



NEW YORK STATE SENATOR

Robert G. Ortt

NY Film Tax Credit Update

ROBERT G. ORTT August 15, 2018

| ISSUE: **FILM TAX CREDIT, FISCAL RESPONSIBILITY**

A column from Senator Rob Ortt (R,C,I,Ref-North Tonawanda)

Towards the end of last year, I highlighted the highly controversial and questionable film tax credit that our state has been recklessly participating in for the last 15 years. After beginning as a modest incentive of \$25 million per year in 2004, by 2010 the credit had ballooned to an annual sum of nearly \$211 million. In 2014, that amount doubled and New York became home to one of the most generous film tax credits in the country. Over the last four years, our state has been doling out taxpayer dollars to the tune of \$420 million per year in order to prop up the “struggling and downtrodden” film industry.

I applaud our local filmmakers and I am sure that some local projects have benefited from the credit. However, the film industry – filled with regressive, multimillion-dollar Hollywood elites – is suddenly the recipient of the largest industry-specific tax credit in our state and one of the largest of its type in the country. The benefits overwhelmingly favor big companies and New York City projects. The questionable subsidization of this particular industry should raise a few eyebrows, and the fact Gov. Cuomo recently hosted dozens of top film and Hollywood executives at a re-election fundraiser in Beverly Hills should raise all of them.

After handing out millions to “Death in Love,” described as Holocaust Porn by the New York Post and “Killer Rack,” the story of a breast enhancement operation turned man-eating killer, New York State chose to dabble in funding films that centered on prostitution and the sex industry. This report reveals “The Deuce,” a series based on the rise of New York City’s porn industry, received nearly \$14.5 million while “The Girlfriend Experience,” a soft-core porn involving a law student who sells her body on the weekend to pay her bills, received nearly \$390,000. I have no doubt that these works of art are consumed and enjoyed by many; however, I do not feel the state should be subsidizing these types of works.

Finally, Saturday Night Live once again received a tax credit. Over the last decade, NBC and SNL have been the recipients of approximately \$68 million in credits and this year, it was over \$15 million in taxpayer funds. Each year, the show seemingly threatens to leave New York (putting their famous “Live from New York” hook at risk) unless they are given a handout.

I continue to have serious doubts regarding the rate of return on this tax credit that repeatedly supports New York City projects that would have likely filmed in the city regardless of the credit. I take issue with propping up a billion dollar industry that clearly does not need support. With each quarterly report outlining where these funds are going, my assertion that this program is simply a kickback to his campaign donors like Sony, which donated \$50,000 to Gov. Cuomo’s re-election campaign in 2014, becomes more evident. Until the Governor and Legislature overhaul or nix this program, I will continue to highlight its questionable use of taxpayer dollars.

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Repeals the Empire state film production credit and the Empire state film post production credit

December 07, 2017

In Senate Committee [Investigations and Government Operations](#)

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