

# STATE OF NEW YORK

10267

## IN ASSEMBLY

March 27, 2018

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

AN ACT to amend the tax law, in relation to the musical and theatrical production credit; and to amend part HH of chapter 59 of the laws of 2014 amending the tax law relating to a musical and theatrical production credit, in relation to extending the effectiveness of such provisions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

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

16 (2) The commissioner of economic development, after consulting with  
17 the commissioner, shall promulgate regulations by October thirty-first,  
18 two thousand fourteen to establish procedures for the allocation of tax  
19 credits as required by subdivision (a) of this section. Such rules and  
20 regulations shall include provisions describing the application process,  
21 the due dates for such applications, the standards which shall be used  
22 to evaluate the applications, the documentation that will be provided to  
23 taxpayers to substantiate to the department the amount of tax credits  
24 allocated to such taxpayers, and such other provisions as deemed neces-  
25 sary and appropriate. Such rules and regulations shall permit an appli-

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

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1 cant for credits under this section to provide the required certifi-  
2 ications by providing information and other documentation provided by a  
3 licensed auditor on behalf of the applicant. Notwithstanding any other  
4 provisions to the contrary in the state administrative procedure act,  
5 such rules and regulations may be adopted on an emergency basis if  
6 necessary to meet such October thirty-first, two thousand fourteen dead-  
7 line.

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

11 § 5. This act shall take effect immediately, provided that section two  
12 of this act shall take effect on January 1, 2015, and shall apply to  
13 taxable years beginning on or after January 1, 2015, with respect to  
14 "qualified production expenditures" and "transportation expenditures"  
15 paid or incurred on or after such effective date, regardless of whether  
16 the production of the qualified musical or theatrical production  
17 commenced before such date, provided further that this act shall expire  
18 and be deemed repealed [~~4 years after such date~~] March 31, 2023.

19 § 3. This act shall take effect immediately, provided, however, that  
20 the amendments to section 24-a of the tax law made by section one of  
21 this act shall not affect the repeal of such section and shall expire  
22 and be deemed to repeal therewith.