

ORIGINAL HOUSE
BILL NO. 0045

ENROLLED ACT NO. 6, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2008 BUDGET SESSION

AN ACT relating to film incentives; transferring film industry financial incentive program to the board of tourism; providing a definition; specifying legislative intent; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 9-12-402, 9-12-403(a) by creating a new paragraph (vi), 9-12-404(a) and (c), 9-12-405(a), (b)(intro), (iv) and (d)(intro), 9-12-406(a) and (c) and 9-12-1002(a)(iii) and by creating a new paragraph (iv) are amended to read:

9-12-402. Film industry financial incentive program; creation.

There is created the film industry financial incentive program to encourage the use of this state as a site for filming and providing production services for filmed entertainment. The program shall be administered by the ~~business council~~ Wyoming tourism board.

9-12-403. Film industry financial incentive program; definitions.

(a) As used in this article:

(vi) "Board" means the Wyoming tourism board.

9-12-404. Film industry financial incentive program; reimbursement eligibility; submission of required documentation; payment.

(a) The ~~business council~~ board may contract with the makers of a qualified production to provide a reimbursement

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of up to fifteen percent (15%) of the production's qualified expenditures if a minimum of five hundred thousand dollars (\$500,000.00) in total qualified expenditures are made.

(c) A qualified production applying for a payment under this section shall submit documentation for claimed qualified expenditures to the ~~council~~-board.

9-12-405. Film industry financial incentive program; contract required; procedure; approval process.

(a) The ~~council~~-board may contract with any entity engaged in this state in producing filmed entertainment for reimbursement of qualified expenditures as provided in this article. The ~~council~~-board shall be provided information required to determine if the production is a qualified production and to determine the qualified expenditures, production costs and other information necessary for the council to determine both eligibility for and the appropriate level of reimbursement. No reimbursement shall be made unless the ~~council~~-board has entered into an agreement which provides for adequate consideration to the state in exchange for the reimbursement provided. No reimbursement of qualified expenditures shall be made by the ~~council~~-board until the qualified production is complete and substantially all contractual commitments made to the ~~council~~-board have been fulfilled. If a qualified production is not completed according to a reasonable schedule, the contract shall be terminated and funds reallocated to other qualified productions.

(b) The ~~council~~-board shall establish a process by which a contract under this article is formulated and executed and reimbursement amounts are determined. The

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~~eouncil~~-board shall require information including, but not limited to:

(iv) A signed affidavit by a person authorized to commit the entity that the information provided to the ~~eouncil~~-board has been verified and is correct.

(d) The ~~eouncil~~-board shall not contract with any qualified production for reimbursement of qualified expenditures under this article unless the ~~eouncil~~-board determines that adequate consideration to the state in exchange for the reimbursement will be provided under the contract. The reimbursement shall not exceed the amount of measurable benefit gained by the state resulting from the qualified production expenditures. The consideration may include but is not limited to:

9-12-406. Film industry financial incentive program; rules and regulations; fraudulent claims; reporting.

(a) The ~~eouncil~~-board may adopt rules and regulations to implement this article, including, but not limited to, requirements for the contract process, requirements for substantial completion of contractual commitments, records required for submission for substantiation of reimbursement and determination of and qualification for reimbursement.

(c) The ~~council shall include in its annual report under W.S. 9-12-112, and~~ board shall report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations interim committee by October 1 each year, expenditures under this article and the return to the state on funds expended pursuant to this article.

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**9-12-1002. General powers and duties of the board;
rulemaking authority.**

(a) The board shall be responsible for implementing the tourism program and functions assigned to the Wyoming business council under the Wyoming Economic Development Act, including the expenditure of all funds appropriated for the tourism program and shall:

(iii) Implement programs to promote tourism in Wyoming; ~~and~~ and

(iv) Administer the film industry financial incentive program as provided in W.S. 9-12-402 through 9-12-406.

Section 2. W.S. 9-12-104(a)(xxi) is repealed.

Section 3.

(a) It is the intention and direction of the legislature that:

(i) All duties of the business council with respect to the Wyoming film industry financial incentive program be transferred to the Wyoming tourism board. All duties of the business council with respect to the Wyoming film industry financial incentive program not assumed by the tourism board are terminated;

(ii) All unexpended funds not otherwise obligated and any other property, if any, of the business council exclusively dedicated to the Wyoming film industry financial incentive program be transferred to the tourism board;

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(iii) Any contract, agreement or obligation entered into or assumed by the business council with respect to the Wyoming film industry financial incentive program, if the execution or assumption was within the lawful powers of the business council, be assumed by the tourism board;

(iv) Any policy adopted by the business council with respect to the Wyoming film industry financial incentive program remain in effect unaltered as policy of the tourism board until amended or repealed by the tourism board.

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Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk