



Sen. Steve Stadelman

Filed: 10/28/2021

10200HB1769sam004

LRB102 10422 HLH 30342 a

1 AMENDMENT TO HOUSE BILL 1769

2 AMENDMENT NO. _____. Amend House Bill 1769, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 1, on page 4, line 14, by deleting "electric motorcycles
5 or"; and

6 on page 4, line 22, by replacing "focused" with "primarily
7 focused"; and

8 on page 20, line 9, by replacing "sound and" with "sound,"; and

9 on page 20, line 11, by replacing "employment and" with
10 "employment, and will"; and

11 on page 21, line 17, after "Illinois" by inserting ", the Clean
12 Jobs Workforce Network Program,"; and

13 on page 21, line 20, after "Training.", by inserting "An

1 applicant is also eligible for a training credit that shall
2 not exceed 10% of the training costs of retained employees for
3 the purpose of upskilling to meet the operational needs of the
4 applicant or the REV Illinois Project."; and

5 on page 22, line 12, by deleting "in any taxable year"; and

6 on page 23, lines 14 and 15, by deleting "in any taxable year";
7 and

8 on page 23, line 22, by replacing "approved by the Department
9 of Labor" with "that conforms with the Project Labor
10 Agreements Act"; and

11 by deleting line 17 on page 24 through line 3 on page 25; and

12 on page 30, immediately below line 7, by inserting the
13 following:

14 "(20) Each taxpayer under paragraph (1) of subsection
15 (c) of Section 20 above shall maintain labor neutrality
16 toward any union organizing campaign for any employees of
17 the taxpayer assigned to work on the premises of the REV
18 Illinois Project Site. This paragraph shall not apply to
19 an electric vehicle manufacturer, electric vehicle
20 component part manufacturer, electric vehicle power supply
21 manufacturer or any joint venture including an electric

1 vehicle manufacturer, electric vehicle component part
2 manufacturer, and electric vehicle power supply
3 manufacturer, who is subject to collective bargaining
4 agreement entered into prior to the taxpayer filing an
5 application pursuant to this Act."; and

6 on page 30, line 22, after "taxpayer", by inserting "with a
7 workforce of 100 or more employees and"; and

8 on page 31, by replacing lines 12 through 16 with the
9 following:

10 "(b) Vendor diversity and annual report. Each taxpayer
11 with a workforce of 100 or more full-time employees shall,
12 starting on April 15, 2025 and every year thereafter for which
13 the taxpayer has an Agreement under this Act, report on the
14 diversity of the vendors that it utilizes, for publication on
15 the Department's website, and include the following
16 information:"; and

17 on page 36, line 10, by replacing "misdemeanor." with
18 "misdemeanor and may be enforced by the Illinois Department of
19 Labor or the Department. The Attorney General shall
20 represented the Illinois Department of Labor or the Department
21 in the proceeding."; and

1 on page 36, by replacing lines lines 20 through 21 with "The
2 contractor or subcontractor shall submit reports to the
3 Department of Labor electronically that meet the"; and

4 on page 42, lines 22 through 23, by replacing "this Act" with
5 "the Illinois Income Tax Act"; and

6 on page 44, line 12, by deleting "electric motorcycles or";
7 and

8 on page 45, line 1, by deleting "at least"; and

9 on page 45, line 2, after the period, by inserting "The
10 purchasing agency may require additional information from
11 bidders or offerors to verify whether an electric vehicle is
12 manufactured in Illinois as defined by this Section."; and

13 on page 45, line 4, by replacing "Section 704A" with "Sections
14 207 and 704A"; and

15 on page 45, immediately below line 5, by inserting the
16 following:

17 "(35 ILCS 5/207) (from Ch. 120, par. 2-207)

18 Sec. 207. Net Losses.

19 (a) If after applying all of the (i) modifications

1 provided for in paragraph (2) of Section 203(b), paragraph (2)
2 of Section 203(c) and paragraph (2) of Section 203(d) and (ii)
3 the allocation and apportionment provisions of Article 3 of
4 this Act and subsection (c) of this Section, the taxpayer's
5 net income results in a loss;

6 (1) for any taxable year ending prior to December 31,
7 1999, such loss shall be allowed as a carryover or
8 carryback deduction in the manner allowed under Section
9 172 of the Internal Revenue Code;

10 (2) for any taxable year ending on or after December
11 31, 1999 and prior to December 31, 2003, such loss shall be
12 allowed as a carryback to each of the 2 taxable years
13 preceding the taxable year of such loss and shall be a net
14 operating loss carryover to each of the 20 taxable years
15 following the taxable year of such loss; ~~and~~

16 (3) for any taxable year ending on or after December
17 31, 2003 and prior to December 31, 2021, such loss shall be
18 allowed as a net operating loss carryover to each of the 12
19 taxable years following the taxable year of such loss,
20 except as provided in subsection (d); and.

21 (4) for any taxable year ending on or after December
22 31, 2021, and for any net loss incurred in a taxable year
23 prior to a taxable year ending on or after December 31,
24 2021 for which the statute of limitation for utilization
25 of such net loss has not expired, such loss shall be
26 allowed as a net operating loss carryover to each of the 20

1 taxable years following the taxable year of such loss,
2 except as provided in subsection (d).

3 (a-5) Election to relinquish carryback and order of
4 application of losses.

5 (A) For losses incurred in tax years ending prior
6 to December 31, 2003, the taxpayer may elect to
7 relinquish the entire carryback period with respect to
8 such loss. Such election shall be made in the form and
9 manner prescribed by the Department and shall be made
10 by the due date (including extensions of time) for
11 filing the taxpayer's return for the taxable year in
12 which such loss is incurred, and such election, once
13 made, shall be irrevocable.

14 (B) The entire amount of such loss shall be
15 carried to the earliest taxable year to which such
16 loss may be carried. The amount of such loss which
17 shall be carried to each of the other taxable years
18 shall be the excess, if any, of the amount of such loss
19 over the sum of the deductions for carryback or
20 carryover of such loss allowable for each of the prior
21 taxable years to which such loss may be carried.

22 (b) Any loss determined under subsection (a) of this
23 Section must be carried back or carried forward in the same
24 manner for purposes of subsections (a) and (b) of Section 201
25 of this Act as for purposes of subsections (c) and (d) of
26 Section 201 of this Act.

1 (c) Notwithstanding any other provision of this Act, for
2 each taxable year ending on or after December 31, 2008, for
3 purposes of computing the loss for the taxable year under
4 subsection (a) of this Section and the deduction taken into
5 account for the taxable year for a net operating loss
6 carryover under paragraphs (1), (2), and (3) of subsection (a)
7 of this Section, the loss and net operating loss carryover
8 shall be reduced in an amount equal to the reduction to the net
9 operating loss and net operating loss carryover to the taxable
10 year, respectively, required under Section 108(b)(2)(A) of the
11 Internal Revenue Code, multiplied by a fraction, the numerator
12 of which is the amount of discharge of indebtedness income
13 that is excluded from gross income for the taxable year (but
14 only if the taxable year ends on or after December 31, 2008)
15 under Section 108(a) of the Internal Revenue Code and that
16 would have been allocated and apportioned to this State under
17 Article 3 of this Act but for that exclusion, and the
18 denominator of which is the total amount of discharge of
19 indebtedness income excluded from gross income under Section
20 108(a) of the Internal Revenue Code for the taxable year. The
21 reduction required under this subsection (c) shall be made
22 after the determination of Illinois net income for the taxable
23 year in which the indebtedness is discharged.

24 (d) In the case of a corporation (other than a Subchapter S
25 corporation), no carryover deduction shall be allowed under
26 this Section for any taxable year ending after December 31,

1 2010 and prior to December 31, 2012, and no carryover
2 deduction shall exceed \$100,000 for any taxable year ending on
3 or after December 31, 2012 and prior to December 31, 2014 and
4 for any taxable year ending on or after December 31, 2021 and
5 prior to December 31, 2024; provided that, for purposes of
6 determining the taxable years to which a net loss may be
7 carried under subsection (a) of this Section, no taxable year
8 for which a deduction is disallowed under this subsection, or
9 for which the deduction would exceed \$100,000 if not for this
10 subsection, shall be counted.

11 (e) In the case of a residual interest holder in a real
12 estate mortgage investment conduit subject to Section 860E of
13 the Internal Revenue Code, the net loss in subsection (a)
14 shall be equal to:

15 (1) the amount computed under subsection (a), without
16 regard to this subsection (e), or if that amount is
17 positive, zero;

18 (2) minus an amount equal to the amount computed under
19 subsection (a), without regard to this subsection (e),
20 minus the amount that would be computed under subsection
21 (a) if the taxpayer's federal taxable income were computed
22 without regard to Section 860E of the Internal Revenue
23 Code and without regard to this subsection (e).

24 The modification in this subsection (e) is exempt from the
25 provisions of Section 250.

26 (Source: P.A. 102-16, eff. 6-17-21.)"; and

1 on page 45, line 21, by deleting "of this Act"; and

2 on page 98, by replacing lines 11 through 13 with the
3 following:

4 "No debit reduction or charge back of any item on a
5 warranty repair order may be made absent a finding of fraud or
6 illegal actions by the dealer."; and

7 on page 101, by replacing lines 17 through 25 with the
8 following:

9 "vehicle franchiser. The requirements of this subsection (e)
10 shall not apply to entire engine assemblies, propulsion engine
11 assemblies, including electric vehicle batteries, and entire
12 transmission assemblies. In the case of those assemblies, the
13 motor vehicle franchiser shall reimburse the motor vehicle
14 franchisee up to and including 30% of what the motor vehicle
15 franchisee would have paid the motor vehicle franchiser for
16 the assembly if the assembly had not been supplied by the
17 franchiser other than by the sale of that assembly to the motor
18 vehicle franchisee and entire transmission assemblies.".