



Update Fri. 5/21: Austinist has published an excellent [in-depth look](#) at the situation, with details about the script that had not been previously mentioned.

Update: Ealy and Garcia have written a [comprehensive article](#) about the issue for the Austin American-Statesman.

Yesterday, the [Texas Motion Picture Association](#) proudly announced the latest [film incentives](#) rules, while at the same time, a controversy started brewing over the denial of incentive funds to a production for a film about the Waco Siege of 1993.

Austin Movie Blog's Charles Ealy [blogged on Sunday](#) about an action movie production called [Waco](#) that was denied film incentive funds. Initially, Ealy reported that an unnamed state senator blocked the funding for the Entertainment 7 production.

Chris Garcia [followed up](#) on Ealy's story after learning that the decision to deny incentives was made entirely by Texas Film Commission Director Bob Hudgins, pictured above at the [recent signing](#) of the newest film-incentives bill into law. Among the details on Austin Movie Blog is a statement from Hudgins that "...there was criteria put in the statute for that money. That criteria states that anything that shows an inaccurate portrayal of actual events (in Texas) and comes down to that narrow definition."

The [rules and requirements](#) for the Moving Image Industry Incentive Program include this statement: "The State of Texas is also not required to make payments to projects that include inappropriate content or content that portrays Texas or Texans in a negative fashion." Notice that the rules say *not required* and not *ineligible*. I may be missing something here, but it looks like it's an optional choice, not a prohibition. The rationale being given seems like an excuse, and one that in the light of *Waco* being denied incentive funds is likely to make other filmmakers concerned.

Making this production even more intriguing is the fact that co-producer [Michael McNulty](#) has only three prior producer credits, all for documentaries about Waco. Hudgins did not go into detail about the inaccuracies, but one of these films, *Waco: The Rules of Engagement* is a highly regarded documentary.

[Screen Daily](#) reports the "\$30m action epic" was scheduled to begin shooting on August 9 here in Texas. According to Ealy's story on Austin Movie Blog, the producers are now considering other states, including one that film-incentives supporters always mention in fear ... Louisiana.

So the issues with the *Waco* decision are the real meaning of "not required," whether pressure was involved in the decision, and how arbitrary these funding decisions are.

Personally, I can see both sides. Texas funding something that mocks Texans and Texas is a bit masochistic. On the other hand, I find it rather unsettling that a single person has the power to make this kind of decision. I don't know Hudgins personally, but I'd like to think he's acting in Texas film's best interest.

I do wonder how many other productions may be rejected, and how this particular denial could set precedent. It suggests that Texas will offer incentives, but only if the gatekeeper likes the project. This could even cause some productions to not bother with applying for the incentives.

Also, the Texas Legislature is considering another bill that would enhance existing incentives. [SB 1929](#), regarding the Film Production Facility Tax Credit, is out of committee. Will this *Waco* issue have an effect on the bill?

We'd love to hear your thoughts about this story.