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

10049

I N A S S E M B L Y

June 10, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Santabarbara) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing a musical and theatrical production business franchise credit; to amend chapter 59 of the laws of 2014, amending the tax law relating to a musical and theatrical production credit, in relation to the effective date thereof; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Paragraph 1 of subdivision (c) of section 24-a of the tax law, as added by section 1 of part HH of chapter 59 of the laws of 2014, is amended to read as follows:

(1) article 9-A: section [210-B] 210: subdivision [47] 50.

S 2. Paragraph 1 of subdivision (e) of section 24-a of the tax law, as added by section 1 of part HH of chapter 59 of the laws of 2014, is amended to read as follows:

(1) The aggregate amount of tax credits allowed under this section, subdivision [forty-seven] FIFTY of section two hundred [ten-B] TEN and subsection (u) of section six hundred six of this chapter in any calendar year shall be four million dollars. Such aggregate amount of credits shall be allocated by the department of economic development among taxpayers in order of priority based upon the date of filing an application for allocation of musical and theatrical production credit with such department. If the total amount of allocated credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for such year under this section, such excess shall be treated as having been applied for on the first day of the subsequent year.

S 3. Section 210 of the tax law is amended by adding a new subdivision 50 to read as follows:

50. MUSICAL AND THEATRICAL PRODUCTION CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER WHO IS ELIGIBLE PURSUANT TO SECTION TWENTY-FOUR-A OF THIS CHAPTER SHALL BE ALLOWED A CREDIT TO BE COMPUTED AS PROVIDED IN SUCH SECTION AGAINST THE TAX IMPOSED BY THIS ARTICLE.

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

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(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION. PROVIDED, HOWEVER, THAT IF THE AMOUNT OF THE CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND EIGHTY-SIX OF THIS CHAPTER. PROVIDED, FURTHER, THE PROVISIONS OF SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

S 4. Clause (xxxix) of subparagraph B of paragraph 1 of subsection (i) of section 606 of the tax law, as added by section 3 of part HH of chapter 59 of the laws of 2014, is amended to read as follows:

(xxxix) Musical and theatrical production credit under subsection (u)	Amount of credit for the sum of the qualified production expenditures and the transportation expenditures in a qualified musical and theatrical production under subdivision [forty-seven] FIFTY of section two hundred [ten-B] TEN

S 5. Section 5 of part HH of chapter 59 of the laws of 2014, amended the tax law relating to a musical and theatrical production credit, is amended to read as follows:

S 5. This act shall take effect immediately AND SHALL APPLY TO TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2014, provided that section two of this act shall take effect on January 1, 2015, [and shall apply to taxable years beginning on or after January 1, 2015,] with respect to "qualified production expenditures" and "transportation expenditures" paid or incurred on or after such effective date, regardless of whether the production of the qualified musical or theatrical production commenced before such date, provided further that this act shall expire and be deemed repealed 4 years after such date.

S 6. This act shall take effect immediately, provided that: sections one, two, three and four of this act shall apply to taxable years commencing on or after January 1, 2014, and such sections shall expire and be deemed repealed on the effective date of section 17 of part A of chapter 59 of the laws of 2014, as amended.