



Sen. Mike Jacobs

Filed: 4/8/2011

09700SB1286sam003

LRB097 08202 HLH 54038 a

1 AMENDMENT TO SENATE BILL 1286

2 AMENDMENT NO. _____. Amend Senate Bill 1286 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Film Production Services Tax Credit Act of
5 2008 is amended by changing Sections 10 and 40 and by adding
6 Section 42 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

1 productions commencing on or after May 1, 2006, a film, video,
2 or television production that has been certified by the
3 Department in which the Illinois production spending included
4 in the cost of production in the period that ends 12 months
5 after the time principal filming or taping of the production
6 began exceeds \$100,000 for productions of 30 minutes or longer
7 or exceeds \$50,000 for productions of less than 30 minutes.

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

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

11 (2) (blank) ~~is a talk show;~~

12 (3) is a production in respect of a game,
13 questionnaire, or contest;

14 (4) is a sports event or activity;

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

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

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

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

24 "Accredited production" includes an accredited animated
25 production, a talk show, or a reality program.

26 "Accredited animated production" means fully animated

1 feature with a total production period of more than 12 months.

2 "Accredited production certificate" means a certificate
3 issued by the Department certifying that the production is an
4 accredited production that meets the guidelines of this Act.

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

14 "Credit" means:

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

1 applicant shall receive an enhanced credit of 10% in
2 addition to the 25% credit; ~~and~~

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

5 (i) 20% of the Illinois production spending for the
6 taxable year; plus

7 (ii) 15% of the Illinois labor expenditures
8 generated by the employment of residents of geographic
9 areas of high poverty or high unemployment, as
10 determined by the Department; ~~and~~

11 (3) for an accredited production commencing on or after
12 January 1, 2009, other than an accredited animated
13 production qualifying under item (4) or a talk show or
14 reality program qualifying under item (5), the amount equal
15 to:

16 (i) 30% of the Illinois production spending for the
17 taxable year; plus

18 (ii) 15% of the Illinois labor expenditures
19 generated by the employment of residents of geographic
20 areas of high poverty or high unemployment, as
21 determined by the Department; ~~and~~

22 (4) for an accredited animated production commencing
23 on or after January 1, 2012:

24 (i) 30% of the anticipated Illinois production
25 spending for the entire production period; plus

26 (ii) 15% of the anticipated Illinois labor

1 expenditures generated by the employment of residents
2 of geographic areas of high poverty or high
3 unemployment, as determined by the Department, during
4 the entire production period;

5 the credits awarded for an accredited animated
6 production commencing on or after January 1, 2012 shall be
7 awarded as provided in Section 42; and

8 (5) for an accredited talk show or reality program
9 commencing its first season in Illinois on or after May 1,
10 2011, the amount equal to:

11 (i) 30% of the Illinois production spending for the
12 taxable year; plus

13 (ii) 15% of the Illinois labor expenditures
14 generated by the employment of residents of geographic
15 areas of high poverty or high unemployment, as
16 determined by the Department.

17 "Department" means the Department of Commerce and Economic
18 Opportunity.

19 "Director" means the Director of Commerce and Economic
20 Opportunity.

21 "Illinois labor expenditure" means salary or wages paid to
22 employees of the applicant for services on the accredited
23 production;

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

26 (1) Reasonable in the circumstances.

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

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

5 (4) Incurred for the production stages of the
6 accredited production, from the final script stage to the
7 end of the post-production stage.

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

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

16 (7) Directly attributable to the accredited
17 production.

18 (8) Except for expenditures paid with respect to an
19 accredited animated production, paid ~~Paid~~ in the tax year
20 for which the applicant is claiming the credit or no later
21 than 60 days after the end of the tax year.

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

24 (10) Paid for services rendered in Illinois.

25 "Illinois production spending" means the expenses incurred
26 by the applicant for an accredited production, including,

1 without limitation, all of the following:

2 (1) expenses to purchase, from vendors within
3 Illinois, tangible personal property that is used in the
4 accredited production;

5 (2) expenses to acquire services, from vendors in
6 Illinois, for film production, editing, or processing; and

7 (3) the compensation, not to exceed \$100,000 for any
8 one employee, for contractual or salaried employees who are
9 Illinois residents performing services with respect to the
10 accredited production.

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

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

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

22 (35 ILCS 16/40)

23 Sec. 40. Amount and duration of the credit. The amount of
24 the credit awarded under this Act is based on the amount of the
25 Illinois labor expenditure and Illinois production spending

1 approved by the Department for the production as set forth
2 under Section 10. The duration of the credit may not exceed (i)
3 one taxable year for productions other than accredited animated
4 productions or (ii) for accredited animated productions, the
5 period beginning with the taxable year in which the production
6 commences and ending with the taxable year in which the final
7 audit required under Section 42 is complete.

8 (Source: P.A. 95-720, eff. 5-27-08.)

9 (35 ILCS 16/42 new)

10 Sec. 42. Accredited animated productions. Each applicant
11 requesting credits for an accredited animated production
12 commencing on or after January 1, 2012 must enter into an
13 agreement with the Department detailing (i) the applicant's
14 anticipated Illinois production spending for the entire
15 production period and (ii) the anticipated Illinois labor
16 expenditures generated by the employment of residents of
17 geographic areas of high poverty or high unemployment. The
18 accredited production certificate for an accredited animated
19 production shall list those amounts. An applicant that is
20 awarded a credit for an accredited animated production is
21 entitled to take (i) 25% of the total credit awarded in the
22 taxable year in which Stage 1 of the production is completed,
23 (ii) 25% of the total credit awarded in the taxable year in
24 which Stage 2 of the production is completed, (iii) 25% of the
25 total credit awarded in the taxable year in which Stage 3 of

1 the production is completed, and (iv) 25% of the total credit
2 awarded in the taxable year in which Stage 4 of the production
3 is completed, including the final audit.

4 For the purposes of this Section:

5 Stage 1 of the production is considered complete upon
6 review and approval by the Department of an animatic reel in
7 QuickTime format(with watermark). "Animatic reel" means a
8 timed and edited compilation of images/storyboard
9 pre-visualising the final feature from first to last scene,
10 including dialogue from the first pass voice recording or
11 "scratch track". The completion of Stage 1 is the end of
12 pre-production and includes the culmination of the following:

13 (1) conclusion of the screenplay;

14 (2) conclusion of the initial dialogue record;

15 (3) asset design (2D); and

16 (4) conclusion of the storyboard stage.

17 Stage 2 of the production is considered complete upon
18 review and approval by the Department of a
19 pre-visualization/blocking reel in QuickTime format (with
20 watermark). "Pre-visualization/blocking reel" means a timed
21 and edited compilation of rendered 3D pre-visualization from
22 the first to last scene, including any and all motion capture.
23 The completion of Stage 2 includes the completion of asset
24 modeling and asset rigging.

25 Stage 3 of the production is considered complete upon
26 review and approval by the Department of the first animation

1 pass in QuickTime format (with watermark). "First animation
2 pass" means a timed and edited compilation of rendered
3 animation from the first to last scene, including the second
4 dialogue pass. The completion of Stage 3 means the completion
5 of asset surfacing: color and texture,
6 pre-visualization/motion capture, and the progress of
7 animation stage.

8 Stage 4 of the production is considered complete upon
9 review and approval by the Department of a final rendered
10 feature in QuickTime format (with watermark). The completion of
11 Stage 4 includes the completion of the entire post-production
12 process.

13 Upon the completion of Stage 4, the applicant shall submit
14 to a final audit by the Department. If the Department finds
15 that the actual Illinois production spending is less than the
16 applicant's anticipated Illinois production spending, as set
17 forth in the agreement with the Department, then the final tax
18 credit award shall be reduced accordingly.

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