CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 18, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 480, an Act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

The above Senate File is hereby approved this date.

Sincerely,

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House

STATE OF IOWA

GENERAL ASSEMBLY

SENATE FILE 480

AN ACT

RELATING TO THE ELIGIBILITY FOR TAX CREDITS AND INCOME REDUCTIONS FOR QUALIFIED EXPENDITURES UNDER THE FILM, TELEVISION, AND VIDEO PROJECT PROMOTION PROGRAM, PROVIDING FOR A FEE, AND PROVIDING AN APPLICABILITY DATE PROVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 15.393, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The department shall establish and administer a film, television, and video project promotion program that provides for the registration of projects to be shot on location in the state. A project that is registered under the program is entitled to the assistance provided in subsection 2. A fee ~~shall-not~~ may be charged for registering. The amount of the fee charged for registering shall be determined by the department by rule. Registration fees collected by the department under this section shall be used to administer the program. The department shall not register a project unless the department determines that all of the following criteria are met:

Sec. 2. Section 15.393, subsection 2, paragraph a, subparagraph (1), Code 2009, is amended to read as follows:

(1) For tax years beginning on or after January 1, 2007, a qualified expenditure tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's qualified expenditures in a project registered under the program. The tax credit shall equal <u>an amount not to exceed</u> twenty-five percent of the qualified expenditures on a project. <u>The department may negotiate the amount of the tax credit.</u> An individual may claim a tax credit under this paragraph "a" of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

Sec. 3. Section 15.393, subsection 2, paragraph a, subparagraph (2), Code 2009, is amended to read as follows:

(2) A qualified expenditure by a taxpayer is a payment to an Iowa resident or an Iowa-based business for the sale, rental, or furnishing of tangible personal property or for services directly related to the registered project including but not limited to aircraft, vehicles, equipment, materials, supplies, accounting, animals and animal care, artistic and design services, graphics, construction, data and information services, delivery and pickup services, labor and personnel, lighting, makeup and hairdressing, film, music, photography, sound, video and related services, printing, research, site fees and rental, travel related to Iowa distant locations, trash removal and cleanup, and wardrobe. ~~For-the-purposes-of this-subparagraph,-"labor-and-personnel"-does-not-include-the director,-producers,-or-cast-members-other-than-extras-and stand-ins.~~

(a) For purposes of this subparagraph, "labor and personnel" includes compensation paid to the principal producer, principal director, and principal cast members if the principal producer, principal director, or principal cast member is an Iowa resident or an Iowa-based business, and if the compensation paid meets one of the following conditions:

(i) If the qualified expenditures are at least ten million dollars but less than twenty million dollars, the compensation paid to each principal producer, principal director, and principal cast member does not exceed two hundred fifty thousand dollars each.

(ii) If the qualified expenditures are at least twenty million dollars, the compensation paid to each principal producer, principal director, and principal cast member does not exceed one million dollars each.

(b) For purposes of this subparagraph, "labor and personnel" includes compensation paid to personnel other than the principal producer, principal director, or principal cast members if the compensation paid meets one of the following conditions:

(i) If the qualified expenditures are less than ten million dollars, the compensation paid to labor and personnel other than the principal producer, the principal director, and principal cast members, does not exceed one hundred fifty thousand dollars each.

(ii) If the qualified expenditures are at least ten million dollars but less than twenty million dollars, the compensation paid to labor and personnel other than the principal producer, the principal director, and the principal cast members, does not exceed two hundred thousand dollars each.

(iii) If the qualified expenditures are at least twenty million dollars, the compensation paid to labor and personnel other than the principal producer, the principal director, and the principal cast members, does not exceed three hundred thousand dollars each.

(c) The department of revenue, in consultation with the department of economic development, shall by rule establish a list of eligible and negotiable expenditures.

Sec. 4. Section 15.393, subsection 2, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) For tax years beginning on or after January 1, 2007, an investment tax credit shall be allowed against the taxes imposed in chapter 422, divisions II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's investment in a project registered under the program. The tax credit shall equal ~~twenty-five-percent-of-the-investment-in-the-project, except-that-the-tax-credit-shall~~ an amount not to exceed twenty-five percent of the qualified expenditures on the project. The department may negotiate the amount of the tax credit. An individual may claim a tax credit under this paragraph of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit. A taxpayer shall not claim a tax credit under this paragraph "b" for qualified expenditures for which a tax credit is claimed under paragraph "a".

Sec. 5. Section 15.393, subsection 2, paragraph c, Code 2009, is amended to read as follows:

c. For ~~tax-years-beginning-on-or-after-January-1,-2007,~~ the tax year in which a qualified expenditure occurred, and for the ensuing three tax years, a taxpayer may claim a reduction in adjusted gross income not to exceed in a tax year twenty-five percent of the amount of the qualified expenditure for purposes of taxes imposed in chapter 422, divisions II and III, for payments received from the sale, rental, or furnishing of tangible personal property or services directly related to the production of a project registered under this section which meets the criteria of a qualified expenditure under paragraph "a", subparagraph (2).

Sec. 6. APPLICABILITY DATE. This Act applies to projects registered on or after July 1, 2009.

John P. Kibbie

JOHN P. KIBBIE
President of the Senate

Patrick J. Murphy

PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 480, Eighty-third General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 18th, 2009

Chet Culver

CHESTER J. CULVER
Governor