



Sen. Andy Manar

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LRB098 04615 HLH 44003 a

1 AMENDMENT TO SENATE BILL 336

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 336, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1, on page 6, by replacing lines 6 through 8 with the  
5 following:

6 "basis of the property. A tax credit may be earned under this  
7 Act during the period beginning January 1, 2014 and ending  
8 December 31, 2018. While a tax credit may be earned before July  
9 1, 2015, no tax credit shall be actually issued by the  
10 Department before July 1, 2015. While a tax credit must be  
11 earned on or before December 31, 2018, a credit shall be  
12 allowed after December 31, 2018 in accordance with the terms of  
13 this Act. If the amount of any tax credit"; and

14 on page 8, immediately below line 23, by inserting the  
15 following:

1           "Section 35. Maximum annual cap. The total amount of  
2 credits approved by the Department under this Act may not  
3 exceed: (1) \$10,000,000 in Fiscal Year 2014; (2) \$20,000,000 in  
4 Fiscal Year 2015; (3) \$30,000,000 in Fiscal Year 2016; (4)  
5 \$40,000,000 for Fiscal Year 2017; and (5) \$50,000,000 for  
6 Fiscal Year 2018. If the total amount of credits awarded in any  
7 of those fiscal years is less than the maximum amount available  
8 for that fiscal year, then the maximum amount available for the  
9 next fiscal year shall be increased by the difference between  
10 the maximum amount and the total amount awarded."; and

11 on page 9, line 3, after "Department.", by inserting "The  
12 Department shall prioritize each application for review and  
13 approval in the order of the date on which the application was  
14 postmarked, with the oldest postmarked date receiving  
15 priority. Applications postmarked on the same day shall go  
16 through a lottery process to determine the order in which  
17 applications shall be received for approval."; and

18 on page 9, immediately below line 11, by inserting the  
19 following:

20           "(b) To ensure that an applicant has sufficient ownership  
21 of the qualified structure, each application shall include all  
22 of the following:

23           (1) Proof of ownership or site control. Proof of

1 ownership shall include evidence that the applicant is the  
2 fee simple owner of the qualified structure, such as a  
3 warranty deed or a closing statement. Proof of site control  
4 may be evidenced by a leasehold interest or an option to  
5 acquire such an interest. If the applicant is in the  
6 process of acquiring fee simple ownership, proof of site  
7 control shall include an executed sales contract or an  
8 executed option to purchase the qualified structure.

9 (2) The estimated qualified expenditures, the  
10 anticipated total costs of the project, the adjusted basis  
11 of the property, as shown by proof of actual acquisition  
12 costs, the anticipated total labor costs, the estimated  
13 project start date, and the estimated project completion  
14 date.

15 (3) Proof that the property is a qualified structure as  
16 defined in this Act or evidence that the necessary  
17 documentation has been prepared to for the property to  
18 become a qualified structure, but a final determination of  
19 such qualification shall not be a prerequisite for approval  
20 of the preliminary application or the incurrence of  
21 qualified expenditures.

22 (4) Any other information which the Department and the  
23 Agency may reasonably require."; and

24 on page 9, line 12, by replacing "(b)" with "(c)"; and

1 on page 9, line 20, after "Section", by inserting "as may be  
2 limited elsewhere in this Act"; and

3 on page 9, line 26, after "application.", by inserting "Any  
4 rejected application shall be removed from the review process.  
5 Rejected applications shall lose priority in the review  
6 process."; and

7 on page 10, line 1, after "resubmitted", by inserting ", but  
8 shall be deemed to be a new application for purposes of the  
9 priority procedures described in this Section"; and

10 on page 10, immediately below line 1, by inserting the  
11 following:

12 "(d) Following approval of an application, the identity of  
13 the applicant contained in such application shall not be  
14 modified, except that:

15 (1) the applicant may add partners, members, or  
16 shareholders as part of the ownership structure, so long as  
17 the primary owner remains the same; however, prior to the  
18 commencement of renovation and the expenditure of at least  
19 10% of the proposed rehabilitation budget, removal of the  
20 principal for failure to perform duties and the appointment  
21 of a new principal thereafter shall not constitute a change  
22 of the principal; and

23 (2) the identity of the applicant may be changed if the

1 ownership of the project is changed due to a foreclosure,  
2 deed in lieu of a foreclosure, or voluntary conveyance, or  
3 a transfer in bankruptcy.

4 (e) In the event that the Department grants approval for  
5 credits in any fiscal year equal to the maximum amount  
6 available under this Act, all applicants with applications then  
7 awaiting approval or thereafter submitted for approval shall be  
8 notified by the Department that no additional credits shall be  
9 approved during such fiscal year and shall be notified of the  
10 priority given to such applicant's application then awaiting  
11 approval. Those applications shall be kept on file by the  
12 Department and shall be considered for approval for credits in  
13 the order established in this Act in the event that additional  
14 credits become available due to the rescission of preliminary  
15 approvals or when a new fiscal year's allocation of credits  
16 becomes available for approval."; and

17 on page 10, line 2, by replacing "(c)" with "(f)"; and

18 on page 10, line 16, after the period, by inserting "If the  
19 Department determines that an applicant has failed to comply  
20 with the requirements provided under this Section, the  
21 preliminary approval for the amount of credits for such  
22 applicant shall be rescinded and such amount of credits shall  
23 then be included in the total amount of credits from which  
24 preliminary approvals for other projects may be granted. Any

1 applicant whose preliminary approval shall be rescinded shall  
2 be notified of such from the Department and, upon receipt of  
3 such notice, may submit a new application for the project but  
4 such application shall be deemed to be a new application for  
5 purposes of the priority procedures described in this  
6 Section."; and

7 on page 10, line 17, by replacing "(d)" with "(g)"; and

8 on page 11, line 12, after "Department,", by inserting "to be  
9 deposited into the Historic Property Administrative Fund,";  
10 and

11 on page 11, line 16, by replacing "Department's Administrative"  
12 with "Historic Property Administrative"; and

13 on page 11, immediately below line 19, by inserting the  
14 following:

15 "(h) In the event the amount of qualified expenditures  
16 actually incurred by an applicant are more than those estimated  
17 in its application, the applicant can submit a new application  
18 for such excess amount of qualified expenditures on a form  
19 prescribed by the Department, but that application shall be  
20 deemed to be a new application for purposes of the priority  
21 procedures described in this Act with respect to such excess

1 amount of qualified expenditures. Such applications shall be  
2 automatically approved, subject only to availability of tax  
3 credits and all provisions regarding priority provided in this  
4 Act."; and

5 on page 11, line 24, after the period, by inserting "The  
6 overall economic impact shall include the number of jobs  
7 created.".