

## 2011 IL S 1286 , Enacted

Illinois

SUMMARY: Amends the Film Production Services Tax Credit Act; defines accredited animated production; removes language providing that, to qualify as an Illinois labor expenditure, the expenditure must meet certain criteria; provides that each applicant requesting credits for an accredited animated production commencing on or after a specified date may make an application to the Department of Commerce and Economic Opportunity in each taxable year beginning with the year in which the production commences.~SAME AS:

State Net Legislative History and Analysis

Changes in Bill text reflected as:

~~Text Deleted~~

*Text Added*

~~Text Vetoed~~

Current Legislative Status

02/08/2011 INTRODUCED.

02/08/2011 To SENATE Committee on ASSIGNMENTS.

03/09/2011 To SENATE Committee on REVENUE.

03/17/2011 From SENATE Committee on REVENUE: Do pass.

03/17/2011 In SENATE. Placed on Calendar Order Second Reading.

03/29/2011 In SENATE. Read second time.

03/29/2011 In SENATE. Placed on Calendar Order Third Reading.

03/30/2011 In SENATE. Amendment No. 1 filed. Referred to ASSIGNMENTS.

04/05/2011 In SENATE. Amendment No. 2 filed. Referred to ASSIGNMENTS.

04/06/2011 From HOUSE Committee on RULES: Referred to HOUSE Committee on Executive Amendment No. 2.

04/06/2011 In SENATE. Amendment No. 1 & 2. Postponed in committee.

04/08/2011 In SENATE. Amendment No. 3 filed. Referred to ASSIGNMENTS.

04/13/2011 In SENATE. Amendment No. 2 held.

04/13/2011 In SENATE. Recalled to second reading.

04/13/2011 In SENATE. Read second time. Adopted Amendment No. 3.

04/13/2011 In SENATE. Placed on Calendar Order Third Reading.

04/13/2011 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To HOUSE.

04/14/2011 To HOUSE Committee on RULES.

04/21/2011 To HOUSE Committee on REVENUE & FINANCE.

05/05/2011 In HOUSE. Amendment No. 1 filed. Referred to RULES.

05/09/2011 From HOUSE Committee on RULES: Referred to HOUSE Committee on Revenue & Finance Amendment No. 1.

05/12/2011 In COMMITTEE on REVENUE AND FINANCE. Recommends Be Adopted by Sub-committee. Remains in Committee.

05/12/2011 From HOUSE Committee on REVENUE AND FINANCE: Do pass. Adopted Amendment No. 1.

05/12/2011 In HOUSE. Placed on Short Debate Calendar Second Reading.

05/25/2011 In HOUSE. Amendment No. 2 filed. Referred to RULES.

05/26/2011 In HOUSE. Read second time.

05/26/2011 In HOUSE. Held on Calendar Order of Second Reading.

05/27/2011 In HOUSE. Amendment No. 3 filed. Referred to RULES.  
05/27/2011 In HOUSE. Final Passage Deadline Extended to May 31, 2011.  
06/22/2011 In HOUSE. Amendment No. 4 filed. Referred to RULES.  
10/26/2011 In HOUSE. Amendment No. 5 filed. Referred to RULES.  
11/10/2011 In HOUSE. Final Passage Deadline Extended to November 30, 2011.  
11/23/2011 In HOUSE. Amendment No. 6 filed. Referred to RULES.  
02/06/2012 In HOUSE. Placed on Short Debate Calendar Second Reading.  
02/06/2012 From HOUSE Committee on RULES: Approved for consideration.  
03/21/2012 In HOUSE. Amendment No. 7 filed. Referred to RULES.  
03/22/2012 From HOUSE Committee on RULES: Referred to HOUSE Committee on Revenue & Finance Amendment No. 7.  
05/11/2012 In HOUSE. Read second time.  
05/11/2012 In HOUSE. Held on Calendar Order of Second Reading.  
05/15/2012 In HOUSE. Withdrew Floor Amendment No. 6.  
05/15/2012 In HOUSE. Read second time. Adopted Amendment No. 7.  
05/15/2012 In HOUSE. Placed on Short Debate Calendar Third Reading.  
05/16/2012 In HOUSE. Tabled Amendment No. 2, 3, 4 & 5.  
05/16/2012 In HOUSE. Read third time. Passed HOUSE. \*\*\*\*\*To SENATE for concurrence.  
05/16/2012 In SENATE. Secretary's Desk - Concurrence.  
05/16/2012 In SENATE. Placed on Calendar Order of Concurrence - Amendment No. 1, 7.  
05/22/2012 In SENATE. Motion filed to concur in Amendment No. 1 & 7.  
05/22/2012 In SENATE. Motion filed to concur in Amendment No. 1 & 7. Motion referred to SENATE Committee on ASSIGNMENTS.  
05/25/2012 From SENATE Committee on ASSIGNMENTS: Motion to concur in Amendment No. 1 & 7 referred to SENATE Committee on Executive.  
05/29/2012 From SENATE Committee on REVENUE: Approved for consideration - motion to concur in Amendment No. 1 & 7.  
05/29/2012 SENATE concurred in HOUSE Amendment No. 1 & 7.  
05/29/2012 Passed Both Houses.  
06/27/2012 \*\*\*\*\*To GOVERNOR.  
07/13/2012 Signed by GOVERNOR.  
07/13/2012 Public Act No. 796

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session: Illinois 97th General Assembly

cite: 2011 IL S 1286

Enacted

July 13, 2012

Jacobs M

Public Act 097-0796

SB1286 Enrolled

AN ACT concerning revenue.

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

Section 5. The Film Production Services Tax Credit Act of 2008 is amended by changing Section 10 and by adding

Section 44 as follows:

(35 ILCS 16/10)

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

”Accredited production“ means: (i) for productions commencing before May 1, 2006, a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed \$100,000 for productions of 30 minutes or longer, or \$50,000 for productions of less than 30 minutes; and (ii) for productions commencing on or after May 1, 2006, a film, video, or television production that has been certified by the Department in which the Illinois production spending included in the cost of production in the period that ends 12 months after the time principal filming or taping of the production began exceeds \$100,000 for productions of 30 minutes or longer or exceeds \$50,000 for productions of less than 30 minutes. ”Accredited production“ does not include a production that:

- (1) is news, current events, or public programming, or a program that includes weather or market reports;
- (2) is a talk show;
- (3) is a production in respect of a game, questionnaire, or contest;
- (4) is a sports event or activity;
- (5) is a gala presentation or awards show;
- (6) is a finished production that solicits funds;
- (7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or
- (8) is a production produced primarily for industrial, corporate, or institutional purposes.

*”Accredited animated production“ means an accredited production in which movement and characters' performances are created using a frame-by-frame technique and a significant number of major characters are animated. Motion capture by itself is not an animation technique.*

”Accredited production certificate“ means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

”Applicant“ means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

”Credit“ means:

- (1) for an accredited production approved by the Department on or before January 1, 2005 and commencing before May 1, 2006, the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year. For Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department, in an accredited production commencing before May 1, 2006 and approved by the Department after January 1, 2005, the applicant shall receive an enhanced credit of 10% in addition to the 25% credit; and
- (2) for an accredited production commencing on or after May 1, 2006, the amount equal to:
  - (i) 20% of the Illinois production spending for the taxable year; plus
  - (ii) 15% of the Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department; and
- (3) for an accredited production commencing on or after January 1, 2009, the amount equal to:
  - (i) 30% of the Illinois production spending for the taxable year; plus
  - (ii) 15% of the Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department.

”Department“ means the Department of Commerce and Economic Opportunity.

”Director“ means the Director of Commerce and Economic Opportunity.

”Illinois labor expenditure“ means salary or wages paid to employees of the applicant for services on the accredited production;

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

- (1) Reasonable in the circumstances.
- (2) Included in the federal income tax basis of the property.
- (3) Incurred by the applicant for services on or after January 1, 2004.
- (4) Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.
- (5) Limited to the first \$25,000 of wages paid or incurred to each employee of a production commencing before May 1, 2006 and the first \$100,000 of wages paid or incurred to each employee of a production commencing on or after May 1, 2006.
- (6) For a production commencing before May 1, 2006, exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production.
- (7) Directly attributable to the accredited production.
- (8) ~~(Blank). -Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.~~
- (9) Paid to persons resident in Illinois at the time the payments were made.
- (10) Paid for services rendered in Illinois.

”Illinois production spending“ means the expenses incurred by the applicant for an accredited production, including, without limitation, all of the following:

- (1) expenses to purchase, from vendors within Illinois, tangible personal property that is used in the accredited production;
- (2) expenses to acquire services, from vendors in Illinois, for film production, editing, or processing; and
- (3) the compensation, not to exceed \$100,000 for any one employee, for contractual or salaried employees who are Illinois residents performing services with respect to the accredited production.

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

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

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

(35 ILCS 16/44 new)

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

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