



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5185

Introduced 1/31/2022, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Commerce and Economic Opportunity Law. Modifies duties and responsibilities of the Department concerning the Civil Administrative Code of Illinois and Programs and agencies under the Department. Amends the Illinois Main Street Act. Makes the Illinois Main Street Program subject appropriation. Further modifies duties of the Department of Commerce and Economic Opportunity concerning the Program. Amends the Opportunities for At-Risk Women Act. Requires the issuance of a report under the Act on or before January 1, 2023. Repeals the Act on January 1, 2023. Amends the Eliminate the Digital Divide Law. Removes provisions concerning the Digital Divide Elimination Advisory Committee and Working Group. Amends the Illinois Income Tax Act. Modifies requirements concerning the angel investment tax credit. Amends the Film Production Services Tax Credit Act of 2008. Modifies requirements concerning the tax credit created under the Act. Makes conforming and other changes concerning the Department of Commerce and Economic Opportunity. Effective immediately.

LRB102 24773 RJF 34015 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Department of Commerce and Economic  
5 Opportunity Law of the Civil Administrative Code of Illinois  
6 is amended by changing Sections 605-300, 605-615, and 605-680  
7 as follows:

8 (20 ILCS 605/605-300) (was 20 ILCS 605/46.2)

9 Sec. 605-300. Economic and business development plans;  
10 Illinois Business Development Council. ~~(a)~~ Economic  
11 development plans. The Department shall develop a strategic  
12 economic development plan for the State by July 1, 2014. By no  
13 later than July 1, 2015, and by July 1 annually thereafter, the  
14 Department shall make modifications to the plan as  
15 modifications are warranted by changes in economic conditions  
16 or by other factors, including changes in policy. In addition  
17 to the annual modification, the plan shall be reviewed and  
18 redeveloped in full every 5 years. In the development of the  
19 annual economic development plan, the Department shall consult  
20 with representatives of the private sector, other State  
21 agencies, academic institutions, local economic development  
22 organizations, local governments, and not-for-profit  
23 organizations. The annual economic development plan shall set

1 specific, measurable, attainable, relevant, and time-sensitive  
2 goals and shall include a focus on areas of high unemployment  
3 or poverty.

4 The term "economic development" shall be construed broadly  
5 by the Department and may include, but is not limited to, job  
6 creation, job retention, tax base enhancements, development of  
7 human capital, workforce productivity, critical  
8 infrastructure, regional competitiveness, social inclusion,  
9 standard of living, environmental sustainability, energy  
10 independence, quality of life, the effective use of financial  
11 incentives, the utilization of public private partnerships  
12 where appropriate, and other metrics determined by the  
13 Department.

14 The plan shall be based on relevant economic data, focus  
15 on economic development as prescribed by this Section, and  
16 emphasize strategies to retain and create jobs.

17 The plan shall identify and develop specific strategies  
18 for utilizing the assets of regions within the State defined  
19 as counties and municipalities or other political subdivisions  
20 in close geographical proximity that share common economic  
21 traits such as commuting zones, labor market areas, or other  
22 economically integrated characteristics.

23 If the plan includes strategies that have a fiscal impact  
24 on the Department or any other agency, the plan shall include a  
25 detailed description of the estimated fiscal impact of such  
26 strategies.

1 Prior to publishing the plan in its final form, the  
2 Department shall allow for a reasonable time for public input.

3 The Department shall transmit copies of the economic  
4 development plan to the Governor and the General Assembly no  
5 later than July 1, 2014, and by July 1 annually thereafter. The  
6 plan and its corresponding modifications shall be published  
7 and made available to the public in both paper and electronic  
8 media, on the Department's website, and by any other method  
9 that the Department deems appropriate.

10 The Department shall annually submit legislation to  
11 implement the strategic economic development plan or  
12 modifications to the strategic economic development plan to  
13 the Governor, the President and Minority Leader of the Senate,  
14 and the Speaker and the Minority Leader of the House of  
15 Representatives. The legislation shall be in the form of one  
16 or more substantive bills drafted by the Legislative Reference  
17 Bureau.

18 ~~(b) Business development plans; Illinois Business~~  
19 ~~Development Council.~~

20 ~~(1) There is created the Illinois Business Development~~  
21 ~~Council, hereinafter referred to as the Council. The~~  
22 ~~Council shall consist of the Director, who shall serve as~~  
23 ~~co-chairperson, and 12 voting members who shall be~~  
24 ~~appointed by the Governor with the advice and consent of~~  
25 ~~the Senate.~~

26 ~~(A) The voting members of the Council shall~~

1 ~~include one representative from each of the following~~  
2 ~~businesses and groups: small business, coal,~~  
3 ~~healthcare, large manufacturing, small or specialized~~  
4 ~~manufacturing, agriculture, high technology or applied~~  
5 ~~science, local economic development entities, private~~  
6 ~~sector organized labor, a local or state business~~  
7 ~~association or chamber of commerce.~~

8 ~~(B) There shall be 2 at large voting members who~~  
9 ~~reside within areas of high unemployment within~~  
10 ~~counties or municipalities that have had an annual~~  
11 ~~average unemployment rate of at least 120% of the~~  
12 ~~State's annual average unemployment rate as reported~~  
13 ~~by the Department of Employment Security for the 5~~  
14 ~~years preceding the date of appointment.~~

15 ~~(2) All appointments shall be made in a geographically~~  
16 ~~diverse manner.~~

17 ~~(3) For the initial appointments to the Council, 6~~  
18 ~~voting members shall be appointed to serve a 2 year term~~  
19 ~~and 6 voting members shall be appointed to serve a 4 year~~  
20 ~~term. Thereafter, all appointments shall be for terms of 4~~  
21 ~~years. The initial term of voting members shall commence~~  
22 ~~on the first Wednesday in February 2014. Thereafter, the~~  
23 ~~terms of voting members shall commence on the first~~  
24 ~~Wednesday in February, except in the case of an~~  
25 ~~appointment to fill a vacancy. Vacancies occurring among~~  
26 ~~the members shall be filled in the same manner as the~~

1 ~~original appointment for the remainder of the unexpired~~  
2 ~~term. For a vacancy occurring when the Senate is not in~~  
3 ~~session, the Governor may make a temporary appointment~~  
4 ~~until the next meeting of the Senate when a person shall be~~  
5 ~~nominated to fill the office, and, upon confirmation by~~  
6 ~~the Senate, he or she shall hold office during the~~  
7 ~~remainder of the term. A vacancy in membership does not~~  
8 ~~impair the ability of a quorum to exercise all rights and~~  
9 ~~perform all duties of the Council. A member is eligible~~  
10 ~~for reappointment.~~

11 ~~(4) Members shall serve without compensation, but may~~  
12 ~~be reimbursed for necessary expenses incurred in the~~  
13 ~~performance of their duties from funds appropriated for~~  
14 ~~that purpose.~~

15 ~~(5) In addition, the following shall serve as ex~~  
16 ~~officio, non voting members of the Council in order to~~  
17 ~~provide specialized advice and support to the Council: the~~  
18 ~~Secretary of Transportation, or his or her designee; the~~  
19 ~~Director of Employment Security, or his or her designee;~~  
20 ~~the Executive Director of the Illinois Finance Authority,~~  
21 ~~or his or her designee; the Director of Agriculture, or~~  
22 ~~his or her designee; the Director of Revenue, or his or her~~  
23 ~~designee; the Director of Labor, or his or her designee;~~  
24 ~~and the Director of the Environmental Protection Agency,~~  
25 ~~or his or her designee. Ex officio members shall provide~~  
26 ~~staff and technical assistance to the Council when~~

1       ~~appropriate.~~

2           ~~(6) In addition to the Director, the voting members~~  
3       ~~shall elect a co-chairperson.~~

4           ~~(7) The Council shall meet at least twice annually and~~  
5       ~~at such other times as the co-chairpersons or any 5 voting~~  
6       ~~members consider necessary. Seven voting members shall~~  
7       ~~constitute a quorum of the Council.~~

8           ~~(8) The Department shall provide staff assistance to~~  
9       ~~the Council.~~

10          ~~(9) The Council shall provide the Department relevant~~  
11       ~~information in a timely manner pursuant to its duties as~~  
12       ~~enumerated in this Section that can be used by the~~  
13       ~~Department to enhance the State's strategic economic~~  
14       ~~development plan.~~

15          ~~(10) The Council shall:~~

16           ~~(A) Develop an overall strategic business~~  
17       ~~development plan for the State of Illinois and update~~  
18       ~~the plan at least annually; that plan shall include,~~  
19       ~~without limitation, (i) an assessment of the economic~~  
20       ~~development practices of states that border Illinois~~  
21       ~~and (ii) recommendations for best practices with~~  
22       ~~respect to economic development, business incentives,~~  
23       ~~business attraction, and business retention for~~  
24       ~~counties in Illinois that border at least one other~~  
25       ~~state.~~

26           ~~(B) Develop business marketing plans for the State~~

1 ~~of Illinois to effectively solicit new company~~  
2 ~~investment and existing business expansion. Insofar as~~  
3 ~~allowed under the Illinois Procurement Code, and~~  
4 ~~subject to appropriations made by the General Assembly~~  
5 ~~for such purposes, the Council may assist the~~  
6 ~~Department in the procurement of outside vendors to~~  
7 ~~carry out such marketing plans.~~

8 ~~(C) Seek input from local economic development~~  
9 ~~officials to develop specific strategies to~~  
10 ~~effectively link State and local business development~~  
11 ~~and marketing efforts focusing on areas of high~~  
12 ~~unemployment or poverty.~~

13 ~~(D) Provide the Department with advice on~~  
14 ~~strategic business development and business marketing~~  
15 ~~for the State of Illinois.~~

16 ~~(E) Provide the Department research and recommend~~  
17 ~~best practices for developing investment tools for~~  
18 ~~business attraction and retention.~~

19 (Source: P.A. 98-397, eff. 8-16-13; 98-756, eff. 7-16-14;  
20 98-888, eff. 8-15-14.)

21 (20 ILCS 605/605-615) (was 20 ILCS 605/46.19e)

22 Sec. 605-615. Assistance with exports. The Department  
23 shall have the following duties and responsibilities in regard  
24 to the Civil Administrative Code of Illinois:

25 (1) To establish or cosponsor mentoring conferences,



1 utilizing experienced manufacturing exporters, to explain and  
2 provide information to prospective export manufacturers and  
3 businesses concerning the process of exporting to both  
4 domestic and international opportunities.

5 (2) To provide technical assistance to prospective export  
6 manufacturers and businesses seeking to establish domestic and  
7 international export opportunities.

8 (3) To coordinate with the Department's Small Business  
9 Development Centers to link buyers with prospective export  
10 manufacturers and businesses.

11 (4) To promote, both domestically and abroad, products  
12 made in Illinois in order to inform consumers and buyers of  
13 their high quality standards and craftsmanship.

14 (5) To provide technical assistance toward establishment  
15 of export trade corporations in the private sector.

16 (6) To develop an electronic data base to compile  
17 information on international trade and investment activities  
18 in Illinois companies, ~~provide access to research and business~~  
19 ~~opportunities through external data bases, and connect this~~  
20 ~~data base through international communication systems with~~  
21 ~~appropriate domestic and worldwide networks users.~~

22 (7) To collect and distribute to foreign commercial  
23 libraries directories, catalogs, brochures, and other  
24 information of value to foreign businesses considering doing  
25 business in this State.

26 (8) To establish an export finance awareness program to

1 provide information to banking organizations about methods  
2 used by banks to provide financing for businesses engaged in  
3 exporting and about other State and federal programs to  
4 promote and expedite export financing.

5 (9) To undertake a survey of Illinois' businesses to  
6 identify exportable products and the businesses interested in  
7 exporting.

8 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
9 92-16, eff. 6-28-01.)

10 (20 ILCS 605/605-680)

11 Sec. 605-680. Illinois goods and services website.

12 (a) The Department, in consultation with the Department of  
13 Innovation and Technology, must establish and maintain an  
14 Internet website devoted to the marketing of Illinois goods  
15 and services by linking potential purchasers with producers of  
16 goods and services who are located in the State.

17 (b) The Department must, subject to appropriation,  
18 advertise the website to encourage inclusion of producers on  
19 the website and to encourage the use of the website by  
20 potential purchasers.

21 (Source: P.A. 100-611, eff. 7-20-18.)

22 (20 ILCS 605/605-550 rep.)

23 (20 ILCS 605/605-1025 rep.)

24 Section 10. The Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois  
2 is amended by repealing Sections 605-550 and 605-1025.

3 Section 15. The Illinois Main Street Act is amended by  
4 changing Sections 15, 20, 25, and 30 as follows:

5 (20 ILCS 720/15)

6 Sec. 15. Illinois Main Street Program. The Illinois Main  
7 Street Program is created, subject to appropriation, within  
8 the Department. In order to implement the Illinois Main Street  
9 Program, the Department may ~~shall~~ do all of the following:

10 (1) Provide assistance to municipalities designated as  
11 Main Street Communities, municipalities interested in  
12 becoming designated through the program, and businesses,  
13 property owners, organizations, and municipalities  
14 undertaking a comprehensive downtown or neighborhood  
15 commercial district revitalization initiative and  
16 management strategy. Assistance may include, but is not  
17 limited to, initial site evaluations and assessments,  
18 training for local programs, training for local program  
19 staff, site visits and assessments by technical  
20 specialists, local program design assistance and  
21 evaluation, and continued local program on-site  
22 assistance.

23 (2) To the extent funds are made available, provide  
24 financial assistance to municipalities or local

1 organizations to assist in initial downtown or  
2 neighborhood commercial district revitalization program  
3 specialized training, specific project feasibility  
4 studies, market studies, and design assistance.

5 (3) Operate the Illinois Main Street Program in  
6 accordance with the plan developed by the Department.

7 (4) Consider other factors the Department deems  
8 necessary for the implementation of this Act.

9 (Source: P.A. 97-573, eff. 8-25-11.)

10 (20 ILCS 720/20)

11 Sec. 20. Main Street Community designation.

12 (a) The Department may ~~shall~~ adopt criteria for the  
13 designation of a Main Street Community. In establishing the  
14 criteria, the Department shall consider all of the following:

15 (1) The degree of interest and commitment to  
16 comprehensive downtown or neighborhood commercial district  
17 revitalization and, where applicable, historic  
18 preservation by both the public and private sectors.

19 (2) The evidence of potential private sector  
20 investment in the downtown or neighborhood commercial  
21 district.

22 (3) Where applicable, a downtown or neighborhood  
23 commercial district with sufficient historic fabric to  
24 become a foundation for an enhanced community image.

25 (4) The capacity of the organization to undertake a

1 comprehensive program and the financial commitment to  
2 implement a long-term downtown or neighborhood commercial  
3 district revitalization program that includes a commitment  
4 to employ a professional program manager.

5 (5) The National Main Street Center's criteria for  
6 designating official main street municipalities.

7 (6) Other factors the Department deems necessary for  
8 the designation of a local program.

9 (b) Illinois Main Street shall designate local downtown or  
10 neighborhood commercial district revitalization programs and  
11 official local main street programs.

12 (c) The Department must approve all local downtown or  
13 neighborhood commercial district revitalization program  
14 boundaries. The boundaries of a local downtown or neighborhood  
15 commercial district revitalization program are typically  
16 defined using the pedestrian core of a traditional commercial  
17 district.

18 (Source: P.A. 97-573, eff. 8-25-11.)

19 (20 ILCS 720/25)

20 Sec. 25. Illinois Main Street Plan. The Department may  
21 ~~shall~~, in consultation with the Lieutenant Governor, develop a  
22 plan for the Illinois Main Street Program. The plan shall  
23 describe:

24 (1) the objectives and strategies of the Illinois Main  
25 Street Program;

1           (2) how the Illinois Main Street Program will be  
2           coordinated with existing federal, state, local, and  
3           private sector business development and historic  
4           preservation efforts;

5           (3) the means by which private investment will be  
6           solicited and employed;

7           (4) the methods of selecting and providing assistance  
8           to participating local programs; and

9           (5) a means to solicit private contributions for State  
10          and local operations of the Illinois Main Street Program.

11         (Source: P.A. 97-573, eff. 8-25-11.)

12         (20 ILCS 720/30)

13         Sec. 30. Role of the Lieutenant Governor. The Lieutenant  
14         Governor shall, subject to appropriation, be the Ambassador of  
15         the Illinois Main Street Program. The Department shall,  
16         subject to appropriation, advise and consult with the  
17         Lieutenant Governor on the activities of the Illinois Main  
18         Street Program. The Lieutenant Governor, with the assistance  
19         of the Department, shall, subject to appropriation, promote  
20         and encourage the success of the Illinois Main Street Program.

21         (Source: P.A. 97-573, eff. 8-25-11.)

22         Section 20. The Outdoor Recreation Resources Act is  
23         amended by changing Sections 2 and 2a as follows:

1 (20 ILCS 860/2) (from Ch. 105, par. 532)

2 Sec. 2. The Department of Natural Resources is authorized  
3 to have prepared, ~~with the Department of Commerce and Economic~~  
4 ~~Opportunity,~~ and to maintain and keep up-to-date a  
5 comprehensive plan for the development of the outdoor  
6 recreation resources of the State.

7 (Source: P.A. 94-793, eff. 5-19-06.)

8 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

9 Sec. 2a. The Department of Natural Resources is authorized  
10 to have prepared ~~with the Department of Commerce and Economic~~  
11 ~~Opportunity~~ and to maintain and keep up to date a  
12 comprehensive plan for the preservation of the historically  
13 significant properties and interests of the State.

14 (Source: P.A. 100-695, eff. 8-3-18; 101-81, eff. 7-12-19.)

15 (20 ILCS 3953/15 rep.)

16 (20 ILCS 3953/20 rep.)

17 Section 25. The Government Buildings Energy Cost Reduction  
18 Act of 1991 is amended by repealing Sections 15 and 20.

19 Section 30. The Opportunities for At-Risk Women Act is  
20 amended by changing Section 15 and by adding Section 20 as  
21 follows:

22 (20 ILCS 5075/15)

1           Sec. 15. Annual report. On or before January 1, 2023 ~~2018,~~  
2 ~~and on or before January 1 of each year thereafter,~~ the Task  
3 Force shall report to the Governor and the General Assembly on  
4 its activities and shall include any recommendations for  
5 legislation or rulemaking to facilitate its work in the  
6 targeted areas of assistance and outsourcing.

7 (Source: P.A. 99-416, eff. 1-1-16; 100-295, eff. 8-24-17.)

8 (20 ILCS 5075/20 new)

9 Sec. 20. Repeal. This Act is repealed on January 1, 2023.

10           Section 35. The Eliminate the Digital Divide Law is  
11 amended by changing Section 5-30 as follows:

12 (30 ILCS 780/5-30)

13 Sec. 5-30. Community Technology Center Grant Program.

14 (a) Subject to appropriation, the Department shall  
15 administer the Community Technology Center Grant Program under  
16 which the Department shall make grants in accordance with this  
17 Article for planning, establishment, administration, and  
18 expansion of Community Technology Centers and for assisting  
19 public hospitals, libraries, and park districts in eliminating  
20 the digital divide. The purposes of the grants shall include,  
21 but not be limited to, volunteer recruitment and management,  
22 training and instruction, infrastructure, and related goods  
23 and services, including case management, administration,



1 personal information management, and outcome-tracking tools  
2 and software for the purposes of reporting to the Department  
3 and for enabling participation in digital government and  
4 consumer services programs, for Community Technology Centers  
5 and public hospitals, libraries, and park districts. No  
6 Community Technology Center may receive a grant of more than  
7 \$75,000 under this Section in a particular fiscal year.

8 (b) Public hospitals, libraries, park districts, and State  
9 educational agencies, local educational agencies, institutions  
10 of higher education, senior citizen homes, and other public  
11 and private nonprofit or for-profit agencies and organizations  
12 are eligible to receive grants under this Program, provided  
13 that a local educational agency or public or private  
14 educational agency or organization must, in order to be  
15 eligible to receive grants under this Program, provide  
16 computer access and educational services using information  
17 technology to the public at one or more of its educational  
18 buildings or facilities at least 12 hours each week. A group of  
19 eligible entities is also eligible to receive a grant if the  
20 group follows the procedures for group applications in 34 CFR  
21 75.127-129 of the Education Department General Administrative  
22 Regulations.

23 To be eligible to apply for a grant, a Community  
24 Technology Center must serve a community in which not less  
25 than 40% of the students are eligible for a free or reduced  
26 price lunch under the national school lunch program or in

1 which not less than 30% of the students are eligible for a free  
2 lunch under the national school lunch program; however, if  
3 funding is insufficient to approve all grant applications for  
4 a particular fiscal year, the Department may impose a higher  
5 minimum percentage threshold for that fiscal year.  
6 Determinations of communities and determinations of the  
7 percentage of students in a community who are eligible for a  
8 free or reduced price lunch under the national school lunch  
9 program shall be in accordance with rules adopted by the  
10 Department.

11 Any entities that have received a Community Technology  
12 Center grant under the federal Community Technology Centers  
13 Program are also eligible to apply for grants under this  
14 Program.

15 The Department shall provide assistance to Community  
16 Technology Centers in making those determinations for purposes  
17 of applying for grants.

18 The Department shall encourage Community Technology  
19 Centers to participate in public and private computer hardware  
20 equipment recycling initiatives that provide computers at  
21 reduced or no cost to low-income families, including programs  
22 authorized by the State Property Control Act. On an annual  
23 basis, the Department must provide the Director of Central  
24 Management Services with a list of Community Technology  
25 Centers that have applied to the Department for funding as  
26 potential recipients of surplus State-owned computer hardware

1 equipment under programs authorized by the State Property  
2 Control Act.

3 (c) Grant applications shall be submitted to the  
4 Department on a schedule of one or more deadlines established  
5 by the Department by rule.

6 (d) The Department shall adopt rules setting forth the  
7 required form and contents of grant applications.

8 (e) (Blank). ~~There is created the Digital Divide~~  
9 ~~Elimination Advisory Committee. The advisory committee shall~~  
10 ~~consist of 7 members appointed one each by the Governor, the~~  
11 ~~President of the Senate, the Senate Minority Leader, the~~  
12 ~~Speaker of the House, and the House Minority Leader, and 2~~  
13 ~~appointed by the Director of Commerce and Economic~~  
14 ~~Opportunity, one of whom shall be a representative of the~~  
15 ~~telecommunications industry and one of whom shall represent~~  
16 ~~community technology centers. The members of the advisory~~  
17 ~~committee shall receive no compensation for their services as~~  
18 ~~members of the advisory committee but may be reimbursed for~~  
19 ~~their actual expenses incurred in serving on the advisory~~  
20 ~~committee. The Digital Divide Elimination Advisory Committee~~  
21 ~~shall advise the Department in establishing criteria and~~  
22 ~~priorities for identifying recipients of grants under this~~  
23 ~~Act. The advisory committee shall obtain advice from the~~  
24 ~~technology industry regarding current technological standards.~~  
25 ~~The advisory committee shall seek any available federal~~  
26 ~~funding.~~

1           (f) (Blank). ~~There is created the Digital Divide~~  
2 ~~Elimination Working Group. The Working Group shall consist of~~  
3 ~~the Director of Commerce and Economic Opportunity, or his or~~  
4 ~~her designee, the Director of Central Management Services, or~~  
5 ~~his or her designee, and the Executive Director of the~~  
6 ~~Illinois Commerce Commission, or his or her designee. The~~  
7 ~~Director of Commerce and Economic Opportunity, or his or her~~  
8 ~~designee, shall serve as chair of the Working Group. The~~  
9 ~~Working Group shall consult with the members of the Digital~~  
10 ~~Divide Elimination Advisory Committee and may consult with~~  
11 ~~various groups including, but not limited to,~~  
12 ~~telecommunications providers, telecommunications related~~  
13 ~~technology producers and service providers, community~~  
14 ~~technology providers, community and consumer organizations,~~  
15 ~~businesses and business organizations, and federal government~~  
16 ~~agencies.~~

17           (g) Duties of the Digital Divide Elimination Working Group  
18 include all of the following:

19           (1) Undertaking a thorough review of grant programs  
20 available through the federal government, local agencies,  
21 telecommunications providers, and business and charitable  
22 entities for the purpose of identifying appropriate  
23 sources of revenues for the Digital Divide Elimination  
24 Fund and attempting to update available grants on a  
25 regular basis.

26           (2) Researching and cataloging programs designed to

1 advance digital literacy and computer access that are  
2 available through the federal government, local agencies,  
3 telecommunications providers, and business and charitable  
4 entities and attempting to update available programs on a  
5 regular basis.

6 (3) Presenting the information compiled from items (1)  
7 and (2) to the Department of Commerce and Economic  
8 Opportunity, which shall serve as a single point of  
9 contact for applying for funding for the Digital Divide  
10 Elimination Fund and for distributing information to the  
11 public regarding all programs designed to advance digital  
12 literacy and computer access.

13 (Source: P.A. 94-734, eff. 4-28-06; 95-740, eff. 1-1-09.)

14 Section 40. The Illinois Income Tax Act is amended by  
15 changing Section 220 as follows:

16 (35 ILCS 5/220)

17 Sec. 220. Angel investment credit.

18 (a) As used in this Section:

19 "Applicant" means a corporation, partnership, limited  
20 liability company, or a natural person that makes an  
21 investment in a qualified new business venture. The term  
22 "applicant" does not include (i) a corporation, partnership,  
23 limited liability company, or a natural person who has a  
24 direct or indirect ownership interest of at least 51% in the

1 profits, capital, or value of the qualified new business  
2 venture receiving the investment or (ii) a related member.

3 "Claimant" means an applicant certified by the Department  
4 who files a claim for a credit under this Section.

5 "Department" means the Department of Commerce and Economic  
6 Opportunity.

7 "Investment" means money (or its equivalent) given to a  
8 qualified new business venture, at a risk of loss, in  
9 consideration for an equity interest of the qualified new  
10 business venture. The Department may adopt rules to permit  
11 certain forms of contingent equity investments to be  
12 considered eligible for a tax credit under this Section.

13 "Qualified new business venture" means a business that is  
14 registered with the Department under this Section.

15 "Related member" means a person that, with respect to the  
16 applicant, is any one of the following:

17 (1) An individual, if the individual and the members  
18 of the individual's family (as defined in Section 318 of  
19 the Internal Revenue Code) own directly, indirectly,  
20 beneficially, or constructively, in the aggregate, at  
21 least 50% of the value of the outstanding profits,  
22 capital, stock, or other ownership interest in the  
23 qualified new business venture that is the recipient of  
24 the applicant's investment.

25 (2) A partnership, estate, or trust and any partner or  
26 beneficiary, if the partnership, estate, or trust and its

1 partners or beneficiaries own directly, indirectly,  
2 beneficially, or constructively, in the aggregate, at  
3 least 50% of the profits, capital, stock, or other  
4 ownership interest in the qualified new business venture  
5 that is the recipient of the applicant's investment.

6 (3) A corporation, and any party related to the  
7 corporation in a manner that would require an attribution  
8 of stock from the corporation under the attribution rules  
9 of Section 318 of the Internal Revenue Code, if the  
10 applicant and any other related member own, in the  
11 aggregate, directly, indirectly, beneficially, or  
12 constructively, at least 50% of the value of the  
13 outstanding stock of the qualified new business venture  
14 that is the recipient of the applicant's investment.

15 (4) A corporation and any party related to that  
16 corporation in a manner that would require an attribution  
17 of stock from the corporation to the party or from the  
18 party to the corporation under the attribution rules of  
19 Section 318 of the Internal Revenue Code, if the  
20 corporation and all such related parties own, in the  
21 aggregate, at least 50% of the profits, capital, stock, or  
22 other ownership interest in the qualified new business  
23 venture that is the recipient of the applicant's  
24 investment.

25 (5) A person to or from whom there is attribution of  
26 ownership of stock in the qualified new business venture

1           that is the recipient of the applicant's investment in  
2           accordance with Section 1563(e) of the Internal Revenue  
3           Code, except that for purposes of determining whether a  
4           person is a related member under this paragraph, "20%"  
5           shall be substituted for "5%" whenever "5%" appears in  
6           Section 1563(e) of the Internal Revenue Code.

7           (b) For taxable years beginning after December 31, 2010,  
8           and ending on or before December 31, 2026, subject to the  
9           limitations provided in this Section, a claimant may claim, as  
10          a credit against the tax imposed under subsections (a) and (b)  
11          of Section 201 of this Act, an amount equal to 25% of the  
12          claimant's investment made directly in a qualified new  
13          business venture. In order for an investment in a qualified  
14          new business venture to be eligible for tax credits, the  
15          business must have applied for and received certification  
16          under subsection (e) for the taxable year in which the  
17          investment was made prior to the date on which the investment  
18          was made. The credit under this Section may not exceed the  
19          taxpayer's Illinois income tax liability for the taxable year.  
20          If the amount of the credit exceeds the tax liability for the  
21          year, the excess may be carried forward and applied to the tax  
22          liability of the 5 taxable years following the excess credit  
23          year. The credit shall be applied to the earliest year for  
24          which there is a tax liability. If there are credits from more  
25          than one tax year that are available to offset a liability, the  
26          earlier credit shall be applied first. In the case of a



1 partnership or Subchapter S Corporation, the credit is allowed  
2 to the partners or shareholders in accordance with the  
3 determination of income and distributive share of income under  
4 Sections 702 and 704 and Subchapter S of the Internal Revenue  
5 Code.

6 (c) The minimum amount an applicant must invest in any  
7 single qualified new business venture in order to be eligible  
8 for a credit under this Section is \$10,000. The maximum amount  
9 of an applicant's total investment made in any single  
10 qualified new business venture that may be used as the basis  
11 for a credit under this Section is \$2,000,000.

12 (d) The Department shall implement a program to certify an  
13 applicant for an angel investment credit. Upon satisfactory  
14 review, the Department shall issue a tax credit certificate  
15 stating the amount of the tax credit to which the applicant is  
16 entitled. The Department shall annually certify that: (i) each  
17 qualified new business venture that receives an angel  
18 investment after January 1, 2018 under this Section has  
19 maintained a minimum employment threshold, as defined by rule,  
20 in the State (and continues to maintain a minimum employment  
21 threshold in the State for a period of no less than 3 years  
22 from the issue date of the last tax credit certificate issued  
23 by the Department with respect to such business pursuant to  
24 this Section); and (ii) the claimant's investment has been  
25 made and remains, except in the event of a qualifying  
26 liquidity event, in the qualified new business venture for no

1 less than 3 years.

2 If an investment for which a claimant is allowed a credit  
3 under subsection (b) is held by the claimant for less than 3  
4 years, other than as a result of a permitted sale of the  
5 investment to person who is not a related member, the claimant  
6 shall pay to the Department of Revenue, in the manner  
7 prescribed by the Department of Revenue, the aggregate amount  
8 of the disqualified credits that the claimant received related  
9 to the subject investment.

10 If the Department determines that a qualified new business  
11 venture failed to maintain a minimum employment threshold in  
12 the State through the date which is 3 years from the issue date  
13 of the last tax credit certificate issued by the Department  
14 with respect to the subject business pursuant to this Section,  
15 the claimant or claimants shall pay to the Department of  
16 Revenue, in the manner prescribed by the Department of  
17 Revenue, the aggregate amount of the disqualified credits that  
18 claimant or claimants received related to investments in that  
19 business.

20 (e) The Department shall implement a program to register  
21 qualified new business ventures for purposes of this Section.  
22 A business desiring registration under this Section shall be  
23 required to submit a full and complete application to the  
24 Department. A submitted application shall be effective only  
25 for the taxable year in which it is submitted, and a business  
26 desiring registration under this Section shall be required to

1 submit a separate application in and for each taxable year for  
2 which the business desires registration. Further, if at any  
3 time prior to the acceptance of an application for  
4 registration under this Section by the Department one or more  
5 events occurs which makes the information provided in that  
6 application materially false or incomplete (in whole or in  
7 part), the business shall promptly notify the Department of  
8 the same. Any failure of a business to promptly provide the  
9 foregoing information to the Department may, at the discretion  
10 of the Department, result in a revocation of a previously  
11 approved application for that business, or disqualification of  
12 the business from future registration under this Section, or  
13 both. The Department may register the business only if all of  
14 the following conditions are satisfied:

15 (1) it has its principal place of business in this  
16 State;

17 (2) at least 51% of the employees employed by the  
18 business are employed in this State;

19 (3) the business has the potential for increasing jobs  
20 in this State, increasing capital investment in this  
21 State, or both, as determined by the Department, and  
22 either of the following apply:

23 (A) it is principally engaged in innovation in any  
24 of the following: manufacturing; biotechnology;  
25 nanotechnology; communications; agricultural  
26 sciences; clean energy creation or storage technology;

1 processing or assembling products, including medical  
2 devices, pharmaceuticals, computer software, computer  
3 hardware, semiconductors, other innovative technology  
4 products, or other products that are produced using  
5 manufacturing methods that are enabled by applying  
6 proprietary technology; or providing services that are  
7 enabled by applying proprietary technology; or

8 (B) it is undertaking pre-commercialization  
9 activity related to proprietary technology that  
10 includes conducting research, developing a new product  
11 or business process, or developing a service that is  
12 principally reliant on applying proprietary  
13 technology;

14 (4) it is not principally engaged in real estate  
15 development, insurance, banking, lending, lobbying,  
16 political consulting, professional services provided by  
17 attorneys, accountants, business consultants, physicians,  
18 or health care consultants, wholesale or retail trade,  
19 leisure, hospitality, transportation, or construction,  
20 except construction of power production plants that derive  
21 energy from a renewable energy resource, as defined in  
22 Section 1 of the Illinois Power Agency Act;

23 (5) at the time it is first certified:

24 (A) it has fewer than 100 employees;

25 (B) it has been in operation in Illinois for not  
26 more than 10 consecutive years prior to the year of

1 certification; and

2 (C) it has received not more than \$10,000,000 in  
3 aggregate investments;

4 (5.1) it agrees to maintain a minimum employment  
5 threshold in the State of Illinois prior to the date which  
6 is 3 years from the issue date of the last tax credit  
7 certificate issued by the Department with respect to that  
8 business pursuant to this Section;

9 (6) (blank); and

10 (7) it has received not more than \$4,000,000 in  
11 investments that qualified for tax credits under this  
12 Section.

13 (f) The Department, in consultation with the Department of  
14 Revenue, shall adopt rules to administer this Section. The  
15 aggregate amount of the tax credits that may be claimed under  
16 this Section for investments made in qualified new business  
17 ventures shall be limited at \$10,000,000 per calendar year, of  
18 which \$500,000 shall be reserved for investments made in  
19 qualified new business ventures which are minority-owned  
20 businesses, women-owned businesses, or businesses owned by a  
21 person with a disability (as those terms are used and defined  
22 in the Business Enterprise for Minorities, Women, and Persons  
23 with Disabilities Act), and an additional \$500,000 shall be  
24 reserved for investments made in qualified new business  
25 ventures with their principal place of business in counties  
26 with a population of not more than 250,000. The foregoing

1 annual allowable amounts shall be allocated by the Department,  
2 on a per calendar quarter basis and prior to the commencement  
3 of each calendar year, in such proportion as determined by the  
4 Department, provided that: (i) the amount initially allocated  
5 by the Department for any one calendar quarter shall not  
6 exceed 35% of the total allowable amount; (ii) any portion of  
7 the allocated allowable amount remaining unused as of the end  
8 of any of the first 3 calendar quarters of a given calendar  
9 year shall be rolled into, and added to, the total allocated  
10 amount for the next available calendar quarter; and (iii) the  
11 reservation of tax credits for investments in minority-owned  
12 businesses, women-owned businesses, businesses owned by a  
13 person with a disability, and in businesses in counties with a  
14 population of not more than 250,000 is limited to the first 3  
15 calendar quarters of a given calendar year, after which they  
16 may be claimed by investors in any qualified new business  
17 venture.

18 (g) A claimant may not sell or otherwise transfer a credit  
19 awarded under this Section to another person.

20 (h) On or before March 1 of each year, the Department shall  
21 report to the Governor and to the General Assembly on the tax  
22 credit certificates awarded under this Section for the prior  
23 calendar year.

24 (1) This report must include, for each tax credit  
25 certificate awarded:

26 (A) the name of the claimant and the amount of

1 credit awarded or allocated to that claimant;

2 (B) the name and address (including the county) of  
3 the qualified new business venture that received the  
4 investment giving rise to the credit, the North  
5 American Industry Classification System (NAICS) code  
6 applicable to that qualified new business venture, and  
7 the number of employees of the qualified new business  
8 venture; and

9 (C) the date of approval by the Department of each  
10 claimant's tax credit certificate.

11 (2) The report must also include:

12 (A) the total number of applicants and the total  
13 number of claimants, including the amount of each tax  
14 credit certificate awarded to a claimant under this  
15 Section in the prior calendar year;

16 (B) the total number of applications from  
17 businesses seeking registration under this Section,  
18 the total number of new qualified business ventures  
19 registered by the Department, and the aggregate amount  
20 of investment upon which tax credit certificates were  
21 issued in the prior calendar year; and

22 (C) the total amount of tax credit certificates  
23 sought by applicants, the amount of each tax credit  
24 certificate issued to a claimant, the aggregate amount  
25 of all tax credit certificates issued in the prior  
26 calendar year and the aggregate amount of tax credit

1 certificates issued as authorized under this Section  
2 for all calendar years.

3 (i) For each business seeking registration under this  
4 Section after December 31, 2016, the Department shall require  
5 the business to include in its application the North American  
6 Industry Classification System (NAICS) code applicable to the  
7 business and the number of employees of the business at the  
8 time of application. Each business registered by the  
9 Department as a qualified new business venture that receives  
10 an investment giving rise to the issuance of a tax credit  
11 certificate pursuant to this Section shall, for each of the 3  
12 years following the issue date of the last tax credit  
13 certificate issued by the Department with respect to such  
14 business pursuant to this Section, report to the Department  
15 the following:

16 (1) the number of employees and the location at which  
17 those employees are employed, both as of the end of each  
18 year;

19 (2) the amount of additional new capital investment  
20 raised as of the end of each year, if any; and

21 (3) the terms of any liquidity event occurring during  
22 such year; for the purposes of this Section, a "liquidity  
23 event" means any event that would be considered an exit  
24 for an illiquid investment, including any event that  
25 allows the equity holders of the business (or any material  
26 portion thereof) to cash out some or all of their



1           respective equity interests.

2           (Source: P.A. 101-81, eff. 7-12-19; 102-16, eff. 6-17-21.)

3           Section 45. The Film Production Services Tax Credit Act of  
4           2008 is amended by changing Section 45 as follows:

5           (35 ILCS 16/45)

6           Sec. 45. Evaluation of tax credit program; reports to the  
7           General Assembly.

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

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

20                 (1) the economic impact of the tax credit program,  
21                 including the number of jobs created and retained,  
22                 including whether the job positions are above-the-line,  
23                 below-the-line, or extras ~~entry level, management,~~  
24                 ~~talent related, vendor related, or production related;~~

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

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

9           (c) At the end of each fiscal year, the Department must  
10 submit to the General Assembly a report that includes the  
11 following information:

12           (1) an identification of each vendor that provided  
13 goods or services that were included in an accredited  
14 production's Illinois production spending, provided that  
15 the accredited production's Illinois production spending  
16 attributable to that vendor exceeds, in the aggregate,  
17 \$10,000 or 10% of the accredited production's Illinois  
18 production spending, whichever is less;

19           (2) the amount paid to each identified vendor by the  
20 accredited production;

21           (3) for each identified vendor, a statement as to  
22 whether the vendor is a minority-owned business or a  
23 women-owned business, as defined under Section 2 of the  
24 Business Enterprise for Minorities, Women, and Persons  
25 with Disabilities Act, based on the best efforts of an  
26 accredited production; and

1           (4) a description of any steps taken by the Department  
2           to encourage accredited productions to use vendors who are  
3           a minority-owned business or a women-owned business.  
4           (Source: P.A. 100-391, eff. 8-25-17; 100-603, eff. 7-13-18;  
5           101-81, eff. 7-12-19.)

6           Section 50. The Southwestern Illinois Metropolitan and  
7           Regional Planning Act is amended by changing Section 35 as  
8           follows:

9           (70 ILCS 1710/35) (from Ch. 85, par. 1185)

10          Sec. 35. At the close of each fiscal year, the Commission  
11          shall prepare a complete report of its receipts and  
12          expenditures during the fiscal year. A copy of this report  
13          shall be filed with the Governor and with the treasurer of each  
14          county included in the Metropolitan and Regional Counties  
15          Area. In addition, on or before December 31 of each even  
16          numbered year, the Commission shall prepare ~~jointly with the~~  
17          ~~Department of Commerce and Economic Opportunity,~~ a report of  
18          its activities during the biennium indicating how its funds  
19          were expended, indicating the amount of the appropriation  
20          requested for the next biennium and explaining how the  
21          appropriation will be utilized to carry out its  
22          responsibilities. A copy of this report shall be filed with  
23          the Governor, the Senate and the House of Representatives.  
24          (Source: P.A. 94-793, eff. 5-19-06.)

1 Section 55. The Illinois Groundwater Protection Act is  
2 amended by changing Section 4 as follows:

3 (415 ILCS 55/4) (from Ch. 111 1/2, par. 7454)

4 Sec. 4. (a) There shall be established within State  
5 government an interagency committee which shall be known as  
6 the Interagency Coordinating Committee on Groundwater. The  
7 Committee shall be composed of the Director, or his designee,  
8 of the following agencies:

9 (1) The Illinois Environmental Protection Agency, who  
10 shall chair the Committee.

11 (2) The Illinois Department of Natural Resources.

12 (3) The Illinois Department of Public Health.

13 (4) The Office of Mines and Minerals within the  
14 Department of Natural Resources.

15 (5) The Office of the State Fire Marshal.

16 (6) The Division of Water Resources of the Department  
17 of Natural Resources.

18 (7) The Illinois Department of Agriculture.

19 (8) The Illinois Emergency Management Agency.

20 (9) The Illinois Department of Nuclear Safety.

21 ~~(10) The Illinois Department of Commerce and Economic~~  
22 ~~Opportunity.~~

23 (b) The Committee shall meet not less than twice each  
24 calendar year and shall:

1           (1) Review and coordinate the State's policy on  
2 groundwater protection.

3           (2) Review and evaluate State laws, regulations and  
4 procedures that relate to groundwater protection.

5           (3) Review and evaluate the status of the State's  
6 efforts to improve the quality of the groundwater and of  
7 the State enforcement efforts for protection of the  
8 groundwater and make recommendations on improving the  
9 State efforts to protect the groundwater.

10          (4) Recommend procedures for better coordination among  
11 State groundwater programs and with local programs related  
12 to groundwater protection.

13          (5) Review and recommend procedures to coordinate the  
14 State's response to specific incidents of groundwater  
15 pollution and coordinate dissemination of information  
16 between agencies responsible for the State's response.

17          (6) Make recommendations for and prioritize the  
18 State's groundwater research needs.

19          (7) Review, coordinate and evaluate groundwater data  
20 collection and analysis.

21          (8) Beginning on January 1, 1990, report biennially to  
22 the Governor and the General Assembly on groundwater  
23 quality, quantity, and the State's enforcement efforts.

24          (c) The Chairman of the Committee shall propose a  
25 groundwater protection regulatory agenda for consideration by  
26 the Committee and the Council. The principal purpose of the

1 agenda shall be to systematically consider the groundwater  
2 protection aspects of relevant federal and State regulatory  
3 programs and to identify any areas where improvements may be  
4 warranted. To the extent feasible, the agenda may also serve  
5 to facilitate a more uniform and coordinated approach toward  
6 protection of groundwaters in Illinois. Upon adoption of the  
7 final agenda by the Committee, the Chairman of the Committee  
8 shall assign a lead agency and any support agencies to prepare  
9 a regulatory assessment report for each item on the agenda.  
10 Each regulatory assessment report shall specify the nature of  
11 the groundwater protection provisions being implemented and  
12 shall evaluate the results achieved therefrom. Special  
13 attention shall be given to any preventive measures being  
14 utilized for protection of groundwaters. The reports shall be  
15 completed in a timely manner. After review and consideration  
16 by the Committee, the reports shall become the basis for  
17 recommending further legislative or regulatory action.

18 (d) No later than January 1, 1992, the Interagency  
19 Coordinating Committee on Groundwater shall provide a  
20 comprehensive status report to the Governor and the General  
21 Assembly concerning implementation of this Act.

22 (e) The Committee shall consider findings and  
23 recommendations that are provided by the Council, and respond  
24 in writing regarding such matters. The Chairman of the  
25 Committee shall designate a liaison person to serve as a  
26 facilitator of communications with the Council.

1 (Source: P.A. 94-793, eff. 5-19-06.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.

## 1 INDEX

## 2 Statutes amended in order of appearance

3 20 ILCS 605/605-300 was 20 ILCS 605/46.2  
4 20 ILCS 605/605-615 was 20 ILCS 605/46.19e  
5 20 ILCS 605/605-680  
6 20 ILCS 605/605-550 rep.  
7 20 ILCS 605/605-1025 rep.  
8 20 ILCS 720/15  
9 20 ILCS 720/20  
10 20 ILCS 720/25  
11 20 ILCS 720/30  
12 20 ILCS 860/2 from Ch. 105, par. 532  
13 20 ILCS 860/2a from Ch. 105, par. 532a  
14 20 ILCS 3953/15 rep.  
15 20 ILCS 3953/20 rep.  
16 20 ILCS 5075/15  
17 20 ILCS 5075/20 new  
18 30 ILCS 780/5-30  
19 35 ILCS 5/220  
20 35 ILCS 16/45  
21 70 ILCS 1710/35 from Ch. 85, par. 1185  
22 415 ILCS 55/4 from Ch. 111 1/2, par. 7454