



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5365

Introduced 01/26/06, by Rep. Carolyn H. Krause

SYNOPSIS AS INTRODUCED:

35 ILCS 5/216 new

Amends the Illinois Income Tax Act. Provides for a credit for taxpayers who, during the taxable year, install, on a building or property that is owned by the taxpayer and that is located in the State, a geothermal, solar, wind, or fuel cell energy device and sets the amount of the credit at the lesser of (i) \$1,500 or (ii) 20% of the actual cost of the acquisition and installation of the device. Provides that the credit may not be carried forward or back and may not reduce the taxpayer's liability to less than zero. Effective immediately.

LRB094 15877 BDD 51099 b

FISCAL NOTE ACT
MAY APPLY

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 216 as follows:

6 (35 ILCS 5/216 new)

7 Sec. 216. Credit for alternate energy devices.

8 (a) For taxable years ending on or after December 31, 2006
9 through taxable years ending on or before December 30, 2011,
10 each taxpayer who, during the taxable year, installs, on a
11 building or property that is owned by the taxpayer and that is
12 located in the State, a geothermal, solar, wind, or fuel cell
13 energy device is entitled to a credit against the tax imposed
14 under subsection (a) and (b) of Section 201 in an amount equal
15 to the lesser of (i) \$1,500 or (ii) 20% of the actual cost of
16 the acquisition and installation of the device.

17 (b) For the purposes of this Section:

18 "Geothermal energy device" means a system or mechanism or
19 series of mechanisms designed to provide heating or cooling or
20 to produce electrical or mechanical power, or any combination
21 of these, by a method that extracts or converts the energy
22 naturally occurring beneath the earth's surface in rock
23 structures, water, or steam.

24 "Solar or wind energy device" means a system or mechanism
25 or series of mechanisms designed to provide heating or cooling
26 or to produce electrical or mechanical power, or any
27 combination of these, or to store any of these by a method that
28 converts the natural energy of the sun or the wind.

29 "Fuel cell energy device" means a system or mechanism or
30 series of mechanisms designed to provide heating or cooling or
31 to produce electrical or mechanical power, or any combination
32 of these, that continuously changes the chemical energy of a

1 fuel and an oxidant directly into electrical energy.

2 (c) If a geothermal, solar, wind, or fuel cell energy
3 device is part of a system that uses other means of energy,
4 then only that portion of the total system that is directly
5 attributable to the cost of the geothermal, solar, wind, or
6 fuel cell energy device may be included in determining the
7 amount of the credit. The costs of installation may not include
8 the costs of redesigning, remodeling, or otherwise altering the
9 structure of a building in which a geothermal, solar, wind, or
10 fuel cell energy device is installed.

11 (d) If the taxpayer is a partnership or Subchapter S
12 corporation, the credit is allowed to the partners or
13 shareholders in accordance with the determination of income and
14 distributive share of income under Sections 702 and 704 and
15 Subchapter S of the Internal Revenue Code.

16 (e) The credit may not be carried forward or back. In no
17 event shall a credit under this Section reduce the taxpayer's
18 liability to less than zero.

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