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ANITA MODAK-TRURAN — Mississippi’s motion picture renaissance

by [For the MBJ](#)

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SCENE 1 — Thalia Mara Hall, located in downtown Jackson, transformed into a Paris theatre for Get On Up, a foot-stomping biopic based on music legend James Brown. Hundreds of extras from the community filled the theater and participated in the “magic” of moviemaking. The film’s producer Mick Jagger and director Tate Taylor could be seen dining in Walker’s, talking with folks like Don Clark and Art Spratlin at the Parlor Market.



SCENE 2 — Faith Hill holed up in Pearl to join the cast and crew of Dixieland, written and directed by Hank Bedford and produced by Jen Gatien.

SCENE 3 — Liam Hemsworth and Woody Harrelson rode horses in the Mississippi Delta in By Way of Helena, produced by Adam Rosenfelt.

SCENE 4 — Renee Zellweger lunched with locals during the shooting of Same Kind of Different as Me.

This isn’t a Variety magazine gossip column. These are only a few examples of the film business in motion in Mississippi.



Anita Modak-Truran

The numbers make a compelling picture

According to the information report developed by the Mississippi Film Office in the Mississippi Development Authority’s Visit Mississippi (“the Report”), the year 2014 broke records for the number of motion pictures bringing money into the state. There were 19 feature films (17 of which were shot entirely in the state), three short films, eight reality series, six documentaries and several commercials. “Estimated direct production spend for these productions has been between \$50 and \$60 million, with the payroll for Mississippians approaching \$20 million.”

“We are economic developers, in the business of attracting the makers of film,” says Ward Emling, Mississippi’s Film Commissioner of more than 27 years.

Emling, who has worked under six governors, has gained respect in the industry for his ability to create the filmmaking environment necessary to develop film

business for Mississippi. “We are simply attracting another manufacturer to locate in Mississippi,” says Emling.

Emling and his staff, Nina Parikh, Betty Black, and Bill Webb on the Gulf Coast use this long-view manufacturing philosophy in approaching projects and attracting them to Mississippi. And it’s working. As successful as 2014 was, more projects are on their way.

Jen Gatien, an indie producer who has worked with Hank Bedford, Faith Hill, Paul Dano, Dakota Fanning, Robin Wright, Jesse Eisenberg, Dan Hedaya and others, said: “My confidence in the growing Mississippi film industry has resulted in setting up a second office for my company in Jackson. The unwavering support of Ward Emling to provide resources for independent films in Mississippi reminds me of how Louisiana became a destination for filmmakers over a decade ago. I see a bright future for Mississippi to grow as an industry and want to be a part of it.”

Director Hank Bedford said, “Dixieland could not have been made anywhere else but Mississippi. The resources made available to us by Ward Emling and the Mississippi State Film Commission were indispensable. These resources were provided out of passion for our project and the film industry.”

Incentivizing film deals in Mississippi

Gov. Haley Barbour signed Mississippi’s Motion Picture Incentive Program into law in 2004. The



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legislation serves to attract motion picture business to the state through a cash rebate program for a portion of qualified expenses and payroll incurred in the state by the production company. Over the years, Mississippi's program has been tweaked to be more attractive to industry.

Mississippi's incentive program applies to projects that are certified by the Mississippi Development Authority. "To qualify, a project must be a nationally distributed film, video, DVD, television series, commercial or computer or video game that is made (in whole or in part) in Mississippi for theatrical, television, or online viewing or for playing on a video game console, personal computer or handheld device. The minimum spend for qualification is \$50,000. The Mississippi Motion Picture Incentive Program has a \$20 million annual cap and a cap of \$10 million per project." See <http://www.mississippi.org/mda-library-resources/finance-tax-info/tax-exemptions-incentives-and-credits/motion-picture-production-incentive-program.html> (last accessed Jan. 11, 2015). Projects that do not qualify are news, athletic events and material or performances deemed obscene as defined by statute. Id.

"A production company that has an approved project is eligible for a rebate of its base investment (local spend) in Mississippi. The rebate is 25 percent of the base investment in the state, including non-resident payroll. Wages paid to Mississippi residents are eligible for a 30 percent rebate. A production company also may receive an additional rebate of 5 percent of the payroll paid for any employee who is an honorably discharged veteran of the United States Armed Forces. In instances where an employee is compensated over \$5 million, the rebate will only apply to the first \$5 million of eligible wages." See <http://www.mississippi.org/mda-library-resources/finance-tax-info/tax-exemptions-incentives-and-credits/motion-picture-production-incentive-program.html> (last accessed Jan. 11, 2015). "Our program is the only one that provides 5 percent rebate for veterans," says Emling.

Mississippi's program is particularly well suited for independent productions and growing local crew base. "While the program has proven attractive to incoming production, the low minimum spend of \$50,000, the lowest in the country for a rebate, has been successful in supporting smaller productions and the projects of local producers," says Emling. "The program includes a 25 percent rebate for all local spend and for the wages of non-resident cast and crew, with an additional 5 percent rebate added for the wages of Mississippi resident cast and crew. And during the 2014 Legislative Session, the Program was improved by adding all fringes to the list of eligible production expenditures."

What's going on across the river?

Mississippi's biggest competitors for film business are the ubiquitous Louisiana and Georgia, which do not have annual caps. During the recent winter intercession at University of Mississippi Law School, Emling explained to second and third year law students that Mississippi's program is competing because of Mississippi's focus on support and development. For example, Louisiana's incentive is especially attractive to big budget blockbuster films, leaving smaller budget projects potentially without crew and in some cases infrastructure and support.

Also, Louisiana has a tax credit program, not a rebate. Mississippi's rebate gives cash back to a production company. Under Louisiana's program, you have to sell tax credits to raise cash. Louisiana guarantees a rate of 85 cents per dollar. If you discount the tax credit for cash, Louisiana's incentive is around 25 percent for local spend and wages of non-resident cast and crew and 30 percent for Louisiana resident cast and crew. So, the programs are in essence cash equivalent.

We build it; they are coming

Mississippi's incentive program appeals to independent film companies. Emling explained that while the public relations value of a film like *Get On Up* and the profile of major personalities like Mick Jagger, Dan Akroyd and Brian Grazer is incredible and important to building awareness of Mississippi as a film location, "the smaller independents have been shown to give our crew greater roles and utilize more of our acting pool which allows us a greater advantage as we move forward as a major production destination."

Mississippi's incentive program is coupled with work force training. According to the Report, there was marked growth in education "with a reinvigoration of the film program at University of Southern Mississippi and a new focus of film at Ole Miss," the continuation of community college based curriculum "at Hinds Community College and Pearl River Community College, and widespread private and public seminars and workshops through community and festival initiative."

The Report also provides that "[t]here has been private commitment with the creation of new production facilities in Biloxi, Gulfport, and Waveland, and an expansion of the Mississippi Stages in Canton," and commitment to the motion picture industry "through the leadership of Mississippi entities like Charter Bank, Planters Bank and Trust and Butler Snow."

Lights, camera, and more action for 2015. The Mississippi Motion Picture renaissance is in full motion.

» **Anita Modak-Truran** — *Butler Snow Entertainment and Media*. *Law Elevated is an occasional column on the latest trends, issues and perspectives facing the legal industry, written by the attorneys of Butler | Snow. For more information, visit www.butlersnow.com or follow Butler | Snow on Twitter @Butler_Snow*



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