

Renumbered 5/12/2015

63M-1-1803 Motion Picture Incentive Account created -- Cash rebate incentives -- Refundable tax credit incentives.

- (1)
 - (a) There is created within the General Fund a restricted account known as the Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives for state-approved productions by a motion picture company.
 - (b) All interest generated from investment of money in the restricted account shall be deposited in the restricted account.
 - (c) The restricted account shall consist of an annual appropriation by the Legislature.
 - (d) The office shall:
 - (i) with the advice of the board, administer the restricted account; and
 - (ii) make payments from the restricted account as required under this section.
 - (e) The cost of administering the restricted account shall be paid from money in the restricted account.
- (2)
 - (a) A motion picture company or digital media company seeking disbursement of an incentive allowed under an agreement with the office shall follow the procedures and requirements of this Subsection (2).
 - (b) The motion picture company or digital media company shall provide the office with a report identifying and documenting the dollars left in the state or new state revenues generated by the motion picture company or digital media company for its state-approved production, including any related tax returns by the motion picture company, payroll company, digital media company, or loan-out corporation under Subsection (2)(d).
 - (c) For a motion picture company, an independent certified public accountant shall:
 - (i) review the report submitted by the motion picture company; and
 - (ii) attest to the accuracy and validity of the report, including the amount of dollars left in the state.
 - (d) The motion picture company, digital media company, payroll company, or loan-out corporation shall provide the office with a document that expressly directs and authorizes the State Tax Commission to disclose the entity's tax returns and other information concerning the entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the office.
 - (e) The office shall submit the document described in Subsection (2)(d) to the State Tax Commission.
 - (f) Upon receipt of the document described in Subsection (2)(d), the State Tax Commission shall provide the office with the information requested by the office that the motion picture company, digital media company, payroll company, or loan-out corporation directed or authorized the State Tax Commission to provide to the office in the document described in Subsection (2)(d).
 - (g) Subject to Subsection (3), for a motion picture company the office shall:
 - (i) review the report from the motion picture company described in Subsection (2)(b) and verify that it was reviewed by an independent certified public accountant as described in Subsection (2)(c); and
 - (ii) based upon the certified public accountant's attestation under Subsection (2)(c), determine the amount of the incentive that the motion picture company is entitled to under its agreement with the office.
 - (h) Subject to Subsection (3), for a digital media company, the office shall:

- (i) ensure the digital media project results in new state revenue; and
 - (ii) based upon review of new state revenue, determine the amount of the incentive that a digital media company is entitled to under its agreement with the office.
- (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office shall pay the incentive from the restricted account to the motion picture company, notwithstanding Subsections 51-5-3(23)(b) and 63J-1-104(4)(c).
- (j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or 59-10-1108, the office shall:
- (i) issue a tax credit certificate to the motion picture company or digital media company; and
 - (ii) provide a duplicate copy of the tax credit certificate to the State Tax Commission.
- (k) A motion picture company or digital media company may not claim a motion picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company or digital media company has received a tax credit certificate for the claim issued by the office under Subsection (2)(j)(i).
- (l) A motion picture company or digital media company may claim a motion picture tax credit on its tax return for the amount listed on the tax credit certificate issued by the office.
- (m) A motion picture company or digital media company that claims a tax credit under Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in accordance with Subsection 63M-1-1804(6).
- (3)
- (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit certificates under this part in a fiscal year.
 - (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount authorized under Subsection (3)(a), it may carry over that amount for issuance in subsequent fiscal years.