

HOUSE BILL NO. HB0045

Film incentive program-authority.

Sponsored by: Representative(s) Berger, Brown, Childers, Davison, Harvey, Iekel, Gingery, Lubnau and Thompson and Senator(s) Coe, Fecht, Mockler and Von Flatern

A BILL

for

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

5

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

7

8 **Section 1.** W.S. 9-12-402, 9-12-403(a) by creating a
9 new paragraph (vi), 9-12-404(a) and (c), 9-12-405(a),
10 (b)(intro), (iv) and (d)(intro), 9-12-406(a) and (c) and
11 9-12-1002(a)(iii) and by creating a new paragraph (iv) are
12 amended to read:

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14 **9-12-402. Film industry financial incentive program;**
15 **creation.**

1

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

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8 **9-12-403. Film industry financial incentive program;**
9 **definitions.**

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11 (a) As used in this article:

12

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

14

15 **9-12-404. Film industry financial incentive program;**
16 **reimbursement eligibility; submission of required**
17 **documentation; payment.**

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19 (a) The ~~business council~~ board may contract with the
20 makers of a qualified production to provide a reimbursement
21 of up to fifteen percent (15%) of the production's
22 qualified expenditures if a minimum of five hundred
23 thousand dollars (\$500,000.00) in total qualified
24 expenditures are made.

1

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

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6 **9-12-405. Film industry financial incentive program;**
7 **contract required; procedure; approval process.**

8

9 (a) The ~~council~~board may contract with any entity
10 engaged in this state in producing filmed entertainment for
11 reimbursement of qualified expenditures as provided in this
12 article. The ~~council~~board shall be provided information
13 required to determine if the production is a qualified
14 production and to determine the qualified expenditures,
15 production costs and other information necessary for the
16 council to determine both eligibility for and the
17 appropriate level of reimbursement. No reimbursement shall
18 be made unless the ~~council~~board has entered into an
19 agreement which provides for adequate consideration to the
20 state in exchange for the reimbursement provided. No
21 reimbursement of qualified expenditures shall be made by
22 the ~~council~~board until the qualified production is
23 complete and substantially all contractual commitments made
24 to the ~~council~~board have been fulfilled. If a qualified

1 production is not completed according to a reasonable
2 schedule, the contract shall be terminated and funds
3 reallocated to other qualified productions.

4
5 (b) The ~~council~~board shall establish a process by
6 which a contract under this article is formulated and
7 executed and reimbursement amounts are determined. The
8 ~~council~~board shall require information including, but not
9 limited to:

10
11 (iv) A signed affidavit by a person authorized
12 to commit the entity that the information provided to the
13 ~~council~~board has been verified and is correct.

14
15 (d) The ~~council~~board shall not contract with any
16 qualified production for reimbursement of qualified
17 expenditures under this article unless the ~~council~~board
18 determines that adequate consideration to the state in
19 exchange for the reimbursement will be provided under the
20 contract. The reimbursement shall not exceed the amount of
21 measurable benefit gained by the state resulting from the
22 qualified production expenditures. The consideration may
23 include but is not limited to:

1 **9-12-406. Film industry financial incentive program;**
2 **rules and regulations; fraudulent claims; reporting.**

3
4 (a) The ~~council~~board may adopt rules and regulations
5 to implement this article, including, but not limited to,
6 requirements for the contract process, requirements for
7 substantial completion of contractual commitments, records
8 required for submission for substantiation of reimbursement
9 and determination of and qualification for reimbursement.

10
11 (c) The ~~council shall include in its annual report~~
12 ~~under W.S. 9-12-112, and~~ board shall report to the joint
13 travel, recreation, wildlife and cultural resources interim
14 committee and the joint appropriations interim committee by
15 October 1 each year, expenditures under this article and
16 the return to the state on funds expended pursuant to this
17 article.

18
19 **9-12-1002. General powers and duties of the board;**
20 **rulemaking authority.**

21
22 (a) The board shall be responsible for implementing
23 the tourism program and functions assigned to the Wyoming
24 business council under the Wyoming Economic Development

1 Act, including the expenditure of all funds appropriated
2 for the tourism program and shall:

3
4 (iii) Implement programs to promote tourism in
5 Wyoming; ~~and~~ and

6
7 (iv) Administer the film industry financial
8 incentive program as provided in W.S. 9-12-402 through
9 9-12-406.

10
11 **Section 2.** W.S. 9-12-104(a)(xxi) is repealed.

12
13 **Section 3.**

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

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

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

6
7 (iii) Any contract, agreement or obligation
8 entered into or assumed by the business council with
9 respect to the Wyoming film industry financial incentive
10 program, if the execution or assumption was within the
11 lawful powers of the business council, be assumed by the
12 tourism board;

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

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

5

6

(END)