



**State of Utah Motion Picture Incentive Fund
Fiscal Year 2010
Information and Application**

Governor - Gary R. Herbert
Lieutenant Governor - Gregory S. Bell
Executive Director, GOED - Spencer P. Eccles
Managing Director, GOED Recruitment and Incentives - Derek Miller
Director, Utah Film Commission - Marshall D. Moore



**MOTION PICTURE
INCENTIVE FUND**



The purpose of the Motion Picture Incentive Fund is to encourage the use of Utah as a site for the production of motion pictures, television series, and made-for-television movies. Utah’s natural beauty, scenic wonders, and diverse topography provide a variety of magnificent settings from which the motion picture industry can choose to film part or all of a production.

In support of the film industry in the state, the Governor and the Legislature of the State of Utah have approved a Motion Picture Incentive Fund. The State of Utah will provide financial incentives to the film industry to help develop a strong motion picture presence in the State that will contribute substantially to improving Utah's economy. Effective July 1, 2009 the state will offer a refundable tax credit or cash rebate for motion pictures.

State Approved Rebate Percentages

TAX CREDIT	OR	CASH REBATE
20% of Dollars left in state.		20% of Dollars left in state.
PROJECT CAP NONE*		PROJECT CAP \$500,000

**See below for more details*

Dollars Left in the State

- \$1,000,000 or more

Funds Allocated for Tax Credit

- Fiscal Years 2010 – 2011: **\$15,587,400***

Funds Allocated for Cash Rebate

- Fiscal Year 2010: **\$2,206,300**
- Fiscal Year 2011: **\$2,206,300**

Post Performance Incentive

The incentive is disbursed for each project after a Certified Public Accountant (C.P.A.) reviewed Rebate Report is submitted and to and approved by the Governor’s Office of Economic Development. Companies must meet the minimum Dollars Left in the State to be eligible for the Motion Picture Incentive Fund.

**Incentive awards cannot exceed allocated amounts or project caps.*



Incentive Application Process

1. Once the application has been completed, please submit the packet in a PDF format and send via e-mail to Marshall D. Moore at mdmoore@utah.gov.
2. The application will then be assessed by the Utah Film Commission and the Motion Picture Advisory Committee (MPAC) for recommendation to the Governor’s Office of Economic Development (GOED) Board.
3. The GOED Board will then review the recommended application prior to giving approval for any project.

**All State of Utah film incentives must be approved by the GOED Board*

Deadlines & Dates

Application Deadline	MPAC Meeting	GOED Board Meeting
25-Jun-09	9-Jul-09	16-Jul-09
23-Jul-09	6-Aug-09	13-Aug-09
20-Aug-09	3-Sep-09	10-Sep-09
17-Sep-09	1-Oct-09	8-Oct-09
22-Oct-09	5-Nov-09	12-Nov-09
19-Nov-09	3-Dec-09	10-Dec-09

Types of Productions

The Motion Picture Incentive Fund is available but not limited to the following production types:

- Documentaries
- Full Length Animation
- Full Length Cable Feature
- Large Format (IMAX)
- Miniseries
- Motion Picture (released theatrically/directly to DVD/other format)
- Reality Television
- Television Movie
- Television Series
- Webisode

Please contact the Utah Film Commission at 800.453.8824 for questions about your particular project.



Respond to each question using the same outline below. Submit the completed Motion Picture Incentive Fund Application in PDF format via e-mail to mdmoore@utah.gov.

1. PRODUCTION COMPANY INFORMATION

A. Primary Contact Person Name and Title (person making application):

1. Company name.
2. Mailing and Street address.
3. Telephone Number.
4. Fax Number.
5. Email.

B. Secondary Contact Person Name and Title (if applicable):

1. Company name.
2. Mailing and Street address.
3. Telephone Number.
4. Fax Number.
5. Email.

C. Production Company Legal Entity* to Contract with the State for the Incentive:

1. Company Name.
2. Type of Company/State of Incorporation.
3. Federal Tax ID Number.
4. Contact for Legal Issues.
5. Mailing and Street address for Legal Notices.
6. Telephone Number for Legal Contact.

** Tax Credit/Cash Rebate will be addressed to this Entity/Federal Tax ID.*

D. Submit resumes or IMDB profiles for principals of the production:

1. Executive Producer.
2. Producer.
3. Director.
4. Talent.

2. LINE ITEM BUDGET

A. Complete line item budget.

B. Document the amount of the complete budget to be spent in Utah as Dollars Left in the State*. This figure will be used in calculating the approved incentive amount which cannot change for the life of the project.

C. 100% Financing Documentation:

1. Contact Name.
2. Company Name.
3. Mailing and Street address.



- 4. Telephone Number.
- 5. Fax Number.
- 6. Email.
- 7. Documentation of Funding.

**Companies failing to meet the minimum Qualified Utah Spend will not be eligible for the Motion Picture Incentive Fund.*

D. Completion Bond*:

- 1. Contact Name.
- 2. Company Name.
- 3. Mailing and Street address.
- 4. Telephone Number.
- 5. Fax Number.
- 6. Email.
- 7. Documentation of Completion Bond.

**If you do not have a completion bond please provide a written explanation*

E. Distribution Plan.

- 1. Describe distribution plan such as studio pickup, festival circuit, etc.

3. SCRIPT

- A. Submit the most recent draft of the complete script and a brief synopsis.

4. PRODUCTION

- A. Type of Production.
- B. Total Number of:
 - 1. Crew: ____
 - 2. Cast: ____
 - 3. Extras: ____
- C. Number of Utah:
 - 1. Crew_____
 - a. Average Daily Utah Crew Salary.
 - 2. Cast_____
 - a. Average Daily Utah Cast Salary.
 - 3. Extras_____
 - a. Average Daily Utah Extra Salary.
- D. Projected Timeline:
 - 1. Prep Dates (start and finish).
 - 2. Principal Photography Dates (start and finish).
 - 3. Wrap Dates (start and finish).



- E. Total Number of Production Days:
 - 1. Number of Utah Production Days.
- F. List other jurisdictions where the film will be shot.

5. INCENTIVE

- A. Amount and type of incentive requested.
- B. Why is it important to locate this film in Utah?
- C. Have you applied for or received any other state, local or federal government incentives or funding?

6. CERTIFICATE OF COMPLIANCE/GRAMA

- A. Submit Certificate of Compliance and GRAMA form attached. Attachment I & II

7. OTHER

- A. Has the Production Company or producer ever filmed in Utah?
 - 1. List films and year produced.
- B. Is the production company considering Utah for other projects this year?
 - 1. List project and tentative prep date.
 - 2. Will projects utilize the MPIF?
- C. Are there any outstanding material issues facing your production or company that could have a negative impact against the project going forward?
- D. References:
 - 1. Credit or Bank reference of production account.
 - 2. 3 professional industry references.
- E. Other information you deem necessary to assist in the decision.

Credit Requirement

The production must include the following credits:

- 1. “Filmed in Utah with the assistance from the Utah Film Commission”
- 2. The Utah Film Commission logo.

Not every project will qualify for an incentive. The State of Utah is not required to grant incentives to projects that include “inappropriate content” or “content that portrays Utah or Residents of Utah in a negative way”. As part of the application process, the Utah Film Commission and the Motion Picture Advisory Committee will review each script and determine whether the project is appropriate for the use of State of Utah incentives. Projects with a total Qualified Utah Spend of under \$1,000,000 will not qualify.

For assistance with the application contact the Utah Film Commission at 800.453.8824.

ATTACHMENT II
MOTION PICTURE INCENTIVE FUND

REQUEST FOR PROTECTED RECORD STATUS - Business Confidentiality Claim

Name and Address of business and representative making this confidentiality claim (please print or type): _____

I request that the attached /enclosed information (record) provided to the Governor's Office of Economic Development (GOED), or any of its agencies (divisions or programs), be considered confidential and given protected status.

Description (optional) of the information (record) which is to be covered by this confidentiality claim and which you believe qualifies for protected status.

The Following reasons support this claim of business confidentiality; Please check (✓) all of the following which apply

- 1. The Record provided is a trade secret (as defined in U.C.A. 13-24-2).
- 2. The record is commercial or non-individual financial information and disclosure of the information could reasonably be expected to result in unfair competitive injury to the provider of the information.
- 3. The record is commercial or non-individual information and disclosure of the information could reasonably be expected to impair the ability of GOED, or its agencies, to obtain necessary information in the future.
- 4. The record is commercial or non-individual financial information and the interest of the provider in prohibiting access to the information is greater than the interest of the public in obtaining access.

Statement (a concise written statement supporting a business confidentiality claim is required, U.C.A. 63G-2-309(1)(a)), attach additional sheets if necessary.

NOTE: Claimant shall be notified if a record claimed to be protected is classified public or if the determination is made that the record should be disclosed because the interest favoring access outweigh the interest favoring restriction of access. Records claimed to be protected under this business confidentiality claim may not be disclosed until the period in which to bring an appeal expires or the end of the appeals process, including judicial appeal (unless the claimant, after notice has waived the claim by not appealing or intervening before the record committee). (U.C.A. 63G-2-309)

By _____ Date _____

ATTACHMENT I
MOTION PICTURE INCENTIVE FUND
CERTIFICATE OF COMPLIANCE

The undersigned, _____, of _____ (“Applicant”), hereby
title of officer *production company*
certifies to the State of Utah, acting through the Governor’s Office of Economic Development as Administrator
of the Motion Picture Incentive Fund:

1. I am the _____ of Applicant and have the right to bind applicant.
title of officer
2. Applicant's representations and warranties contained in the Motion Picture Incentive Fund Application and
Rebate Report are true and correct as of the date of this Certificate of Compliance set forth below for the
production of _____.
name of production
3. The Applicant will provide written notice of any material change to the Motion Picture Incentive Fund
Application within 10 business days of occurrence to:

Utah Film Commission
Attn: Director
Council Hall/Capitol Hill
300 North State Street
Salt Lake City, Utah 84114

Notices shall be delivered, postage paid with documentation of receipt by the Utah Film Commission required.

IN WITNESS WHEREOF, this Certificate of Compliance is executed this _____ of
day
_____, 20____.
month

Signature of Applicant

Name of Applicant

Title of Applicant