

STATE OF NEW YORK

7634--B

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. MEEKS, SANTABARBARA, MAMDANI, JACKSON, ANDERSON, ZACCARO, GIBBS, CLARK, ARDILA, SOLAGES, CUNNINGHAM -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to excluding a production which uses artificial intelligence or autonomous vehicles in a manner which results in the displacement of employees whose salaries are qualified expenses from the definition of qualified film for the purposes of the empire state film production credit

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

1 Section 1. Paragraph 3 of subdivision (b) of section 24 of the tax
2 law, as amended by section 9-a of part D of chapter 59 of the laws of
3 2023, is amended to read as follows:
4 (3) "Qualified film" means a feature-length film, television film,
5 relocated television production, television pilot or television series,
6 regardless of the medium by means of which the film, pilot or series is
7 created or conveyed. For the purposes of the credit provided by this
8 section only, a "qualified film" whose majority of principal photography
9 shooting days in the production of the qualified film are shot in West-
10 chester, Rockland, Nassau, or Suffolk county or any of the five New York
11 City boroughs shall have a minimum budget of one million dollars. A
12 "qualified film", whose majority of principal photography shooting days
13 in the production of the qualified film are shot in any other county of
14 the state than those listed in the preceding sentence shall have a mini-
15 mum budget of two hundred fifty thousand dollars. "Qualified film" shall
16 not include: (i) a documentary film, news or current affairs program,

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

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1 interview or talk program, "how-to" (i.e., instructional) film or
2 program, film or program consisting primarily of stock footage, sporting
3 event or sporting program, game show, award ceremony, film or program
4 intended primarily for industrial, corporate or institutional end-users,
5 fundraising film or program, daytime drama (i.e., daytime "soap opera"),
6 commercials, music videos or "reality" program; (ii) a production for
7 which records are required under section 2257 of title 18, United States
8 code, to be maintained with respect to any performer in such production
9 (reporting of books, films, etc. with respect to sexually explicit
10 conduct); [~~ex~~] (iii) a production which uses artificial intelligence or
11 autonomous vehicles in a manner which results in the displacement of
12 employees whose salaries are qualified expenses, unless such replacement
13 is permitted by a current collective bargaining agreement in force
14 covering such employees; or (iv) other than a relocated television
15 production, a television series commonly known as variety entertainment,
16 variety sketch and variety talk, i.e., a program with components of
17 improvisational or scripted content (monologues, sketches, interviews),
18 either exclusively or in combination with other entertainment elements
19 such as musical performances, dancing, cooking, crafts, pranks, stunts,
20 and games and which may be further defined in regulations of the commis-
21 sioner of economic development. However, a qualified film shall include
22 a television series as described in subparagraph [~~(iii)~~] (iv) of this
23 paragraph only if an application for such series has been deemed condi-
24 tionally eligible for the tax credit under this section prior to April
25 first, two thousand twenty, such series remains in continuous production
26 for each season, and an annual application for each season of such
27 series is continually submitted for such series after April first, two
28 thousand twenty. A series that changes either or both the title of the
29 series or the principal cast prior to March thirty-first, two thousand
30 twenty-three, shall be considered to remain in continuous production for
31 each season, provided the series films at the same location as prior
32 seasons, is produced by the same entity, and retains at least eighty
33 percent of the staff from the prior season.

34 § 2. This act shall take effect immediately.