

Enrolled
House Bill 4153

Sponsored by Representative BYNUM, Senator LAWRENCE SPENCE, Representatives NOSSE, ALONSO LEON, MEEK, SANCHEZ, Senators FREDERICK, MANNING JR; Representatives GOMBERG, GRAYBER, HELM, KROPF, MCLAIN, NATHANSON, PRUSAK, REARDON, SCHOUTEN, SMITH WARNER, WILDE, Senators GELSER BLOUIN, GOLDEN, KENNEMER, LIEBER, PATTERSON (Presession filed.)

CHAPTER

AN ACT

Relating to the promotion of media industries in Oregon; creating new provisions; amending ORS 284.367; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 284.300 to 284.375.

SECTION 2. (1) The Oregon Film and Video Office shall develop and implement a Creative Opportunity Program to make payments to entities for the creation and funding of projects described in subsection (4) of this section that promote the film, television, interactive, animation and media industries in Oregon.

(2)(a) The office shall establish by rule the eligibility requirements and application process for entities seeking payments under the program.

(b) The rules must include, at a minimum, application forms, deadlines and any information and documents required to be included with an application, and may prescribe an application fee.

(3) The office may consult with local nonprofit organizations, public agencies, educational institutions, private partners, media production companies, small businesses and community organizations when reviewing and approving or rejecting applications for payments under the program.

(4) The creation and funding of the following projects are eligible for payments under the program:

- (a) Grants for individuals and production projects;**
- (b) Fund matching;**
- (c) Investment in development and production;**
- (d) Mentorship programs;**
- (e) Project and talent incubation;**
- (f) Mutual aid;**
- (g) Creator and storyteller support;**
- (h) Diversity and inclusion initiatives;**
- (i) Educational programming;**
- (j) Workforce development;**

- (k) Regional production development; and**
- (L) Industry-related small business growth stimulus.**

SECTION 3. ORS 284.367 is amended to read:

284.367. (1) The Oregon Production Investment Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Production Investment Fund shall be credited to the fund.

(2) Moneys in the Oregon Production Investment Fund shall consist of:

- (a) Amounts donated to the fund;
- (b) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;
- (c) Other amounts deposited in the fund from any source; and
- (d) Interest earned by the fund.

(3) [*Eighty-nine*] **Eighty-seven** and one-half percent of moneys in the fund are continuously appropriated to the Oregon Business Development Department for the purposes of making:

(a) Reimbursements to filmmakers or local media production services companies under ORS 284.368;

(b) Payments to a tax credit marketer for marketing services provided by the marketer as described in ORS 284.369; and

(c) Refunds described in ORS 315.514 (5).

(4) Seven and one-half percent of moneys in the fund are continuously appropriated to the department for the purpose of making reimbursements to local filmmakers or local media production services companies under ORS 284.368 (3). Total annual reimbursements to local media production services companies under this subsection may not exceed seven and one-half percent of the moneys deposited annually in the fund. On July 1 of each fiscal year, any moneys that remain unexpended or unallocated from the previous fiscal year may be used by the department for the purpose of making reimbursements to filmmakers or local media production services companies under ORS 284.368 (2).

(5) Three percent of moneys in the fund are continuously appropriated to the department for the purpose of making payments to filmmakers under ORS 284.368 (4). Total annual payments to filmmakers under this subsection may not exceed five percent of the moneys deposited annually in the fund. On July 1 of each fiscal year, any moneys that remain unexpended or unallocated from the previous fiscal year may be used by the department for the purpose of making payments to filmmakers under this section. Any excess over five percent that remains unexpended or unallocated shall be used by the department for the purpose of making reimbursements to filmmakers or local media production services companies under ORS 284.368 (2).

(6) Two percent of moneys in the fund are continuously appropriated to the department for the purpose of making payments to entities under section 2 of this 2022 Act. On July 1 of each fiscal year, any moneys that remain unexpended or unallocated from the previous fiscal year may be used by the department for any purpose authorized under this section.

[*(6)*] (7) Expenditures from the fund are not subject to ORS 291.232 to 291.260.

SECTION 4. (1) Section 2 of this 2022 Act and the amendments to ORS 284.367 by section 3 of this 2022 Act become operative on October 1, 2022.

(2) The director of the Oregon Film and Video Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the director to exercise, on and after the operative date specified in subsection (1) of this section, the duties, functions and powers of the director under section 2 of this 2022 Act and the amendments to ORS 284.367 by section 3 of this 2022 Act.

SECTION 5. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Passed by House February 17, 2022

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 28, 2022

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State