

Date of Hearing: April 25, 2018

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND  
INTERNET MEDIA

Kansen Chu, Chair

AB 3256 (Committee on Arts, Entertainment, Sports, Tourism, and Internet Media)  
– As Amended April 19, 2018

**SUBJECT:** California Film Commission.

**SUMMARY:** This bill, among other things, would revise and recast provisions in law regarding the California Film Commission (CFC), requiring the commission to have a Board of Commissioners (board) as defined, and would assign duties of the commission and board, as specified. The bill would replace various references to “motion picture and television filming” and “motion picture” in the act and other laws related to the commission with a reference to “media production,” as defined. Specifically, **this bill:**

- 1) Recasts the 26 member CFC appointees as members of the CFC Board of Commissioners, with membership as defined, under the same appointment authority and tenure as in existing law for CFC members.
- 2) Requires the board to meet at "least three times per year," rather than quarterly.
- 3) States that the board shall work to encourage motion picture and television filming media production in California, as specified.
- 4) Requires, in addition to other specified duties, the board to make recommendations to the Legislature, the Governor, the Governor’s Office of Business and Economic Development, and other state agencies on legislative or administrative actions that may be necessary or helpful to maintain and improve the position of the state’s media production industry in the national and world markets.
- 5) Provides that the board shall submit a list of recommended candidates for the position of Director of the California Film Commission to the Governor for consideration, and that the Governor shall appoint the director.
- 6) Generally draws distinctions between the policy work of the board and staff implementation of policy carried out by the CFC under the appointed director, such as:
  - a) The CFC shall create a navigational link on its Internet Web site labeled “Independent Films,” as specified.
  - b) The CFC shall annually release, through the 2019–20 fiscal year, a summary report on the status of the Film and Television Tax Credit Program established pursuant to Sections 17053.85 and 23685 of the Revenue and Taxation Code, including any available data related to the increase or decrease of media production in California.
  - c) Declares that the director of the commission shall be the permitting authority for the use of state-owned property and state employee services for the purpose of making commercial motion pictures.

- 7) Provides that each state agency, department, or commission having jurisdiction over a state property shall work with the commission to establish fees not to exceed the recovery of costs for state services and property maintenance and shall submit the proposed fees in writing to the commission explaining how the fees were calculated, consistent with this section.
- 8) Further provides that all fees established pursuant to this section shall be collected and recorded by the commission, and may be deposited in the Film Transfer Account, created in the Special Deposit Fund, or forwarded to the operating agency, department, or commission for reimbursement to recover costs.
- 9) Replaces various references to “motion picture and television filming,” and “motion picture” in laws related to the commission with a reference to “media production.”
- 10) Defines, “media production” to include, but is not limited to, the production of motion pictures, film, digital media, television, commercials, and still photography.
- 11) Makes various technical and implementing changes in conformity with the above.

**EXISTING LAW:**

- 1) Establishes the Governor’s Office of Business and Economic Development (GO-Biz) within the Governor's Office for the purpose of serving as the lead state entity for economic strategy and marketing of California on issues relating to business development, private sector investment and economic growth.
- 2) Creates the California Film Commission within GO-Biz, consisting of 26 members, as specified.
- 3) Declares that the Governor shall appoint 13 members, the Senate Committee on Rules shall appoint four members, the Speaker of the Assembly shall appoint four members, and five members shall be ex officio.
- 4) Further declares that the members of the commission appointed by the Governor may include representatives of state and local government, motion picture development companies, employee and professional organizations composed of persons employed in the motion picture industry, and other appropriate members of this or related industries.
- 5) Requires the commission to meet at least quarterly year.
- 6) Directs the commission to, among other duties, make recommendations to the Legislature, the Governor, the Governor’s Office of Business and Economic Development, and other state agencies on legislative or administrative actions that may be necessary or helpful to maintain and improve the position of the state’s motion picture industry in the national and world markets.
- 7) Provides that the CFC shall submit a list of recommended candidates for the position of Director of the CFC to the Governor for consideration, and that the Governor shall appoint the director.

- 8) Provides that the commission shall annually release the number of motion picture starts that occurred within the State of California.
- 9) States that the director of the commission shall be the permitting authority for the use of state-owned property and state employee services for the purpose of making commercial motion pictures, and allows the commission to establish fees not to exceed the actual cost of the affected state agency for this purpose.
- 10) Provides that all fees collected pursuant to this section shall be deposited in the Film Transfer Account, which is hereby created in the Special Deposit Fund, for disbursement by the director to reimburse the operating departments for their actual costs.
- 11) Contains various implementation and technical provisions for operation of the CFC and its programs.

**FISCAL EFFECT:** Unknown. This measure has been keyed fiscal by the Legislative Council.

**COMMENTS:**

- 1) *Author's statement in support:* According to the author, "This noncontroversial and technical bill will assure that the Government Code provisions implementing the California Film Commission and Board of Film Commissioners are accurate and up to date. Substituting "motion picture and television" with "media" production would incorporate all the types of productions, including commercials, regardless of the type of media used to create content. The bill also replaces "film production" with the term "media production" in order to better reflect today's industry that includes production for motion pictures, film, digital media, television, commercials and still photography in Government Code Section 14998. Finally, AB 3256 will provide increased clarity of the role and responsibility of the California Film Commission versus the Board of Film Commissioners."
- 2) *Background: California Film Commission.* According to information supplied by the Governor's Office and Business & Economic Development (GO-Biz), "The California Film Commission (CFC) was created in 1984 to facilitate, retain, and attract filming in California via the Motion Picture, Television, and Commercial Act of 1984. It is intended to be California's one-stop resource for media production, supporting productions of all sizes and budgets, and focuses on activities that stimulate and preserve production jobs, spending and tax revenues in California. Services include permits for filming at state-owned properties, administration of the state's Film & Television Tax Credit Program, an extensive digital location library, location assistance and a range of other production related resources and assistance.

The CFC Director notes, "The Government Code that established the CFC had not been revisited in any substantive way since 1984 with the exception of 2012, when the statute was amended to reflect the reorganization of the Business, Transportation & Housing Agency and the CFC's move to the GO-Biz." This measure is intended to update and modernize the *Motion Picture, Television, and Commercial Industries Act of 1984* and clarify the responsibilities of the CFC board and CFC staff.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

There is no support on file.

**Opposition**

There is no opposition on file.

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