

SENATE AMENDMENTS

2nd Printing

By: Pickett, Swinford

H.B. No. 374

A BILL TO BE ENTITLED

AN ACT

relating to use of state buildings and grounds by a television or film production company.

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

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.008 to read as follows:

Sec. 2165.008. TEMPORARY USE OF STATE BUILDING OR GROUNDS BY TELEVISION OR FILM PRODUCTION COMPANY. (a) In this section:

(1) "Office" means the Music, Film, Television, and Multimedia Office.

(2) "Production company" means a film production company, television production company, or film and television production company.

(b) A state agency or other state governmental entity shall allow a production company to use any state building or grounds under the agency's or other entity's charge and control to produce a film, national broadcast, episodic television series, or commercial that is approved by the office under Subsection (c).

(c) The office shall review each proposal by a production company to use a state building or grounds. The office may approve a proposal if:

(1) the office determines, after consulting with each state agency or other state governmental entity that occupies the building or uses the grounds, that the use will not significantly

1 interfere with the conduct of state business;

2 (2) the production company provides a certificate of
3 insurance covering the production:

4 (A) in an amount required by the office; and

5 (B) that names the state as an insured; and

6 (3) the proposal is to produce:

7 (A) a film, national broadcast, or episodic
8 television series with a total production cost of \$250,000 or more;
9 or

10 (B) a commercial with a total production cost of
11 \$100,000 or more.

12 (d) The office shall supervise each use of a state building
13 or grounds by a production company.

14 (e) The office shall determine the fee to be charged for
15 each day that a state building or grounds are used by a production
16 company. The office may allow each state building or grounds to be
17 used without charge, other than the reimbursement of expenses under
18 Subsection (f), for seven days during each state fiscal year and may
19 determine the allocation of those days. Fees collected under this
20 subsection shall be deposited to the credit of the general revenue
21 fund.

22 (f) The production company shall reimburse:

23 (1) a state agency or other state governmental entity
24 for any cost incurred by the agency or other entity as a result of
25 the use of a state building or grounds by the company; and

26 (2) the state agency or other state governmental
27 entity having charge and control of a state building or grounds for

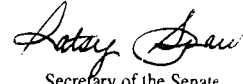
1 the cost of repairing damage to the building or grounds resulting
2 from use by the company.

3 (g) A state agency or other state governmental entity shall
4 notify the production company in writing of any cost subject to
5 reimbursement under Subsection (f). The production company shall
6 reimburse the cost not later than the 21st day after the date on
7 which it receives notice from the agency or other entity.

8 SECTION 2. This Act takes effect September 1, 2007.

ADOPTED

APR 26 2007


Secretary of the Senate

By: Zaffirini

H.B. No. 374

Substitute the following for H.B. No. 374:

By: Brimer

C.S. H.B. No. 374

A BILL TO BE ENTITLED

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AN ACT

relating to use of state buildings and grounds by a television or film production company.

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

SECTION 1. Subchapter A, Chapter 2165, Government Code, is amended by adding Section 2165.008 to read as follows:

Sec. 2165.008. TEMPORARY USE OF STATE BUILDING OR GROUNDS BY TELEVISION OR FILM PRODUCTION COMPANY. (a) In this section:

(1) "Office" means the Music, Film, Television, and Multimedia Office.

(2) "Production company" means a film production company, television production company, or film and television production company.

(b) A state agency or other state governmental entity shall allow a production company to use any state building or grounds under the agency's or other entity's charge and control to produce a film, national broadcast, episodic television series, or commercial that is approved by the office and the agency or other entity under Subsection (c).

(c) The office shall review each proposal by a production company to use a state building or grounds. The office may approve a proposal, subject to the final approval of the state agency or other state governmental entity that occupies the building or uses the grounds, if:

1 (1) the office and the state agency or other state
2 governmental entity that occupies the building or uses the grounds
3 determine, after the office consults with each agency or entity,
4 that the use will not significantly interfere with the conduct of
5 state business;

6 (2) the production company provides a certificate of
7 insurance covering the production:

8 (A) in an amount required by the office; and

9 (B) that names the state as an insured; and

10 (3) the proposal is to produce:

11 (A) a film, national broadcast, or episodic
12 television series with a total production cost of \$250,000 or more;
13 or

14 (B) a commercial with a total production cost of
15 \$100,000 or more.

16 (d) The office shall supervise each use of a state building
17 or grounds by a production company subject to the control and final
18 authority of the state agency or other state governmental entity
19 that occupies the building or uses the grounds.

20 (e) The office shall determine the fee to be charged for
21 each day that a state building or grounds are used by a production
22 company. The office may allow each state building or grounds to be
23 used without charge, other than the reimbursement of expenses under
24 Subsection (f), for seven days during each state fiscal year and may
25 determine the allocation of those days. Fees collected under this
26 subsection shall be deposited to the credit of the general revenue
27 fund.

1 (f) The production company shall reimburse:

2 (1) a state agency or other state governmental entity
3 for any cost incurred by the agency or other entity as a result of
4 the use of a state building or grounds by the company; and

5 (2) the state agency or other state governmental
6 entity having charge and control of a state building or grounds for
7 the cost of repairing damage to the building or grounds resulting
8 from use by the company.

9 (g) A state agency or other state governmental entity shall
10 notify the production company in writing of any cost subject to
11 reimbursement under Subsection (f). The production company shall
12 reimburse the cost not later than the 21st day after the date on
13 which it receives notice from the agency or other entity.

14 SECTION 2. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 18, 2007

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB374** by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB374, Committee Report 2nd House, Substituted: a positive impact of \$150,000 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

Fiscal Analysis

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the affected state agency and the Music, Film, Television, and Multimedia Office (the office) in the Trusteed Programs within the Office of the Governor. The bill identifies eligible production projects as a film, national broadcast, or episodic television series with a production budget of \$250,000 or more and a commercial with a production budget of \$100,000 or more. The bill would require the office to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

Methodology

The bill would require that television and film production companies reimburse a state agency or other state governmental entity for any costs incurred by the agency or other state governmental entity as a result of the use of a state building or grounds by the company. This would result in no significant fiscal impact to the state.

The bill would require the office to determine a daily fee to be charged to a production company; however the office may allow each state building or grounds to be used without charge for seven days per fiscal year. The bill would require fees collected from production companies be deposited to the General Revenue Fund.

This analysis assumes a \$1,000 per day fee for commercials and a \$500 per day fee for films and episodic television. Based on film, television, and commercial production projects in Texas in fiscal year 2006, it is estimated that total film and television projects will use state buildings and grounds for 50 days annually and total commercial projects will use state buildings and grounds for 50 days annually. This would result in an annual revenue gain to General Revenue of \$50,000 for film and television projects and \$25,000 for commercial projects.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, KJG, MS, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Rodney Ellis, Chair, Senate Committee on Government Organization

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB374 by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB374, As Engrossed: a positive impact of \$150,000 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

Fiscal Analysis

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the Music, Film, Television, and Multimedia Office (the office) in the Truusted Programs within the Office of the Governor. The bill identifies eligible production projects as a film, national broadcast, or episodic television series with a production budget of \$250,000 or more and a commercial with a production budget of \$100,000 or more. The bill would require the office to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

Methodology

The bill would require that television and film production companies reimburse a state agency or other state governmental entity for any costs incurred by the agency or other state governmental entity as a result of the use of a state building or grounds by the company. This would result in no significant fiscal impact to the state.

The bill would require the office to determine a daily fee to be charged to a production company; however the office may allow each state building or grounds to be used without charge for seven days per fiscal year. The bill would require fees collected from production companies be deposited to the General Revenue Fund.

This analysis assumes a \$1,000 per day fee for commercials and a \$500 per day fee for films and episodic television. Based on film, television, and commercial production projects in Texas in fiscal year 2006, it is estimated that total film and television projects will use state buildings and grounds for 50 days annually and total commercial projects will use state buildings and grounds for 50 days annually. This would result in an annual revenue gain to General Revenue of \$50,000 for film and television projects and \$25,000 for commercial projects.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, KJG, MS, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION
Revision 1

March 15, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB374** by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB374, Committee Report 1st House, Substituted: a positive impact of \$150,000 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

Fiscal Analysis

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the Music, Film, Television, and Multimedia Office (the office) in the Truusted Programs within the Office of the Governor. The bill identifies eligible production projects as a film, national broadcast, or episodic television series with a production budget of \$250,000 or more and a commercial with a production budget of \$100,000 or more. The bill would require the office to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

Methodology

The bill would require that television and film production companies reimburse a state agency or other state governmental entity for any costs incurred by the agency or other state governmental entity as a result of the use of a state building or grounds by the company. This would result in no significant fiscal impact to the state.

The bill would require the office to determine a daily fee to be charged to a production company; however the office may allow each state building or grounds to be used without charge for seven days per fiscal year. The bill would require fees collected from production companies be deposited to the General Revenue Fund.

This analysis assumes a \$1,000 per day fee for commercials and a \$500 per day fee for films and episodic television. Based on film, television, and commercial production projects in Texas in fiscal year 2006, it is estimated that total film and television projects will use state buildings and grounds for 50 days annually and total commercial projects will use state buildings and grounds for 50 days annually. This would result in an annual revenue gain to General Revenue of \$50,000 for film and television projects and \$25,000 for commercial projects.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, MS, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 27, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB374** by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB374, Committee Report 1st House, Substituted: a positive impact of \$150,000 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1
2008	\$75,000
2009	\$75,000
2010	\$75,000
2011	\$75,000
2012	\$75,000

Fiscal Analysis

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the Music, Film, Television, and Multimedia Office (the office) in the Truusted Programs within the Office of the Governor. The bill identifies eligible production projects as a film, national broadcast, or episodic television series with a production budget of \$250,000 or more and a commercial with a production budget of \$100,000 or more. The bill would require the office to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

Methodology

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The bill would require the office to determine a daily fee to be charged to a production company; however the office may allow each state building or grounds to be used without charge for seven days per fiscal year. The bill would require fees collected from production companies be deposited to the General Revenue Fund.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, MS, SMi

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

Revision 1

March 13, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB374 by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the Texas Building and Procurement Commission (TBPC). The bill would require TBPC to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

The bill would also require that television and film production companies reimburse a state agency or other state governmental entity for any costs incurred by the agency or other state governmental entity as a result of the use of a state building or grounds by the company.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Building and Procurement Commission

LBB Staff: JOB, KJG, MS, EP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION
Revision 1

March 12, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB374** by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the Texas Building and Procurement Commission (TBPC). The bill would require TBPC to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

The bill would also require that television and film production companies reimburse a state agency or other state governmental entity for any costs incurred by the agency or other state governmental entity as a result of the use of a state building or grounds by the company.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Building and Procurement Commission

LBB Staff: JOB, KJG, MS, EP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 25, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB374 by Pickett (Relating to use of state buildings and grounds by a television or film production company.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow temporary use of state buildings or grounds by television or film production companies as determined by the Texas Building and Procurement Commission (TBPC). The bill would require TBPC to consult with each state agency or other state governmental entity that occupies the building or uses the grounds in making that determination.

The bill would also require that television and film production companies reimburse a state agency or other state governmental entity for any costs incurred by the agency or other state governmental entity as a result of the use of a state building or grounds by the company.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Building and Procurement Commission

LBB Staff: JOB, KJG, MS, EP

