

7023

I N   S E N A T E

April 23, 2012

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Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

1     Section 1. Subdivision (e) of section 7 of part P of chapter 60 of the  
2     laws of 2004, amending the tax law relating to the empire state film  
3     production credit, as amended by section 1 of part C of chapter 312 of  
4     the laws of 2010, is amended to read as follows:  
5     (e) Additional pool 2 - The aggregate amount of tax credits allowed in  
6     subdivision (a) of this section shall be increased by an additional \$420  
7     million in 2010, \$420 million in 2011, \$420 million in 2012, \$420  
8     million in 2013 [and], \$420 million in 2014 AND THEREAFTER, EXCEPT THAT  
9     IN TAX YEARS AFTER 2014, SUCH AMOUNT SHALL BE ADJUSTED ANNUALLY ON THE  
10    FIRST OF JANUARY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX FOR  
11    ALL CONSUMERS, ALL ITEMS, NORTHEAST REGION, NOT SEASONALLY ADJUSTED, OF  
12    THE PREVIOUS YEAR, BUT IN NO EVENT SHALL SUCH AMOUNT BE LESS THAN \$420  
13    MILLION; provided however, \$7 million of the annual allocation shall be  
14    available for the empire state film post production credit pursuant to  
15    section 31 of the tax law. This additional amount shall be allocated by  
16    the governor's office for motion picture and television development  
17    among taxpayers in accordance with subdivision (a) of this section. If  
18    the director of the governor's office for motion picture and television  
19    development determines that the aggregate amount of tax credits avail-  
20    able from additional pool 2 for the empire state film production tax  
21    credit have been previously allocated, and determines that the pending  
22    applications from eligible applicants for the post production tax credit  
23    pursuant to section 31 of the tax law is insufficient to utilize the  
24    balance of unallocated post production tax credits from such pool, the  
25    remainder, after such pending applications are considered, shall be made  
26    available for allocation in the empire state film tax credit pursuant to

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

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1 section 24, subdivision 36 of section 210 and subsection (gg) of section  
2 606 of the tax law. The governor's office for motion picture and tele-  
3 vision development must notify taxpayers of their allocation year and  
4 include the allocation year on the certificate of tax credit. Taxpayers  
5 eligible to claim a credit must report the allocation year directly on  
6 their empire state film production credit tax form for each year a cred-  
7 it is claimed and include a copy of the certificate with their tax  
8 return. In the case of a qualified film that receives funds from addi-  
9 tional pool 2, no empire state film production credit shall be claimed  
10 before the later of (1) the taxable year the production of the qualified  
11 film is complete, or (2) the taxable year immediately following the  
12 allocation year for which the film has been allocated credit by the  
13 governor's office for motion picture and television development.  
14 S 2. This act shall take effect immediately.