S T A T E O F N E W Y O R K

10153

I N A S S E M B L Y

May 9, 2012

Introduced by M. of A. SIMOTAS -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 60 of the laws of 2004, amending the tax law relating to the empire state film production credit, in relation to the aggregate annual amount of such credit against state taxes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision (e) of section 7 of part P of chapter 60 of the laws of 2004, amending the tax law relating to the empire state film production credit, as amended by section 1 of part C of chapter 312 of the laws of 2010, is amended to read as follows:

(e) Additional pool 2 - The aggregate amount of tax credits allowed in subdivision (a) of this section shall be increased by an additional $420 million in 2010, $420 million in 2011, $420 million in 2012, $420 million in 2013 [and], $420 million in 2014 AND THEREAFTER, EXCEPT THAT IN TAX YEARS AFTER 2014, SUCH AMOUNT SHALL BE ADJUSTED ANNUALLY ON THE FIRST OF JANUARY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX FOR ALL CONSUMERS, ALL ITEMS, NORTHEAST REGION, NOT SEASONALLY ADJUSTED, OF THE PREVIOUS YEAR, BUT IN NO EVENT SHALL SUCH AMOUNT BE LESS THAN $420 MILLION; provided however, $7 million of the annual allocation shall be available for the empire state film post production credit pursuant to section 31 of the tax law. This additional amount shall be allocated by the governor's office for motion picture and television development among taxpayers in accordance with subdivision (a) of this section. If the director of the governor's office for motion picture and television development determines that the aggregate amount of tax credits available from additional pool 2 for the empire state film production tax credit have been previously allocated, and determines that the pending applications from eligible applicants for the post production tax credit pursuant to section 31 of the tax law is insufficient to utilize the balance of unallocated post production tax credits from such pool, the remainder, after such pending applications are considered, shall be made available for allocation in the empire state film tax credit pursuant to section 24, subdivision 36 of section 210 and subsection (gg) of section

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD14617-04-2

606 of the tax law. The governor's office for motion picture and television development must notify taxpayers of their allocation year and include the allocation year on the certificate of tax credit. Taxpayers eligible to claim a credit must report the allocation year directly on their empire state film production credit tax form for each year a credit is claimed and include a copy of the certificate with their tax return. In the case of a qualified film that receives funds from additional pool 2, no empire state film production credit shall be claimed before the later of (1) the taxable year the production of the qualified film is complete, or (2) the taxable year immediately following the allocation year for which the film has been allocated credit by the governor's office for motion picture and television development.

S 2. This act shall take effect immediately.