

## Montana Economic Development Industry Advancement (MEDIA) Act Production Application

The Montana Film Office of the Montana Department of Commerce administers pre-certification to the Montana Economic Development Industry Advancement Act (Media Act), Montana's media production incentive enacted in 2019. Montana offers a transferable tax credit to qualified productions from production companies that produce qualified productions in the state. Pre-certification is required, with a non-refundable \$500 filing fee.

Production companies may earn up to a 35% tax credit on the base investment in Montana by the production company. The specific incentive portions and provisions of the tax credit are available on our website, <https://www.montanafilm.com/incentive-packages/tax-credit/>

Registration with the Secretary of State is required. The registration process takes 7-10 days and completed registration must be uploaded with this application. Tips for registration can be found at [https://www.montanafilm.com/wp-content/uploads/2019/06/SecretaryOfState\\_Tips.pdf](https://www.montanafilm.com/wp-content/uploads/2019/06/SecretaryOfState_Tips.pdf) Ready to Register? Go to: <https://sosmt.gov/business/>

The production company must file a Montana income tax return at the end of the tax year following project completion in order to claim the credit. Filing fees and additional documentation will be due to the Department of Revenue when you begin the income tax return process. The Department of Revenue is required to administer the transfer of the tax credits. <https://mtrevenue.gov/>

Fill out the form below to submit your request for pre-certification for Montana's film tax credits. A \$500 non-refundable filing fee is due upon submission completion. Upon approval of this pre-certification and fee receipt, production companies will receive a letter from the Montana Film Office with specific instructions on the program.

Please pay attention to where it says **ATTACH**, as you must include attachments to these questions.

**Production Title**

**Production Type**

- Feature Film – Theatrical
- Feature Film – Streaming
- Feature Film – Television
- Television Series – Scripted
- Television Segment/Episode – Scripted
- Television Pilot – Scripted
- Television Special
- Series for Streaming Platforms
- Commercial Advertisement – Television
- Miniseries
- Music Video
- Corporate Video
- Short Film
- Industrial Film
- Interactive Entertainment
- Pre-Released Interactive Games
- Video Game Production
- Sports Events
- Production for Website Creation
- Sound Recording Projects

"Qualified production" means a new film, video, or digital project including only feature films, series for theaters, television, or streaming, pilots, movies and scripted shows made for television or streaming, televised commercial advertisements, music videos, corporate videos, industrial films, production for website creation, television specials, sports events, video games, interactive entertainment, pre-released interactive games, and sound recording projects used in a feature film, series, pilot, or movie for television.

The term "Qualified Production" does not include the coverage of news, local interest programming, instructional videos, commercials distributed only on the internet, infomercials, solicitation-based productions, non-scripted television programs, feature films consisting primarily of stock footage not originally recorded in Montana, or projects containing obscenity as defined in 45-8-201(2).

Case by Case: commercial, music video, production for website creation, video game, interactive entertainment, or experimental or low-budget project that plans a base investment of less than \$350,000 but more than \$50,000.

### Agreement to Comply with Montana Promotion Requirement

The production will include a qualified Montana promotion. Checking this box constitutes an agreement to comply with this requirement. Qualified productions that meet the definitions below MUST agree. For all others, the promotion is optional for the additional 5% incentive portion. Call the Montana Film Office for questions on this category.

"Qualified Montana promotion" means a promotion of this state approved by the department of commerce and consisting of:

- (a) a qualified movie production that includes a 5-second static or animated logo that promotes Montana in the end credits for the life of the project and that includes a link to the official state of Montana website on the project's website;
- (b) a qualified television production that includes an embedded 5-second Montana promotion during each broadcast worldwide for the life of the project and that includes a link to the official state of Montana website on the project's website;
- (c) a qualified music video that includes the Montana logo at the end of each video and within online promotions;
- (d) a qualified interactive game that includes a 15-second Montana advertisement in units sold and embedded in online promotions;
- (e) a qualified television special or sports event for which the network provides complimentary placement of two 30-second spots per 30 minutes of qualifying television special or sports event programming promoting Montana destinations and provided by the department of commerce as provided for in [section 4(7)] in the MEDIA Act.

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### Project Description

**Attach** a brief description of project: Logline or brief synopsis

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### Production Company Name

### Production Company Certification

This certifies the above-named company is engaged in the business of producing nationally or regionally distributed productions.

### Production Company Phone Number

### Production Company Business Address

**Production Company City, State, Zip**

**Production Company Email**

**Contact Name**

Primary Contact Note: The contact person will work with the Montana Film Office (406.841.2876) and the Montana Department of Commerce (406.841.2870) on the reporting of information necessary for the incentive program.

**Email**

**Company Corporate Status**

Status as determined on your tax return

**Other Corporate Status:**

If OTHER is checked, explain corporate status

**Date Business Commenced**

Date of Incorporation or Formation, Format: Day/Month/Year

**State of Incorporation or Formation**

**FEDERAL TAX ID (FEIN) or SSN**

**Corporate Officer Name**

**Corporate Officer Address**

**Corporate Officer SSN/EIN**

**Corporate Officer Phone Number**

**Corporate Officers Information; additional Officers**

NOTE: If the applicant is a LLC, a Partnership, or a S corporation, list the names, addresses, and FEINs or SSNs of all members, partners, or shareholders and their respective percentages. If the applicant is a sole proprietor, include full legal name as it appears on the W-9. Upload a document detailing the information requested.

## **Incorporation Documentation and W-9**

**Attach** a W-9 if sole proprietor, and for all other corporate entities, **attach** a W-9 and a copy of the incorporation documents

**Members, partners, and shareholders will file Montana tax returns separately.**

Check if applicable.

**Attest to meeting the definition of Production Company when certification is approved**

A company primarily engaged in qualified production activities.

**Producer Name**

**Producer Email**

**Line Producer Name**

**Line Producer Phone Number**

**Line Producer Email**

**UPM Name**

**UPM Phone Number**

**UPM Email**

**Director Name**

**Director Phone Number**

**Director Email**

**Production Accountant Name**

**Production Accountant Phone**

**Number Production Accountant Email**

## Production Crew Information

If UPM, Director, and Production Accountant sections are left blank, explain by **attaching** the hiring process for these positions.

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## Tax Preparation Information

Please **attach** details on how the production company intends to prepare for submission of costs and incentive at conclusion of principal photography.

## Tax Preparation Information

### Tax Preparation Contact Name

### Tax Preparation Phone Number

### Tax Preparation Email

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## Base Investment Statement

**\$350,000 or more**

**Between \$50,000 and \$350,000**

Projects with a base investment under \$50,000 will not be considered for this incentive.

- A. With respect to a single crew member or production staff member, excluding an actor, director, producer, or writer, the portion of any compensation that exceeds \$500,000 for a single production is not included when calculating the base investment.
- B. The department of commerce may approve on a case-by-case basis an application for a commercial, music video, production for website creation, video game, interactive entertainment, or experimental or low-budget project that plans a base investment of less than \$350,000 but more than \$50,000.

**Attach** description of the proposed activities and expenditures if your base investment is between \$50,000 and \$350,000

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## Entity Name is Registered with Montana Secretary of State

This is to certify that this production company has registered the above name with the Montana Secretary of State and has received certification as a company in good standing to transact business in Montana.

REGISTRATION WITH THE SECRETARY OF STATE: Any business intending to transact business in Montana must register with the Secretary of State. Businesses that are incorporated in another state or country, but which are conducting activity in Montana, must determine whether they are transacting business in Montana in accordance with sections 35-1-1026 and 35-8-1001, MCA. Such businesses may want to obtain the guidance of their attorney or accountant to determine whether their activity is considered transacting business.

If businesses determine that they are transacting business in Montana, they must register with the Secretary of State and obtain a certificate of authority to demonstrate that they are in good standing in Montana. To obtain registration materials, call the Office of the Secretary of State at 406.444.3665, or visit their website at <http://sos.mt.gov>.

## Secretary of State Registration Form

**Attach** your SOS form.

## Compliance with Montana Laws

Production Companies shall fully comply with all applicable federal, state, or local laws, rules, regulations, and executive orders including but not limited to, the Montana Human Rights Act, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

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## Montana Production Office Address

## Montana Production Office City, Zip

## Montana Production Office Phone

## Script/Synopsis/Storyboard

**Attach** your script or synopsis or storyboard.

## Total Production Budget

## Production Budget

**Attach** your budget

## Estimated Montana Expenditures

**Estimated Tax Incentive Credit**

**Start Date – Montana Pre-Production**

**Start Date – Montana Principal Photography**

**End Date – Montana Principal Photography**

**Estimated Days of Principal Photography**

**Proposed Montana Filming Locations**

List all towns or properties in which you plan to photograph in or around – **Attach** if needed

**Planning Post-Production in Montana**

Check this box if you plan post-production activities in Montana

**End Date – Post-Production in Montana**

**Distribution Plan**

Theatrical

Regional

Festival Submission

VOD

Youtube or Vimeo

Direct-to-DVD

Television Broadcast

Industrial/Educational

International

Streaming Service

Other - Explain:



### **Bankruptcy Certification**

Check to certify this production company does not include a company owned, affiliated, or controlled by, in whole or in part, a company or person that is in default on a loan made by this state or a loan guaranteed by this state or a company or person that has filed for bankruptcy.

### **Obscenity Certification**

Check to certify this production does not contain any material or performance defined as obscene by Montana Code Annotated, section § 45-8-201.

### **Non-Tobacco Certification**

Check to certify that this production will not receive any money for tobacco product placement, advertisement, or other tobacco use in the production.

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### **How to Pay the \$500 Filing Fee:**

Checks and Money Order Payments can be mailed to: Montana Film Office, PO Box 200533, Helena, MT 59620

Check, Cash, Money Order Payments may be made in person at 301 South Park Avenue, Room 129, Helena, MT 59620