

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO SENATE BILL 621

By COMMITTEE ON REVENUE

June 25

1 On page 1 of the printed bill, line 2, after “Fund;” insert “creating new provisions;” and after
2 “315.514;” insert “repealing sections 1 and 3, chapter ___, Oregon Laws 2009 (Enrolled Senate Bill
3 863);”.

4 On page 2, after line 8, insert:

5 **“SECTION 1a. If Senate Bill 863 becomes law, sections 1 (amending ORS 284.368) and 3,
6 chapter ___, Oregon Laws 2009 (Enrolled Senate Bill 863), are repealed.**

7 **“SECTION 1b.** If Senate Bill 863 becomes law, ORS 284.368, as amended by section 1 of this
8 2009 Act, is amended to read:

9 “284.368. (1) As used in this section:

10 “(a) ‘Actual Oregon expenses’ means the costs paid in Oregon for principal photography, pro-
11 duction or postproduction in Oregon of a film, including but not limited to the purchase or rental
12 cost of equipment, food, lodging, real property and permits and payments made for salaries, wages
13 and benefits for work in Oregon.

14 “(b) ‘Film’ means a television movie or one or more episodes of a single television series, or a
15 movie produced for release to theaters, video or the Internet. ‘Film’ does not include the production
16 of a commercial or one or more segments of a newscast or sporting event.

17 “(c) ‘Filmmaker’ means a person who owns a television or film production company.

18 **“(d) ‘Local filmmaker’ means a person who owns a television or film production company
19 that has its principal place of business in this state.**

20 **“(e) ‘Resident of this state’ has the meaning given that term in ORS 316.027.**

21 “(2)(a) The Economic and Community Development Department may reimburse a [*bona fide*
22 *television or film production company*] **filmmaker** for a portion of the actual Oregon expenses [*of the*
23 *television or film production company*] **incurred by the filmmaker.**

24 “(b) Maximum reimbursement for a single film shall be the total of:

25 “(A) 10 percent of payments made for employee salaries, wages and benefits for work done in
26 Oregon; and

27 “(B) 20 percent of all other actual Oregon expenses.

28 “(c) [*In order*] To qualify for reimbursement under this [*section*] **subsection**, total actual Oregon
29 expenses for the film must equal or exceed \$750,000.

30 “[*d*] *Reimbursement under this section shall be made from moneys credited to or deposited in the*
31 *Oregon Production Investment Fund during the biennium in which the actual Oregon expenses were*
32 *paid or any prior biennium. A reimbursement may not be made to the extent funds are not available*
33 *in the fund to make the reimbursement.*]

34 **“(3)(a) The department may reimburse a local filmmaker for all or a portion of the actual
35 Oregon expenses incurred by the local filmmaker.**

1 **“(b) To qualify for reimbursement under this subsection:**
2 **“(A) Total actual Oregon expenses paid for the film must be at least \$75,000 and less than**
3 **\$750,000;**
4 **“(B) The local filmmaker must have spent 80 percent of the film’s payroll on employees**
5 **who are residents of this state; and**
6 **“(C) The local filmmaker must have employed or contracted with a public accountant**
7 **certified under ORS 673.040 for the provision of payroll services.**
8 **“(4) Reimbursement under this section shall be made from moneys credited to or depos-**
9 **ited in the Oregon Production Investment Fund during the biennium in which the actual**
10 **Oregon expenses were paid or any prior biennium. A reimbursement may not be made to the**
11 **extent funds are not available in the fund to make the reimbursement.**
12 **“[(3)(a)] (5)(a) Total actual Oregon expenses supporting a claim for reimbursement under this**
13 **section must be verified by the Oregon Film and Video Office. The [production company] filmmaker**
14 **must submit to the office proof of the actual Oregon expenses. The proof must include any doc-**
15 **umentation that may be required by the office in its discretion to verify the actual Oregon expenses.**
16 **“(b) The office may charge the [production company] filmmaker for costs reasonably incurred**
17 **to verify the actual Oregon expenses, including but not limited to the cost for a review or audit of**
18 **the supporting documentation by an accountant or auditor. The office may require the department**
19 **to deduct the costs incurred by the office in performing its review or audit from any reimbursement**
20 **made to the [production company] filmmaker under this section.**
21 **“(c) The office may adopt rules that establish a procedure for the submission and verification**
22 **of actual Oregon expenses.**
23 **“SECTION 1c. If Senate Bill 863 becomes law, the amendments to ORS 284.368 by section**
24 **1b of this 2009 Act become operative on January 1, 2010, and apply to actual Oregon expenses**
25 **incurred by local filmmakers on or after January 1, 2010.”.**
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