

1 **SENATE FLOOR VERSION**

2 March 25, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3964

By: Echols, Fetgatter, Deck,
Pittman, and Waldron of the
House

5 and

6 Hall of the Senate
7
8

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

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

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

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

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

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

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

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

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

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

16 E. To be eligible for a rebate payment, a production company
17 shall:

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

20 2. Have filed any Oklahoma tax returns and tax documents
21 required by law;

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

1 4. Provide evidence of financing for production prior to the
2 commencement of principal photography;

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

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

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

23 G. The Department of Commerce shall approve or disapprove all
24 claims for rebate and shall notify the Tax Commission, subject to

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
19 March 25, 2024 - DO PASS
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