

Enrolled
House Bill 2244

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Business Oregon)

CHAPTER

AN ACT

Relating to Greenlight Oregon Labor Rebate Fund; amending sections 1 and 1a, chapter 559, Oregon Laws 2005.

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

SECTION 1. Section 1, chapter 559, Oregon Laws 2005, is amended to read:

Sec. 1. (1) As used in this section:

(a) "Actual expenses" means the costs paid in Oregon for principal photography, production or postproduction in Oregon of a qualifying film production, including but not limited to the purchase or rental cost of equipment, food, lodging, real property and permits and payments made for salaries, wages and benefits for work in Oregon.

(b) "Commercial" means a moving image production created to advertise a product or service.

(c) "Qualifying compensation" means wages paid by an employer to an employee for services performed in Oregon in connection with a qualifying film production.

(d)(A) "Qualifying film production" means a production that occurs primarily in Oregon of:

(i) One or more commercials;

(ii) One or more episodes of a television show; or

(iii) A movie to be released in theaters, on video, on television, over the Internet or over any other distribution channel.

(B) "Qualifying film production" does not include the production of one or more segments of a newscast or sporting event.

(2) The Oregon Film and Video Office shall pay a labor rebate to any person engaged in a qualifying film production for qualifying compensation paid by the person, if:

(a) The person has been certified by the office as eligible for a labor rebate;

(b) The person has made withholding payments under [section 4 of this 2005 Act] **ORS 316.220**; and

(c) The office has verified the actual expenses that support a claim for a labor rebate under this section and those expenses exceed \$1 million.

(3) The amount of the labor rebate for a qualifying film production shall equal the amount withheld under [section 4 of this 2005 Act] **ORS 316.220** with respect to the qualifying film production and deposited in the Greenlight Oregon Labor Rebate Fund established in section 2 [of this 2005 Act], **chapter 559, Oregon Laws 2005**, less the expenses described in subsection (5)(b) of this section.

(4)(a) A person seeking a labor rebate under this section shall apply to the office for certification.

(b) The office shall certify a person intending to engage in a qualifying film production as eligible for a labor rebate under this section if it is reasonably likely that the person will incur actual expenses of at least \$1 million that are related to a qualifying film production and:

(A) If the qualifying film production consists of one or more episodes of a television series, the actual expenses are associated with production that comprises no more than a single season of episodes;

(B) If the qualifying film production consists of one or more commercials, the actual expenses are to be incurred within a single year; or

(C) If the qualifying film production consists of a movie or other film production not described in subparagraph (A) or (B) of this paragraph, the actual expenses are associated with that movie or other film production.

(c) If the office decides to certify an applicant, the office shall send a written certificate to the applicant and a copy of the certificate to the Department of Revenue.

(5)(a) Upon completion of the qualifying film production for which a certificate was issued under subsection (4) of this section, the office shall verify the actual expenses supporting a claim for a labor rebate under this section. The certificate holder shall submit to the office proof of the actual expenses paid in Oregon to produce the qualifying film production. The proof must include any documentation that may be required by the office in its discretion to verify the actual expenses.

(b) The office may deduct from the amount of the labor rebate costs reasonably incurred:

(A) To verify the actual expenses, including but not limited to the cost for a review or audit of the supporting documentation by an accountant or auditor; **and**

(B) **For workforce development and educational efforts undertaken by the office in connection with the qualifying film production, not to exceed one percent of the amount of the labor rebate.**

(c) The office may adopt rules that establish procedures for the submission of proof of and verification of actual expenses, **the costs of workforce development and educational efforts** and the payment of rebates.

(6)(a) Following verification of actual expenses by the office, the office shall pay a labor rebate to the certificate holder in the amount determined under subsection (3) of this section.

(b) If the office is unable to verify that actual expenses of the certificate holder are at least \$1 million for the qualifying film production for which the certificate was issued, the office may not pay a labor rebate to the certificate holder. Moneys in the Greenlight Oregon Labor Rebate Fund that are attributable to withholding paid by a certificate holder for whom the office is unable to verify sufficient actual expenses may be used for the purposes of the office.

SECTION 2. Section 1a, chapter 559, Oregon Laws 2005, as amended by section 16, chapter 730, Oregon Laws 2011, is amended to read:

Sec. 1a. The Oregon Film and Video Office may not issue a qualifying film production labor rebate certificate under section 1, chapter 559, Oregon Laws 2005, on or after January 1, [2018] **2024.**

Passed by House February 22, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 3, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State