



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5026

Introduced 2/18/2020, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

35 ILCS 5/213  
30 ILCS 105/5.930 new  
30 ILCS 105/6z-114 new

Amends the Illinois Income Tax Act. Provides that, upon the transfer of a film production services credit, the taxpayer shall pay to the Department of Commerce and Economic Opportunity 1.5% of the credit amount, which shall be deposited into the Film Workforce Training and Diversity Fund. Amends the State Finance Act to create the Film Workforce Training and Diversity Fund. Provides that moneys in the Fund shall be used to provide grants to certain organizations and institutions to administer workforce development and training programs that support efforts to recruit, hire, promote, retain, develop, and train a diverse and inclusive workforce in the film industry. Effective immediately.

LRB101 20663 HLH 70324 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  
5 changing Section 213 as follows:

6 (35 ILCS 5/213)

7 Sec. 213. Film production services credit. For tax years  
8 beginning on or after January 1, 2004, a taxpayer who has been  
9 awarded a tax credit under the Film Production Services Tax  
10 Credit Act or under the Film Production Services Tax Credit Act  
11 of 2008 is entitled to a credit against the taxes imposed under  
12 subsections (a) and (b) of Section 201 of this Act in an amount  
13 determined by the Department of Commerce and Economic  
14 Opportunity under those Acts. If the taxpayer is a partnership  
15 or Subchapter S corporation, the credit is allowed to the  
16 partners or shareholders in accordance with the determination  
17 of income and distributive share of income under Sections 702  
18 and 704 and Subchapter S of the Internal Revenue Code.

19 A transfer of this credit may be made by the taxpayer  
20 earning the credit within one year after the credit is awarded  
21 in accordance with rules adopted by the Department of Commerce  
22 and Economic Opportunity. Beginning July 1, 2020, if a credit  
23 is transferred under this Section by the taxpayer, then the

1 transferor taxpayer shall pay to the Department 1.5% of the  
2 credit amount, which shall be deposited into the Film Workforce  
3 Training and Diversity Fund.

4 The Department, in cooperation with the Department of  
5 Commerce and Economic Opportunity, must prescribe rules to  
6 enforce and administer the provisions of this Section. This  
7 Section is exempt from the provisions of Section 250 of this  
8 Act.

9 The credit may not be carried back. If the amount of the  
10 credit exceeds the tax liability for the year, the excess may  
11 be carried forward and applied to the tax liability of the 5  
12 taxable years following the excess credit year. The credit  
13 shall be applied to the earliest year for which there is a tax  
14 liability. If there are credits from more than one tax year  
15 that are available to offset a liability, the earlier credit  
16 shall be applied first. In no event shall a credit under this  
17 Section reduce the taxpayer's liability to less than zero.

18 (Source: P.A. 94-171, eff. 7-11-05; 95-720, eff. 5-27-08.)

19 Section 10. The State Finance Act is amended by adding  
20 Sections 5.930 and 6z-114 as follows:

21 (30 ILCS 105/5.930 new)

22 Sec. 5.930. The Film Workforce Training and Diversity Fund.

23 (30 ILCS 105/6z-114 new)

1       Sec. 6z-114. The Film Workforce Training and Diversity  
2 Fund. The Film Workforce Training and Diversity Fund is created  
3 as a special fund in the State treasury. Beginning July 1,  
4 2020, amounts paid to the Department of Commerce and Economic  
5 Opportunity upon the transfer of a film production services  
6 credit shall be deposited into the Fund. The Fund shall be used  
7 exclusively to provide grants to community-based  
8 organizations, labor organizations, private and public  
9 universities, community colleges, and other organizations and  
10 institutions as deemed appropriate by the Department of  
11 Commerce and Economic Opportunity to administer workforce  
12 development and training programs that support efforts to  
13 recruit, hire, promote, retain, develop, and train a diverse  
14 and inclusive workforce in the film industry.

15       The Department of Commerce and Economic Opportunity may  
16 adopt rules necessary to administer the provisions of this  
17 Section.

18       Notwithstanding any other law to the contrary, the Film  
19 Workforce Training and Diversity Fund is not subject to sweeps,  
20 administrative charge-backs, or any other fiscal or budgetary  
21 maneuver that would in any way transfer any amounts from the  
22 Film Workforce Training and Diversity Fund.

23       Section 99. Effective date. This Act takes effect upon  
24 becoming law.