



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5874

by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/18-184.15 new

55 ILCS 5/5-1111.5 new

65 ILCS 5/11-39-5 new

805 ILCS 5/15.10

from Ch. 32, par. 15.10

805 ILCS 180/50-10

Amends the Property Tax Code. Provides that any taxing district shall abate its taxes on property that (i) contains a grocery store or supermarket that is owned by a minority person, a woman, or a person with a disability and offers fresh produce for sale at retail but does not sell alcohol and (ii) is located in an area that qualified as a food desert in the taxable year immediately preceding the taxable year in which the grocery store or supermarket first conducted business at that location. Defines terms "food desert", "minority person", "woman", and "person with a disability". Amends the Counties Code and the Illinois Municipal Code. Provides that counties and municipalities shall waive all fees associated with building permits issued for property that has been granted an abatement under those provisions. Amends the Business Corporation Act of 1983 and the Limited Liability Company Act to waive fees for filing an annual report.

LRB101 23211 HLH 74355 b

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 Property Tax Code is amended by adding  
5 Section 18-184.15 as follows:

6 (35 ILCS 200/18-184.15 new)

7 Sec. 18-184.15. Grocery store abatement. Each taxing  
8 district shall, for a period of 10 taxable years after the  
9 property is certified as eligible property or until the first  
10 taxable year in which the property is no longer used in a  
11 manner that would qualify it for an abatement under this  
12 Section, whichever occurs first, order the county clerk to  
13 abate its taxes on property that (i) contains a grocery store  
14 or supermarket that is owned by a minority person, a woman, or  
15 a person with a disability and offers fresh produce for sale at  
16 retail but does not sell alcohol and (ii) is located in an area  
17 that qualified as a food desert in the taxable year immediately  
18 preceding the taxable year in which the grocery store or  
19 supermarket first conducted business at that location. The  
20 owner of property that is eligible for an abatement under this  
21 Section shall apply each year to the Department of Commerce and  
22 Economic Opportunity for certification as a business that is  
23 eligible for an abatement under this Section. Application shall

1 be made in the form and manner prescribed by the Department of  
2 Commerce and Economic Opportunity by rule.

3 For the purposes of this Section:

4 "Food desert" means a census tract in the State in  
5 which (i) the poverty rate is 20% or greater, or the median  
6 family income is at or below 80% of the area median family  
7 income, and (ii) at least 33% of the census tract's  
8 population lives more than one mile from a supermarket or  
9 grocery store in the case of a census tract located in a  
10 Metropolitan Statistical Area, or more than 10 miles from a  
11 supermarket or grocery store in the case of a census tract  
12 located outside of a Metropolitan Statistical Area.

13 "Minority person", "woman", and "person with a  
14 disability" have the meanings given to those terms in  
15 Section 2 of the Business Enterprise for Minorities, Women,  
16 and Persons with Disabilities Act.

17 Section 10. The Counties Code is amended by adding Section  
18 5-1111.5 as follows:

19 (55 ILCS 5/5-1111.5 new)

20 Sec. 5-1111.5. Building permit fee waiver. The county board  
21 shall waive all fees associated with building permits issued  
22 for the initial construction of a grocery store that qualifies  
23 for an abatement under Section 18-184.15 of the Property Tax  
24 Code.

1           Section 15. The Illinois Municipal Code is amended by  
2 adding Section 11-39-5 as follows:

3           (65 ILCS 5/11-39-5 new)

4           Sec. 11-39-5. Building permit fee waiver. The corporate  
5 authorities of the municipality shall waive all fees associated  
6 with building permits issued for the initial construction of a  
7 grocery store that qualifies for an abatement under Section  
8 18-184.15 of the Property Tax Code.

9           Section 20. The Business Corporation Act of 1983 is amended  
10 by changing Section 15.10 as follows:

11           (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

12           Sec. 15.10. Fees for filing documents. The Secretary of  
13 State shall charge and collect for:

14           (a) Filing articles of incorporation, \$150.

15           (b) Filing articles of amendment, \$50, unless the amendment  
16 is a restatement of the articles of incorporation, in which  
17 case the fee shall be \$150.

18           (c) Filing articles of merger or consolidation, \$100, but  
19 if the merger or consolidation involves more than 2  
20 corporations, \$50 for each additional corporation.

21           (d) Filing articles of share exchange, \$100.

22           (e) Filing articles of dissolution, \$5.

1 (f) Filing application to reserve a corporate name, \$25.

2 (g) Filing a notice of transfer of a reserved corporate  
3 name, \$25.

4 (h) Filing statement of change of address of registered  
5 office or change of registered agent, or both, \$25.

6 (i) Filing statement of the establishment of a series of  
7 shares, \$25.

8 (j) Filing an application of a foreign corporation for  
9 authority to transact business in this State, \$150.

10 (k) Filing an application of a foreign corporation for  
11 amended authority to transact business in this State, \$25.

12 (l) Filing a copy of amendment to the articles of  
13 incorporation of a foreign corporation holding authority to  
14 transact business in this State, \$50, unless the amendment is a  
15 restatement of the articles of incorporation, in which case the  
16 fee shall be \$150.

17 (m) Filing a copy of articles of merger of a foreign  
18 corporation holding a certificate of authority to transact  
19 business in this State, \$100, but if the merger involves more  
20 than 2 corporations, \$50 for each additional corporation.

21 (n) Filing an application for withdrawal and final report  
22 or a copy of articles of dissolution of a foreign corporation,  
23 \$25.

24 (o) Filing an annual report, interim annual report, or  
25 final transition annual report of a domestic or foreign  
26 corporation, \$75. No fee shall be be imposed under this

1 paragraph (o) for a domestic or foreign corporation that  
2 operates a grocery store or supermarket that: (i) is owned by a  
3 minority person, a woman, or a person with a disability; (ii)  
4 offers fresh produce for sale at retail but does not sell  
5 alcohol; and (iii) is located in an area that qualified as a  
6 food desert, as defined in Section 18-184.15 of the Property  
7 Tax Code.

8 (p) Filing an application for reinstatement of a domestic  
9 or a foreign corporation, \$200.

10 (q) Filing an application for use of an assumed corporate  
11 name, \$150 for each year or part thereof ending in 0 or 5, \$120  
12 for each year or part thereof ending in 1 or 6, \$90 for each  
13 year or part thereof ending in 2 or 7, \$60 for each year or part  
14 thereof ending in 3 or 8, \$30 for each year or part thereof  
15 ending in 4 or 9, between the date of filing the application  
16 and the date of the renewal of the assumed corporate name; and  
17 a renewal fee for each assumed corporate name, \$150.

18 (r) To change an assumed corporate name for the period  
19 remaining until the renewal date of the original assumed name,  
20 \$25.

21 (s) Filing an application for cancellation of an assumed  
22 corporate name, \$5.

23 (t) Filing an application to register the corporate name of  
24 a foreign corporation, \$50; and an annual renewal fee for the  
25 registered name, \$50.

26 (u) Filing an application for cancellation of a registered

1 name of a foreign corporation, \$25.

2 (v) Filing a statement of correction, \$50.

3 (w) Filing a petition for refund or adjustment, \$5.

4 (x) Filing a statement of election of an extended filing  
5 month, \$25.

6 (y) Filing any other statement or report, \$5.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 25. The Limited Liability Company Act is amended by  
9 changing Section 50-10 as follows:

10 (805 ILCS 180/50-10)

11 Sec. 50-10. Fees.

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

15 (1) Fees for filing documents.

16 (2) Miscellaneous charges.

17 (3) Fees for the sale of lists of filings and for  
18 copies of any documents.

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

21 (1) Filing articles of organization (domestic),  
22 application for admission (foreign), and restated articles  
23 of organization (domestic), \$150. Notwithstanding the  
24 foregoing, the fee for filing articles of organization

1 (domestic), application for admission (foreign), and  
2 restated articles of organization (domestic) in connection  
3 with a limited liability company with a series or the  
4 ability to establish a series pursuant to Section 37-40 of  
5 this Act is \$400.

6 (2) Filing amendments (domestic or foreign), \$50.

7 (3) Filing a statement of termination or application  
8 for withdrawal, \$5.

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

10 (5) Filing a notice of cancellation of a reserved name,  
11 \$5.

12 (6) Filing a notice of a transfer of a reserved name,  
13 \$25.

14 (7) Registration of a name, \$50.

15 (8) Renewal of registration of a name, \$50.

16 (9) Filing an application for use of an assumed name  
17 under Section 1-20 of this Act, \$150 for each year or part  
18 thereof ending in 0 or 5, \$120 for each year or part  
19 thereof ending in 1 or 6, \$90 for each year or part thereof  
20 ending in 2 or 7, \$60 for each year or part thereof ending  
21 in 3 or 8, \$30 for each year or part thereof ending in 4 or  
22 9, and a renewal for each assumed name, \$150.

23 (9.5) Filing an application for change of an assumed  
24 name, \$25.

25 (10) Filing an application for cancellation of an  
26 assumed name, \$5.



1           (11) Filing an annual report of a limited liability  
2 company or foreign limited liability company, \$75, if filed  
3 as required by this Act, plus a penalty if delinquent.  
4 Notwithstanding the foregoing, the fee for filing an annual  
5 report of a limited liability company or foreign limited  
6 liability company is \$75 plus \$50 for each series for which  
7 a certificate of designation has been filed pursuant to  
8 Section 37-40 of this Act and is in effect on the last day  
9 of the third month preceding the company's anniversary  
10 month, plus a penalty if delinquent. No fee shall be be  
11 imposed under this paragraph (11) for a limited liability  
12 company that operates a grocery store or supermarket that:  
13 (i) is owned by a minority person, a woman, or a person  
14 with a disability; (ii) offers fresh produce for sale at  
15 retail but does not sell alcohol; and (iii) is located in  
16 an area that qualified as a food desert, as defined in  
17 Section 18-184.15 of the Property Tax Code.

18           (12) Filing an application for reinstatement of a  
19 limited liability company or foreign limited liability  
20 company, \$200.

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

23           (14) (Blank) .

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

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

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

5 (18) (Blank).

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

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

10 (21) Filing any other document, \$5.

11 (c) The Secretary of State shall charge and collect all of  
12 the following:

13 (1) For furnishing a copy or certified copy of any  
14 document, instrument, or paper relating to a limited  
15 liability company or foreign limited liability company, or  
16 for a certificate, \$25.

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

19 (Source: P.A. 100-561, eff. 7-1-18; 100-571, eff. 12-20-17;  
20 101-81, eff. 7-12-19; 101-578, eff. 8-26-19.)