

filmwyoming.com

# Incentives

---

The Film Industry Financial Incentive (FIFI) program is a cash rebate program for production companies of up to 15% on dollars spent in the State of Wyoming during a film shoot. The production company would have to spend a minimum amount of \$200,000 to qualify and then meet additional criteria to determine the rebate percentage between 12%-15%.

Qualified expenditures generally include, but are not limited to:

- Wages, salaries, or other compensation for technical and production crews, directors, producers, performers and extras who are residents of this state.
- Expenditures on goods and services made in Wyoming for the following, providing that each company which provides goods or services is located and doing business in Wyoming:
  - preproduction, production, post-production, digital media effects services, sets, and set construction.
  - rental equipment, including, but not limited to, cameras and grip or electrical equipment.
  - meals, travel, accommodations, and goods used in producing filmed entertainment that is located and doing business in this state.

Rebate percentage between 12% and 15% based on the following criteria:

- Providing a storyline that is set in Wyoming (full 15% rebate)
- Providing additional Wyoming behind the scenes footage highlighting Wyoming locations used in the project (up to 14% rebate)
- Using Wyoming props and product placement (up to 13% rebate)
- Providing a clear statement in the credits that the product was filmed in Wyoming (minimum 12% rebate)
- Other promotional opportunities that provide Wyoming tourism value could be negotiated to determine rebate percentage.

FIFI program application »

FIFI program rules »

For the full text of the bill, check out <http://legisweb.state.wy.us/2007/Enroll/HB0127.pdf> and <http://legisweb.state.wy.us/2009/Enroll/HB0071.pdf> which lowered the minimum spend requirement in Wyoming to from \$500,000 to \$200,000.

---

**Article 4.**  
**Film and Video Promotion**

[§ 9-12-401. \[Repealed.\]](#)

[§ 9-12-402. Film industry financial incentive program; creation; account. \[Repealed effective June 30, 2016.\]](#)

[§ 9-12-403. Film industry financial incentive program; definitions. \[Repealed effective June 30, 2016.\]](#)

[§ 9-12-404. Film industry financial incentive program; reimbursement eligibility; submission of required documentation; payment. \[Repealed effective June 30, 2016.\]](#)

[§ 9-12-405. Film industry financial incentive program; contract required; procedure; approval process. \[Repealed effective June 30, 2016.\]](#)

[§ 9-12-406. Film industry financial incentive program; rules and regulations; fraudulent claims; reporting. \[Repealed effective June 30, 2016.\]](#)

[§ 9-12-407. Sunset provision.](#)

**Legislative intent.** — Laws 2008, ch. 6, § 3, provides:

“(a) It is the intention and direction of the legislature that:

“(i) All duties of the business council with respect to the Wyoming film industry financial incentive program be transferred to the Wyoming tourism board. All duties of the business council with respect to the Wyoming film industry financial incentive program not assumed by the tourism board are terminated;

“(ii) All unexpended funds not otherwise obligated and any other property, if any, of the business council exclusively dedicated to the Wyoming film industry financial incentive program be transferred to the tourism board;

“(iii) Any contract, agreement or obligation entered into or assumed by the business council with respect to the Wyoming film industry financial incentive program, if the execution or assumption was within the lawful powers of the business council, be assumed by the tourism board;

“(iv) Any policy adopted by the business council with respect to the Wyoming film industry financial incentive program remain in effect unaltered as policy of the tourism board until amended or repealed by the tourism board.”

**§ 9-12-401. [Repealed.]**

Repealed by Laws 2003, ch. 8, § 2.

**Editor's notes.** — This section, which derived from Laws 1997, ch. 103, § 1, related to the Wyoming film and video reward account.

**§ 9-12-402. Film industry financial incentive program; creation; account. [Repealed effective June 30, 2016.]**

(a) There is created the film industry financial incentive program to encourage the use of this state as a site for filming and providing production services for filmed entertainment. The program shall be administered by the Wyoming tourism board.

(b) There is created the film industry financial incentive program account. Funds shall be credited to the account as provided by law and shall not revert to the general fund. Funds in the account are continuously appropriated to the board to be used only for reimbursement of a qualified production's qualified expenditures authorized to be made under this article. The Wyoming tourism board shall report in its budget the balance carried forward in the account. All funds appropriated to the film industry incentives program which are unobligated are hereby appropriated to the account.

(Laws 2007, ch. 73, § 1; 2008, ch. 6, § 1; 2011, ch. 13, § 1.)

**The 2008 amendment**, substituted “Wyoming tourism board” for “business council.”

Laws 2008, ch. 6, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, of the Wyo. Const. Approved March 3, 2008.

**The 2011 amendment**, added (b).

Laws 2011, ch. 13 § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 17, 2011.

**Effective dates.** — Laws 2007, ch. 73, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 21, 2007.

**Appropriations.** — Laws 2007, ch. 73, § 3, states as follows: “There is appropriated one million dollars (\$1,000,000.00) from the general fund to the business council for the fiscal period commencing July 1, 2007 and ending June 30, 2008, for purposes of providing entertainment industry financial incentive program reimbursements authorized under this act. Any money not expended by June 30, 2008 shall not revert to the general fund.”

Laws 2007, ch. 73, § 4, states as follows: “It is the purpose of this act to promote economic development at the city, town and county level in order to create additional economic health and a diversified state economy, to provide promotion and public visibility of Wyoming as a tourist or business destination, to provide new employment opportunities within Wyoming for Wyoming workers, to create the entertainment industry financial incentives program and to authorize incentives for qualified film productions.”

#### **§ 9-12-403. Film industry financial incentive program; definitions. [Repealed effective June 30, 2016.]**

(a) As used in this article:

(i) “Filmed entertainment” means any one (1) motion picture, television production, commercial or music video to be sold or displayed in electronic medium or film motion pictures;

(ii) “Production costs” means the total cost of producing filmed entertainment;

(iii) “Program” means the film industry financial incentive program created under this article;

(iv) “Qualified expenditures” mean expenditures for goods purchased or leased or services purchased, leased or employed from a vendor or supplier who is located and doing business in this state if the expenditure was made in this state and was made for a qualified production. Qualified expenditures for which reimbursement may be made are limited to:

(A) Salaries and employment benefits for services rendered in and to residents of this state;

(B) Rents for real and personal property located in this state used in the production;

(C) Payments for preproduction, production, post-production and digital media effects services provided in this state;

(D) Costs of set construction provided in this state.

(v) “Qualified production” means filmed entertainment totally or partially produced and filmed in this state that would have widespread public appeal and would likely encourage members of the public to visit the state of Wyoming;

(vi) “Board” means the Wyoming tourism board.  
(Laws 2007, ch. 73, § 1; 2008, ch. 6, § 1.)

**The 2008 amendment**, added (a)(vi).

Laws 2008, ch. 6, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, of the Wyo. Const. Approved March 3, 2008.

**Editor's notes.** — There is no subsection (b) in this section as it appears in the printed acts.

**Effective dates.** — Laws 2007, ch. 73, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 21, 2007.

**§ 9-12-404. Film industry financial incentive program; reimbursement eligibility; submission of required documentation; payment. [Repealed effective June 30, 2016.]**

(a) The board may contract with the makers of a qualified production to provide a reimbursement of up to fifteen percent (15%) of the production's qualified expenditures if a minimum of two hundred thousand dollars (\$200,000.00) in total qualified expenditures are made.

(b) The sum of all contractual obligations under this section shall not exceed the total appropriation available for the program for any fiscal biennium.

(c) A qualified production applying for a payment under this section shall submit documentation for claimed qualified expenditures to the board.

(Laws 2007, ch. 73, § 1; 2008, ch. 6, § 1; 2009, ch. 74, § 1.)

**The 2008 amendment,** substituted “board” for “business council” in (a); substituted “board” for “council.” in (c).

Laws 2008, ch. 6, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, of the Wyo. Const. Approved March 3, 2008.

**The 2009 amendment,** substituted “two hundred thousand dollars (\$200,000.00)” for “five hundred thousand dollars (\$500,000.00)” in (a).

Laws 2009, ch. 74, § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 27, 2009.

**Effective dates.** — Laws 2007, ch. 73, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 21, 2007.

**§ 9-12-405. Film industry financial incentive program; contract required; procedure; approval process. [Repealed effective June 30, 2016.]**

(a) The board may contract with any entity engaged in this state in producing filmed entertainment for reimbursement of qualified expenditures as provided in this article. The board shall be provided information required to determine if the production is a qualified production and to determine the qualified expenditures, production costs and other information necessary for the council to determine both eligibility for and the appropriate level of reimbursement. No reimbursement shall be made unless the board has entered into an agreement which provides for adequate consideration to the state in exchange for the reimbursement provided. No reimbursement of qualified expenditures shall be made by the board until the qualified production is complete and substantially all contractual commitments made to the board have been fulfilled. If a qualified production is not completed according to a reasonable schedule, the contract shall be terminated and funds reallocated to other qualified productions.

(b) The board shall establish a process by which a contract under this article is formulated and executed and reimbursement amounts are determined. The board shall require information including, but not limited to:

(i) Production related employment;

(ii) Proposed total production budgets;

(iii) Planned expenditures in this state which are intended for use exclusively as an integral part of preproduction, production or post-production activities engaged in primarily in this state; and

(iv) A signed affidavit by a person authorized to commit the entity that the information provided to the board has been verified and is correct.

(d) The board shall not contract with any qualified production for reimbursement of qualified expenditures under this article unless the board determines that adequate consideration to the state in exchange for the reimbursement will be provided under the contract. The reimbursement shall not exceed the amount of measurable benefit gained by the state resulting from the qualified production expenditures. The consideration may include but is not limited to:

(i) Providing a storyline that is set in Wyoming;

(ii) Providing additional Wyoming behind the scenes footage;

(iii) Using Wyoming props and product placement; and

(iv) Providing a clear statement in the credits that the product was filmed in Wyoming.

(Laws 2007, ch. 73, § 1; 2008, ch. 6, § 1.)

**The 2008 amendment,** substituted “board” for “board” in (a), introductory paragraph of (b), (b)(iv), and introductory paragraph of (d).

Laws 2008, ch. 6, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, of the Wyo. Const. Approved March 3, 2008.

**Effective dates.** — Laws 2007, ch. 73, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 21, 2007.

**§ 9-12-406. Film industry financial incentive program; rules and regulations; fraudulent claims; reporting.**  
**[Repealed effective June 30, 2016.]**

(a) The board may adopt rules and regulations to implement this article, including, but not limited to, requirements for the contract process, requirements for substantial completion of contractual commitments, records required for submission for substantiation of reimbursement and determination of and qualification for reimbursement.

(b) An entity that obtains payment under this article through a claim that is fraudulent is liable for reimbursement of the amount paid plus an amount double the payment plus reimbursement of reasonable costs. The amounts under this subsection are in addition to any criminal penalty for which the entity is liable for the same acts. The entity shall also be liable for costs and fees incurred by the state in investigating and prosecuting the fraudulent claim.

(c) The board shall report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations interim committee by October 1 each year, expenditures under this article and the return to the state on funds expended pursuant to this article.

(Laws 2007, ch. 73, § 1; 2008, ch. 6, § 1.)

**The 2008 amendment,** substituted “board” for “council” in (a); substituted “board” for “council shall include in its annual report under W.S. 9 12 112, and” in (c).

Laws 2008, ch. 6, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, of the Wyo. Const. Approved March 3, 2008.

**Effective dates.** — Laws 2007, ch. 73, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 21, 2007.

**§ 9-12-407. Sunset provision.**

W.S. [9-12-402](#) through [9-12-406](#) are repealed effective June 30, 2016.  
(Laws 2007, ch. 73, § 1; 2008, ch. 116, § 1; 2011, ch. 13, § 1.)

**The 2008 amendment,** substituted “W.S. [9-12-402](#) through [9-12-406](#)” for “W.S. [9-2-402](#) through [9-2-406](#).”

Laws 2008, ch. 116, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 13, 2008.

**The 2011 amendment,** substituted “2016” for “2011.”

Laws 2011, ch. 13 § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 17, 2011.

**Editor's notes.** — Laws 2007, ch. 73, § 1, enacted this section as “[9-2-407](#).” This provision was redesignated by the legislative service office.

**Effective dates.** — Laws 2007, ch. 73, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 21, 2007.