

**HOUSE CS FOR CS FOR SENATE BILL NO. 23(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/14/12

Referred: Rules

Sponsor(s): SENATORS ELLIS, McGuire, French, Davis, Wielechowski, Kookesh, Meyer, Menard, Egan, Stedman

REPRESENTATIVES Petersen, Herron, Tuck, Gara, Guttenberg

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to transferable film production tax credits and film production tax  
2 credit certificates; relating to the taxes against which a film production tax credit may  
3 be applied; transferring the film office to the Department of Revenue and relating to  
4 that office; establishing the Alaska Film Incentive Review Commission; establishing a  
5 film production promotion program; relating to the amount of credit that may be  
6 awarded for compensation to producers, directors, writers, and actors who are not  
7 residents; providing for a fee to be paid at the time an application for eligibility for the  
8 film production tax credit is filed; providing a one-time credit for the first episodic  
9 scripted television production in the state; requiring the legislative audit division to  
10 audit the Alaska film production incentive program; providing for an effective date by  
11 repealing the effective dates of secs. 3 and 4, ch. 63, SLA 2008; and providing for an  
12 effective date."

13 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

1 \* **Section 1.** AS 24.20.271 is amended to read:

2 **Sec. 24.20.271. Powers and duties.** The legislative audit division shall

3 (1) conduct a performance post-audit of boards and commissions  
4 designated in AS 44.66.010 and of those programs and activities of agencies subject to  
5 termination as determined in the manner set out in AS 44.66.020 and 44.66.030, and  
6 make the audit, together with a written report, available to the legislature not later than  
7 the first day of the regular session of the legislature convening in each year set out  
8 with reference to boards, commissions, or agency programs whose activities are  
9 subject to termination as prescribed in AS 44.66; the division shall notify the  
10 legislature that the audit and report are available;

11 (2) audit at least once every three years the books and accounts of all  
12 custodians of public funds and all disbursing officers of the state;

13 (3) at the direction of the Legislative Budget and Audit Committee,  
14 conduct performance post-audits on any agency of state government;

15 (4) cooperate with state agencies by offering advice and assistance as  
16 requested in establishing or improving the accounting systems used by state agencies;

17 (5) require the assistance and cooperation of all state officials and  
18 other state employees in the inspection, examination, and audit of state agency books  
19 and accounts;

20 (6) have access at all times to the books, accounts, reports, or other  
21 records, whether confidential or not, of every state agency;

22 (7) ascertain, as necessary for audit verification, the amount of agency  
23 funds on deposit in any bank as shown on the books of the bank; no bank may be held  
24 liable for making information required under this paragraph available to the legislative  
25 audit division;

26 (8) complete studies and prepare reports, memoranda, or other  
27 materials as directed by the Legislative Budget and Audit Committee;

28 (9) have direct access to any information related to the management of  
29 the University of Alaska and have the same right of access as exists with respect to  
30 every other state agency;

31 (10) conduct an audit every two years of information found in the

1 annual reports required under AS 42.05.211 and AS 42.06.220 regarding compliance  
 2 by the Regulatory Commission of Alaska with the requirements of AS 42.05.175(a) -  
 3 (e) and of the timeline extensions made by the commission under AS 42.05.175(f),  
 4 and of other performance measures adopted by the commission;

5 **(11) conduct audits of the Alaska film production incentive**  
 6 **program (AS 44.25.100 - 44.25.190) and make the audits available to the**  
 7 **legislature on the first day of the regular session of the legislature in 2015, 2017,**  
 8 **and 2021.**

9 \* **Sec. 2.** AS 43.75.130(f) is amended to read:

10 (f) For purposes of this section, tax revenue collected under AS 43.75.015  
 11 from a person entitled to a credit under AS 43.75.035, [OR] 43.75.036, **or**  
 12 **AS 43.98.030** shall be calculated as if the person's tax were collected without applying  
 13 the credit; tax revenue collected does not include the amount of a tax credit recaptured  
 14 under AS 43.75.035(g) or 43.75.036(g).

15 \* **Sec. 3.** AS 43.77.060(e) is amended to read:

16 (e) For purposes of this section, tax revenue collected under AS 43.77.010  
 17 from a person entitled to a credit under AS 43.77.035, [OR] 43.77.045, **or**  
 18 **AS 43.98.030** shall be calculated as if the person's tax had been collected without  
 19 applying the credits.

20 \* **Sec. 4.** AS 43.98.030(a) is amended to read:

21 (a) **The** [IN COOPERATION WITH THE FILM OFFICE IN THE  
 22 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC  
 23 DEVELOPMENT, THE] department shall provide a transferable film production tax  
 24 credit **certificate** to a producer, as defined in **AS 44.25.190** [AS 44.33.239], for  
 25 qualified production expenditures under **AS 44.25.100 - 44.25.190. The department**  
 26 **shall publish the name and contact information for each person provided a**  
 27 **transferable tax credit certificate under this subsection** [AS 44.33.231 -  
 28 44.33.239].

29 \* **Sec. 5.** AS 43.98.030(b) is amended to read:

30 (b) A tax credit **certificate** provided under (a) of this section may be sold,  
 31 assigned, exchanged, conveyed, or otherwise transferred in whole or in part.

1 \* **Sec. 6.** AS 43.98.030(c) is amended to read:

2 (c) A taxpayer acquiring a transferable **tax credit certificate** may use the  
3 credit or a portion of the credit to offset taxes imposed under **AS 21.09.210,**  
4 **AS 21.66.110, AS 43.20, AS 43.55, AS 43.56, AS 43.65, AS 43.75, and AS 43.77.**  
5 **Except as provided in (e) of this section, any** [AS 43.20 (ALASKA NET INCOME  
6 TAX ACT). ANY] portion of the credit not used may be used at a later period or  
7 transferred under (b) of this section.

8 \* **Sec. 7.** AS 43.98.030(e) is amended to read:

9 (e) A **transferable film production tax credit certificate** provided under (a)  
10 of this section, whether sold, assigned, exchanged, conveyed, or otherwise transferred,  
11 in whole or in part, must be used within **six** [THREE] years after being provided by  
12 the department.

13 \* **Sec. 8.** AS 43.98.030(f) is amended to read:

14 (f) The **total amount** [NUMBER] of tax credits provided in the aggregate  
15 under this section may not exceed

16 **(1) \$100,000,000 for productions qualified under AS 44.25.120**  
17 **before July 1, 2013; and**

18 **(2) \$200,000,000 for productions qualified under AS 44.25.120**  
19 **after June 30, 2013, and before July 1, 2023.**

20 \* **Sec. 9.** AS 43.98.030 is amended by adding new subsections to read:

21 (g) A person acquiring two or more film production tax credit certificates  
22 provided under (a) of this section may combine the unused amounts of the credits for  
23 sale, assignment, exchange, conveyance, or other transfer. At the request of a person  
24 holding a film production tax credit, the department shall replace a certificate that  
25 represents the full amount of tax credit available with multiple certificates that each  
26 represent a portion of the total tax credit available for the purpose of sale, assignment,  
27 exchange, conveyance, or other transfer under this subsection, or, on request, shall  
28 provide one tax credit certificate that represents the combined value of multiple tax  
29 credit certificates. A tax credit certificate provided by the department under this  
30 subsection must state the expiration date and the amount of each credit that is included  
31 in the certificate. Combining or splitting unused amounts of credits under this

1 subsection does not change or extend the time period in which each credit that is  
2 included in the combination or split must be used.

3 (h) Subject to appropriation, the department may purchase a transferable film  
4 production tax credit certificate for 75 percent of the amount of each credit that is  
5 included in the certificate.

6 \* **Sec. 10.** AS 44.25 is amended by adding new sections to read:

7 **Article 3. Film Office.**

8 **Sec. 44.25.100. Film office.** The film office is created in the Department of  
9 Revenue. The film office shall administer the Alaska film production incentive  
10 program.

11 **Sec. 44.25.105. Duties.** (a) The film office shall make available to the  
12 legislature, within 30 days after the start of each regular session, a report of the  
13 activities conducted by the film office under AS 44.25.100 - 44.25.190. The report  
14 must include

15 (1) the number of applications received under AS 44.25.120;

16 (2) the number of applications approved by the film office;

17 (3) the number of, and amount of, tax credits disbursed under  
18 AS 44.25.110;

19 (4) the total amount of expenditures that were paid by productions  
20 qualifying for the film production tax credit that were not qualified expenditures;

21 (5) the total amount of qualified expenditures that were paid by  
22 productions qualifying for the film production tax credit to Alaska businesses;

23 (6) the total amount of qualified expenditures that were paid by  
24 productions qualifying for the film production tax credit to Alaska residents as wages;

25 (7) the total amount of qualified expenditures that were paid by  
26 productions qualifying for the film production tax credit for wages paid to individuals  
27 who were not residents;

28 (8) the total number of residents employed by productions qualifying  
29 for the film production tax credit;

30 (9) the total number of individuals employed by productions qualifying  
31 for the film production tax credit who were not residents;

1 (10) the number of productions qualifying for the film production tax  
 2 credit that used a third party to sell, assign, exchange, convey, or otherwise transfer, in  
 3 whole or in part, a tax credit certificate received by the production; in this paragraph,  
 4 "third party" means a person other than the producer or an employee of the producer  
 5 of the production qualifying for the film production tax credit; and

6 (11) the number of purchases of transferable film production tax credit  
 7 certificates purchased under AS 43.98.030(h) and the total amount of film production  
 8 tax credits shown on the certificates purchased by the Department of Revenue.

9 (b) The film office shall design a logo that represents the film office and must  
 10 be included in a film qualifying for a film production tax credit under AS 44.25.100 -  
 11 44.25.190.

12 (c) The film office shall provide an on-site liaison to a film production that is  
 13 subject to the maximum application fee under AS 44.25.120(d). The liaison shall assist  
 14 the producer in meeting the requirements of AS 44.25.100 - 44.25.190 and ensure that  
 15 the production is in the best interests of the state as described in the application filed  
 16 under AS 44.25.120 and approved under AS 44.25.150.

17 **Sec. 44.25.110. Alaska film production incentive program.** Subject to  
 18 appropriations for the purpose, the film office shall administer the Alaska film  
 19 production incentive program to provide a tax credit under AS 43.98.030 for certain  
 20 film production expenditures incurred in the state.

21 **Sec. 44.25.115. Eligibility.** (a) A film production is eligible for a tax credit  
 22 under AS 43.98.030, if the

23 (1) producer has \$75,000 or more in qualified expenditures in a  
 24 consecutive 36-month period under AS 44.25.130;

25 (2) Alaska Film Incentive Review Commission determines that the  
 26 production is not contrary to the best interests of the state; and

27 (3) production is approved by the film office.

28 (b) In determining under (a) of this section whether a production is not  
 29 contrary to the best interests of the state, the Alaska Film Incentive Review  
 30 Commission shall consider the effect of the production on

31 (1) both the immediate and long-term prospects for the film industry in

1 the state;

2 (2) both the immediate and long-term prospects for the employment of  
3 Alaska residents;

4 (3) both the immediate and long-term prospects for the economy of the  
5 state;

6 (4) the public perception of state policy on the utilization and  
7 development of the natural resources of the state; and

8 (5) the immediate and long-term prospects for the fiscal health of the  
9 state.

10 **Sec. 44.25.120. Qualification for film production tax credit.** (a) A film  
11 producer may apply for the film production tax credit under AS 43.98.030 by  
12 submitting an application to the film office on a form provided by the film office. The  
13 application must include

14 (1) a script or synopsis of the production;

15 (2) the names of the producer, director, and proposed cast;

16 (3) estimated start, completion, and filming dates; and

17 (4) other information the film office may require to determine the  
18 producer's qualification for a credit and the estimated amount of the credit.

19 (b) If the Alaska Film Incentive Review Commission approves an application  
20 submitted under (a) of this section, the film office shall issue a notice of qualification  
21 to the producer. The notice of qualification must include a determination by the film  
22 office of the estimated film production tax credit for which the production qualifies.

23 (c) Information submitted in an application under (a) of this section is  
24 confidential and is not subject to inspection or copying under AS 40.25.110 -  
25 40.25.125.

26 (d) At the time an application is submitted under (a) of this section, a film  
27 producer shall submit an application fee equal to 0.2 percent of the estimated total  
28 qualified expenditures to be incurred in the state, except that the application fee may  
29 not be less than \$200 or more than \$5,000. The application fee is not subject to refund.

30 **Sec. 44.25.125. Award of film production tax credit.** (a) Subject to  
31 AS 43.98.030(f) and to (i) of this section, the film office shall determine the amount of

1 the tax credit under AS 43.98.030 available to a producer who has obtained a notice of  
2 qualification under AS 44.25.120(b), based on the qualified expenditures of the  
3 production under AS 44.25.130. After the film office determines the amount of the tax  
4 credit, the tax credit shall be submitted to the Alaska Film Incentive Review  
5 Commission for approval.

6 (b) Except as provided in (k) of this section, the base amount of a tax credit  
7 awarded under this section is equal to 30 percent of the qualified expenditures of a  
8 production.

9 (c) In determining the amount of the tax credit and subject to approval by the  
10 Alaska Film Incentive Review Commission, the applicable percentage provided by (b)  
11 of this section shall be increased by the film office based on the following criteria:

12 (1) an additional 20 percent of qualified expenditures that are wages  
13 paid to Alaska residents;

14 (2) an additional six percent of qualified expenditures made in a rural  
15 area; and

16 (3) an additional two percent of qualified expenditures made in the  
17 state between October 1 and March 30.

18 (d) After completion of the production, the producer shall provide the film  
19 office with a production cost report detailing the qualified expenditures of the  
20 production, with verification by an independent certified public accountant, licensed in  
21 the state and approved by the film office, that the costs claimed in the report are  
22 qualified expenditures under AS 44.25.130 and that there is no outstanding balance for  
23 a qualified expenditure that is due to a person in the state. The independent certified  
24 public accountant providing verification under this subsection may not engage in the  
25 sale, assignment, exchange, conveyance, or other transfer of a tax credit certificate that  
26 includes a credit based on the qualified expenditures that are verified by that  
27 independent certified public accountant. If the independent certified public accountant  
28 providing verification under this subsection subsequently engages in the sale,  
29 assignment, exchange, conveyance, or other transfer of a credit for which a qualified  
30 expenditure was verified by that independent certified public accountant, the film  
31 office may require the producer providing the production cost report to have the

1 qualified expenditures verified by an independent certified public accountant licensed  
2 in the state that is not engaged in the sale, assignment, exchange, conveyance, or other  
3 transfer related to a credit for the qualified expenditures.

4 (e) Subject to (g) of this section, the film office, in cooperation with the  
5 Department of Revenue, shall determine the amount of the tax credit based on the  
6 information provided by the producer under (d) of this section and, after approval by  
7 the Alaska Film Incentive Review Commission, shall award a tax credit in cooperation  
8 with the Department of Revenue under AS 43.98.030 if the producer has satisfied all  
9 requirements under AS 44.25.100 - 44.25.190.

10 (f) The award of a tax credit under this section is conditioned on the  
11 producer's and the production's full compliance with all applicable state laws and  
12 regulations. At the request of the film office, a producer shall provide any information  
13 necessary for the film office to determine the producer's and production's compliance  
14 with this subsection.

15 (g) In determining the amount of a tax credit awarded under this section, the  
16 film office shall reduce the amount of the tax credit by any amount the film office  
17 considers necessary to allow the state, or a political subdivision of the state, to recover  
18 the cost of any damages caused by any act or omission of the producer or production.

19 (h) The film office may withhold the award of a tax credit under this section if  
20 the office determines that there are filed, but unresolved, legal actions in the state  
21 involving the producer or production.

22 (i) To qualify for the tax credit under AS 43.98.030, a producer shall include,

23 (1) in the end credits of each qualified film, the film office logo  
24 designed under AS 44.25.105(b) and the words, "Filmed in Alaska with the Support of  
25 the State of Alaska"; or

26 (2) on each DVD or other media produced for distribution, a short  
27 Alaska promotional video or advertisement approved by the Alaska Film Incentive  
28 Review Commission.

29 (j) The Department of Revenue may not provide a tax credit certificate under  
30 AS 43.98.030 to a producer that fails to meet the requirements in (i) of this section.

31 (k) In place of the 30 percent credit applicable to qualified expenditures under

1 (a) of this section, the tax credit for expenditures for services performed in the state,  
 2 including all salaries, wages, compensation, and related benefits, by producers,  
 3 directors, writers, and principal actors that fail to meet the eligibility requirements for  
 4 a permanent fund dividend in AS 43.23.005(a)(2) - (7), and all entities representing  
 5 producers, directors, writers, and principal actors that fail to meet the eligibility  
 6 requirements for a permanent fund dividend in AS 43.23.005(a)(2) - (7), is five  
 7 percent. The amount of the five percent credit may be increased by adding an amount  
 8 equal to 50 percent of the qualified expenditures paid to residents of the state under  
 9 AS 44.25.130(a)(10) and 50 percent of the qualified expenditures paid under  
 10 AS 44.25.130(a)(11) - (13) and (15). In this subsection, "principal actors" means the  
 11 five highest compensated actors or entities representing the five highest compensated  
 12 actors in the production.

13 **Sec. 44.25.130. Determination of qualified expenditures.** (a) Expenditures  
 14 made by a production company licensed to do business in the state in connection with  
 15 a film production approved by the film office that shall be considered qualified  
 16 expenditures must be directly related to the production and be incurred in the state.  
 17 Only expenditures that are ordinary, reasonable, and not in excess of fair market value  
 18 and that are for real or tangible property, fees, services, or state or municipal taxes  
 19 shall be considered. Expenditures may include

- 20 (1) costs of set construction and operation;
- 21 (2) costs of wardrobes, make-up, accessories, and related services;
- 22 (3) costs associated with photography and sound synchronization;
- 23 (4) costs of lighting and related services and materials;
- 24 (5) costs of editing and related services;
- 25 (6) rental of facilities and equipment;
- 26 (7) leasing of vehicles;
- 27 (8) costs of food and lodging;
- 28 (9) costs of digital or tape editing, film processing, transfer of film to  
 29 tape or digital format, transfer of digital media to film or tape, sound mixing, and  
 30 special and visual effects;
- 31 (10) the total aggregate expenditures for services performed in the

1 state, including all salaries, wages, compensation, and related benefits provided to  
 2 producers, directors, writers, actors, and other personnel that are directly attributable  
 3 to services performed in the state;

4 (11) the costs of the use of an Alaska business for processing qualified  
 5 payroll and related expenditures;

6 (12) costs of music, if performed, composed, or recorded by an Alaska  
 7 musician, or released or published by an Alaska business;

8 (13) costs of intrastate travel, if provided by an Alaska business;

9 (14) costs relating to the design, construction, improvement, or repair  
 10 of a film, video, television, or digital production or postproduction facility or related  
 11 property, infrastructure, or equipment, except commercial exhibition facilities, as  
 12 determined by the film office;

13 (15) costs of state or municipal taxes levied in Alaska on the lease or  
 14 rental of passenger or recreational vehicles or the rental of rooms or other lodging; or

15 (16) other similar production expenditures as determined by the film  
 16 office in cooperation with the Department of Revenue.

17 (b) Production costs that may not be considered qualified expenditures include

18 (1) costs related to the acquisition, determination, transfer, or use of a  
 19 film production tax credit under AS 43.98.030;

20 (2) postproduction expenditures for marketing and distribution;

21 (3) production financing, depreciation, and amortization costs, and  
 22 other costs that are not cash or cash equivalent expenditures directly attributable to  
 23 production costs incurred in the state;

24 (4) amounts that are later reimbursed or reasonably anticipated to be  
 25 reimbursed, resulting in a reduction in production costs;

26 (5) amounts that are reasonably anticipated to be recovered through  
 27 subsequent sale or other realization of value by disposal of an asset that has been  
 28 claimed as a qualified expenditure;

29 (6) amounts that are paid to a person or entity as a result of  
 30 participation in profits from the exploitation of the production;

31 (7) costs incurred in the purchase of real or tangible property for which

1 a qualified expenditure has, at any time, been claimed.

2 **Sec. 44.25.135. Recovery of film production tax credit.** (a) The film office  
3 may review, audit, and bring legal proceedings to recover any amount of a tax credit  
4 awarded under AS 44.25.125 from a producer or production to which a credit was  
5 awarded if the film office determines that the film producer or production is liable for  
6 damages to the state, or any political subdivision of the state.

7 (b) Legal proceedings may not be brought under (a) of this section more than  
8 six years after the date the tax credit was awarded under AS 44.25.125.

9 **Sec. 44.25.140. Regulations.** The film office may adopt procedures and  
10 regulations to carry out its functions under AS 44.25.100 - 44.25.190.

11 **Sec. 44.25.145. Alaska Film Incentive Review Commission.** (a) The Alaska  
12 Film Incentive Review Commission is created in the Department of Revenue.

13 (b) The membership of the commission consists of the

14 (1) commissioner of commerce, community, and economic  
15 development;

16 (2) commissioner of natural resources;

17 (3) commissioner of revenue;

18 (4) commissioner of labor and workforce development.

19 (c) A majority of the commission constitutes a quorum. Approval of an  
20 application for qualification under AS 44.25.120 and 44.25.150 and the award of film  
21 production tax credits under AS 44.25.120 and 44.25.150 require an affirmative vote  
22 by three members of the commission.

23 (d) The commission shall employ an executive director and additional staff to  
24 support the work of the commission, oversee the film office, and carry out the duties  
25 of the film office under AS 44.25.100 - 44.25.190. The commission shall provide  
26 general direction to the executive director and staff for the operation of the film office.

27 (e) The commission may consult with individuals knowledgeable about film  
28 production and accounting as necessary to perform the duties of the commission.

29 **Sec. 44.25.150. Review of qualifications and award of film production tax**  
30 **credits.** (a) The executive director shall review each application submitted to the film  
31 office under AS 44.25.120 and each production cost report submitted to the film office

1 under AS 44.25.125.

2 (b) After finding that an application submitted under AS 44.25.120 is  
 3 complete, the executive director shall review the application and submit the  
 4 application for approval to the commission along with a recommendation to approve  
 5 or reject the application. After reviewing the application, the recommendation of the  
 6 executive director, and additional information an applicant may provide or the  
 7 commission may request, the commission shall make a decision as to whether the  
 8 production proposed in the application and the estimated amount of the film  
 9 production tax credit is in the best interest of the state. The commission may not  
 10 approve an application for a film production that the commission finds is contrary to  
 11 the natural resource development policy of the state. The commission shall issue a  
 12 decision either approving or rejecting the application and qualification of the  
 13 applicant. A decision of the commission on the qualification of an applicant is in the  
 14 discretion of the commission and is not subject to appeal except on the issue of  
 15 whether the decision of the commission is arbitrary or capricious. If appealed, the  
 16 appeal is subject to AS 44.62 (Administrative Procedure Act).

17 (c) After reviewing the production cost report submitted by a producer under  
 18 AS 44.25.125, the executive director shall review and verify the information included  
 19 on the production cost report. The executive director shall determine the amount of the  
 20 credit for which the producer may qualify and make a recommendation to the  
 21 commission as to the amount of the credit to be awarded. The commission may  
 22 approve the credit amount recommended by the executive director, adjust the amount  
 23 of the credit, deny all or part of the credit, or return the production cost report to the  
 24 executive director for additional review. The denial of a film production tax credit  
 25 under this section is subject to appeal under AS 44.62 (Administrative Procedure Act).

26 **Sec. 44.25.190. Definitions.** In AS 44.25.100 - 44.25.190,

27 (1) "Alaska business" means

28 (A) a person who holds a current Alaska business license;

29 (B) a person who provides goods or services under the name as  
 30 appearing on the person's current Alaska business license;

31 (C) a person who has maintained a place of business within the

1 state staffed by the person or an employee of the person for a period of six  
2 months immediately preceding the date the goods or services were provided;

3 (D) a person who is

4 (i) incorporated or qualified to do business under the  
5 laws of the state;

6 (ii) a sole proprietorship, and the proprietor is a resident  
7 of the state;

8 (iii) a limited liability company organized under  
9 AS 10.50, and all members are residents of the state; or

10 (iv) a partnership under former AS 32.05, AS 32.06, or  
11 AS 32.11, and all partners are residents of the state; and

12 (E) if the business is a joint venture, a joint venture composed  
13 entirely of ventures that qualify under (A) - (D) of this paragraph;

14 (2) "film" includes television, commercials, and videos;

15 (3) "film office" means the film office created under AS 44.25.100;

16 (4) "producer" means a person who arranges financing for or  
17 supervises the production of a film, video, commercial, or television production or  
18 pilot;

19 (5) "rural area" means a community in the state with a population of  
20 1,500 or less or a community with a population of 10,000 or less that is not connected  
21 by road or rail to Anchorage or Fairbanks.

22 \* **Sec. 11.** AS 44.33.231 is repealed and reenacted to read:

23 **Sec. 44.33.231. Film production promotion program.** (a) The film  
24 production promotion program is established in the Department of Commerce,  
25 Community, and Economic Development.

26 (b) The purpose of the film production promotion program is to

27 (1) work with organizations in the private sector for the expansion and  
28 development of film production industries in the state;

29 (2) promote Alaska as an appropriate location for film production;

30 (3) provide production assistance through connecting film directors,  
31 makers, and producers with Alaska location scouts and contractors, including

1 contractors providing assistance with permit applications; and

2 (4) certify Alaska film production internship training programs and  
3 promote the employment of program interns by eligible productions.

4 (c) On request, the Department of Commerce, Community, and Economic  
5 Development, through the film production promotion program, shall assist the  
6 Department of Revenue in the administration of the Alaska film production incentive  
7 program (AS 44.25.110).

8 \* **Sec. 12.** AS 44.33.232, 44.33.233, 44.33.234, 44.33.235, 44.33.236, 44.33.237, 44.33.238,  
9 and 44.33.239 are repealed.

10 \* **Sec. 13.** AS 43.98.030; AS 44.25.100, 44.25.105, 44.25.110, 44.25.115, 44.25.120,  
11 44.25.125, 44.25.130, 44.25.140, 44.25.145, 44.25.150, 44.25.190; and AS 44.33.231(c) are  
12 repealed.

13 \* **Sec. 14.** AS 44.25.135 is repealed.

14 \* **Sec. 15.** AS 24.20.271(11) is repealed.

15 \* **Sec. 16.** Sections 3, 4, 5, and 6, ch. 63, SLA 2008, are repealed.

16 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 INCENTIVE CREDIT FOR FIRST EPISODIC SCRIPTED TELEVISION  
19 PRODUCTION IN THE STATE. (a) Subject to appropriation, the first episodic scripted  
20 television production produced after the effective date of this section is entitled to an  
21 additional film production tax credit of six percent of the total qualified expenditures incurred  
22 in the state. The production is eligible for the film production tax credit in this section after 16  
23 episodes have been completed and are ready for television broadcast.

24 (b) The credit in this section shall be administered in the same manner as the film  
25 production tax credit under AS 44.25.100 - 44.25.190.

26 (c) In this section, "episodic scripted television production" means a production for  
27 television broadcast that is based on a script written before production; "episodic scripted  
28 television production" does not include what is commonly referred to as reality television, for  
29 which actors in the production do not perform using previously scripted dialogue or actions.

30 \* **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to  
31 read:

1           TRANSITION. (a) The employee or employees in the film office in the Department of  
2 Commerce, Community, and Economic Development shall be transferred to the Department  
3 of Revenue on the effective date of this section and shall be the staff authorized for the Alaska  
4 Film Incentive Review Commission established by AS 44.25.145, enacted by sec. 10 of this  
5 Act. The Alaska Film Incentive Review Commission shall designate an executive director as  
6 soon as practicable after the effective date of this section.

7           (b) Subject to AS 43.98.030(f), as amended by sec. 8 of this Act, secs. 13 and 14 of  
8 this Act do not prohibit the film office from determining a film production's qualified  
9 expenditures, awarding a tax credit, or reviewing a tax credit under the provisions repealed by  
10 secs. 13 and 14 of this Act that has received a notice of qualification under AS 44.25.120(b),  
11 enacted by sec. 10 of this Act, before July 1, 2023.

12           (c) A film production tax credit may be used to offset taxes imposed under the  
13 provisions identified in AS 43.98.030(c), as amended by sec. 6 of this Act, or sold or  
14 exchanged for a transferable tax credit certificate under AS 43.98.030(a), as amended by sec.  
15 4 of this Act, within three years after being provided by the Department of Revenue,  
16 notwithstanding the repeal of AS 43.98.030 in sec. 13 of this Act.

17           (d) A film production tax credit that is being withheld under AS 44.25.125(h), enacted  
18 by sec. 10 of this Act, may continue to be withheld by the film office, notwithstanding the  
19 repeal of AS 44.25.125 in sec. 13 of this Act.

20       \* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22           NOTIFICATION. When the amount of tax credits provided under AS 43.98.030(f), as  
23 amended by sec. 8 of this Act, in the aggregate and the estimated amount of tax credits that  
24 could be claimed based on notices of qualification issued by the film office under  
25 AS 44.25.120(b), enacted by sec. 10 of this Act, together equal \$100,000,000 before July 1,  
26 2013, or \$200,000,000 after June 30, 2013, and before July 1, 2023, the commissioner of  
27 revenue shall notify the presiding officers of each house of the legislature and the revisor of  
28 statutes in writing.

29       \* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31           NONSEVERABILITY. Notwithstanding AS 01.10.030, the provisions of this Act are

1 not severable.

2 \* **Sec. 21.** Sections 7 and 8, ch. 63, SLA 2008, are repealed.

3 \* **Sec. 22.** Section 13 of this Act takes effect on the earlier of the following:

4 (1) July 1, 2023; or

5 (2) the date the commissioner of revenue notifies the presiding officers of each  
6 house of the legislature and the revisor of statutes in writing of the \$200,000,000 amount after  
7 June 30, 2013, and before July 1, 2023, under sec. 19 of this Act.

8 \* **Sec. 23.** Section 14 of this Act takes effect on the earlier of the following:

9 (1) July 1, 2029; or

10 (2) six years after the date the commissioner of revenue notifies the presiding  
11 officers of each house of the legislature and the revisor of statutes in writing of the  
12 \$200,000,000 amount after June 30, 2013, and before July 1, 2023, under sec. 19 of this Act.

13 \* **Sec. 24.** Section 15 of this Act takes effect January 1, 2022.

14 \* **Sec. 25.** Except as provided in secs. 22 - 24 of this Act, this Act takes effect July 1, 2013.