

# SB0411



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB0411

Introduced 2/8/2011, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

35 ILCS 5/501

from Ch. 120, par. 5-501

Amends the Illinois Income Tax Act. Makes a technical change in a Section concerning notices or regulations requiring records, statements, and special reports.

LRB097 04247 HLH 44286 b

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Income Tax Act is amended by  
5 changing Section 501 as follows:

6 (35 ILCS 5/501) (from Ch. 120, par. 5-501)

7 Sec. 501. Notice or Regulations Requiring Records,  
8 Statements and Special Returns.

9 (a) In general. Every person liable for any tax imposed by  
10 this Act shall keep such records, render such statements, make  
11 such returns and ~~and~~ notices, and comply with such rules and  
12 regulations as the Department may from time to time prescribe.  
13 Whenever in the judgment of the Director it is necessary, he  
14 may require any person, by notice served upon such person or by  
15 regulations, to make such returns and notices, render such  
16 statements, or keep such records, as the Director deems  
17 sufficient to show whether or not such person is liable for tax  
18 under this Act.

19 (b) Reportable transactions. For each taxable year in which  
20 a taxpayer is required to make a disclosure statement under  
21 Treasury Regulations Section 1.6011-4 (26 CFR 1.6011-4)  
22 (including any taxpayer that is a member of a consolidated  
23 group required to make such disclosure) with respect to a

1 reportable transaction (including a listed transaction) in  
2 which the taxpayer participated in a taxable year for which a  
3 return is required under Section 502 of this Act, such taxpayer  
4 shall file a copy of such disclosure with the Department.  
5 Disclosure under this subsection is required to be made by any  
6 taxpayer that is a member of a unitary business group that  
7 includes any person required to make a disclosure statement  
8 under Treasury Regulations Section 1.6011-4. Disclosure under  
9 this subsection is required with respect to any transaction  
10 entered into after February 28, 2000 that becomes a listed  
11 transaction at any time, and shall be made in the manner  
12 prescribed by the Department. With respect to transactions in  
13 which the taxpayer participated for taxable years ending before  
14 December 31, 2004, disclosure shall be made by the due date  
15 (including extensions) of the first return required under  
16 Section 502 of this Act due after the effective date of this  
17 amendatory Act of the 93rd General Assembly. With respect to  
18 transactions in which the taxpayer participated for taxable  
19 years ending on and after December 31, 2004, disclosure shall  
20 be made in the time and manner prescribed in Treasury  
21 Regulations Section 1.6011-4(e). Notwithstanding the above, no  
22 disclosure is required for transactions entered into after  
23 February 28, 2000 and before January 1, 2005 (i) if the  
24 taxpayer has filed an amended Illinois income tax return which  
25 reverses the tax benefits of the potential tax avoidance  
26 transaction, or (ii) as a result of a federal audit the

1 Internal Revenue Service has determined the tax treatment of  
2 the transaction and an Illinois amended return has been filed  
3 to reflect the federal treatment.  
4 (Source: P.A. 93-840, eff. 7-30-04.)