

STATE OF NEW YORK

58

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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

AN ACT to amend the tax law, in relation to the definition of film zone and the exclusion of the film zone from the additional 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 5 of subdivision (a) of section 24 of the tax
2 law, as amended by section 2 of part M of chapter 59 of the laws of
3 2022, is amended to read as follows:
4 (5) For the period two thousand fifteen through two thousand twenty-
5 nine, in addition to the amount of credit established in paragraph two
6 of this subdivision, a taxpayer shall be allowed a credit equal to the
7 product (or pro rata share of the product, in the case of a member of a
8 partnership) of ten percent and the amount of wages or salaries paid to
9 individuals directly employed (excluding those employed as writers,
10 directors, music directors, producers and performers, including back-
11 ground actors with no scripted lines) by a qualified film production
12 company or a qualified independent film production company for services
13 performed by those individuals in one of the counties or areas specified
14 in this paragraph in connection with a qualified film with a minimum
15 budget of five hundred thousand dollars. For purposes of this additional
16 credit, the services must be performed in one or more of the following
17 counties or areas : Albany, Allegany, Broome, Cattaraugus, Cayuga, Chau-
18 tauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutch-
19 ess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer,
20 Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara,
21 Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam,
22 Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St.

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

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1 Lawrence, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washing-
2 ton, Wayne, Wyoming, [~~e~~] Yates, or any area in the counties of Rockland
3 or Westchester which is not located in the film zone as defined in para-
4 graph nine of subdivision (b) of this section. The aggregate amount of
5 tax credits allowed pursuant to the authority of this paragraph shall be
6 five million dollars each year during the period two thousand fifteen
7 through two thousand twenty-nine of the annual allocation made available
8 to the program pursuant to paragraph four of subdivision (e) of this
9 section. Such aggregate amount of credits shall be allocated by the
10 governor's office for motion picture and television development among
11 taxpayers in order of priority based upon the date of filing an applica-
12 tion for allocation of film production credit with such office. If the
13 total amount of allocated credits applied for under this paragraph in
14 any year exceeds the aggregate amount of tax credits allowed for such
15 year under this paragraph, such excess shall be treated as having been
16 applied for on the first day of the next year. If the total amount of
17 allocated tax credits applied for under this paragraph at the conclusion
18 of any year is less than five million dollars, the remainder shall be
19 treated as part of the annual allocation made available to the program
20 pursuant to paragraph four of subdivision (e) of this section. However,
21 in no event may the total of the credits allocated under this paragraph
22 and the credits allocated under paragraph five of subdivision (a) of
23 section thirty-one of this article exceed five million dollars in any
24 year during the period two thousand fifteen through two thousand twen-
25 ty-nine.

26 § 2. Subdivision (b) of section 24 of the tax law is amended by adding
27 a new paragraph 9 to read as follows:

28 (9) "Film zone" shall mean an area within a twenty-five mile radius of
29 Columbus Circle in the borough of Manhattan.

30 § 3. This act shall take effect immediately.