



## Illinois Department of Revenue

### SECOND NOTICE OF PROPOSED RULEMAKING

- 1) Agency: Illinois Department of Revenue
- 2) Title and Ill. Adm. Code Citation of Proposed Rulemaking: Income Tax, 86 Ill. Adm. Code 100
- 3) Date, Issue, and page number of the Illinois Register in which the First Notice was published: September 6, 2024, Issue 36, 48 Ill. Reg. 13299
- 4) Text and Location of any Changes Made to the Proposed Rulemaking During the First Notice Period: No changes were made.
- 5) Final Regulatory Flexibility Analysis:
  - A. Summary of the issues raised by affected small businesses during the First Notice Period: No issues were raised.
  - B. Description of actions taken on any alternatives to the proposed rule suggested by small businesses during the First Notice Period, including reasons for rejecting alternatives not utilized: Not applicable.
- 6) Analysis of the Economic and Budgetary Effects of the Proposed Rulemaking: See attached.
- 7) Response to Recommendations Made by the Administrative Code Division for Changes in the Rule to Make It Comply with the Codification Scheme: All changes requested by the Administrative Code Division have been made.
- 8) Evaluation of the comments received by the agency from interested persons during the first notice period (but not including any questions raised by the Joint Committee in a preliminary review) including:
  - A. Date of any public hearing held during the first notice period. Name of the person or group requesting a hearing: No public hearing was requested.
  - B. The names and addresses of all individuals or groups making comments or requesting the opportunity to make comments: No comments were received.

- C. A list of all specific criticisms and suggestions raised in the comments:  
Not applicable.
  - D. The agency's evaluation of each of the specific criticisms and suggestions:  
Not applicable.
  - E. A statement that the agency has considered all comments received during the first notice period: The Department has reviewed and considered all comments received during the first notice period.
- 9) An analysis of the expected effects of the proposed rulemaking, including:
- A. Impact on the public: This rulemaking, which reflects statutory changes, will have a positive effect on persons claiming the R&D and student assistance contributions credits and a negative effect on corporations that carry forward losses in excess of \$500,000.
  - B. Changes in the agency's programs or structure resulting from implementation of the rulemaking: None.
  - C. Impact of proposed rule on small businesses. Methods used by Agency to comply with 5 ILCS 100/5-30, including reasons for rejecting any methods not utilized: Small businesses that carry forward losses in excess of \$500,000 will owe more income tax in the years impacted by the statutory caps but will continue to carry forward remaining amounts of losses to offset income in future years.
- 10) A justification and rationale for the proposed rulemaking, including:
- A. Any changes in statutory language requiring the proposed rulemaking: New sunset dates for the R&D and student assistance contributions credits enacted by Public Acts 103-0592 and 103-0595; changes to the IL net loss deduction made by Public Act 103-0592 limiting the amount of losses that may be deducted to \$500,000 in tax years ending on or after December 31, 2024 and prior to December 31, 2027.
  - B. Any changes in agency policy, procedures, or structure requiring the proposed rulemaking: None
  - C. Relationship to any relevant federal rules, regulations, or funding requirements: None
  - D. Court orders or rulings which are related to the rulemaking: None

E. A complete explanation of any other reasons for the proposed rulemaking:  
No other reasons exist.

11) Does this rulemaking include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act? No.

Agency Personnel Who Will Respond to Joint Committee Questions Regarding the Proposed Rulemaking:

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