

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 07-063		Hearing Location: Madison	
Rule Number: Chapter Comm 133		Hearing Date: July 17, 2007	
Relating to: Film Production Accreditation Program			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Oral and Exhibit 1	Scott Robbe Film Wisconsin, Inc. Milwaukee, Wisconsin	Thinks the Hearing draft is a very good first set of rules and definitions to help grow the film- and television-production business in Wisconsin. Appreciates the Department's review of incentive processes in other States.	Support is noted.
		Recommends not tying the goals of the State's branding campaign to the film production accreditation process. Believes that when domestic and international producers and directors look at the 42 States that offer incentive packages, most of those packages will be seen as not tying any type of restrictions of content to the incentives. The producers and directors may view a tie to Wisconsin's branding campaign as being an infringement on their free speech rights, and believe that Wisconsin will try to influence the content. Wants to be able to sell Wisconsin as being a State which is dedicated to free speech and which in no way ties the accreditation process to content.	The proposed rules have been changed, in section Comm 133.30 (4), to refer to not hurting the reputation of the State, instead of referring to consistency with a positive brand image of the State.
		Recommends making the tax credits transferable.	The enabling legislation – 2005 Wisconsin Act 483 – does not allow transferring the tax credits.
		Recommends treating wages for out-of-state workers as being production expenditures, if those workers are either paid through a Wisconsin-based payroll company or are independent contractors in Wisconsin.	Agree. The proposed rules allow treating these wages in this manner, as indicated by the third Note under section Comm 133.20 (1).
2	Barbara Lawton Lieutenant Governor Madison, Wisconsin	Appreciates the Department's effort in developing the proposed rules. Is concerned that the proposed requirement for film productions to not conflict with a desired brand image of Wisconsin would keep some filmmakers from deciding to do films in Wisconsin. States this requirement would brand Wisconsin as having an anachronistic, provincial mentality. Believes the brand should instead be one of a forward-thinking State that understands how bringing a very visible sector of the creative economy to life in Wisconsin would draw attention to the strengths in Wisconsin's more traditional sectors and infuse them with greater potential for innovation, because the visibility would be a magnet for the kind of talent that is needed. Other States that have attempted to ensure that only flattering images be recorded ("flattering" or "desired brand image" being highly subjective and slippery notions) have had to change their rules or law and eliminate the provision in order to draw business there. Believes Wisconsin can learn a vicarious lesson and not create an unnecessary delay in implementing its law.	Support is noted. The proposed rules have been changed, in section Comm 133.30 (4), to refer to not hurting the reputation of the State, instead of referring to consistency with a positive brand image of the State.