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## PROGRAM OVERVIEW

### *Introduction*

The Washington State Legislature created the Production Incentive Program (also referred to as the Motion Picture Competitiveness Program) in 2006 to attract and retain film industry investment in Washington ([Chapter 43.365. RCW](#)).

Washington Filmworks (WF) is the private non-profit organization that manages the Production Incentive Program as well as a variety of resources for the creative industries in Washington State. WF mission is to create economic development opportunities by building and enhancing the competitiveness, profile and sustainability of Washington State's film industry.

### *What Is Available in the Production Incentive Program*

WF provides funding assistance (in the form of a cash payment) to feature films, episodic series, and commercials filmed anywhere in Washington State. The level of funding assistance is estimated based upon application materials and is actualized after production submits total in-state spend documentation during the completion package review process.

In order to qualify for funding assistance, the applicant must meet the following minimum in-state spending thresholds:

- \$500,000 Motion Pictures
- \$300,000 Episodic Series (per episode)
- \$150,000 Commercials

### Level of Funding Assistance

Motion pictures + episodic series (less than six episodes)

- WF offers funding assistance for qualified in-state expenditures of up to 30% for motion pictures and episodic series with less than six episodes

Episodic series (six or more episodes)

- WF offers funding assistance for qualified in-state expenditures up to 35% for episodic series with at least six episodes.

### Commercials

- WF offers funding assistance for qualified in-state expenditures of up to 30% for commercials.

### *Enhanced Incentives*

Approved productions may qualify for up to an additional 10% on qualified in-state expenditures if they film in a rural county and / or tell the story of a historically underrepresented community. See sections titled *Enhanced Incentives - Rural Communities* and *Enhanced Incentive - Telling the Story of Historically Underrepresented Communities* for details.

### *Nonresident Labor*

Some nonresident labor may qualify. See the section titled *Nonresident Labor Eligibility Requirements* for details.

### *Local Filmmaker Initiatives*

WF also manages several programs to support emerging Washington State above the line and below the line talent including the Small Budget Production Initiative and the Above the Line Education Forum + Mentorship.

For more details about these programs refer to [WF website](#)

## PRODUCTION ELIGIBILITY

### *Production Eligibility Requirements*

A production may be eligible for funding assistance if it satisfactorily completes its application and meets the requirements listed below.

- Production must spend at least the following in qualified expenditures:
  - \$500,000 Motion Pictures
  - \$300,000 Episodic Series (per episode)
  - \$150,000 Commercials
- Productions must meet minimum in-state spending threshold in order to receive payment on funding assistance.
- Minimum in-state spend thresholds must be met without including any qualified nonresident labor.
- All productions applying for funding assistance must have their production and post production financing secured prior to application. This financing must also include any gap financing forecasted incentive dollars.
- Applicants must certify that they are not engaged, to any extent, in the production of erotic material, as defined in [RCW 9.68.050](#).

6. Applications for commercial productions must include a live action component. Applicants that incorporate a substantial live action component will be given preference.
7. The applicant of record for commercial productions must be a production company or advertising or creative agency. The brand or product company is not eligible to apply.
8. For commercials, principal photography must commence no later than 45 days after receiving the funding letter of intent, unless otherwise negotiated with WF.
9. For motion pictures and episodic series, principal photography must commence no later than 120 days after receiving the funding letter of intent, unless otherwise negotiated with WF.
10. The production must comply with all local, state, and federal laws including minimum wage and overtime requirements as well as minor work permits.
11. The production must make payments for health insurance and a retirement program for those positions typically covered by collective bargaining agreements.
  - a. Refer to Addendum 1: Collective Bargaining Agreement Positions
  - b. For additional information on how to satisfy this requirement see Addendum 2: Benefits Provision
12. Applicants must demonstrate that every effort will be made to maximize the hiring of local cast, crew, and production and support services.
13. Motion pictures and episodic series must submit a production completion package in a digital format within 60 days of completing principal photography, unless otherwise negotiated with WF.
  - a. Refer to Addendum 6: Production Completion Package Requirements
  - b. All productions will be charged an administrative review fee. The fee will be \$5000 for motion pictures and episodic series. If shooting multiple episodes of one series, the fee will apply to the review of each episode.
14. Commercial productions must submit a production completion package in a digital format within 45 days of completing principal photography, unless otherwise negotiated with WF.
  - a. Refer to Addendum 6: Production Completion Package Requirements
  - b. All productions will be charged an administrative review fee. The fee will be \$2500 for commercials.
15. Prior to receiving any funding assistance, and after WF final review results are available, the production must file a completed production survey with the Department of Commerce.
16. For qualified productions eligible for post-production funding assistance, a post-production completion package in a digital format must be filed within one year of submitting the production completion package.
  - a. Refer to Addendum 7: Post-Production Completion Package Requirements
17. Prior to receiving any post-production funding assistance, a qualified production must file a completed post-production survey with the Department of Commerce.

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18. Where such credits are given, the production must contain a “Filmed in Washington State” credit (or similar language to be negotiated with the qualified production) and the WF logo.
19. The producer must submit a viewable copy of the final production when commercially available to WF and agrees to supply WF with promotional materials (such as photos, trailers, and poster art). WF may use such materials for archival, governmental relations and marketing purposes. WF reserves the right to hold funding assistance payments to qualified productions who have not provided such materials to WF.
20. If qualified for an enhanced incentive for filming in rural Washington, production must provide agreed upon marketing collateral to WF prior to receiving funding assistance.
21. Upon approval of the application for funding assistance, the producer must enter into a contract with WF stipulating the producer’s intent to film the production in Washington State and setting forth the terms and conditions of funding assistance.

*Productions Not Eligible for Funding Assistance*

1. News, current events, or programs that include weather or financial market reports as a material portion of the programs
2. Talk shows, game shows, or contests
3. Sports events or activities
4. Award shows, galas, or any production with the purpose of soliciting donations
5. Political advertising
6. Video games
7. Productions produced primarily for industrial, corporate, or institutional purposes

*Disqualification*

Support for a qualified production may be withdrawn at any time if WF determines at its sole discretion that:

1. Principal photography cannot be completed within one year (365 days) of receiving the funding letter of intent from WF for any reason (except for a reasonable allowance in the event of a *force majeure* event).
2. The project is significantly different than described and presented in the application for funding assistance. This could include but is not limited to:
  - a. Changes in principals including the director, producer, and screenwriter (taking into account all applicable collective bargaining agreements)
  - b. Changes to planned use of qualified expenditures
  - c. Changes to the script or narrative of the qualified production
3. The principals of the project or their representatives engage in fraud or misrepresentation, fail to comply with all applicable laws, or otherwise act in a manner that materially damages the mission of WF to enhance the development and competitiveness of the motion picture industry in Washington.

**ENHANCED INCENTIVES ELIGIBILITY***About Enhanced Incentives (maximum 10%)*

1. To qualify for an enhanced incentive, the qualified production must spend a minimum of \$500,000 for motion pictures, \$300,000 per episode for episodics, and \$150,000 for commercials.
2. At no time will a qualified production receive more than a 10% enhanced incentive.
  - a. In the event that a qualified production is telling the story of a historically underrepresented community and filming in a rural county, WF will allow for a maximum of a 10% incentive enhancement on all qualified Washington production expenses.
3. See below for specific enhancement criteria

*Rural Counties*

To qualify for an enhanced incentive for filming in a rural county a qualified production must:

1. During the application process, applicants must disclose the rural county or counties where they intend to film. A list of rural counties can be found on the Washington State's Office of Financial Management [website](#).
  - a. WF defines "located or filmed in a rural county" as a minimum of 50% of Washington State principal photography production days filmed in a rural county.
2. The production must work with WF and the rural community to provide marketing collateral such as, but not limited to, behind the scenes photos and interviews with usable sound-bites for community outlets, pull-quotes for community promotional materials, social media collateral, and screening of the project within the community.
  - a. This marketing collateral must be provided to WF prior to receiving funding assistance.
3. If a qualified production meets all the criteria listed above, WF will provide an additional 10% on all qualified Washington production expenses incurred in and outside the rural county.

*Telling the Story of Historically Underrepresented Communities*

To qualify for an enhanced incentive for telling the story of historically underrepresented communities, a qualified production must:

1. During the application process the applicant must identify whether their project tells the story of a historically underrepresented community or communities.
2. If the applicant identifies their project as telling the story of a historically underrepresented community or communities, they will be prompted to address the following items in a narrative section of the application:

a. Provide a description of the historically underrepresented community or communities featured in the project's script, storyboards, and/or story document and explain how that community meets the following definition:

The term "historically underrepresented communities" refers to groups of persons who have been relegated to an unimportant or powerless position such that they are prevented from participating fully in decisions affecting their lives. People may experience further marginalization because of their intersecting identities.

They are often communities or populations that face systemic economic, political, social, and cultural barriers, many of them embedded in local laws and norms. The term encompasses communities with a shared experience of marginalization stemming from circumstances beyond their control.

Historically underrepresented communities often include Black, Latino, Indigenous and American Indian/Alaska Native/Native Hawaiian, Asian Americans, and Pacific Islanders, and other persons of color, members of religious minorities, refugees, migrants, lesbian, gay, bisexual, transgender, and queer (LGBTQIA2S+<sup>1</sup>) persons, rural communities, formerly incarcerated persons, persons experiencing homelessness, and persons with disabilities.

b. Describe how the experience of this historically underrepresented community is portrayed in your project.

## **PRODUCTION COSTS ELIGIBILITY**

### *Production Costs Eligible for Funding Assistance*

1. The following in-state qualified expenditures are eligible for funding assistance if purchased 3 months prior to the date of the funding letter of intent for motion pictures and episodic series and 6 weeks for commercials and are purchased from a Washington State based business for use during pre-production, production, or post production in Washington State.
  - a. Set construction and operations
  - b. Wardrobe, accessories, and make-up
  - c. Location fees and related services
  - d. Photography, sound synchronization, dailies, lighting, and related services
  - e. Rental of facilities and equipment
  - f. Renting or leasing of vehicles
  - g. All airfare for cast and crew to or from Washington purchased through a Washington based business or travel agency

<sup>1</sup> Taken from [National Assoc. of Social Workers](#): People who are lesbian, gay, bisexual, transgender and/or gender expansive, queer and/or questioning, intersex, asexual, and two-spirit

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- h. Any travel expenses, lodging or rental cars if it is for travel within Washington State
- i. Insurance coverage and bonding
- j. Compensation paid to Washington State residents and qualified nonresidents including wages or salaries, fringe benefits or fees (WA based), and health insurance and retirement benefits.
- k. Per Diem received in the Washington State only
  - i. Per Diem may not exceed the IRS rate
- l. Food and lodging
- m. Marketing expenses associated with the production and incurred prior to the filing of the production completion package and post-production completion package. Any travel for marketing incurred after physical production must be pre-approved
- n. Production legal and accounting service fees and costs
- o. Post-production expenditures directly attributable to the qualified production
- p. Shipping costs when originating from a Washington State address
- q. Any loss and damage invoice / claim if submitted with a letter of explanation
- r. Other direct costs spent in Washington State directly related to the qualified production in accordance with generally accepted entertainment industry practices

2. WF will consider significant purchases made by the Production if approved in advance of purchase and the items are purchased from a qualified Washington based business.

- a. For any assets with a purchase price of \$5,000 or more, the lesser of the net cost of the asset after sales proceeds (if asset is sold) or 50% of the purchase price will be allowed as a qualified expenditure. If the asset is destroyed during the process of production, the qualified production must maintain documentation as proof for verification.
- b. Any electronic equipment such as computers, hardware, drives, scanners, monitors and relevant components, copiers, and/or printers which are purchased for the production will be allowed the lesser of the net cost of the asset after sales proceeds (if asset is sold) or 20% of their purchase price as a qualified expenditure.
  - i. Electronic assets with a purchase price equal to or less than \$250 or drives purchased to capture filmed content are not subject to this requirement.
  - ii. Props or set dressing that involve electronic equipment are also subject to this rule.

3. Proceeds from the sale of any production assets must be deducted from the costs presented in the completion package.

4. Rideshare expenses including but not limited to Lyft or Uber are considered a qualified expenditure if the drivers have registered to do business with the state of Washington.

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5. Lodging expenses purchased through vacation or short term rentals including but not limited to Airbnb and Vrbo are considered a qualified expenditure if the property owner has registered to do business with the state of Washington.
6. If qualified post production expenses for a qualified production exceed 30% of the total qualified Washington State spend, then funding assistance on post production will be proportionately calculated so that post production expenses do not exceed 30% of the qualified in-state spend.

*Production Costs Not Eligible for Funding Assistance*

1. Any purchase made outside of Washington State even if the items are brought into the state for production
2. Purchases made through vendors and or Washington based businesses that act as an agent or facilitator for out-of-state businesses
3. Gift cards or money orders given to any cast or crew member or as payment in kind
4. Payment of penalties or fines including but not limited to parking tickets, moving violations, bank fines and / or late charges
5. Out of state payroll service fees
6. In-kind or trade contributions on a production
7. Per Diem given to Washington State residents traveling out-of-state
8. Kit rental costs for qualified non resident labor
9. Internet purchases made from non-Washington State businesses, even if the delivery location is in Washington State
10. Cellular phone reimbursements or calling card purchases
11. Costs associated with WiFi hotspots or internet cable providers not based in Washington
12. Prepaid fuel receipts
13. Production legal and accounting service fees and costs that arise from audit demands, tax disputes, formal claims at law or in equity, litigation, arbitrations, or other formal dispute resolution efforts.

*Nonresident Labor Eligibility Requirements*

1. A qualified production is eligible to receive up to a 15% return on nonresident compensation only if the following criteria is met:
  - a. If at least 85% of the labor force is Washington residents.
    - i. Labor force is considered to be all production assistants and positions typically covered by a collective bargaining agreement: writers, producers, cast (excluding extras), crew and post-production personnel.
  - b. A nonresident worker must be working in Washington State for a minimum of 50% of the production days.

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2. If a qualified production is eligible for a return on nonresident compensation, up to \$50,000 of wages may qualify for funding assistance. On episodic series this benefit will apply per episode.
3. A qualified production will not be eligible to receive funding assistance for nonresident labor if any of the following apply:
  - a. The nonresident laborer is considered above-the-line on the qualified production and working as a writer, director, producer or actor.
  - b. The nonresident laborer is a production assistant, executive assistant or an extra
4. During the application process, production must estimate the wages for anticipated eligible nonresident labor expected to work on the production.
5. Qualified nonresident labor is not considered a qualified in-state expenditure and does not contribute to the minimum in-state spending threshold.
6. For reference, all Washington resident cast and crew qualify for the full return on wages and benefits.

## **APPLICATION PROCESS**

### *Overview*

The following outlines the details of the application process:

1. Applications for funding assistance can be found and submitted via WF website.
  - a. Applicants must submit a completed application at least five (5) business days prior to the start of principal photography unless the applicant is applying for an enhanced incentive, in which case the completed application must be submitted at least two (2) weeks prior to the start of principal photography.
  - b. All applicants must be approved for funding assistance prior to the start of principal photography.
2. If production intends to use footage from a previous project, they must disclose this information on the application and confirm that all state and federal labor laws were followed during the previous productions.
3. WF will review each application to ensure all necessary documentation has been submitted. If the application is incomplete or documents are missing, WF will contact the applicant to request the missing information. Determination of funding assistance will not be given until the application is complete and approved by WF Board of Directors.
4. During review of the application, WF may request additional information or discuss the initial application with the applicant. The applicant will have up to three (3) business days to supply any additional information requested by WF unless otherwise negotiated. If the information is not received within the allotted time, WF has the right to remove the application until such information is received.
5. WF staff will notify the applicant when the application is complete.

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6. Completed applications will be reviewed by WF or its designated representatives to verify that all eligibility requirements are being met by the production and determine the level of potential funding assistance.
7. WF Board of Directors will determine which applications to approve or deny based on any or all of the following factors (not listed in any order of significance):
  - a. Amount of in-state production spending
  - b. Chronological order or receipt of application
  - c. Eligibility requirements and additional eligibility requirements as outlined above.
  - d. The positive impact the motion picture will have in the community the project is filmed
  - e. Estimated production start date
  - f. Evidence of distribution commitments
  - g. Evidence of health insurance and a retirement program for those positions typically covered by a collective bargaining agreement
    - i. For additional information on how to satisfy this requirement please see Addendum 2: Benefits Provision
  - h. Locations to be used in the state
  - i. Number of in-state film workers to be hired
  - j. Other benefits to the state, including but not limited to promotional value, long-term financial benefits, contribution to development of Washington State crew and talent base or production industry infrastructure.
  - k. Professional history of the applicant and its key players in decision making roles in the project. This includes, but is not limited to, issues relating to:
    - i. Unpaid financial obligations, including employee benefits
    - ii. Cast, crew, or supplier mistreatment
    - iii. Unrepaired damage to locations
    - iv. Fraud, misrepresentation, or violations of law that affect production
  - l. Projects that film in a rural county
  - m. Projects that tell the story of historically underrepresented communities
  - n. Type of production (e.g. full length film, episodic, etc.)
8. Applications will only be considered when funds are available as determined by WF Board of Directors.
9. All funding assistance will be at the sole discretion of WF Board of Directors or any such other committee or group designated by the Board of Directors.

*Motion Picture and Episodic Application*

Applicants that would like to be considered for a motion picture or episodic funding assistance must file a completed application with WF. The application must include the following:

1. Funding Assistance Application Form
  - a. Available at [www.WashingtonFilmworks.org](http://www.WashingtonFilmworks.org)

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2. Applicant Letter of Interest
  - a. Letter detailing why Washington State is the best home for the production and what local resources / locations will be key to the success of the project. Please also indicate how you will make your production an equitable and inclusive film set for everyone.
3. Script or Story Outline
  - a. Shooting script (i.e., the version that is or will be submitted to the production's insurance company prior to the start of production). To the extent the shooting script is not final upon the date of application, the most current draft available will be accepted. If the final script is not available for episodic series, a story outline may be submitted at the time of application. The final production script for both motion pictures and episodic series must be delivered to WF no later than one week prior to commencement of physical production.
4. Budget
  - a. Most current line-item production budget that includes in-state and out-of-state spend and clearly indicates projected in-state qualified expenditures and qualified nonresident labor. A top sheet of the budget must be included that delineates total budget and qualified spend in each category.
5. Finance Plan
  - a. Complete details about how the production is being financed including names of financial institutions or investors as well as the amount they are contributing to the final budget and when the funds will be available to production.
6. Proof of Funding
  - a. Documentation demonstrating that the funds are secured (i.e. bank statements, written confirmation from financier, or other agreed upon documentation between Production and WF).

*Commercial Application*

Commercial applicants may submit an application to WF and have it reviewed for eligibility and completeness prior to being awarded the job by an advertising or creative agency. A final determination of funding assistance will not be given until proof of funding has been given to WF (i.e, an advertising or creative agency award letter). Applicants that would like to be considered for funding assistance for a commercial production must file a completed application with WF. The application must include the following:

1. Commercial Funding Assistance Application Form
  - a. Available at [www.WashingtonFilmworks.org](http://www.WashingtonFilmworks.org)
2. Applicant Letter of Interest
  - a. Letter detailing why Washington State is the best home for the production and what local resources / locations will be key to the success of the project. Please also indicate how you will make your production an equitable and inclusive film set for everyone.

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3. Story or Shooting Boards
4. Budget
  - a. Most current line-item production budget that includes in-state and out-of-state spend and clearly indicates projected in-state qualified expenditures and qualified nonresident labor.
5. Advertising or Creative Agency Award Letter
  - a. This letter serves as proof of funding for the project and must indicate the total amount of funds available.

*How to Submit an Application*

Complete the online application form on [Washington Filmworks website](http://WashingtonFilmworks.org).

*Who to Contact*

Contact Washington Filmworks: [Info@WashingtonFilmWorks.org](mailto:Info@WashingtonFilmWorks.org)

*Application Review and Funding Notification*

1. WF intends to approve or deny completed applications for motion pictures and episodic series within 10 business days but reserves the right to take up to 30 days to respond.
2. WF intends to approve or deny completed commercial applications within 5 days but reserves the right to take up to 30 days to respond.
3. A decision to extend funding assistance to a production will be confirmed by a funding letter of intent which will include:
  - a. Maximum amount of funding assistance being held in reserve for the production
  - b. Date that eligibility for qualified expenditures begins
  - c. Date that the production must be completed and the date that a completion package is due to WF for review.
4. Qualified productions will be required to execute a written agreement between the applicant and WF to include:
  - a. A certification number assigned by WF
  - b. Applicant's acceptance of and conformance to WF Guidelines and Criteria
  - c. Applicant's full application.
5. If the WF production agreement is not signed and returned by the applicant within two weeks of the date of the funding letter of intent, WF may revoke its commitment.
6. If a production is not chosen for funding assistance the production may re-apply at a later date.

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## **REQUIREMENTS FOR QUALIFIED PRODUCTIONS**

*Before Production*

1. To secure funding assistance the producer must complete the legally binding production agreement between WF and the qualified production within two weeks of the date of the funding letter of intent.
2. WF Guidelines and Criteria and the Industry Code of Conduct (Addendum 4: Code of Conduct) must be distributed to department heads prior to the start of production.
3. A meeting to discuss WF policies and procedures and the Completion Package process must take place between WF and the producers and accounting team prior to the start of production.

*During Production*

1. Each Washington State resident employed on a qualified production must complete a Declaration of Residency form (Addendum 5: Declaration of Residency Form).
2. Washington State residents employed on a qualified production making \$500 or more must also provide proof of residency, which includes:
  - a. Valid Washington State driver's license with an issue date more than six months prior to the date of the Declaration of Residency (or resident start date on the production).
  - b. A current Washington State voter registration card with an issue date at least 6 months prior to the Declaration of Residency (or resident start date on the production).
  - c. Copies of six months of utility bills with Washington State address issued at least six months prior to the Declaration of Residency (or resident start date on the production).
  - d. If these proof of residency options are not available when filling out the Declaration of Residency form, please contact WF to discuss what other proof of residency may be eligible.
3. Production must send daily call sheets and all crew notifications to WF.
4. The production must keep a detailed electronic account ledger of all qualified expenditures incurred in Washington State during pre-production, production, and post-production (if applicable).
  - a. See requirements for the Production Completion Packages (Addendum 6) and Post-Production Completion Packages (Addendum 7).

*After Production*

1. Within 60 days of completing principal photography for motion pictures and episodic series and 45 days for commercials, the qualified production must submit a Production Completion Package to WF.
  - a. See requirements for the Production Completion Packages (Addendum 6)
2. If a qualified production has been previously approved for post-production funding assistance, then it may submit a separate completion package for post-production services within 1 year of submitting the production Completion Package. The post-

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production Completion Package may not contain any invoices dated earlier than the date the production submitted the production completion package.

- a. See requirements for Post-Production Completion Package (Addendum 7).

*Department of Commerce Reporting Requirements*

1. In order to recognize the accountability and effectiveness of tax policy, the legislature requires that each qualified production approved for funding assistance submit a survey.
  - a. The survey will be submitted after WF is done with review of the completion package process.
  - b. No funding assistance payments will be made until the survey has been submitted.
2. In cases where a qualified production submitted a Post-Production Completion Package, a second survey will be required.
3. The required survey template is available on the Department of Commerce website.
4. The Department of Commerce may request further information as needed.

## **WASHINGTON STATE TAX EXEMPTIONS**

1. Motion picture productions may qualify for additional sales and use tax exemptions. A production's ability to claim sales and use tax exemptions is not affected by the receipt of funding assistance from WF. (Refer to Addendum 3: Motion Picture and Video Production Business Tax Exemption Certificate)
2. Some additional [Hotel Motel Tax Exemptions](#) may be available for stays longer than 30 days.

## **DEFINITION OF TERMS**

1. *Advertising or Creative Agency Award Letter* – Letter from a reputable advertising or creative agency that includes relevant production information such as the agency, the product being advertised, the production company being hired, and the budget for the commercial.
2. *Applicant* – Individual or production company representative responsible for signing the application and, if approved for funding assistance, will sign the legally binding agreement between WF and the qualified production.
3. *Certified Funding Letter of Intent* – Document issued by WF that confirms the approval of the production and the total amount of funding assistance being held in reserve for the qualified production. The funding letter of intent is included as an exhibit in the production agreement.
4. *Client* - Individual or production company representative responsible for signing the application and, if approved for funding assistance, will sign the legally binding

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agreement between WF and the Qualified Production.

- 5. *Department of Commerce Production Survey* - A survey form that each Qualified Production must fully complete and submit to the Washington State Department of Commerce prior to receiving Funding Assistance.
- 6. *Director* – One who directs the production of motion pictures, as the word "direct" is commonly used in the motion picture industry.
- 7. *Episodic Series* – Multiple installments of an ongoing motion picture production generally less than 60 minutes in length.
- 8. *Force Majeure Event* - An "act of God" defined to include any extraordinary natural or man-made occurrence including without limitation war (declared or undeclared), blackout, air raid, act of public enemy, riot, epidemic, pandemic, fire, casualty, labor controversy, government order or regulation, death, illness, incapacity, disfigurement, failure, failure of technical facilities or substantial impairment in obtaining facilities, materials, and/or personnel which makes fulfillment of either party's obligations impracticable.
- 9. *Funding Assistance* – Cash expenditures from an approved Motion Picture Competitiveness Program.
- 10. *Funding Assistance Application* - The application submitted by Client for Funding Assistance under the Motion Picture Competitiveness Program.
- 11. *Historically Underrepresented Community* – As a result of feedback from community members, WF prefers using the term "historically underrepresented communities" in place of the term "marginalized communities" in place of the term "marginalized communities." For this program, "historically underrepresented community" has the same meaning as "marginalized community."
- 12. *Key Person* - The client, director, producer, screenwriter or lead actor.
- 13. *Labor Force* – All production assistants and positions typically covered by a collective bargaining agreement: writers, producers, cast (excluding extras), crew, and post-production personnel.
- 14. *Lead Actor* - An actor in a motion picture project that plays the protagonist or largest role in the piece. For commercial productions this person may be on the call sheet as lead talent.
- 15. *Located or Filmed in a Rural County* – WF defines "located or filmed in a rural county" as a minimum of 50% of Washington State principle photography production days filmed in a rural county as defined by [RCW 82.14.370](#).
- 16. *Marginalized Community* – The term "marginalized communities" refers to groups of persons who have been relegated to an unimportant or powerless position such that they are prevented from participating fully in decisions affecting their lives. People may experience further marginalization because of their intersecting identities.

They are often communities or populations that face systemic economic, political, social, and cultural barriers, many of them embedded in local laws and norms. The term

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encompasses communities with a shared experience of marginalization stemming from circumstances beyond their control.

Marginalized communities often include Black, Latino, Indigenous and American Indian/Alaska Native/Native Hawaiian, Asian Americans, and Pacific Islanders, and other persons of color, members of religious minorities, refugees, migrants, lesbian, gay, bisexual, transgender, and queer (LGBTQIA2S+<sup>2</sup>) persons, rural communities, formerly incarcerated persons, persons experiencing homelessness, and persons with disabilities.

17. *Motion Picture* – A recorded audio-visual production intended for distribution to the public for exhibition in public and / or private settings by means of any and all delivery systems and / or delivery platforms now or hereafter known, including without limitation, screenings in motion picture theaters, broadcasts and cablecast transmissions for viewing on televisions, computer screens, and other audio-visual receivers, viewing on screens by means of digital video disc (DVD) players, video on demand (VOD) services, and digital video recording (DVR) services, direct internet transmission, and viewing on digital computer-based systems which respond to the users' actions (interactive media).
18. *Producer* – The primary individual associated with the production responsible for overseeing the motion picture's financial, business and creative decisions. In evaluating applications, consideration may be given by WF to other parties bearing "producer-type" credits.
19. *Production Agreement* – The contractual agreement between WF and the production signatory which outlines the terms and conditions of receiving funding assistance.
20. *Production Company* – A business that is primarily (defined as 50% or more) engaged in the business of producing motion pictures.
21. *Production Signatory* – Individual that will serve as the signatory on WF contractual agreement.
22. *Qualified Expenditures* – Production costs for wages and benefits provided to residents of Washington State for services performed in Washington State, goods and services purchased, leased, or employed from a vendor or supplier who is located and doing business in the state for one year and is registered to do business with the Washington Department of Revenue during pre-production, production and post production.
23. *Qualified Nonresident Labor* – Wage and benefit expenses for nonresident labor that meet all of WF eligibility requirements.
24. *Qualified Production* – A production that has been certified by WF as fully meeting the requirements for funding assistance and is in receipt of a funding letter of intent.

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<sup>2</sup> Taken from [National Assoc. of Social Workers](#): People who are lesbian, gay, bisexual, transgender and/or gender expansive, queer and/or questioning, intersex, asexual, and two-spirit

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- 25. *Qualified Production Costs* – Most budgetary items including costs of technical and production crew, expenditures for facilities, props, make-up, wardrobe, set construction, background talent, etc.
- 26. *Rural County* – Defined in [RCW 82.14.370](#) as a county with a population density of less than 100 persons per square mile or a county smaller than 225 square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th. For reference, a rural county has the same meaning as a rural community. A list of rural counties can be found on the Washington State's Office of Financial Management [website](#).
- 27. *Screenwriter* – The author of the first complete draft of the screenplay upon which the applicant's motion picture is to be based and who shall be contractually guaranteed "written by" or "screenplay by" on-screen credit.
- 28. *Washington State Business or Washington State Based Company* – Any sole proprietorship, partnership, limited liability entity or corporation with offices in Washington State more than 1 year prior to the start of film production for which funding assistance is being claimed and is registered to do business with the Washington Department of Revenue. (Visit <https://dor.wa.gov/> for more information.)
- 29. *Washington State Resident* – An individual who maintains a permanent dwelling within the state, and spends an aggregate of at least six months each year within the state, and signs a Declaration of Residency certifying that they have been a Washington State resident for at least six months prior to the date production begins. See Addendum 5.
- 30. *Washington Filmworks (WF)* – The 501(c)(6) non-profit organization that manages the MPCP pursuant to [RCW 43.365](#) and [RCW 82.04.4489](#) that will oversee the State of Washington's funding assistance program for qualified productions.

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## Addendum 1

### Collective Bargaining Agreement Positions

## **Addendum 2**

### Benefits Provisions

## **Addendum 3**

### Motion Picture and Video Production Business Exemption Certificate

## Addendum 4

### Production Code of Conduct

## Addendum 5

[Washington Filmworks Declaration of Residency](#)

## Addendum 6

### Production Completion Package Requirements

## Addendum 7

### Post-Production Completion Package Requirements