



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1028

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

35 ILCS 5/224 new

Amends the Illinois Income Tax Act. Creates a credit in an amount equal to any unreimbursed eligible remediation costs paid by the taxpayer for the remediation of a brownfield site located in the City of Chicago. Provides that a taxpayer is not eligible for the credit if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Provides that the credit is exempt from the Act's automatic sunset provision.

LRB098 02684 HLH 32690 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 224 as follows:

6 (35 ILCS 5/224 new)

7 Sec. 224. Brownfield remediation credit.

8 (a) For tax years ending on or after December 31, 2013,
9 each taxpayer shall be allowed a credit against the tax imposed
10 by subsections (a) and (b) of Section 201 of this Act in an
11 amount equal to any unreimbursed eligible remediation costs
12 paid by the taxpayer for the remediation of a brownfield site
13 located in the City of Chicago. The credit must be claimed for
14 the taxable year in which Agency approval of the eligible
15 remediation costs is granted.

16 (b) A credit under this Section is not available to any
17 taxpayer if the taxpayer or any related party caused or
18 contributed to, in any material respect, a release of regulated
19 substances on, in, or under the site that was identified and
20 addressed by the remedial action pursuant to the Site
21 Remediation Program of the Environmental Protection Act. A
22 taxpayer is not entitled to a credit under this Section if the
23 taxpayer received a credit under subsection (n) of Section 201

1 for the same remediation costs.

2 (c) A credit allowed under this Section that is unused in
3 the year the credit is earned may be carried forward to each of
4 the 5 taxable years following the year for which the credit is
5 first earned until it is used. This credit shall be applied
6 first to the earliest year for which there is a liability. If
7 there is a credit under this Section from more than one tax
8 year that is available to offset a liability, the earliest
9 credit arising under this subsection shall be applied first.

10 (d) For purposes of this Section:

11 "Agency" means the Illinois Environmental Protection
12 Agency.

13 "Brownfield site" has the meaning ascribed to that term in
14 Section 58.2 of the Environmental Protection Act.

15 "Related party" has the meaning ascribed to that term in
16 subsection (n) of Section 201 of this Act.

17 "Unreimbursed eligible remediation costs" means costs
18 approved by the Agency under Section 58.14a of the
19 Environmental Protection Act that were paid in performing
20 environmental remediation at a brownfield site in the City of
21 Chicago for which a No Further Remediation Letter was issued by
22 the Agency and recorded under Section 58.10 of the
23 Environmental Protection Act.

24 (e) This Section is exempt from the provisions of Section
25 250 of this Act.