



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3500

Introduced 2/28/2007, by Rep. Elga L. Jefferies

SYNOPSIS AS INTRODUCED:

35 ILCS 5/218 new

Amends the Illinois Income Tax Act. Creates a tax credit for taxpayers who construct or renovate a building in the State that obtains a LEED certification. Provides that the credit is in an amount equal to the cost of the construction or renovation that is attributable to obtaining that certification. Provides that the credit may be carried forward for 5 years. Exempts the credit from the Act's sunset provisions. Effective immediately.

LRB095 08432 BDD 28607 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Illinois Income Tax Act is amended by adding
5 Section 218 as follows:

6 (35 ILCS 5/218 new)

7 Sec. 218. Green building construction credit.

8 (a) For taxable years ending on or after December 31, 2007,
9 each taxpayer who constructs or renovates a building in the
10 State that obtains a LEED certification is entitled to a credit
11 against the tax imposed under subsections (a) and (b) of
12 Section 201 in an amount equal to the cost of the construction
13 or renovation that is attributable to obtaining that
14 certification.

15 (b) For the purposes of this Section, "LEED certification"
16 means a certification under the Leadership in Energy and
17 Environmental Design program operated by the United States
18 Green Building Council.

19 (c) For partners, shareholders of Subchapter S
20 corporations, and owners of limited liability companies, if the
21 liability company is treated as a partnership for purposes of
22 federal and State income taxation, there is allowed a credit
23 under this Section to be determined in accordance with the

1 determination of income and distributive share of income under
2 Sections 702 and 704 and Subchapter S of the Internal Revenue
3 Code.

4 (d) The credit may not be carried back. If the amount of
5 the credit exceeds the tax liability for the year, the excess
6 may be carried forward and applied to the tax liability of the
7 5 taxable years following the excess credit year. The tax
8 credit shall be applied to the earliest year for which there is
9 a tax liability. If there are credits for more than one year
10 that are available to offset a liability, the earlier credit
11 shall be applied first.

12 (e) This Section is exempt from the provisions of Section
13 250.

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15 Section 99. Effective date. This Act takes effect upon
16 becoming law.