HOUSE AMENDMENTS TO
HOUSE BILL 2167

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 8

1   On page 1 of the printed bill, line 9, after the period insert "The Oregon Film and Video Office

2   shall, in consultation with the Oregon Business Development Department, administer moneys in the

3   fund.".

4   After line 24, insert:

5   "(6) The Oregon Film and Video Office, in consultation with the department, may adopt rules

6   regarding administration of moneys in the fund under this section.".

7   Delete lines 25 and 26.

8   On page 2, delete lines 1 through 44 and insert:

9   "**SECTION 2.** ORS 284.368 is amended to read:

10   "284.368. (1) As used in this section:

11   "(a) 'Actual Oregon expenses' means the costs paid in Oregon for principal photography, pro-

12   duction or postproduction in Oregon of a film, including but not limited to the purchase or rental

13   cost of equipment, food, lodging, real property and permits and payments made for salaries, wages

14   and benefits for work in Oregon.

15   "(b) 'Film' means a television movie or one or more episodes of a single television series, or a

16   movie produced for release to theaters, video or the Internet. 'Film' does not include the production

17   of a commercial or one or more segments of a newscast or sporting event.

18   "(c) 'Filmmaker' means a person who owns a television or film production company.

19   "(d) 'Local filmmaker' means a person who owns a television or film production company that

20   has its principal place of business in this state.

21   "(e) 'Resident of this state' has the meaning given that term in ORS 316.027.

22   "(2)(a) The Oregon Business Development Department may reimburse a filmmaker for a portion

23   of the actual Oregon expenses incurred by the filmmaker. **The Oregon Film and Video Office shall**

24   **determine eligibility for reimbursement under this subsection.**

25   "(b) Maximum reimbursement for a single film shall be the total of:

26   "(A) 10 percent of payments made for employee salaries, wages and benefits for work done in

27   Oregon; and

28   "(B) 20 percent of all other actual Oregon expenses.

29   "(c) To qualify for reimbursement under this subsection, total actual Oregon expenses for the

30   film must equal or exceed $750,000.

31   "(3)(a) The department may reimburse a local filmmaker for all or a portion of the actual Oregon

32   expenses incurred by the local filmmaker. **The office shall determine eligibility for reimburse-**

33   **ment under this subsection.**

34   "(b) To qualify for reimbursement under this subsection:

35   "(A) Total actual Oregon expenses paid for the film must be at least $75,000 and less than

1 $750,000;

2 "(B) The local filmmaker must have spent 80 percent of the film's payroll on employees who are

3 residents of this state; and

4 "(C) The local filmmaker must have employed or contracted with a public accountant certified

5 under ORS 673.040 for the provision of payroll services.

6 "(4) Reimbursement under this section shall be made from moneys credited to or deposited in

7 the Oregon Production Investment Fund during the biennium in which the actual Oregon expenses

8 were paid or any prior biennium. A reimbursement may not be made to the extent funds are not

9 available in the fund to make the reimbursement.

10 "(5)[*(a)*] Total actual Oregon expenses supporting a claim for reimbursement under this section

11 must be verified by the Oregon Film and Video Office. The filmmaker must submit to the office proof

12 of the actual Oregon expenses. The proof must include any documentation that may be required by

13 the office in its discretion to verify the actual Oregon expenses.

14 "[*(b)*] **(6)** The office may charge the filmmaker for costs reasonably incurred **to determine el-**

15 **igibility for reimbursement under subsections (2) and (3) of this section and** to verify the ac-

16 tual Oregon expenses, including but not limited to the cost for a review or audit of the supporting

17 documentation by an accountant or auditor. The office may require the department to deduct the

18 costs incurred by the office [*in performing its review or audit*] from any reimbursement made to the

19 filmmaker under this section.

20 "[*(c) The office may adopt rules that establish a procedure for the submission and verification of*

21 *actual Oregon expenses.*]

22 "**(7) The office, in consultation with the department, may adopt rules to implement the**

23 **provisions of this section.**".

24 On page 3, line 10, delete the boldfaced material and insert "$———".

25 In line 20, after "shall" insert ", except as provided in section 4 of this 2011 Act,".

26 In line 23, delete the boldfaced material and insert "$———".

27 On page 4, after line 16, insert:

28 "**SECTION 4. (1) In lieu of the issuance of certifications for tax credit under ORS 315.514**

29 **by the Oregon Film and Video Office, the Legislative Assembly may, no less than 30 days**

30 **prior to the end of each fiscal year, appropriate to the Oregon Business Development De-**

31 **partment for deposit into the Oregon Production Investment Fund an amount equal to the**

32 **total amount, less the discount rate provided under ORS 315.514 (2)(a), that would otherwise**

33 **be certified for tax credits during the current fiscal year, based on the amount of contribu-**

34 **tions and accompanying applications for credit received by the office during the fiscal year.**

35 "**(2) If the Legislative Assembly makes the election allowed in subsection (1) of this sec-**

36 **tion:**

37 "**(a) Any contributions to the Oregon Production Investment Fund made during the cur-**

38 **rent fiscal year and for which an application for a credit under ORS 315.514 is pending shall,**

39 **at the request of the taxpayer, be refunded by the Oregon Film and Video Office; and**

40 "**(b) A credit under ORS 315.514 may not be claimed for any contribution made during the**

41 **current fiscal year.**".

42 In line 17, delete "4" and insert "5".

43 In line 21, delete "5" and insert "6".

44 In line 26, delete "6" and insert "7".

45 After line 32, insert:

1   "(4) Section 4 of this 2011 Act applies to applications for certification under ORS 315.514 re-
2   ceived on or after the effective date of this 2011 Act.".
3   In line 33, delete "7" and insert "8".
4   In line 34, before "session" insert "regular".
5   _____