

SUBSTITUTE FOR
HOUSE BILL NO. 6066

A bill to amend 2001 PA 63, entitled
"History, arts, and libraries act,"
by amending sections 2 and 21 (MCL 399.702 and 399.721) and by
adding sections 7 and 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "COMMISSION" MEANS THE MICHIGAN FILM ADVISORY COMMISSION
3 CREATED IN SECTION 22.

4 (B) ~~-(a)-~~ "Council" means the Michigan council for arts and
5 cultural affairs established by Executive Order No. 1991-21.

6 (C) ~~-(b)-~~ "Department" means the department of history,
7 arts, and libraries created in section 3.

8 (D) ~~-(c)-~~ "Director" means the director of the department.

9 (E) ~~-(d)-~~ "Office" means the MICHIGAN FILM office ~~of film~~
10 ~~and television services as provided for in Executive Directive~~

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1 ~~1979-3, Executive Order No. 1984-8, Executive Order No. 1994-26,~~
2 ~~and Executive Order No. 1999-1~~ CREATED IN SECTION 21.

3 (F) ~~(e)~~ "Person" means an individual, partnership, corpo-
4 ration, association, governmental entity, or other legal entity.

5 (G) ~~(f)~~ "Type II transfer" means that term as it is
6 defined in section 3 of the executive organization act of 1965,
7 1965 PA 380, MCL 16.103.

8 SEC. 7. (1) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH
9 1 OR MORE GOVERNMENTAL ENTITIES TO CARRY OUT THE POWERS, DUTIES,
10 FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT AS PROVIDED IN
11 THIS ACT AND AS OTHERWISE PROVIDED BY LAW.

12 (2) THE DIRECTOR MAY DELEGATE HIS OR HER AUTHORITY TO EXE-
13 CUTE AN AGREEMENT AUTHORIZED IN SUBSECTION (1) TO ANOTHER OFFICER
14 OR EMPLOYEE OF THE DEPARTMENT UNDER TERMS THE DIRECTOR CONSIDERS
15 APPROPRIATE.

16 Sec. 21. (1) ~~Upon return of the office of film and televi-~~
17 ~~sion services from the Michigan economic development corporation~~
18 ~~to the Michigan strategic fund, the office is transferred by a~~
19 ~~type II transfer to the department~~ THE MICHIGAN FILM OFFICE IS
20 CREATED IN THE DEPARTMENT AND SHALL BE HEADED BY THE MICHIGAN
21 FILM COMMISSIONER. THE DIRECTOR SHALL APPOINT AN INDIVIDUAL TO
22 SERVE AS THE MICHIGAN FILM COMMISSIONER.

23 (2) The office shall do all of the following:

24 (a) Promote and market Michigan's locations, talent, CREWS,
25 facilities, and technical production and other services.

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1 (b) Provide to interested persons descriptive and pertinent
2 information on locations, talent, CREWS, facilities, and
3 technical production and other services.

4 (c) Provide technical assistance to the film and television
5 industry in locating and securing the use of locations, talent,
6 CREWS, facilities, and services.

7 (d) Encourage community and Michigan film and television
8 production industry participation in, and coordination with,
9 state efforts to attract film and television production in
10 Michigan.

11 (e) Serve as chief state liaison with the film and televi-
12 sion production industry and with other governmental units and
13 agencies for the purpose of promoting, encouraging, and facili-
14 tating film and television production in Michigan.

15 SEC. 22. (1) THE MICHIGAN FILM ADVISORY COMMISSION IS CRE-
16 ATED IN THE DEPARTMENT. THE COMMISSION SHALL CONSIST OF THE FOL-
17 LOWING MEMBERS:

18 (A) THIRTEEN INDIVIDUALS APPOINTED BY THE GOVERNOR AS
19 FOLLOWS:

20 (i) FIVE MEMBERS ASSOCIATED WITH BROAD AREAS OF FILM AND
21 MOTION PICTURE MAKING, PRODUCTION OF TELEVISION PROGRAMS AND COM-
22 MERCIALS, AND RELATED INDUSTRIES IN MICHIGAN.

23 (ii) TWO MEMBERS REPRESENTING MICHIGAN-BASED THEATER OWNERS,
24 1 OF WHOM SHALL BE A LARGE THEATER OWNER. AS USED IN THIS SUBDI-
25 VISION, "LARGE THEATER" MEANS A THEATER WITH 10 SCREENS OR MORE
26 OR THAT SEATS 1,000 INDIVIDUALS OR MORE.

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1 (iii) TWO MEMBERS FROM FILM, TELEVISION, OR RELATED INDUSTRY
2 UNIONS.

3 (iv) THREE MEMBERS APPOINTED FROM THE PUBLIC AT LARGE AND
4 NOT ACTIVE IN THE FILM, TELEVISION, AND RELATED INDUSTRIES.

5 (v) ONE MEMBER REPRESENTING LOCAL UNITS OF GOVERNMENT.

6 (B) ONE INDIVIDUAL APPOINTED BY THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES.

8 (C) ONE INDIVIDUAL APPOINTED BY THE SENATE MAJORITY LEADER.

9 (2) THE MICHIGAN FILM COMMISSIONER SHALL SERVE AS AN EX
10 OFFICIO NONVOTING MEMBER OF THE COMMISSION.

11 (3) THE GOVERNOR SHALL APPOINT 1 MEMBER OF THE COMMISSION TO
12 SERVE AS CHAIRPERSON OF THE COMMISSION FOR A TERM OF 1 YEAR. THE
13 GOVERNOR MAY REAPPOINT THE CHAIRPERSON FOR AN ADDITIONAL TERM OF
14 1 YEAR. A MEMBER SHALL NOT SERVE AS CHAIRPERSON FOR MORE THAN 2
15 CONSECUTIVE TERMS.

16 (4) THE TERM OF OFFICE OF EACH REGULAR MEMBER OF THE COMMIS-
17 SION SHALL BE 3 YEARS AND UNTIL THE APPOINTMENT AND QUALIFICATION
18 OF THE MEMBER'S SUCCESSOR. IF A VACANCY OCCURS ON THE COMMIS-
19 SION, THAT VACANCY SHALL BE FILLED WITHIN 90 DAYS AFTER THE
20 VACANCY OCCURS FOR THE REMAINDER OF THE UNEXPIRED TERM. THE
21 VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
22 APPOINTMENT. AN INDIVIDUAL WHO IS APPOINTED TO FILL A VACANCY IS
23 ELIGIBLE FOR APPOINTMENT TO A SUBSEQUENT FULL TERM.

24 (5) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSA-
25 TION BUT, SUBJECT TO APPROPRIATIONS, MAY RECEIVE REIMBURSEMENT
26 FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE ATTENDING MEETINGS

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1 OR PERFORMING OTHER AUTHORIZED OFFICIAL BUSINESS OF THE
2 COMMISSION.

3 (6) THE COMMISSION MAY DO 1 OR MORE OF THE FOLLOWING:

4 (A) ADVISE THE GOVERNOR, THE DEPARTMENT, THE OFFICE, AND THE
5 LEGISLATURE ON HOW TO PROMOTE AND MARKET MICHIGAN'S LOCATIONS,
6 CREWS, FACILITIES, AND TECHNICAL PRODUCTION FACILITIES AND OTHER
7 SERVICES USED BY FILM, TELEVISION, AND RELATED INDUSTRIES.

8 (B) ENCOURAGE COMMUNITY AND MICHIGAN FILM AND TELEVISION
9 PRODUCTION INDUSTRY PARTICIPATION IN, AND COORDINATION WITH,
10 STATE EFFORTS TO ATTRACT FILM, TELEVISION, AND RELATED PRODUCTION
11 TO MICHIGAN.

12 (C) ASSIST THE OFFICE IN PROMOTING, ENCOURAGING, AND FACILI-
13 TATING FILM, TELEVISION, AND RELATED PRODUCTION IN MICHIGAN.

14 (D) DEVELOP STRATEGIES AND METHODS TO ATTRACT FILM, TELEVI-
15 SION, AND RELATED BUSINESS TO MICHIGAN.

16 (E) UNDER DIRECTION OF THE OFFICE, PROVIDE ASSISTANCE TO
17 FILM, TELEVISION, AND RELATED SERVICE PERSONNEL WHO USE MICHIGAN
18 AS A BUSINESS LOCATION.

19 (F) SPONSOR AND SUPPORT OFFICIAL FUNCTIONS FOR FILM, TELEVI-
20 SION, AND RELATED INDUSTRIES.

21 (G) ASSIST IN THE ESTABLISHMENT OF FILM AND TELEVISION VEN-
22 TURES AND SUCH RELATED MATTERS AS THE OFFICE OR THE DEPARTMENT
23 CONSIDERS APPROPRIATE.

24 (7) THE COMMISSION SHALL MEET NOT LESS THAN 3 TIMES EACH
25 YEAR. THE COMMISSION SHALL ALSO MEET AT THE CALL OF ITS
26 CHAIRPERSON.

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1 (8) A MEETING OF THE COMMISSION SHALL BE CONDUCTED AS A
2 PUBLIC MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT,
3 1976 PA 267, MCL 15.261 TO 15.275. NOTICE OF THE DATE, TIME, AND
4 PLACE OF A PUBLIC MEETING OF THE COMMISSION SHALL BE GIVEN AS
5 PRESCRIBED IN THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
6 15.275.

7 (9) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
8 OR RETAINED BY THE COMMISSION WHEN PERFORMING BUSINESS OF THE
9 COMMISSION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976
10 PA 442, MCL 15.231 TO 15.246, EXCEPT THAT SUCH A WRITING MAY BE
11 KEPT CONFIDENTIAL FOR UP TO 6 MONTHS AFTER THE DATE A REQUEST TO
12 INSPECT, OBTAIN, OR COPY THE WRITING IS RECEIVED, IF, IN THE
13 JUDGMENT OF THE CHAIRPERSON OF THE COMMISSION, DISCLOSURE OF THE
14 RECORD WOULD COMPROMISE OR OTHERWISE UNDERMINE THE ABILITY OF
15 MICHIGAN INDUSTRY TO COMPETE IN THE PROMOTION AND MARKETING OF
16 MICHIGAN'S LOCATIONS, CREWS, FACILITIES, AND TECHNICAL PRODUCTION
17 AND OTHER SERVICES.

18 (10) A MEMBER OF THE COMMISSION SHALL NOT USE FOR PERSONAL
19 GAIN INFORMATION OBTAINED BY THE MEMBER WHILE PERFORMING BUSINESS
20 OF THE COMMISSION, NOR SHALL A MEMBER OF THE COMMISSION DISCLOSE
21 CONFIDENTIAL INFORMATION OBTAINED BY THE MEMBER WHILE CONDUCTING
22 COMMISSION BUSINESS, EXCEPT AS NECESSARY TO PERFORM COMMISSION
23 BUSINESS.