



2009 Film Production Credit
15-31-901 through 15-31-911, MCA

Name (as it appears on your tax return) _____

Your Social Security Number or Federal Employer Identification Number _____

If this credit is passed through to you from a partnership or S corporation, enter the name of the partnership or S corporation, FEIN and your percentage of ownership in the partnership or S corporation.

Name _____ FEIN _____ Percent of Ownership _____ %

Your Film Certification Number issued by the Montana Department of Commerce _____

Employment Production Credit

1. Enter your 2009 employment production credit from Schedule I, Column E, line 19 here. This is your employment production credit.....1. _____

Employment Production Credit Election: The taxpayer can make a one-time election to claim the employment production credit as follows:

- the credit may be refunded, or
the credit may be applied against the 2009 corporate license or the individual income tax liability with the unused credit carried forward for the four succeeding tax years.

The election can only be made by a C corporation, sole proprietor filing a federal Schedule C, a shareholder of an S corporation, partner of a partnership or member of a limited liability company. This election cannot be made by a pass-through entity, only by the owners of the entity.

Check the box below for your election.

Carryover Credit [] Refundable Credit []

Qualified Expenditures Credit

2. Enter your 2009 qualified expenditures credit from Schedule II, Column D, line 23 here. This is your qualified expenditures credit.....2. _____

The qualified expenditures credit portion of your film production credit must be refunded for tax year 2009 if your tax liability is less than the amount of the credit.

Total Film Production Credit

3. Add lines 1 and 2 and enter the result here. This is your total film production credit.....3. _____

You are required to complete a separate Form FPC for each qualifying production for which you are applying for the production credit.

Where to Report Your Credit

Individuals or Estates and Trusts

If you have elected to carryover your employment production credit, transfer the amount on line 1 to Form 2, Schedule V, line 22; or Form FID-3, Schedule G, line 21.

If you have elected to have your employment production credit refunded, transfer the amount on line 1 to Form 2, Schedule V, line 26; or Form FID-3, Schedule G, line 24.

Transfer the qualified expenditures credit on line 2 to Form 2, Schedule V, line 27; or Form FID-3, Schedule G, line 25.

C corporations

If you are a C corporation, transfer the amounts to Form CLT-4, Schedule C.

S corporations or Partnerships

If you are an S corporation, transfer the amounts to Form CLT-4S, Schedule II. If you are a partnership, transfer the amounts to Form PR-1, Schedule II.

Schedule I, Employment Production Credit

- ▶ If you have more than 16 cast and crew members participating in a qualified production, you may use a document formatted similar to Schedule I as a substitute for Schedule I.
- ▶ When claiming the employment production credit, you cannot include the compensation listed below and used to calculate your credit as a deduction in computing your net income for corporate license tax or individual income tax purposes.

Column A	Column B	Column C	Column D	Column E
Enter the names alphabetically, by last name, of all Montana residents who are participating as a cast or crew member in the production.	Enter the participant's Social Security Number.	Declaration of residency (Form FPC-RD) on file? Check "yes" or "no."	Enter the total amount of compensation paid during your production to each resident listed in Column A.	If the participant is a Montana resident and you have checked Column C, enter the first \$50,000 or less of actual compensation paid to each Montana resident. (Do not enter an amount in Column E if the participant is not a Montana resident.)
1. Enter on line 1, column E, the aggregate amount of compensation paid to Montana residents previously reported at the completion of principal photography. Include a copy of your previously submitted form FPC-PP with this application. 1.				
2.		<input type="checkbox"/> yes <input type="checkbox"/> no		
3.		<input type="checkbox"/> yes <input type="checkbox"/> no		
4.		<input type="checkbox"/> yes <input type="checkbox"/> no		
5.		<input type="checkbox"/> yes <input type="checkbox"/> no		
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8.		<input type="checkbox"/> yes <input type="checkbox"/> no		
9.		<input type="checkbox"/> yes <input type="checkbox"/> no		
10.		<input type="checkbox"/> yes <input type="checkbox"/> no		
11.		<input type="checkbox"/> yes <input type="checkbox"/> no		
12.		<input type="checkbox"/> yes <input type="checkbox"/> no		
13.		<input type="checkbox"/> yes <input type="checkbox"/> no		
14.		<input type="checkbox"/> yes <input type="checkbox"/> no		
15.		<input type="checkbox"/> yes <input type="checkbox"/> no		
16.		<input type="checkbox"/> yes <input type="checkbox"/> no		
17.		<input type="checkbox"/> yes <input type="checkbox"/> no		
18. Add the amounts in Column E and enter the result here. 18.				
19. Multiply the amount in Column E, line 18 by 0.14 (14%) and enter the results here and on page 1, line 1. This is your employment production credit. 19.				

Schedule II, Qualified Expenditures Credit

- ▶ If you have more than 20 qualified expenditures, you may use a document formatted similar to Schedule II as a substitute for Schedule II.
- ▶ When claiming the qualified expenditures credit, you cannot include the expenditures listed below as a deduction when computing your net income for corporate license tax or individual income tax purposes.

	Column A Enter the name of the business or individual to which a qualified expenditure was made.	Column B Enter a brief description of the qualified expenditure (i.e. lumber, lodging, meals, maintenance, etc).	Column C Enter the date of the qualified expenditure	Column D Enter the total amount of the qualified expenditure.
1.	Enter in line 1, column D, the aggregate amount of expenditures previously reported at the completion of principal photography. Include a copy of your previously submitted Form FPC-PP with this application.....			1.
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22.	Add the amounts in Column D and enter the result here.			22.
23.	Multiply the amount in Column D, line 22 by 0.09 (9%) and enter the result here and on page 1, line 2. This is your qualified expenditures credit.			23.

Certification Statement

I, _____, certify under penalty of false swearing, as provided in 15-31-908(2)(b), MCA, that each Montana vendor has been paid in full for all goods and services purchased in connection with the state-certified production.

_____ Date

_____ Signature of Corporate Officer, Partner, or Member

_____ Printed name and Title

Form FPC General Instructions

What is a “state-certified production?”

A state certified production is a production that is certified by the Montana Department of Commerce and is produced by a production company that has a national or regional distribution plan that includes, but is not limited to, a major theatrical exhibition, film festival, television network, cable television programming, magazine advertising, or video or internet distribution.

How do I certify my production and obtain a Film Certification Number?

To certify your production, you are required to file an application with the Montana Department of Commerce. You can request an application form by contacting the Montana Department of Commerce Film Office at (406) 841-2876 (in Montana) or 800-553-4563 (out-of-state), or e-mail them at *montanafilm@mt.gov*. Once the Montana Film Office reviews and approves your application, they will assign a certification number to your production and notify the Montana Department of Revenue.

I am applying for the employment production credit. How do I determine the amount of compensation I paid to a Montana resident when calculating my credit?

The compensation that you paid to Montana residents is considered salaries, wages, or other compensation, including related benefits. It is considered the social security wages and any other compensation that is reported on federal Form W-2. Compensation does not include amounts paid for contract labor that are reportable on federal Form 1099-MISC. The amount of compensation you pay is the amount that is paid during your production, which may not necessarily be on a calendar year basis.

I am applying for the qualified expenditures credit. How do I determine the amount of my qualified expenditures when calculating my credit?

The expenditures that qualify for this credit are those made by you in Montana that are directly related to your state-certified production. This includes, but may not be limited to, expenses for lodging, restaurant and food, location fees, lumber and construction materials, rental of production equipment and vehicles, and supplies and materials that will be used in the production.

The employment production credit is based on the amount of compensation that I paid to Montana residents. How do I determine if the individual I employ is a Montana resident?

During the hiring process, the production company is required to obtain a declaration of residency form, Form FPC-RD for each Montana resident. The form, along

with the supporting evidence listed, must be retained in your company records. See Form FPC-RD for detailed information defining a Montana resident.

As a pass-through entity, how do I report the credit information to the owners of my pass-through entity?

As a pass-through entity, such as an S corporation, partnership, or limited liability company, you will complete Form FPC, along with Schedules I and II. You will not complete the Employment Production Credit Election. This is completed by the owners of your pass-through entity. Attach Form FPC to your Montana Information Return Form CLT-4S or PR-1.

You are required to provide your owners with information on their proportionate shares of the credit, compensation, and expenses relating to these credits. The amount of credit, compensation, and expenses allocated to each of your owners is based on the same proportion that is used to report their income or loss for state tax purposes. This information includes the owners' proportionate shares of the film production credits, along with their proportionate shares of compensation and expenses that are required to be added back to income, that are associated with the calculation of the credits.

How do I complete Form FPC when I am an owner in a pass-through entity?

As a shareholder of an S corporation, a partner of a partnership, or a member of a limited liability company whose entity has qualified for the film production credit, you are entitled to apply a portion of the credit that has been passed through to you against your tax liability.

You are only required to complete your personal information on page 1 of Form FPC and lines 1 through 3, reporting the amount of your credit and making the election to treat your employment production credit as either a refundable carryover credit or a refundable credit.

Film Production Credit

You will first need to complete Form FPC, Schedules I and II, before you can calculate the film production credit.

Schedule I Employment Production Credit

Line 1, Column E – If you submitted a list of qualified compensation to the Department of Revenue at the completion of your principal photography, you do not have to recreate this list. Enter on line 1, Column E the total amount of qualified compensation previously submitted, and include a copy of your previously submitted Form FPC-PP with the application.

Column A – Enter the names alphabetically by last name of all resident cast and crew members who were employed by the production company during

the production. Do not include in this list any Montana residents and their compensation that you have elected to treat as qualified expenditures. You also do not need to include nonresidents who did not perform services in Montana.

If you have more than 16 cast and crew members participating in the qualified production, you may use a document formatted similar to Schedule I as a substitute for Schedule I.

Column B – Enter the social security number of each cast or crew member.

Column C – Before you can claim the cast or crew member as a Montana resident, you will need to have the individual complete Montana Form FPC-RD, Montana Declaration of Residency. You do not have to submit Montana Form FPC-RD with your credit application, but you are required to maintain the form in your company records and provide us a copy if requested.

Column D – Enter the total amount of compensation that you paid to each individual during your production.

Compensation paid is considered salaries, wages, or other compensation, including related benefits that are paid. It is considered the social security wages and any other compensation that is reported on federal Form W-2. Compensation does not include amounts paid for contract labor that are reportable on federal Form 1099-MISC.

Column E – Your employment production credit is limited to 14% of the first \$50,000 of compensation paid to each Montana resident. Add the amounts in Column E and enter on line 18. Multiply the amount by 0.14 (14%) and enter the result on line 19. Enter the result on page 1, line 1 of Form FPC. This is your employment production credit.

Schedule II Qualified Expenditures

Line 1, Column D – If you submitted a list of qualified expenditures to the Department of Revenue at the completion of your principal photography, you do not have to recreate this list. Enter on line 1, Column D the total amount of qualified expenditures previously submitted, and include a copy of your previously submitted Form FPC-PP with the application.

Column A – Enter the name of the business or individual that you paid. Do not include any expenses that you previously submitted and reported on line 1. Refer to page 1 of the instructions for a definition of qualified expenditures.

Column B – Enter a brief description of the qualified expenditures (i.e. lumber, lodging, meals, maintenance, etc.).

Column C – Enter the date you paid the qualified expenditure.

Column D – Enter in Column D, the total amount of each qualified expenditure. Add the amounts in Column D and enter on line 22. Multiply the amount by 0.09 (9%) and enter the result on line 23. Enter the result on page 1, line 2 of Form FPC. This is your qualified expenditures credit.

Film Production Credit

Line 1 – Enter your employment production credit from Schedule I, Column E, line 19 on line 1.

The employment production credit election is to be completed by a C corporation, sole proprietorship filing federal Schedule C, shareholder of an S corporation, partner of a partnership, or a member of a Limited Liability Company. An S corporation, partnership or Limited Liability Company cannot make the election to have their employment production credit treated as a carryover credit or a refundable credit.

You can make a one time irrevocable election to treat your employment production credit as a carryover credit. This carryover credit can be carried forward up to four succeeding tax years and applied against any further tax liabilities. Or, you may elect to treat your employment production credit as a refundable credit, refunded to you upon filing this year's tax return.

Line 2 – Enter your qualified expenditures credit from Schedule II, Column D, line 23 on line 2.

Line 3 – Add the amount on lines 1 and 2 and enter the result on line 3. This is your combined film production credit.

Recapture of your previously received credit. If the Department of Commerce revokes your state certification and you have claimed the tax credit, you are required to refund any amount of credit reported following the revocation of your certificate. Penalties and interest apply on this recapture of your film production credits.

Questions? Call us toll free at (866) 859-2254 (in Helena, 444-6900).