

NEBRASKA

NEBRASKA FILM OFFICE GRANT GUIDELINES

State of Nebraska

Department of Economic Development

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NOTICE:

This guidance document is advisory in nature but is binding on the Department of Economic Development (DED) until amended. A guidance document does not include internal procedural documents that only affect the internal operations of DED and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

OVERVIEW & CONTACT INFORMATION

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OFFICE 402-471-9054

The Nebraska Film Office Grant is authorized and further described within Neb. Rev. Stat. § 81-1220.

Application Portal and Grants Management System

To administer the Nebraska Film Office Grant, DED uses a grants management system (GMS), AmpliFund. GMS User Guides, with instructions for accessing and using of the system to apply or implement a Nebraska Film Office Grant, and other resources are available on [DED's website](#).

CHAPTER 1: INTRODUCTION TO THE NEBRASKA FILM OFFICE GRANT

1.1 PURPOSE & GENERAL INFORMATION

The Nebraska Film Office Grant is funded through the Nebraska Film Office Fund. These grants are intended to benefit the State of Nebraska through marketing of the State as well as job creation and economic development. Applications for these grants will be accepted on an open cycle basis. This is a competitive grant, and DED shall have the sole discretion of awarding these grants, in furtherance of the best interests of the State of Nebraska.

The application and guidelines can be found at the [Nebraska Film Office Grant webpage](#) or by contacting the program coordinator.

GMS User Guides, with instructions for accessing and using the system to apply for a Nebraska Film Office Grant, and other resources, are available on DED's AmpliFund resource page, [AmpliFund – Nebraska Department of Economic Development](#).

1.2 NEBRASKA FILM OFFICE GRANT

A. Eligible Applicants

Any public or private, resident or nonresident, production company that will produce a feature film, television series, or miniseries on location in the State of Nebraska.

B. Eligible Projects

Feature films, television series, and miniseries are eligible to apply for the Nebraska Film Office Grant provided that the largest percentage of principal photography days are in Nebraska. The percentage of principal photography must be more than all other states, but not all other states combined. For example, if 40% of the principal photography is to take place in Nebraska, while 30% is to take place in State A and 30% is to take place in State B, then the production will still qualify as the greatest percentage occurred in Nebraska.

The script and resulting production must feature a Nebraska story. To be considered a Nebraska story, the production should be one or more of the following:

- i. Based on events that took place in Nebraska;
- ii. A fictional story that is set in Nebraska;
- iii. A production that features characters who live or lived in Nebraska; or
- iv. A production that depicts identifiable Nebraska locations in the story line.

C. Workforce calculation

At least 50% of the Worker Days must be comprised of Nebraska residents. A Worker Day is each day that a cast or crew member (including extras) is involved in filming. For example, 5 crew members, hired to work for 10 days, equates to 50 Worker Days.

D. Minimum Spend

Productions are required to spend a minimum of \$1,000,000 on qualified expenditures in Nebraska.

E. Grant Amounts

DED will match up to 20% of the amount spent on qualified expenditures in Nebraska with a maximum award of \$400,000 (pending available funds) per production. As an example, productions that spend \$1,500,000 on qualified expenditures in Nebraska will be eligible to receive an additional \$300,000 in grant reimbursements.

F. Terms & Definitions

- **Feature Film:** A production of a film intended for commercial distribution in the United States and that has a running time of at least seventy-five (75) minutes in length.
- **Miniseries:** A set of two (2) or more filmed projects or episodes produced for commercial distribution in the United States and based on a single theme or storyline that are verified for distribution as a package or slate by executed agreement.
- **Nebraska Resident:** An individual with a permanent dwelling within the state of Nebraska and who spends an aggregate of at least six months each year within the state.
- **Post-production:** The final activities in a qualified production, including but not limited to editing, foley recording, ADR, sound editing, negative cutting, color correction and sound mixing.
- **Pre-production:** The process of preparation for actual physical production. This customarily includes but is not limited to activities such as location scouting, hiring of key crew members, and establishment of a dedicated production office.
- **Principal photography:** The phase of production during which a production is actually shot, as distinguished from pre-production and post-production.
- **Principal Photography Days:** The number of days shot by the principal unit with the director and lead actors usually present.
- **Television Series:** A set of no less than six (6) interrelated episodes of regularly occurring production, intended for commercial distribution in the United States.
- **Worker Day:** Each day a cast or crew member (including extras) is involved in filming.

G. Eligible Expenses

Qualified expenditures are costs associated with the development, pre-production, production, or post-production of an eligible project within the state. To be a qualified expenditure, the cost must be for the production and the payment must be to a Nebraska vendor or for a Nebraska-based service. Qualified expenditures include, but are not limited to:

- Wages, salaries, and or benefits paid to Nebraska residents
- Lodging
- Leasing of motor vehicles

- Chartering of aircraft through a Nebraska-based business for in-state transportation attributed to the production
- Commercial airfare purchased through Nebraska-based travel agencies for travel to and from Nebraska attributed to the production
- Meals and catering services for cast and crew
- Rentals of equipment and facilities
- Set design, construction, and dressing
- Props
- Wardrobe, makeup, hairdressing, and accessory services
- Location fees
- Photography, sound, lighting, and editing related services
- Fees paid to Nebraska residents to compose, orchestrate, and perform music that is specifically created for the production
- Insurance when purchased through a Nebraska vendor and purchased specifically for a qualified production
- Legal fees paid to Nebraska-based lawyers or law firms that are directly attributable to the physical production of the production (does not include litigation costs or damages)
- Other costs of production in accordance with generally accepted entertainment industry practices

H. Ineligible Expenses

The following are examples of common expenditures incurred by production companies that are not eligible for the grant. This is not intended to be a complete list and is only provided as a reference for typical productions:

- Wages, salaries, and/or fees of nonresident cast and crew members
- Payments for goods and services not sourced in Nebraska
- The optioning or purchase of intellectual property that is not used in the production or is outside of the state of Nebraska
- Alcohol and tobacco, including use as props
- Cell phone reimbursements
- Payments to adult oriented businesses
- Payments for entertainment, including, but not limited to, parties, event tickets, movies, hotel mini-bar items, meals unrelated to the production and personal gifts
- Costs or fees associated with advertising, marketing, distribution, or financing of the production
- Profit-sharing payments
- Payments for penalties or fines, payments to nonprofit organizations, and payments to federal and state entities that do not pay state taxes

CHAPTER 2: APPLICATION REVIEW AND APPROVAL PROCESS

2.1 SUBMISSION INSTRUCTIONS & APPLICATION PROCESS

A. Submission Instructions

Applications are submitted using Amplifund. Applicants follow the “Apply Now” link on the DED Film Grant webpage, create a user profile in the Amplifund application portal, and complete the application form. The user profile allows for saving of partially completed applications until the Applicant is ready to submit their form.

For consideration of an award, applications must be submitted more than 30 days prior to the start of filming in Nebraska. Applications will not be accepted more than 180 days prior to the start of filming in Nebraska. Instructions for completing and submitting the application must be carefully followed to ensure accuracy and avoid unnecessary corrections post-award.

Questions regarding the application process should be sent to:

Shaun Grantski
shaun.grantski@nebraska.gov
402-471-9054

Application: [Nebraska Film Office Grant Application](#)

Individuals who are hearing and/or speech impaired and have a TTY, may contact DED through the Statewide Relay System by calling (711) INSTATE (800) 833-7352 (TTY) or (800) 833-0920 (voice). The relay operator should be asked to call NDED at (800) 426-6505 or (402) 471-3111. Additional information can be found at the Nebraska Relay website <http://www.nebraskarelay.com/>.

Nebraska Relay offers Spanish relay service for our Spanish-speaking customers. Spanish-to-Spanish (711) or 1-888-272-5528/ Spanish-to-English (711) or 1-877-564-3503. Nebraska le ofrece el servicio de relevo a nuestros clientes en español. Los consumidores de TTY pueden escribir por máquina en español y las conversaciones serán retransmitidas en español y inglés.

B. Required Documentation

The following documentation is required to be submitted electronically with the online application:

- A complete copy of the screenplay
- Resumes for the Director(s) and Executive Producer(s)
- An itemized budget detailing total budget and estimated Nebraska expenditures
- A list of proposed Nebraska shooting locations

The title of each PDF document should include the name of the Applicant.

C. Request to Lower Nebraska Workforce Requirement

An Applicant may apply to lower the 50% Nebraska Worker Day requirement outlined in 1.2C by providing DED with a [certification](#) outlining why the requirement is an unreasonable impediment to production. DED will review the request and notify the Applicant of their decision. A request to lower the Nebraska workforce requirement must be submitted with the application. The request to lower the Nebraska workforce requirement will be denied if submitted after the submission of the application.

2.2 APPLICATION

The Nebraska Film Office Grant Application can be found [here](#).

2.3 APPLICATION REVIEW CRITERIA

Applications must meet all program eligibility requirements and all required documentation must be received for an application to be reviewed. Submission of an application does not guarantee a grant will be awarded. Grants will be awarded based on the following criteria:

	Application Score	Max Score	Minimum Required Score
1. Economic Impact			
Total dollars spent in Nebraska		50	
Percentage of total budget spent in Nebraska		25	
Impact on Local Economy		25	
Total	0	100	50
2. Nebraska Location and Representation			
Based on events that took place in Nebraska		10	
A fictional story that is set in Nebraska		10	
Features characters who live or lived in Nebraska		10	
Depicts identifiable Nebraska locations in the story line		10	
Professional experience of key personnel		20	
Marketing and promotion of the state		40	
Total	0	100	50
3. Nebraska Production			
Percentage of principal photography days in Nebraska		40	
Pre-production takes place in Nebraska		5	
Post-production takes place in Nebraska		5	
Total	0	50	20
4. Personnel			
Number of Nebraska residents hired		15	
Wages paid to Nebraska residents		10	
Total	0	25	15
5. Distribution and Financing			
Reputation and reach of distribution company		15	
Funding has been secured for the project		10	
Total	0	25	15
GRAND TOTAL	0	300	150

CHAPTER 3: AWARD PROCESS

The following are, unless otherwise directed by DED, program guidelines for all open film grants. All Applicants and Recipients applying for a grant should review this section.

The GMS User Guides or GMS-generated emails may include additional instructions for Recipients. For any email or letter correspondence related to an awarded grant, please include in the subject line:

1. Recipient Name (e.g., Anytown)
2. Contract Number (e.g., 20-03-999)

3.1 AWARDED GRANTS OVERVIEW

DED issues written Notice of Approval (NOA) to Recipients of an award. The NOA will outline the approved estimate of qualified Nebraska expenditures and provide the anticipated grant amount. These funds will be reserved for the production company applying for the grant.

The NOA will be followed by issuance of a Nebraska Film Office Grant Agreement typically within 10 business days of NOA. Successful Applicants (i.e., Recipients) must review, sign, and submit the Nebraska Film Office Grant Agreement and meet any required special conditions items before disbursement of any funds.

Allowable Costs

All costs charged to the grant must be incurred within the Nebraska Film Office Grant Agreement effective dates. All such costs shall be supported by documentation (e.g., invoices, timesheets, etc.) and proof of payment/transfer.

3.2 AWARD NOTIFICATION AND ACCOUNT SETUP

Following DED's issuance of the NOA, the Recipient will receive a GMS-generated email from AmpliFund Administrator, "no-reply@gotomygrants.com", with instructions on how to set up the post-award user account. This email is sent to the Primary Contact as identified within the Application. Recipients should check their spam or junk mail folder as email settings may direct this system-generated email there. If the Primary Contact's information is no longer valid, the links in the email are expired, or the email is not received within 30 days of NOA, the Recipient should contact the Nebraska Film Office Grant Coordinator.

Identify Recipient Grant Manager

Once the Recipient's Primary Contact sets up their user account, the option to add other users to help manage the grant becomes available, as does the ability to be assigned or assign tasks to complete various steps of grant implementation (e.g., sign agreement, submit completed ACH form, submit payment request, etc.). Recipient identifies a Grant Manager. This person will receive notifications ("tasks") requiring action for implementation of the grant.

NOTE: The application portal is distinct from the award management side of the GMS, i.e., the URL used to apply for your grant is different from the URL you will use for checking the status of and managing your grant.

The Recipient Grant Manager is the primary point of contact for all grant-related matters. All DED and GMS automated emails are directed to the Grant Manager.

3.3 AGREEMENT REQUIREMENTS

Following the NOA, DED issues an electronic copy (PDF) of the Nebraska Film Office Grant Agreement. Unless otherwise directed, the agreement and any special conditions are available within the GMS. The Nebraska Film Office Grant Agreement is entered into between DED and the production company (i.e., Recipient). An authorized signatory for the production company must sign the agreement.

Recipient must review, sign, date, and submit the agreement to receive the Nebraska Film Office Grant. DED signs the agreement after it is signed by Recipient. This is all to be completed utilizing DocuSign.

Schedule Notifications and Requirements:

Within 5 days of the commencement of principal photography in Nebraska the Recipient must provide:

- i. Confirmation of start date
- ii. 100% proof of funding for the full production budget
- iii. A copy of the insurance policy for production, including agent insurance company(s), and policy amounts
- iv. Updated script (if applicable)
- v. Updated shooting locations (if applicable)

Recipients are to notify DED immediately of any scheduling changes. If the start of filming is put on hold indefinitely or is pushed back more than 60 days past the start date under which applied, Recipient will be asked to withdraw their application and reapply.

Putting filming briefly on hold due to a holiday, crew/cast injury or illness, or other unforeseen circumstance will not affect the status of the agreement so long as a revised completion date is submitted to DED as soon as possible. However, if filming gets put on hold indefinitely and no completion date is imminent, then the agreement will be terminated.

Recipient must notify DED of the completion of production within 5 days of concluding post-production activities. This notification will start the 90-day timeline for submission of the final budget.

3.4 REPORTING REQUIREMENTS

A. Budget Reporting Requirements

Throughout the production, Recipient is to maintain accounting and financial records related to the production. In general, throughout and at the completion of the production, it should be possible to compare estimated/budgeted production costs as identified at the time of application with the actual production costs.

B. Residence Reporting Requirements

Recipient shall maintain an [Employee Verification Worksheet](#) for all cast, crew, and extras involved in the production including both Nebraska residents and non-residents.

For Worker Days to count towards the Nebraska residency requirement, each Nebraska worker must complete a [Nebraska Residency Form](#) (NRF) upon hire. Documentation for proof of residency must be included with each NRF provided to DED. Documentation, may include, but, at the discretion of DED, is not limited to the following:

- a. Valid driver's license with an issue date at least 6 months prior to the Nebraska resident's hire date
- b. A current Nebraska voter registration card with an issue date at least 6 months prior to the hire date
- c. Copies of six months of utility bills for the Nebraska resident issued within 6 months prior to the hire date
- d. Copy of the Nebraska resident's prior year Nebraska personal income tax return
- e. A minor who does not have any of the above may have a Nebraska Resident parent or legal guardian complete the NRF and indicate such relationship to the minor

C. Location Schedule Documentation

Productions are required to complete the highest percentage of their principal photography days in Nebraska. As verification of this requirement, Recipients must submit a completed [Principal Photography Verification Worksheet](#) upon completion of production and prior to reimbursement. Applicants must submit copies of all call sheets, production reports and/or a production schedule as supporting documentation.

3.5 FINAL AWARD AND PAYMENT

DED will issue the payment of the grant on a reimbursement basis. A final budget report must be submitted to demonstrate compliance and request the grant. The final budget must be submitted within 90 days of completing production, including a detailed spreadsheet listing all invoices for which credit is requested. The list should be in alphabetical order by vendor and include the item description, invoice number, invoice date, and invoice amount. Recipient must submit source documentation including receipts, invoices, or similar documentation verifying qualified Nebraska expenditures as requested by DED.

Additionally, the Recipient must submit an [affidavit](#) to DED after production is completed certifying the following:

- i. All requirements in the grant agreement have been met;
- ii. An agreement with a distribution company has been finalized;
- iii. The credits include an acknowledgement that the production or a portion thereof was filmed in Nebraska.

Recipients must complete all reports on a form or manner provided by DED. Unless otherwise directed, these forms are available and to be submitted via the GMS. Upon submission, DED reviews Recipient's reports for compliance and performance, initiating the closeout process.

Upon Recipient's submission of materials meeting the terms of the Nebraska Film Office Grant Agreement, DED may process a full or, in the case of a production arriving under budget or similar situation, a partial payment reflective of 20% of the qualified Nebraska expenditures.

If the submitted information is incomplete or requires clarification by Recipient, DED will request missing items and/or request clarification from Recipient. To avoid delays, be sure to submit complete source documentation, which may include but may not be limited to paid invoices and check images (or other proof of transfer).

Payments will be made by direct deposit upon completion of the review process. DED will complete the review process within 30 days of having a complete submission; however, actual transmittal of payment may take up to 45 days.

Closeout

Using the GMS, Recipients initiate closeout by completing all reports and marking all tasks complete. Recipients can find detailed instructions in the user guides located on our [website](#).

Recapture

To the extent it is discovered that grant funds already disbursed to a Recipient were expended ineligibly, or Recipient failed to conform to any applicable grant requirements as outlined in the Agreement, DED shall have the ability to recapture all grant funds disbursed to Recipient and de-obligate any additional grant funds not yet disbursed.

CHAPTER 4: CONFIDENTIALITY

4.1 PUBLIC RECORDS REQUESTS

Applicants should be aware that the Department of Economic Development (“DED”) is subject to public records requests. Neb. Rev. Stat. § 84-712.01. Certain information exchanged with DED including application materials, communications, agreements, and funds received pursuant to the Nebraska Film Office Grant, may be subject to public records requests. To the degree such information is deemed responsive to a public records request, DED will respond with information including, but not limited to:

- i. Production company name and address
- ii. Counties in Nebraska where principal photography was filmed;
- iii. Expenditures on goods and services within Nebraska for the production;
- iv. Number of Nebraska residents employed as crew for the production;
- v. Percentage of crew comprised of Nebraska residents for the production;
- vi. Number of Nebraska residents employed as cast for the production;
- vii. Percentage of cast comprised of Nebraska residents for the production;
- viii. Average number of Nebraska residents employed as cast or crew (per day) during pre-production;
- ix. Average number of Nebraska residents employed as cast or crew (per day) during principal photography;
- x. Average number of Nebraska residents employed as cast or crew (per day) during postproduction
- xi. Number of days in which principal photography was filmed within Nebraska;
- xii. Percentage of days in which principal photography was filmed within Nebraska;

Neb. Rev. Stat. § 84-712.05 exempts certain information, including trade secrets and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose. Neb. Rev. Stat. § 84-712.05(3). Applicants may request that certain information shared with DED be exempted from public disclosure pursuant to Neb. Rev. Stat. § 84-712.05(3), or any other basis. Such a request must be made in writing to DED, it must specify the information to be withheld, and state the reasons for the requested exemption. DED reserves the right to determine whether information submitted by the Applicant will be withheld from disclosure. Applicants may submit a request for non-disclosure of information with their application via the "[Request for Non-Disclosure Exemption](#)" form.