



Rep. Michael J. Zalewski

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LRB100 02289 HLH 27008 a

1 AMENDMENT TO HOUSE BILL 160

2 AMENDMENT NO. _____. Amend House Bill 160, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 14, immediately below line 15, by inserting the
5 following:

6 "(g) Allocation rounds enabled by this Act shall be applied
7 for according to the following schedule:

8 (1) on January 2, 2019, \$125,000,000 of qualified
9 equity investments; and

10 (2) on January 2, 2020, \$125,000,000 of qualified
11 equity investments."; and

12 on page 18, line 7, after "business.", by inserting "This
13 Section is not intended to affect ownership or affiliate
14 interests that arise following the sixth anniversary of the
15 issuance of the qualified equity investment."; and

16 on page 19, by replacing lines 4 through 20 with the following:

1 "(20 ILCS 663/55 new)
2 Sec. 55. Annual report. Each qualified community
3 development entity shall submit an annual report to the
4 Department within 45 days after the beginning of each calendar
5 year during the compliance period. No annual report shall be
6 due prior to the first anniversary of the initial credit
7 allowance date. The report shall include, but is not limited
8 to, the following:

9 (1) an attestation from an authorized officer of the
10 qualified community development entity that the entity has
11 not been the subject of any investigation by a government
12 agency relating to tax credits or financial services during
13 the preceding calendar year;

14 (2) information with respect to all qualified
15 low-income community investments made by the qualified
16 community development entity, including:

17 (A) the date and amount of, and bank statements or
18 wire transfer reports documenting, such qualified
19 low-income community investments;

20 (B) the name, address, and EIN of each qualified
21 active low-income community business funded by the
22 qualified community development entity, the number of
23 persons employed by such business at the time of the
24 initial investment, and a brief description of the
25 business, the financing, and community benefits of the

1 financing; and

2 (C) the number of employment positions maintained
3 by each qualified active low-income community business
4 as of the date of report or the end of the preceding
5 calendar year and the average annual salaries of such
6 positions; and

7 (D) the total number of employment positions
8 created and retained as a result of qualified
9 low-income community investments and the average
10 annual salaries of those positions; and

11 (3) any changes with respect to the taxpayers entitled
12 to claim tax credits with respect to qualified equity
13 investments issued by the qualified community development
14 entity since its last report pursuant to this Section.

15 The qualified community development entity is not required
16 to provide the annual report set forth in this Section for
17 qualified low-income community investments that have been
18 redeemed or repaid."; and

19 on page 19, line 23, after "221,", by inserting "222,"; and

20 on page 72, immediately below line 9, by inserting the
21 following:

22 "(35 ILCS 5/222)

23 Sec. 222. Live theater production credit.

1 (a) For tax years beginning on or after January 1, 2012 and
2 beginning prior to January 1, 2022, a taxpayer who has received
3 a tax credit award under the Live Theater Production Tax Credit
4 Act is entitled to a credit against the taxes imposed under
5 subsections (a) and (b) of Section 201 of this Act in an amount
6 determined under that Act by the Department of Commerce and
7 Economic Opportunity.

8 (b) If the taxpayer is a partnership, limited liability
9 partnership, limited liability company, or Subchapter S
10 corporation, the tax credit award is allowed to the partners,
11 unit holders, or shareholders in accordance with the
12 determination of income and distributive share of income under
13 Sections 702 and 704 and Subchapter S of the Internal Revenue
14 Code.

15 (c) A sale, assignment, or transfer of the tax credit award
16 may be made by the taxpayer earning the credit within one year
17 after the credit is awarded in accordance with rules adopted by
18 the Department of Commerce and Economic Opportunity.

19 (d) The Department of Revenue, in cooperation with the
20 Department of Commerce and Economic Opportunity, shall adopt
21 rules to enforce and administer the provisions of this Section.

22 (e) The tax credit award may not be carried back. If the
23 amount of the credit exceeds the tax liability for the year,
24 the excess may be carried forward and applied to the tax
25 liability of the 5 tax years following the excess credit year.
26 The tax credit award shall be applied to the earliest year for

1 which there is a tax liability. If there are credits from more
2 than one tax year that are available to offset liability, the
3 earlier credit shall be applied first. In no event may a credit
4 under this Section reduce the taxpayer's liability to less than
5 zero.

6 (Source: P.A. 97-636, eff. 6-1-12.)"; and

7 on page 94, line 20, by replacing "5-65, and 5-70" with "5-65,
8 5-70, and 5-77"; and

9 on page 119, by replacing lines 12 through 17 with the
10 following:

11 "Noncompliance Date. If the Taxpayer ceases operations at a
12 project location that is the subject of an Agreement with the
13 intent to terminate operations in the State, then the Taxpayer
14 shall be subject to the provisions of the Keep Illinois
15 Business Act."; and

16 on page 120, immediately below line 18, by inserting the
17 following:

18 "(35 ILCS 10/5-77)

19 Sec. 5-77. Sunset of new Agreements. The Department shall
20 not enter into any new Agreements under the provisions of
21 Section 5-50 of this Act after April 30, 2022 ~~April 30, 2017~~.

22 (Source: P.A. 99-925, eff. 1-20-17.)"; and

1 on page 120, line 21, by replacing "Section 42" with "Sections
2 35, 42, and 45"; and

3 on page 120, immediately below line 21, by inserting the
4 following:

5 "(35 ILCS 16/35)

6 Sec. 35. Issuance of Tax Credit Certificate.

7 (a) In order to qualify for a tax credit under this Act, an
8 applicant must file an application, on forms prescribed by the
9 Department, providing information necessary to calculate the
10 tax credit, and any additional information as required by the
11 Department. As part of the application, the applicant must
12 commit to supplying the Department with the following
13 information, at a minimum:

14 (1) an identification of each vendor that provides
15 goods or services that were included in the accredited
16 production's Illinois production spending;

17 (2) the amount of Illinois production spending
18 attributable to each vendor; and

19 (3) for each vendor identified under item (1), a
20 statement as to whether the vendor is a minority-owned
21 business or a female-owned business, as defined under
22 Section 2 of the Business Enterprise for Minorities,
23 Females, and Persons with Disabilities Act.

1 (b) Upon satisfactory review of the application, the
2 Department shall issue a Tax Credit Certificate stating the
3 amount of the tax credit to which the applicant is entitled.

4 (Source: P.A. 95-720, eff. 5-27-08.)"; and

5 on page 121, immediately below line 8, by inserting the
6 following:

7 "(35 ILCS 16/45)

8 Sec. 45. Evaluation of tax credit program; reports to the
9 General Assembly.

10 (a) The Department shall evaluate the tax credit program.
11 The evaluation must include an assessment of the effectiveness
12 of the program in creating and retaining new jobs in Illinois
13 and of the revenue impact of the program, and may include a
14 review of the practices and experiences of other states or
15 nations with similar programs. Upon completion of this
16 evaluation, the Department shall determine the overall success
17 of the program, and may make a recommendation to extend,
18 modify, or not extend the program based on this evaluation.

19 (b) At the end of each fiscal quarter, the Department must
20 submit to the General Assembly a report that includes, without
21 limitation, the following information:

22 (1) the economic impact of the tax credit program,
23 including the number of jobs created and retained,
24 including whether the job positions are entry level,

1 management, talent-related, vendor-related, or
2 production-related;

3 (2) the amount of film production spending brought to
4 Illinois, including the amount of spending and type of
5 Illinois vendors hired in connection with an accredited
6 production; and

7 (3) an overall picture of whether the human
8 infrastructure of the motion picture industry in Illinois
9 reflects the geographical, racial and ethnic, gender, and
10 income-level diversity of the State of Illinois.

11 (c) At the end of each fiscal year, the Department must
12 submit to the General Assembly a report that includes, without
13 limitation, the following information:

14 (1) an identification of each vendor that provided
15 goods or services that were included in an accredited
16 production's Illinois production spending and a statement
17 of whether the vendor is a minority-owned business or a
18 female-owned business, as defined under Section 2 of the
19 Business Enterprise for Minorities, Females, and Persons
20 with Disabilities Act;

21 (2) the aggregate amount paid to all ~~each~~ identified
22 vendors ~~vendor~~ by the accredited production;

23 (3) the aggregate amount paid to all identified vendors
24 that are ~~for each identified vendor, a statement as to~~
25 ~~whether the vendor is a~~ minority owned businesses ~~business~~
26 or a female owned businesses ~~business~~, as defined under

1 Section 2 of the Business Enterprise for Minorities,
2 Females, and Persons with Disabilities Act; and

3 (4) a description of any steps taken by the Department
4 to encourage accredited productions to use vendors who are
5 a minority owned business or a female owned business.

6 (Source: P.A. 95-720, eff. 5-27-08.)"; and

7 on page 121, line 10, after, "by", by inserting "changing
8 Sections 10-40 and 10-50 and by"; and

9 on page 121, immediately below line 10, by inserting the
10 following:

11 "(35 ILCS 17/10-40)

12 Sec. 10-40. Issuance of Tax Credit Award Certificate.

13 (a) In order to qualify for a tax credit award under this
14 Act, an applicant must file an application for each accredited
15 theater production at each of the applicant's qualified
16 production facilities, on forms prescribed by the Department,
17 providing information necessary to calculate the tax credit
18 award and any additional information as reasonably required by
19 the Department. As part of the application, the applicant must
20 commit to supplying the Department with the following
21 information, at a minimum:

22 (1) an identification of each vendor that provides
23 goods or services that were included in the accredited

1 production's Illinois production spending;

2 (2) the amount of Illinois production spending
3 attributable to each vendor; and

4 (3) for each vendor identified under item (1), a
5 statement as to whether the vendor is a minority-owned
6 business or a female-owned business, as defined under
7 Section 2 of the Business Enterprise for Minorities,
8 Females, and Persons with Disabilities Act.

9 (b) Upon satisfactory review of the application, the
10 Department shall issue a tax credit award certificate stating
11 the amount of the tax credit award to which the applicant is
12 entitled for that tax year and shall contemporaneously notify
13 the applicant and Illinois Department of Revenue in accordance
14 with Section 222 of the Illinois Income Tax Act.

15 (Source: P.A. 97-636, eff. 6-1-12.)

16 (35 ILCS 17/10-50)

17 Sec. 10-50. Live theater tax credit award program
18 evaluation and reports.

19 (a) The Department's live theater tax credit award
20 evaluation must include:

21 (i) an assessment of the effectiveness of the program
22 in creating and retaining new jobs in Illinois;

23 (ii) an assessment of the revenue impact of the
24 program;

25 (iii) in the discretion of the Department, a review of

1 the practices and experiences of other states or nations
2 with similar programs; and

3 (iv) an assessment of the overall success of the
4 program. The Department may make a recommendation to
5 extend, modify, or not extend the program based on the
6 evaluation.

7 (b) At the end of each fiscal quarter, the Department shall
8 submit to the General Assembly a report that includes, without
9 limitation:

10 (i) an assessment of the economic impact of the
11 program, including the number of jobs created and retained,
12 and whether the job positions are entry level, management,
13 vendor, or production related;

14 (ii) the amount of accredited theater production
15 spending brought to Illinois, including the amount of
16 spending and type of Illinois vendors hired in connection
17 with an accredited theater production; and

18 (iii) a determination of whether those receiving
19 qualifying Illinois labor expenditure salaries or wages
20 reflect the geographical, racial and ethnic, gender, and
21 income level diversity of the State of Illinois.

22 (c) At the end of each fiscal year, the Department shall
23 submit to the General Assembly a report that includes, without
24 limitation:

25 (i) the identification of each vendor that provided
26 goods or services that were included in an accredited

1 theater production's Illinois production spending and a
2 statement of whether the vendor is a minority-owned
3 business or a female-owned business, as defined under
4 Section 2 of the Business Enterprise for Minorities,
5 Females, and Persons with Disabilities Act;

6 (ii) a statement of (A) the aggregate amount paid to
7 all ~~each~~ identified vendors ~~vendor~~ by the accredited
8 theater production and (B) the aggregate amount paid to all
9 identified vendors that are minority-owned businesses or
10 female-owned businesses, as defined under Section 2 of the
11 Business Enterprise for Minorities, Females, and Persons
12 with Disabilities Act ~~and whether the vendor is a minority~~
13 ~~or female owned business as defined in Section 2 of the~~
14 ~~Business Enterprise for Minorities, Females, and Persons~~
15 ~~with Disabilities Act; and~~

16 (iii) a description of the steps taken by the
17 Department to encourage accredited theater productions to
18 use vendors who are minority or female owned businesses.

19 (Source: P.A. 97-636, eff. 6-1-12.)"; and

20 on page 397, line 22, by replacing "Subchapter S corporations"
21 with "Subchapter S corporations and corporations recognized by
22 the United States Internal Revenue Service as tax-exempt
23 organizations under Section 501(c)(3) of the Internal Revenue
24 Code"; and

1 by replacing everything from line 3 on page 390 through line 3
2 on page 396 with the following:

3 "Section 35-10. The Limited Liability Company Act is
4 amended by changing Section 50-10 as follows:

5 (805 ILCS 180/50-10)

6 (Text of Section before amendment by P.A. 99-637)

7 Sec. 50-10. Fees.

8 (a) The Secretary of State shall charge and collect in
9 accordance with the provisions of this Act and rules
10 promulgated under its authority all of the following:

11 (1) Fees for filing documents.

12 (2) Miscellaneous charges.

13 (3) Fees for the sale of lists of filings and for
14 copies of any documents.

15 (b) The Secretary of State shall charge and collect for all
16 of the following:

17 (1) Filing articles of organization (domestic),
18 application for admission (foreign), and restated articles
19 of organization (domestic), \$150 ~~\$500~~. Notwithstanding the
20 foregoing, the fee for filing articles of organization
21 (domestic), application for admission (foreign), and
22 restated articles of organization (domestic) in connection
23 with a limited liability company with ability to establish
24 series pursuant to Section 37-40 of this Act is \$400 ~~\$750~~.

1 (2) Filing articles of amendment or an amended
2 application for admission, \$50 ~~\$150~~.

3 (3) Filing articles of dissolution or application for
4 withdrawal, \$5 ~~\$100~~.

5 (4) Filing an application to reserve a name, \$25 ~~\$300~~.

6 (5) Filing a notice of cancellation of a reserved name,
7 \$5 ~~\$100~~.

8 (6) Filing a notice of a transfer of a reserved name,
9 \$25 ~~\$100~~.

10 (7) Registration of a name, \$50 ~~\$300~~.

11 (8) Renewal of registration of a name, \$50 ~~\$100~~.

12 (9) Filing an application for use of an assumed name
13 under Section 1-20 of this Act, \$150 for each year or part
14 thereof ending in 0 or 5, \$120 for each year or part
15 thereof ending in 1 or 6, \$90 for each year or part thereof
16 ending in 2 or 7, \$60 for each year or part thereof ending
17 in 3 or 8, \$30 for each year or part thereof ending in 4 or
18 9, and a renewal for each assumed name, \$150.

19 (9.5) Filing an application for change of an assumed
20 name, \$25.

21 (10) Filing an application for ~~change or~~ cancellation
22 of an assumed name, \$5 ~~\$100~~.

23 (11) Filing an annual report of a limited liability
24 company or foreign limited liability company, \$75 ~~\$250~~, if
25 filed as required by this Act, plus a penalty if
26 delinquent. Notwithstanding the foregoing, the fee for

1 filing an annual report of a limited liability company or
2 foreign limited liability company with ability to
3 establish series is \$75 ~~\$250~~ plus \$50 for each series for
4 which a certificate of designation has been filed pursuant
5 to Section 37-40 of this Act and active on the last day of
6 the third month preceding the company's anniversary month,
7 plus a penalty if delinquent.

8 (12) Filing an application for reinstatement of a
9 limited liability company or foreign limited liability
10 company \$200 ~~\$500~~.

11 (13) Filing Articles of Merger, \$100 plus \$50 for each
12 party to the merger in excess of the first 2 parties.

13 (14) Filing an Agreement of Conversion or Statement of
14 Conversion, \$100.

15 (15) Filing a statement of change of address of
16 registered office or change of registered agent, or both,
17 or filing a statement of correction, \$25.

18 (16) Filing a petition for refund, \$5 ~~\$15~~.

19 (17) Filing any other document, \$5 ~~\$100~~.

20 (18) Filing a certificate of designation of a limited
21 liability company with the ability to establish series
22 pursuant to Section 37-40 of this Act, \$50.

23 (c) The Secretary of State shall charge and collect all of
24 the following:

25 (1) For furnishing a copy or certified copy of any
26 document, instrument, or paper relating to a limited

1 liability company or foreign limited liability company, or
2 for a certificate, \$25.

3 (2) For the transfer of information by computer process
4 media to any purchaser, fees established by rule.

5 (Source: P.A. 97-839, eff. 7-20-12.)

6 (Text of Section after amendment by P.A. 99-637)

7 Sec. 50-10. Fees.

8 (a) The Secretary of State shall charge and collect in
9 accordance with the provisions of this Act and rules
10 promulgated under its authority all of the following:

11 (1) Fees for filing documents.

12 (2) Miscellaneous charges.

13 (3) Fees for the sale of lists of filings and for
14 copies of any documents.

15 (b) The Secretary of State shall charge and collect for all
16 of the following:

17 (1) Filing articles of organization (domestic),
18 application for admission (foreign), and restated articles
19 of organization (domestic), \$150 ~~\$500~~. Notwithstanding the
20 foregoing, the fee for filing articles of organization
21 (domestic), application for admission (foreign), and
22 restated articles of organization (domestic) in connection
23 with a limited liability company with a series or the
24 ability to establish a series pursuant to Section 37-40 of
25 this Act is \$400 ~~\$750~~.

1 (2) Filing amendments (domestic or foreign), \$50 ~~\$150~~.

2 (3) Filing a statement of termination or application
3 for withdrawal, \$5 ~~\$25~~.

4 (4) Filing an application to reserve a name, \$25 ~~\$300~~.

5 (5) Filing a notice of cancellation of a reserved name,
6 \$5 ~~\$100~~.

7 (6) Filing a notice of a transfer of a reserved name,
8 \$25 ~~\$100~~.

9 (7) Registration of a name, \$50 ~~\$300~~.

10 (8) Renewal of registration of a name, \$50 ~~\$100~~.

11 (9) Filing an application for use of an assumed name
12 under Section 1-20 of this Act, \$150 for each year or part
13 thereof ending in 0 or 5, \$120 for each year or part
14 thereof ending in 1 or 6, \$90 for each year or part thereof
15 ending in 2 or 7, \$60 for each year or part thereof ending
16 in 3 or 8, \$30 for each year or part thereof ending in 4 or
17 9, and a renewal for each assumed name, \$150.

18 (9.5) Filing an application for change of an assumed
19 name, \$25.

20 (10) Filing an application for ~~change or~~ cancellation
21 of an assumed name, \$5 ~~\$100~~.

22 (11) Filing an annual report of a limited liability
23 company or foreign limited liability company, \$75 ~~\$250~~, if
24 filed as required by this Act, plus a penalty if
25 delinquent. Notwithstanding the foregoing, the fee for
26 filing an annual report of a limited liability company or

1 foreign limited liability company is \$75 ~~\$250~~ plus \$50 for
2 each series for which a certificate of designation has been
3 filed pursuant to Section 37-40 of this Act and is in
4 effect on the last day of the third month preceding the
5 company's anniversary month, plus a penalty if delinquent.

6 (12) Filing an application for reinstatement of a
7 limited liability company or foreign limited liability
8 company \$200 ~~\$500~~.

9 (13) Filing articles of merger, \$100 plus \$50 for each
10 party to the merger in excess of the first 2 parties.

11 (14) Filing articles of conversion, \$100.

12 (15) Filing a statement of change of address of
13 registered office or change of registered agent, or both,
14 or filing a statement of correction, \$25.

15 (16) Filing a petition for refund, \$5 ~~\$15~~.

16 (17) Filing a certificate of designation of a limited
17 liability company with a series pursuant to Section 37-40
18 of this Act, \$50.

19 (18) Filing articles of domestication, \$100.

20 (19) Filing, amending, or cancelling a statement of
21 authority, \$50.

22 (20) Filing, amending, or cancelling a statement of
23 denial, \$10.

24 (21) Filing any other document, \$5 ~~\$100~~.

25 (c) The Secretary of State shall charge and collect all of
26 the following:

1 (1) For furnishing a copy or certified copy of any
2 document, instrument, or paper relating to a limited
3 liability company or foreign limited liability company, or
4 for a certificate, \$25.

5 (2) For the transfer of information by computer process
6 media to any purchaser, fees established by rule.

7 (Source: P.A. 99-637, eff. 7-1-17.)".