has succeeded to under Section 381 of the  
16 Internal Revenue Code and "related party" includes the  
17 persons disallowed a deduction for losses by paragraphs  
18 (b), (c), and (f)(1) of Section 267 of the Internal Revenue  
19 Code by virtue of being a related taxpayer, as well as any  
20 of its partners. The credit allowed against the tax imposed  
21 by subsections (a) and (b) shall be equal to 25% of the  
22 unreimbursed eligible remediation costs in excess of  
23 \$100,000 per site.

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

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

23 (Source: P.A. 96-115, eff. 7-31-09; 96-116, eff. 7-31-09;  
24 96-937, eff. 6-23-10; 96-1000, eff. 7-2-10; 96-1496, eff.  
25 1-13-11; 97-2, eff. 5-6-11.)



1 (35 ILCS 5/207) (from Ch. 120, par. 2-207)

2 Sec. 207. Net Losses.

3 (a) If after applying all of the (i) modifications provided  
4 for in paragraph (2) of Section 203(b), paragraph (2) of  
5 Section 203(c) and paragraph (2) of Section 203(d) and (ii) the  
6 allocation and apportionment provisions of Article 3 of this  
7 Act and subsection (c) of this Section, the taxpayer's net  
8 income results in a loss;

9 (1) for any taxable year ending prior to December 31,  
10 1999, such loss shall be allowed as a carryover or  
11 carryback deduction in the manner allowed under Section 172  
12 of the Internal Revenue Code;

13 (2) for any taxable year ending on or after December  
14 31, 1999 and prior to December 31, 2003, such loss shall be  
15 allowed as a carryback to each of the 2 taxable years  
16 preceding the taxable year of such loss and shall be a net  
17 operating loss carryover to each of the 20 taxable years  
18 following the taxable year of such loss; ~~and~~

19 (3) for any taxable year ending on or after December  
20 31, 2003 and prior to December 31, 2011, such loss shall be  
21 allowed as a net operating loss carryover to each of the 12  
22 taxable years following the taxable year of such loss; and  
23 ~~, except as provided in subsection (d).~~

24 (4) for any taxable year ending on or after December  
25 31, 2011, such loss shall be allowed as a carryback to each  
26 of the 2 taxable years preceding the taxable year of the

1       loss and shall be allowed as a net operating loss carryover  
2       to each of the 20 taxable years following the taxable year  
3       of the loss.

4       (a-5) Election to relinquish carryback and order of  
5 application of losses.

6               (A) For losses incurred in tax years ending prior  
7 to December 31, 2003, the taxpayer may elect to  
8 relinquish the entire carryback period with respect to  
9 such loss. Such election shall be made in the form and  
10 manner prescribed by the Department and shall be made  
11 by the due date (including extensions of time) for  
12 filing the taxpayer's return for the taxable year in  
13 which such loss is incurred, and such election, once  
14 made, shall be irrevocable.

15               (B) The entire amount of such loss shall be carried  
16 to the earliest taxable year to which such loss may be  
17 carried. The amount of such loss which shall be carried  
18 to each of the other taxable years shall be the excess,  
19 if any, of the amount of such loss over the sum of the  
20 deductions for carryback or carryover of such loss  
21 allowable for each of the prior taxable years to which  
22 such loss may be carried.

23       (b) Any loss determined under subsection (a) of this  
24 Section must be carried back or carried forward in the same  
25 manner for purposes of subsections (a) and (b) of Section 201  
26 of this Act as for purposes of subsections (c) and (d) of

1 Section 201 of this Act.

2 (c) Notwithstanding any other provision of this Act, for  
3 each taxable year ending on or after December 31, 2008, for  
4 purposes of computing the loss for the taxable year under  
5 subsection (a) of this Section and the deduction taken into  
6 account for the taxable year for a net operating loss carryover  
7 under paragraphs (1), (2), and (3) of subsection (a) of this  
8 Section, the loss and net operating loss carryover shall be  
9 reduced in an amount equal to the reduction to the net  
10 operating loss and net operating loss carryover to the taxable  
11 year, respectively, required under Section 108(b)(2)(A) of the  
12 Internal Revenue Code, multiplied by a fraction, the numerator  
13 of which is the amount of discharge of indebtedness income that  
14 is excluded from gross income for the taxable year (but only if  
15 the taxable year ends on or after December 31, 2008) under  
16 Section 108(a) of the Internal Revenue Code and that would have  
17 been allocated and apportioned to this State under Article 3 of  
18 this Act but for that exclusion, and the denominator of which  
19 is the total amount of discharge of indebtedness income  
20 excluded from gross income under Section 108(a) of the Internal  
21 Revenue Code for the taxable year. The reduction required under  
22 this subsection (c) shall be made after the determination of  
23 Illinois net income for the taxable year in which the  
24 indebtedness is discharged.

25 (d) (Blank). ~~In the case of a corporation (other than a~~  
26 ~~Subchapter S corporation), no carryover deduction shall be~~

1 ~~allowed under this Section for any taxable year ending after~~  
2 ~~December 31, 2010 and prior to December 31, 2014; provided~~  
3 ~~that, for purposes of determining the taxable years to which a~~  
4 ~~net loss may be carried under subsection (a) of this Section,~~  
5 ~~no taxable year for which a deduction is disallowed under this~~  
6 ~~subsection shall be counted.~~

7 (e) In the case of a residual interest holder in a real  
8 estate mortgage investment conduit subject to Section 860E of  
9 the Internal Revenue Code, the net loss in subsection (a) shall  
10 be equal to:

11 (1) the amount computed under subsection (a), without  
12 regard to this subsection (e), or if that amount is  
13 positive, zero;

14 (2) minus an amount equal to the amount computed under  
15 subsection (a), without regard to this subsection (e),  
16 minus the amount that would be computed under subsection  
17 (a) if the taxpayer's federal taxable income were computed  
18 without regard to Section 860E of the Internal Revenue Code  
19 and without regard to this subsection (e).

20 The modification in this subsection (e) is exempt from the  
21 provisions of Section 250.

22 (Source: P.A. 96-1496, eff. 1-13-11; 97-507, eff. 8-23-11.)

23 Section 15. The Retailers' Occupation Tax Act is amended by  
24 changing Section 1f as follows:

1 (35 ILCS 120/1f) (from Ch. 120, par. 440f)

2 Sec. 1f. Except for High Impact Businesses, the exemption  
3 stated in Sections 1d and 1e of this Act shall only apply to  
4 business enterprises which:

5 (1) either (i) make investments which cause the  
6 creation of a minimum of 200 full-time equivalent jobs in  
7 Illinois or (ii) make investments which cause the retention  
8 of a minimum of 2000 full-time jobs in Illinois or (iii)  
9 make investments of a minimum of \$40,000,000 and retain at  
10 least 90% of the jobs in place on the date on which the  
11 exemption is granted and for the duration of the exemption;  
12 and

13 (2) are located in an Enterprise Zone established  
14 pursuant to the Illinois Enterprise Zone Act; and

15 (3) are certified by the Department of Commerce and  
16 Economic Opportunity as complying with the requirements  
17 specified in clauses (1), (2) and (3).

18 Any business enterprise seeking to avail itself of the  
19 exemptions stated in Sections 1d or 1e, or both, shall make  
20 application to the Department of Commerce and Economic  
21 Opportunity in such form and providing such information as may  
22 be prescribed by the Department of Commerce and Economic  
23 Opportunity. However, no business enterprise shall be  
24 required, as a condition for certification under clause (4) of  
25 this Section, to attest that its decision to invest under  
26 clause (1) of this Section and to locate under clause (2) of

1 this Section is predicated upon the availability of the  
2 exemptions authorized by Sections 1d or 1e.

3 The Department of Commerce and Economic Opportunity shall  
4 determine whether the business enterprise meets the criteria  
5 prescribed in this Section. If the Department of Commerce and  
6 Economic Opportunity determines that such business enterprise  
7 meets the criteria, it shall issue a certificate of eligibility  
8 for exemption to the business enterprise in such form as is  
9 prescribed by the Department of Revenue. The Department of  
10 Commerce and Economic Opportunity shall act upon such  
11 certification requests within 60 days after receipt of the  
12 application, and shall file with the Department of Revenue a  
13 copy of each certificate of eligibility for exemption.

14 The Department of Commerce and Economic Opportunity shall  
15 have the power to promulgate rules and regulations to carry out  
16 the provisions of this Section including the power to define  
17 the amounts and types of eligible investments not specified in  
18 this Section which business enterprises must make in order to  
19 receive the exemptions stated in Sections 1d and 1e of this  
20 Act; and to require that any business enterprise that is  
21 granted a tax exemption repay the exempted tax if the business  
22 enterprise fails to comply with the terms and conditions of the  
23 certification.

24 Such certificate of eligibility for exemption shall be  
25 presented by the business enterprise to its supplier when  
26 making the initial purchase of tangible personal property for

1 which an exemption is granted by Section 1d or Section 1e, or  
2 both, together with a certification by the business enterprise  
3 that such tangible personal property is exempt from taxation  
4 under Section 1d or Section 1e and by indicating the exempt  
5 status of each subsequent purchase on the face of the purchase  
6 order.

7 The Department of Commerce and Economic Opportunity shall  
8 determine the period during which such exemption from the taxes  
9 imposed under this Act is in effect which shall not exceed 50  
10 ~~20~~ years or the certified term of the enterprise zone  
11 (including any extensions granted under subsection (c) of  
12 Section 5.3 of the Illinois Enterprise Zone Act), whichever  
13 period is shorter.

14 (Source: P.A. 94-793, eff. 5-19-06.)

15 Section 20. The Illinois Estate and Generation-Skipping  
16 Transfer Tax Act is amended by changing Section 2 as follows:

17 (35 ILCS 405/2) (from Ch. 120, par. 405A-2)

18 Sec. 2. Definitions.

19 "Federal estate tax" means the tax due to the United States  
20 with respect to a taxable transfer under Chapter 11 of the  
21 Internal Revenue Code.

22 "Federal generation-skipping transfer tax" means the tax  
23 due to the United States with respect to a taxable transfer  
24 under Chapter 13 of the Internal Revenue Code.

1 "Federal return" means the federal estate tax return with  
2 respect to the federal estate tax and means the federal  
3 generation-skipping transfer tax return with respect to the  
4 federal generation-skipping transfer tax.

5 "Federal transfer tax" means the federal estate tax or the  
6 federal generation-skipping transfer tax.

7 "Illinois estate tax" means the tax due to this State with  
8 respect to a taxable transfer.

9 "Illinois generation-skipping transfer tax" means the tax  
10 due to this State with respect to a taxable transfer that gives  
11 rise to a federal generation-skipping transfer tax.

12 "Illinois transfer tax" means the Illinois estate tax or  
13 the Illinois generation-skipping transfer tax.

14 "Internal Revenue Code" means, unless otherwise provided,  
15 the Internal Revenue Code of 1986, as amended from time to  
16 time.

17 "Non-resident trust" means a trust that is not a resident  
18 of this State for purposes of the Illinois Income Tax Act, as  
19 amended from time to time.

20 "Person" means and includes any individual, trust, estate,  
21 partnership, association, company or corporation.

22 "Qualified heir" means a qualified heir as defined in  
23 Section 2032A(e) (1) of the Internal Revenue Code.

24 "Resident trust" means a trust that is a resident of this  
25 State for purposes of the Illinois Income Tax Act, as amended  
26 from time to time.



1 "State" means any state, territory or possession of the  
2 United States and the District of Columbia.

3 "State tax credit" means:

4 (a) For persons dying on or after January 1, 2003 and  
5 through December 31, 2005, an amount equal to the full credit  
6 calculable under Section 2011 or Section 2604 of the Internal  
7 Revenue Code as the credit would have been computed and allowed  
8 under the Internal Revenue Code as in effect on December 31,  
9 2001, without the reduction in the State Death Tax Credit as  
10 provided in Section 2011(b) (2) or the termination of the State  
11 Death Tax Credit as provided in Section 2011(f) as enacted by  
12 the Economic Growth and Tax Relief Reconciliation Act of 2001,  
13 but recognizing the increased applicable exclusion amount  
14 through December 31, 2005.

15 (b) For persons dying after December 31, 2005 and on or  
16 before December 31, 2009, and for persons dying after December  
17 31, 2010, an amount equal to the full credit calculable under  
18 Section 2011 or 2604 of the Internal Revenue Code as the credit  
19 would have been computed and allowed under the Internal Revenue  
20 Code as in effect on December 31, 2001, without the reduction  
21 in the State Death Tax Credit as provided in Section 2011(b) (2)  
22 or the termination of the State Death Tax Credit as provided in  
23 Section 2011(f) as enacted by the Economic Growth and Tax  
24 Relief Reconciliation Act of 2001, but recognizing the  
25 exclusion amount of only (i) \$2,000,000 for persons dying after  
26 December 31, 2005 and before the effective date of this

1 amendatory Act of the 97th General Assembly and (ii) \$5,000,000  
2 for persons dying on or after the effective date of this  
3 amendatory Act of the 97th General Assembly, and with reduction  
4 to the adjusted taxable estate for any qualified terminable  
5 interest property election as defined in subsection (b-1) of  
6 this Section.

7 (b-1) The person required to file the Illinois return may  
8 elect on a timely filed Illinois return a marital deduction for  
9 qualified terminable interest property under Section  
10 2056(b)(7) of the Internal Revenue Code for purposes of the  
11 Illinois estate tax that is separate and independent of any  
12 qualified terminable interest property election for federal  
13 estate tax purposes. For purposes of the Illinois estate tax,  
14 the inclusion of property in the gross estate of a surviving  
15 spouse is the same as under Section 2044 of the Internal  
16 Revenue Code.

17 In the case of any trust for which a State or federal  
18 qualified terminable interest property election is made, the  
19 trustee may not retain non-income producing assets for more  
20 than a reasonable amount of time without the consent of the  
21 surviving spouse.

22 "Taxable transfer" means an event that gives rise to a  
23 state tax credit, including any credit as a result of the  
24 imposition of an additional tax under Section 2032A(c) of the  
25 Internal Revenue Code.

26 "Transferee" means a transferee within the meaning of

1 Section 2603(a) (1) and Section 6901(h) of the Internal Revenue  
2 Code.

3 "Transferred property" means:

4 (1) With respect to a taxable transfer occurring at the  
5 death of an individual, the deceased individual's gross  
6 estate as defined in Section 2031 of the Internal Revenue  
7 Code.

8 (2) With respect to a taxable transfer occurring as a  
9 result of a taxable termination as defined in Section  
10 2612(a) of the Internal Revenue Code, the taxable amount  
11 determined under Section 2622(a) of the Internal Revenue  
12 Code.

13 (3) With respect to a taxable transfer occurring as a  
14 result of a taxable distribution as defined in Section  
15 2612(b) of the Internal Revenue Code, the taxable amount  
16 determined under Section 2621(a) of the Internal Revenue  
17 Code.

18 (4) With respect to an event which causes the  
19 imposition of an additional estate tax under Section  
20 2032A(c) of the Internal Revenue Code, the qualified real  
21 property that was disposed of or which ceased to be used  
22 for the qualified use, within the meaning of Section  
23 2032A(c) (1) of the Internal Revenue Code.

24 "Trust" includes a trust as defined in Section 2652(b) (1)  
25 of the Internal Revenue Code.

26 (Source: P.A. 96-789, eff. 9-8-09; 96-1496, eff. 1-13-11.)

1 Section 25. The Public Utilities Act is amended by changing  
2 Section 9-222.1 as follows:

3 (220 ILCS 5/9-222.1) (from Ch. 111 2/3, par. 9-222.1)

4 Sec. 9-222.1. A business enterprise which is located within  
5 an area designated by a county or municipality as an enterprise  
6 zone pursuant to the Illinois Enterprise Zone Act or located in  
7 a federally designated Foreign Trade Zone or Sub-Zone shall be  
8 exempt from the additional charges added to the business  
9 enterprise's utility bills as a pass-on of municipal and State  
10 utility taxes under Sections 9-221 and 9-222 of this Act, to  
11 the extent such charges are exempted by ordinance adopted in  
12 accordance with paragraph (e) of Section 8-11-2 of the Illinois  
13 Municipal Code in the case of municipal utility taxes, and to  
14 the extent such charges are exempted by the percentage  
15 specified by the Department of Commerce and Economic  
16 Opportunity in the case of State utility taxes, provided such  
17 business enterprise meets the following criteria:

18 (1) it (i) makes investments which cause the creation  
19 of a minimum of 200 full-time equivalent jobs in Illinois;  
20 (ii) makes investments of at least \$175,000,000 which cause  
21 the creation of a minimum of 150 full-time equivalent jobs  
22 in Illinois; (iii) makes investments that cause the  
23 retention of a minimum of 300 full-time equivalent jobs in  
24 the manufacturing sector, as defined by the North American

1 Industry Classification System, in an area in Illinois in  
2 which the unemployment rate is above 9% and makes an  
3 application to the Department within 3 months after the  
4 effective date of this amendatory Act of the 96th General  
5 Assembly and certifies relocation of the 300 full-time  
6 equivalent jobs within 36 months after the application;  
7 (iv) makes investments which cause the retention of a  
8 minimum of 1,000 full-time jobs in Illinois; or (v) makes  
9 an application to the Department within 2 months after the  
10 effective date of this amendatory Act of the 96th General  
11 Assembly and makes investments that cause the retention of  
12 a minimum of 500 full-time equivalent jobs in 2009 and  
13 2010, 675 full-time jobs in Illinois in 2011, 850 full-time  
14 jobs in 2012, and 1,000 full-time jobs in 2013, in the  
15 manufacturing sector as defined by the North American  
16 Industry Classification System; and

17 (2) it is either (i) located in an Enterprise Zone  
18 established pursuant to the Illinois Enterprise Zone Act or  
19 (ii) located in a federally designated Foreign Trade Zone  
20 or Sub-Zone and is designated a High Impact Business by the  
21 Department of Commerce and Economic Opportunity; and

22 (3) it is certified by the Department of Commerce and  
23 Economic Opportunity as complying with the requirements  
24 specified in clauses (1) and (2) of this Section.

25 The Department of Commerce and Economic Opportunity shall  
26 determine the period during which such exemption from the

1 charges imposed under Section 9-222 is in effect which shall  
2 not exceed 50 ~~30~~ years or the certified term of the enterprise  
3 zone (including any extensions granted under subsection (c) of  
4 Section 5.3 of the Illinois Enterprise Zone Act), whichever  
5 period is shorter, except that the exemption period for a  
6 business enterprise qualifying under item (iii) of clause (1)  
7 of this Section shall not exceed 50 ~~30~~ years.

8 The Department of Commerce and Economic Opportunity shall  
9 have the power to promulgate rules and regulations to carry out  
10 the provisions of this Section including procedures for  
11 complying with the requirements specified in clauses (1) and  
12 (2) of this Section and procedures for applying for the  
13 exemptions authorized under this Section; to define the amounts  
14 and types of eligible investments which business enterprises  
15 must make in order to receive State utility tax exemptions  
16 pursuant to Sections 9-222 and 9-222.1 of this Act; to approve  
17 such utility tax exemptions for business enterprises whose  
18 investments are not yet placed in service; and to require that  
19 business enterprises granted tax exemptions repay the exempted  
20 tax should the business enterprise fail to comply with the  
21 terms and conditions of the certification. However, no business  
22 enterprise shall be required, as a condition for certification  
23 under clause (3) of this Section, to attest that its decision  
24 to invest under clause (1) of this Section and to locate under  
25 clause (2) of this Section is predicated upon the availability  
26 of the exemptions authorized by this Section.

1           A business enterprise shall be exempt, in whole or in part,  
2           from the pass-on charges of municipal utility taxes imposed  
3           under Section 9-221, only if it meets the criteria specified in  
4           clauses (1) through (3) of this Section and the municipality  
5           has adopted an ordinance authorizing the exemption under  
6           paragraph (e) of Section 8-11-2 of the Illinois Municipal Code.  
7           Upon certification of the business enterprises by the  
8           Department of Commerce and Economic Opportunity, the  
9           Department of Commerce and Economic Opportunity shall notify  
10          the Department of Revenue of such certification. The Department  
11          of Revenue shall notify the public utilities of the exemption  
12          status of business enterprises from the pass-on charges of  
13          State and municipal utility taxes. Such exemption status shall  
14          be effective within 3 months after certification of the  
15          business enterprise.

16          (Source: P.A. 96-716, eff. 8-25-09; 96-865, eff. 1-21-10.)

17          Section 30. The Limited Liability Company Act is amended by  
18          changing Section 50-10 as follows:

19                 (805 ILCS 180/50-10)

20                 Sec. 50-10. Fees.

21                 (a) The Secretary of State shall charge and collect in  
22                 accordance with the provisions of this Act and rules  
23                 promulgated under its authority all of the following:

24                         (1) Fees for filing documents.

1 (2) Miscellaneous charges.

2 (3) Fees for the sale of lists of filings and for  
3 copies of any documents.

4 (b) The Secretary of State shall charge and collect for all  
5 of the following:

6 (1) Filing an ~~articles of organization (domestic),~~  
7 application for admission (foreign), ~~and restated articles~~  
8 ~~of organization (domestic),~~ \$500. Notwithstanding the  
9 foregoing, the fee for filing an ~~articles of organization~~  
10 ~~(domestic),~~ application for admission (foreign), ~~and~~  
11 ~~restated articles of organization (domestic)~~ in connection  
12 with a limited liability company with a series pursuant to  
13 Section 37-40 of this Act is \$750.

14 (1.5) Filing articles of organization (domestic),  
15 restated articles of organization (domestic), and articles  
16 of organization (domestic) and restated articles of  
17 organization (domestic) in connection with a limited  
18 liability company with a series pursuant to Section 37-40  
19 of this Act, \$100.

20 (2) Filing amendments (domestic or foreign), \$150.

21 (3) Filing articles of dissolution or application for  
22 withdrawal, \$100.

23 (4) Filing an application to reserve a name, \$300.

24 (5) Renewal fee for reserved name, \$100.

25 (6) Filing a notice of a transfer of a reserved name,  
26 \$100.



1 (7) Registration of a name, \$300.

2 (8) Renewal of registration of a name, \$100.

3 (9) Filing an application for use of an assumed name  
4 under Section 1-20 of this Act, \$150 for each year or part  
5 thereof ending in 0 or 5, \$120 for each year or part  
6 thereof ending in 1 or 6, \$90 for each year or part thereof  
7 ending in 2 or 7, \$60 for each year or part thereof ending  
8 in 3 or 8, \$30 for each year or part thereof ending in 4 or  
9 9, and a renewal for each assumed name, \$150.

10 (10) Filing an application for change of an assumed  
11 name, \$100.

12 (11) Filing an annual report of a limited liability  
13 company or foreign limited liability company, \$250, if  
14 filed as required by this Act, plus a penalty if  
15 delinquent. Notwithstanding the foregoing, the fee for  
16 filing an annual report of a limited liability company or  
17 foreign limited liability company is \$250 plus \$50 for each  
18 series for which a certificate of designation has been  
19 filed pursuant to Section 37-40 of this Act, plus a penalty  
20 if delinquent.

21 (12) Filing an application for reinstatement of a  
22 limited liability company or foreign limited liability  
23 company \$500.

24 (13) Filing Articles of Merger, \$100 plus \$50 for each  
25 party to the merger in excess of the first 2 parties.

26 (14) Filing an Agreement of Conversion or Statement of

1 Conversion, \$100.

2 (15) Filing a statement of change of address of  
3 registered office or change of registered agent, or both,  
4 or filing a statement of correction, \$25.

5 (16) Filing a petition for refund, \$15.

6 (17) Filing any other document, \$100.

7 (18) Filing a certificate of designation of a limited  
8 liability company with a series pursuant to Section 37-40  
9 of this Act, \$50.

10 (c) The Secretary of State shall charge and collect all of  
11 the following:

12 (1) For furnishing a copy or certified copy of any  
13 document, instrument, or paper relating to a limited  
14 liability company or foreign limited liability company, or  
15 for a certificate, \$25.

16 (2) For the transfer of information by computer process  
17 media to any purchaser, fees established by rule.

18 (Source: P.A. 94-605, eff. 1-1-06; 94-607, eff. 8-16-05;  
19 95-331, eff. 8-21-07.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.