

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3964

6 By: Echols and Fetgatter

7 COMMITTEE SUBSTITUTE

8 An Act relating to television episodic film  
9 production incentives; creating the Filmed in  
10 Oklahoma Live Studio Audience Episodic TV Program  
11 Revolving Fund; providing revolving fund limitations;  
12 amending 68 O.S. 2021, Section 3633, which relates to  
13 film rebate incentives; providing for issuing payment  
14 from the Filmed in Oklahoma Live Studio Audience  
15 Episodic TV Program Revolving Fund; providing for  
16 codification; and declaring an emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3639.1 of Title 68, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. There is hereby created in the State Treasury a revolving  
22 fund for the Oklahoma Tax Commission to be designated the "Filmed in  
23 Oklahoma Live Studio Audience Episodic TV Program Revolving Fund".  
24 The fund shall be a continuing fund, not subject to fiscal year  
limitations, and shall consist of all monies received by the Tax  
Commission which are specifically required by law to be deposited in

1 the fund, any public or private donations, contributions and gifts  
2 received for the benefit of the fund and any amounts appropriated by  
3 the Oklahoma Legislature. All monies accruing to the credit of the  
4 fund are hereby appropriated and may be budgeted and expended by the  
5 Tax Commission for the purpose of paying rebates as provided in this  
6 act. Expenditures from the fund shall be made upon warrants issued  
7 by the State Treasurer against claims filed as prescribed by law  
8 with the Director of the Office of Management and Enterprise  
9 Services for approval and payment.

10 B. Funds from the Filmed in Oklahoma Live Studio Audience  
11 Episodic TV Program Revolving Fund shall only be used for the  
12 purpose of episodic television filmed in Oklahoma with a live studio  
13 audience.

14 C. Any unencumbered funds remaining in the Filmed in Oklahoma  
15 Live Studio Audience Program Revolving Fund upon the expiration of  
16 this act as provided in Section 3641 of this title shall be  
17 transferred to the State Treasurer for deposit in the General  
18 Revenue Fund.

19 SECTION 2. AMENDATORY 68 O.S. 2021, Section 3633, is  
20 amended to read as follows:

21 Section 3633. A. There is hereby created an incentive rebate  
22 program for certain film projects and eligible television series  
23 projects filmed or produced in Oklahoma who meet the requirements of  
24 this act.

1 B. The rebate program shall be administered by the Oklahoma  
2 Department of Commerce and the Oklahoma Tax Commission.

3 C. By October 1 of each year, the Oklahoma Department of  
4 Commerce shall submit an annual report to the Speaker of the  
5 Oklahoma House of Representatives, the President Pro Tempore of the  
6 Oklahoma State Senate, the Chair of the Appropriations and Budget  
7 Committee of the House of Representatives, the Chair of the  
8 Appropriations Committee of the Senate and the Director of the  
9 Legislative Office of Fiscal Transparency detailing the program and  
10 incentive rebate payments.

11 D. The Oklahoma Department of Commerce and the Oklahoma Tax  
12 Commission may promulgate rules to implement the provisions of this  
13 act.

14 E. To be eligible for a rebate payment a production company  
15 shall:

16 1. Submit an application and documentation to the Oklahoma  
17 Department of Commerce as required by the Department;

18 2. Have filed any Oklahoma tax returns and tax documents  
19 required by law;

20 3. Provide evidence that all Oklahoma crew and local vendors  
21 have been paid and that there are no pending liens against the  
22 production company in this state;

23 4. Provide evidence of financing for production prior to the  
24 commencement of principal photography;

1           5. Provide evidence of a certificate of general liability  
2 insurance with a minimum coverage of One Million Dollars  
3 (\$1,000,000.00) and a workers' compensation policy in compliance  
4 with law, which shall include coverage of employer's liability; and

5           6. Provide evidence, as required by the Department, that the  
6 projects pursuant to this act are completed.

7           F. A production company shall not be eligible to receive both a  
8 rebate payment pursuant to the provisions of this act and an  
9 exemption from sales tax pursuant to the provisions of paragraph 23  
10 of section 1357 of Title 68 of the Oklahoma Statutes. If a  
11 production company has received the exemption from sales taxes and  
12 submits a claim for rebate pursuant to the provisions of this act,  
13 the company shall be required to fully repay the amount of the  
14 exemption to the Tax Commission. A claim for a rebate shall include  
15 documentation from the Tax Commission that repayment has been made  
16 as required in this subsection or shall include an affidavit from  
17 the production company that the company has not received an  
18 exemption from sales tax pursuant to the provisions of paragraph 23  
19 of Section 1357 of Title 68 of the Oklahoma Statutes.

20           G. The Department of Commerce shall approve or disapprove all  
21 claims for rebate and shall notify the Tax Commission subject to the  
22 limitations set forth in Section ~~4 of this act~~ 3634 of this title.  
23 Upon notification of approval from the Department, the Commission  
24 shall issue payment for all approved claims from funds held in the

1 Filmed in Oklahoma Program Revolving Fund created pursuant to  
2 ~~Section 9 of this act~~ 3639 of this title and the Filmed in Oklahoma  
3 Live Studio Audience Episodic TV Program Revolving Fund created  
4 pursuant to section 2 of this act, and subject to the limitations  
5 set forth in ~~Section 4 of this act~~ 3634 of this title. If the  
6 amount of approved claims exceeds the balance of the revolving fund,  
7 payments shall be made in the order the claims are approved by the  
8 Department. If an approved claim is not paid in whole, the unpaid  
9 claim or unpaid portion of the claim shall be paid upon the  
10 availability of funds.

11 SECTION 3. This act shall become effective July 1, 2024.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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