



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1250

Introduced 1/31/2023, by Rep. Michael T. Marron

#### SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.34 new  
35 ILCS 5/240 new

Amends the Illinois Income Tax Act. Creates an energy price relief income tax credit. Sets forth the amount of the credit, which shall be a percentage of the total amount paid by the taxpayer during the taxable year for energy supplied to a property in the State. Provides that the Department of Commerce and Economic Opportunity may award no more than \$50,000,000 in credits under these provisions in any fiscal year. Provides that the credit may be carried forward. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking. Effective immediately.

LRB103 05265 SPS 50283 b

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 3. The Illinois Administrative Procedure Act is  
5 amended by adding Section 5-45.34 as follows:

6 (5 ILCS 100/5-45.34 new)

7 Sec. 5-45.34. Emergency rulemaking. To provide for the  
8 expeditious and timely implementation of this amendatory Act  
9 of the 103rd General Assembly, emergency rules implementing  
10 this amendatory Act of the 103rd General Assembly may be  
11 adopted in accordance with Section 5-45 by the Department of  
12 Commerce and Economic Opportunity. The adoption of emergency  
13 rules authorized by Section 5-45 and this Section is deemed to  
14 be necessary for the public interest, safety, and welfare.

15 This Section is repealed one year after the effective date  
16 of this amendatory Act of the 103rd General Assembly.

17 Section 5. The Illinois Income Tax Act is amended by  
18 adding Section 240 as follows:

19 (35 ILCS 5/240 new)

20 Sec. 240. Energy price relief credit.

21 (a) Subject to the limitations set forth in subsection

1 (c), for taxable years beginning on or after January 1, 2023,  
2 each taxpayer who is liable for making payments for energy  
3 supplied to a property in the State is entitled to a credit  
4 against the tax imposed under subsections (a) and (b) of  
5 Section 201 of this Act as provided in subsection (b). If the  
6 property is subject to a lease agreement, then the lessee is  
7 deemed to be liable for making payments for energy if the terms  
8 of the lease require the lessee to make those payments or the  
9 lessee provides to the Department of Commerce and Economic  
10 Opportunity such other evidence of the lessee's obligation to  
11 make those payments as may be accepted by the Department of  
12 Commerce and Economic Opportunity.

13 (b) The amount of the credit under this Section shall be  
14 the product that results from multiplying: (i) the total  
15 amount paid by the taxpayer during the taxable year for energy  
16 supplied to a property in the State; by (ii) the percentage  
17 increase during the taxable year in the Consumer Price Index  
18 for All Urban Consumers for the Midwest Region: Electricity in  
19 U.S. City Average, published by the United States Department  
20 of Labor, Bureau of Labor Statistics; and then by (iii) 0.1.

21 (c) Each taxpayer who claims a credit under this Section  
22 shall apply for a certificate of eligibility from the  
23 Department of Commerce and Economic Opportunity. The  
24 Department of Commerce and Economic Opportunity may award no  
25 more than \$50,000,000 in credits under this Section in any  
26 State fiscal year. Credits shall be awarded on a

1 first-come-first-served basis. The Department of Commerce and  
2 Economic Opportunity shall adopt rules to implement this  
3 Section, including, but not limited to, rules concerning the  
4 allocation of credits when more than one taxpayer is entitled  
5 to claim a credit under this Section for the same utility  
6 payment.

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

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.