

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 Film Production Services Tax Credit Act of
5 2008 is amended by changing Section 10 and by adding Section 44
6 as follows:

7 (35 ILCS 16/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Accredited production" means: (i) for productions
10 commencing before May 1, 2006, a film, video, or television
11 production that has been certified by the Department in which
12 the aggregate Illinois labor expenditures included in the cost
13 of the production, in the period that ends 12 months after the
14 time principal filming or taping of the production began,
15 exceed \$100,000 for productions of 30 minutes or longer, or
16 \$50,000 for productions of less than 30 minutes; and (ii) for
17 productions commencing on or after May 1, 2006, a film, video,
18 or television production that has been certified by the
19 Department in which the Illinois production spending included
20 in the cost of production in the period that ends 12 months
21 after the time principal filming or taping of the production
22 began exceeds \$100,000 for productions of 30 minutes or longer
23 or exceeds \$50,000 for productions of less than 30 minutes.

1 "Accredited production" does not include a production that:

2 (1) is news, current events, or public programming, or
3 a program that includes weather or market reports;

4 (2) is a talk show;

5 (3) is a production in respect of a game,
6 questionnaire, or contest;

7 (4) is a sports event or activity;

8 (5) is a gala presentation or awards show;

9 (6) is a finished production that solicits funds;

10 (7) is a production produced by a film production
11 company if records, as required by 18 U.S.C. 2257, are to
12 be maintained by that film production company with respect
13 to any performer portrayed in that single media or
14 multimedia program; or

15 (8) is a production produced primarily for industrial,
16 corporate, or institutional purposes.

17 "Accredited animated production" means an accredited
18 production in which movement and characters' performances are
19 created using a frame-by-frame technique and a significant
20 number of major characters are animated. Motion capture by
21 itself is not an animation technique.

22 "Accredited production certificate" means a certificate
23 issued by the Department certifying that the production is an
24 accredited production that meets the guidelines of this Act.

25 "Applicant" means a taxpayer that is a film production
26 company that is operating or has operated an accredited

1 production located within the State of Illinois and that (i)
2 owns the copyright in the accredited production throughout the
3 Illinois production period or (ii) has contracted directly with
4 the owner of the copyright in the accredited production or a
5 person acting on behalf of the owner to provide services for
6 the production, where the owner of the copyright is not an
7 eligible production corporation.

8 "Credit" means:

9 (1) for an accredited production approved by the
10 Department on or before January 1, 2005 and commencing
11 before May 1, 2006, the amount equal to 25% of the Illinois
12 labor expenditure approved by the Department. The
13 applicant is deemed to have paid, on its balance due day
14 for the year, an amount equal to 25% of its qualified
15 Illinois labor expenditure for the tax year. For Illinois
16 labor expenditures generated by the employment of
17 residents of geographic areas of high poverty or high
18 unemployment, as determined by the Department, in an
19 accredited production commencing before May 1, 2006 and
20 approved by the Department after January 1, 2005, the
21 applicant shall receive an enhanced credit of 10% in
22 addition to the 25% credit; and

23 (2) for an accredited production commencing on or after
24 May 1, 2006, the amount equal to:

25 (i) 20% of the Illinois production spending for the
26 taxable year; plus

1 (ii) 15% of the Illinois labor expenditures
2 generated by the employment of residents of geographic
3 areas of high poverty or high unemployment, as
4 determined by the Department; and

5 (3) for an accredited production commencing on or after
6 January 1, 2009, the amount equal to:

7 (i) 30% of the Illinois production spending for the
8 taxable year; plus

9 (ii) 15% of the Illinois labor expenditures
10 generated by the employment of residents of geographic
11 areas of high poverty or high unemployment, as
12 determined by the Department.

13 "Department" means the Department of Commerce and Economic
14 Opportunity.

15 "Director" means the Director of Commerce and Economic
16 Opportunity.

17 "Illinois labor expenditure" means salary or wages paid to
18 employees of the applicant for services on the accredited
19 production;

20 To qualify as an Illinois labor expenditure, the
21 expenditure must be:

22 (1) Reasonable in the circumstances.

23 (2) Included in the federal income tax basis of the
24 property.

25 (3) Incurred by the applicant for services on or after
26 January 1, 2004.

1 (4) Incurred for the production stages of the
2 accredited production, from the final script stage to the
3 end of the post-production stage.

4 (5) Limited to the first \$25,000 of wages paid or
5 incurred to each employee of a production commencing before
6 May 1, 2006 and the first \$100,000 of wages paid or
7 incurred to each employee of a production commencing on or
8 after May 1, 2006.

9 (6) For a production commencing before May 1, 2006,
10 exclusive of the salary or wages paid to or incurred for
11 the 2 highest paid employees of the production.

12 (7) Directly attributable to the accredited
13 production.

14 (8) (Blank). ~~Paid in the tax year for which the~~
15 ~~applicant is claiming the credit or no later than 60 days~~
16 ~~after the end of the tax year.~~

17 (9) Paid to persons resident in Illinois at the time
18 the payments were made.

19 (10) Paid for services rendered in Illinois.

20 "Illinois production spending" means the expenses incurred
21 by the applicant for an accredited production, including,
22 without limitation, all of the following:

23 (1) expenses to purchase, from vendors within
24 Illinois, tangible personal property that is used in the
25 accredited production;

26 (2) expenses to acquire services, from vendors in

1 Illinois, for film production, editing, or processing; and
2 (3) the compensation, not to exceed \$100,000 for any
3 one employee, for contractual or salaried employees who are
4 Illinois residents performing services with respect to the
5 accredited production.

6 "Qualified production facility" means stage facilities in
7 the State in which television shows and films are or are
8 intended to be regularly produced and that contain at least one
9 sound stage of at least 15,000 square feet.

10 Rulemaking authority to implement this amendatory Act of
11 the 95th General Assembly, if any, is conditioned on the rules
12 being adopted in accordance with all provisions of the Illinois
13 Administrative Procedure Act and all rules and procedures of
14 the Joint Committee on Administrative Rules; any purported rule
15 not so adopted, for whatever reason, is unauthorized.

16 (Source: P.A. 95-720, eff. 5-27-08; 95-1006, eff. 12-15-08.)

17 (35 ILCS 16/44 new)

18 Sec. 44. Accredited animated productions. Each applicant
19 requesting credits for an accredited animated production
20 commencing on or after July 1, 2010 may make an application to
21 the Department in each taxable year beginning with the taxable
22 year in which the production commences and ending with the
23 taxable year in which production is complete, provided that no
24 credit may be claimed under this Section for a taxable year
25 ending prior to December 31, 2012.

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