

1 ENGROSSED HOUSE
2 BILL NO. 3964

By: Echols, Fetgatter, and Deck
of the House

3 and

4 Hall of the Senate

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

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

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

23 A. There is hereby created in the State Treasury a revolving
24 fund for the Oklahoma Tax Commission to be designated the "Filmed in
Oklahoma Live Studio Audience Episodic TV Program Revolving Fund".
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
the fund, any public or private donations, contributions and gifts

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

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

13 C. Any unencumbered funds remaining in the Filmed in Oklahoma
14 Live Studio Audience Episodic TV Program Revolving Fund upon the
15 expiration of this act as provided in Section 3641 of Title 68 of
16 the Oklahoma Statutes shall be transferred to the State Treasurer
17 for deposit in the General Revenue Fund.

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

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

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

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

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

16 Passed the House of Representatives the 4th day of March, 2024.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2024.

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Presiding Officer of the Senate

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