

STATE-LAW, 2009 TX H 873 , Enacted, (April 23, 2009)
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Texas

Changes in Bill text reflected as:

~~Text Deleted~~

Text Added

~~Text Vetoed~~

SUMMARY: Relates to incentives for the film, television, video, and digital interactive media production industries.-SAME__AS:

Current Legislative Status

01/29/2009 INTRODUCED.

02/23/2009 To HOUSE Committee on CULTURE, RECREATION, AND TOURISM.

03/10/2009 From HOUSE Committee on CULTURE, RECREATION AND TOURISM: Reported favorably with substitute.

03/18/2009 Committee report printed and distributed.

03/26/2009 Passed HOUSE. *****To SENATE.

04/07/2009 To SENATE Committee on ECONOMIC DEVELOPMENT.

04/09/2009 From SENATE Committee on ECONOMIC DEVELOPMENT: Reported favorably.

04/09/2009 Committee report printed and distributed.

04/17/2009 Passed SENATE.

04/20/2009 *****To GOVERNOR.

04/23/2009 Signed by GOVERNOR.

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session: Texas 81st Legislature

cite: 2009 TX H 873

Enacted

April 23, 2009

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AN ACT

relating to incentives for the film, television, video, and digital interactive media production industries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 485.021(2) and (5), Government Code, are amended to read as follows:

(2) "Moving image project" means a visual and sound production, including a film, television program, national or multistate commercial, educational or instructional video, or digital interactive media production. The term does not include a production that is obscene, as defined by Section 43.21, Penal Code.

(5) "Underutilized and economically distressed ~~"Underused"~~ area" includes any area of this state that:

(A) the office determines receives less than 15 percent of the total film and television production in this state during a fiscal year; or

(B) has a median household income that does not exceed 75 percent of the median state household income ~~other than the metropolitan areas of Austin or Dallas.~~

SECTION 2. Section 485.023, Government Code, is amended to read as follows:

Sec. 485.023. QUALIFICATION. To qualify for a grant under this subchapter:

(1) a production company must have spent a minimum of:

(A) \$250,000 ~~\$1 million~~ in in-state spending for a film or television program; or

(B) \$100,000 in in-state spending for a commercial or series of commercials , an educational or instructional video or series of educational or instructional videos, or a digital interactive media production ;

(2) at least 70 percent of the production crew, actors, and extras for a moving image project must be Texas residents unless the office determines and certifies in writing that a sufficient number of qualified crew, actors, and extras are not available to the company at the time principal photography begins ;

(3) at least 60 ~~80~~ percent of the moving image project must be filmed in Texas; and

(4) a production company must submit to the office an expended budget, in a format prescribed by the office, that reflects all in-state spending and includes all receipts, invoices, pay orders, and other documentation considered necessary by the office to accurately determine the amount of a production company's in-state spending that has occurred.

SECTION 3. Sections 485.024 and 485.025, Government Code, are amended to read as follows:

Sec. 485.024. GRANT. (a) Except as provided by Section 485.025, a grant under this subchapter may not exceed the amount established by office rule. The office shall adopt rules prescribing the method the office will use to calculate the amount of a grant under this subsection. The office shall publish a written summary of the method for determining grants before awarding a grant under this section. The method must consider at a minimum:

(1) the current and likely future effect a moving image project will have on employment, tourism, and economic activity in this state; and

(2) the amount of a production company's in-state spending for a moving image project ~~lesser of five percent of the total amount of a production company's in-state spending for a moving image project or:~~

~~(1) \$2 million for a film;~~

~~(2) \$2.5 million for a television program;~~

~~(3) \$200,000 for a commercial or series of commercials; or~~

~~(4) \$250,000 for a digital interactive media production.~~

(b) In calculating a grant amount under Section 485.025 or the amount of in-state spending for purposes of rules adopted under Subsection (a), the office may not include wages of persons, including an actor or director, employed in the production of a moving image project that exceed \$1 million are:

~~(1) a major part of the production costs of the project, as determined by the office; and~~

~~(2) negotiated or spent before production begins.~~

(c) The office may only make a grant from appropriated funds.

Sec. 485.025. ADDITIONAL GRANT FOR UNDERUTILIZED AND ECONOMICALLY DISTRESSED ~~UNDERUSED~~-AREAS. In addition to the grant calculated under Section 485.024, a production company that spends at least 25 percent of a moving image project's filming days in an underutilized and economically distressed ~~underused~~-area is eligible for an additional grant in an amount equal to 2.5 ~~4.25~~ percent of the total amount of the production company's in-state spending for the moving image project.

SECTION 4. (a) The Music, Film, Television, and Multimedia Office in the office of the governor shall adopt the rules required by Section 485.024, Government Code, as amended by this Act, not later than November 1, 2009.

(b) The Music, Film, Television, and Multimedia Office in the office of the governor may not award a grant under Section 485.024, Government Code, as amended by this Act, before the rules described by Subsection (a) of this section are adopted.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.