



Sen. Celina Villanueva

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1 AMENDMENT TO SENATE BILL 3806

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3806, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Income Tax Act is amended by  
6 changing Section 213 as follows:

7 (35 ILCS 5/213)

8 Sec. 213. Film production services credit.

9 (a) For tax years beginning on or after January 1, 2004, a  
10 taxpayer who has been awarded a tax credit under the Film  
11 Production Services Tax Credit Act or under the Film  
12 Production Services Tax Credit Act of 2008 is entitled to a  
13 credit against the taxes imposed under subsections (a) and (b)  
14 of Section 201 of this Act in an amount determined by the  
15 Department of Commerce and Economic Opportunity under those  
16 Acts. If the taxpayer is a partnership or Subchapter S

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

5 (b) Beginning July 1, 2024, taxpayers who have been  
6 awarded a tax credit under the Film Production Services Tax  
7 Credit Act of 2008 shall pay to the Department of Commerce and  
8 Economic Opportunity, after determination of the tax credit  
9 amount but prior to the issuance of a tax credit certificate  
10 pursuant to Section 35 of the Film Production Services Tax  
11 Credit Act of 2008, a fee equal to 2.5% of the credit amount  
12 awarded to the taxpayer under the Film Production Services Tax  
13 Credit Act of 2008 that is attributable to wages paid to  
14 nonresidents, as described in Section 10 of the Film  
15 Production Services Tax Credit Act of 2008, and an additional  
16 fee equal to 0.25% of the amount generated by subtracting the  
17 credit amount awarded to the taxpayer under the Film  
18 Production Services Tax Credit Act of 2008 that is  
19 attributable to wages paid to nonresidents from the total  
20 credit amount awarded to the taxpayer under that Act. All fees  
21 collected under this subsection shall be deposited into the  
22 Illinois Production Workforce Development Fund. No tax credit  
23 certificate shall be issued by the Department of Commerce and  
24 Economic Opportunity until the total fees owed according to  
25 this subsection have been received by the Department of  
26 Commerce and Economic Opportunity.

1       (c) A transfer of this credit may be made by the taxpayer  
2 earning the credit within one year after the credit is awarded  
3 in accordance with rules adopted by the Department of Commerce  
4 and Economic Opportunity. Beginning July 1, 2023 and through  
5 June 30, 2024, if a credit is transferred under this Section by  
6 the taxpayer, then the transferor taxpayer shall pay to the  
7 Department of Commerce and Economic Opportunity, upon  
8 notification of a transfer, a fee equal to 2.5% of the  
9 transferred credit amount eligible for nonresident wages, as  
10 described in Section 10 of the Film Production Services Tax  
11 Credit Act of 2008, and an additional fee of 0.25% of the total  
12 amount of the transferred credit that is not calculated on  
13 nonresident wages, which shall be deposited into the Illinois  
14 Production Workforce Development Fund.

15       (d) The Department, in cooperation with the Department of  
16 Commerce and Economic Opportunity, must prescribe rules to  
17 enforce and administer the provisions of this Section. This  
18 Section is exempt from the provisions of Section 250 of this  
19 Act.

20       (e) The credit may not be carried back. If the amount of  
21 the credit exceeds the tax liability for the year, the excess  
22 may be carried forward and applied to the tax liability of the  
23 5 taxable years following the excess credit year. The credit  
24 shall be applied to the earliest year for which there is a tax  
25 liability. If there are credits from more than one tax year  
26 that are available to offset a liability, the earlier credit

1 shall be applied first. In no event shall a credit under this  
2 Section reduce the taxpayer's liability to less than zero.

3 (Source: P.A. 102-700, eff. 4-19-22.)

4 Section 10. The Film Production Services Tax Credit Act of  
5 2008 is amended by changing Section 46 as follows:

6 (35 ILCS 16/46)

7 Sec. 46. Illinois Production Workforce Development Fund.

8 (a) The Illinois Production Workforce Development Fund is  
9 created as a special fund in the State Treasury. Beginning  
10 July 1, 2023 ~~July 1, 2022~~, amounts paid to the Department of  
11 Commerce and Economic Opportunity pursuant to Section 213 of  
12 the Illinois Income Tax Act shall be deposited into the Fund.  
13 The Fund shall be used exclusively to provide grants to  
14 community-based organizations, labor organizations, private  
15 and public universities, community colleges, and other  
16 organizations and institutions that may be deemed appropriate  
17 by the Department to administer workforce training programs  
18 that support efforts to recruit, hire, promote, retain,  
19 develop, and train a diverse and inclusive workforce in the  
20 film industry.

21 (b) Pursuant to Section 213 of the Illinois Income Tax  
22 Act, taxpayers who have been awarded a tax credit under this  
23 Act shall pay to the Department of Commerce and Economic  
24 Opportunity, after determination of the tax credit amount but

1 prior to the issuance of a tax credit certificate, a fee equal  
2 to 2.5% of the credit amount awarded to the taxpayer under the  
3 Film Production Services Tax Credit Act of 2008 that is  
4 attributable to wages paid to nonresidents, as described in  
5 Section 10 of the Film Production Services Tax Credit Act of  
6 2008, and an additional fee equal to 0.25% of the amount  
7 generated by subtracting the credit amount awarded to the  
8 taxpayer under the Film Production Services Tax Credit Act of  
9 2008 that is attributable to wages paid to nonresidents from  
10 the total credit amount awarded to the taxpayer under that  
11 Act. All fees collected under this subsection shall be  
12 deposited into the Illinois Production Workforce Development  
13 Fund. No tax credit certificate shall be issued by the  
14 Department of Commerce and Economic Opportunity until the  
15 total fees owed according to this subsection have been  
16 received by the Department of Commerce and Economic  
17 Opportunity. the Fund shall receive deposits in amounts not to  
18 exceed 0.25% of the amount of each credit certificate issued  
19 that is not calculated on out of state wages and transferred  
20 or claimed on an Illinois tax return in the quarter such credit  
21 was transferred or claimed. In addition, such amount shall  
22 also include 2.5% of the credit amount calculated on wages  
23 paid to nonresidents that is transferred or claimed on an  
24 Illinois tax return in the quarter such credit was transferred  
25 or claimed.

26 (c) At the request of the Department, the State

1 Comptroller and the State Treasurer may advance amounts to the  
2 Fund on an annual basis not to exceed \$1,000,000 in any fiscal  
3 year. The fund from which the moneys are advanced shall be  
4 reimbursed in the same fiscal year for any such advance  
5 payments as described in this Section. The method of  
6 reimbursement shall be set forth in rules.

7 (d) Of the appropriated funds in a given fiscal year, 50%  
8 of the appropriated funds shall be reserved for organizations  
9 that meet one of the following criteria. The organization is:

10 (1) a minority-owned business, as defined by the Business  
11 Enterprise for Minorities, Women, and Persons with  
12 Disabilities Act; (2) located in an underserved area, as  
13 defined by the Economic Development for a Growing Economy Tax  
14 Credit Act; or (3) on an annual basis, training a cohort of  
15 program participants where at least 50% of the program  
16 participants are either a minority person, as defined by the  
17 Business Enterprise for Minorities, Women, and Persons with  
18 Disabilities Act, or reside in an underserved area, as defined  
19 by the Economic Development for a Growing Economy Tax Credit  
20 Act.

21 (e) The Illinois Production Workforce Development Fund  
22 shall be administered by the Department. The Department may  
23 adopt rules necessary to administer the provisions of this  
24 Section.

25 (f) Notwithstanding any other law to the contrary, the  
26 Illinois Production Workforce Development Fund is not subject

1 to sweeps, administrative charge-backs, or any other fiscal or  
2 budgetary maneuver that would in any way transfer any amounts  
3 from the Illinois Production Workforce Development Fund.

4 (g) By June 30 of each fiscal year, the Department must  
5 submit to the General Assembly a report that includes the  
6 following information: (1) an identification of the  
7 organizations and institutions that received funding to  
8 administer workforce training programs during the fiscal year;  
9 (2) the number of total persons trained and the number of  
10 persons trained per workforce training program in the fiscal  
11 year; and (3) in the aggregate, per organization, the number  
12 of persons identified as a minority person or that reside in an  
13 underserved area that received training in the fiscal year.  
14 (Source: P.A. 102-700, eff. 4-19-22.)

15 Section 99. Effective date. This Act takes effect July 1,  
16 2024."