

HOUSE BILL No. 6066

May 9, 2002, Introduced by Reps. Allen, Birkholz, Cassis, Kolb, Mortimer, Shulman, Bishop, Shackleton, Van Woerkom, Gilbert, Patterson, Rivet, McConico, Stallworth, Kuipers, Jacobs, Thomas, Murphy, Waters, Bovin, Daniels, Phillips, George, Kowall, Vander Roest, DeRossett and Mead and referred to the Committee on Commerce.

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~~

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 OTHER PERSONS, INCLUDING, BUT NOT LIMITED TO, A FEDERAL
10 AGENCY, TO CARRY OUT THE POWERS, DUTIES, FUNCTIONS, AND RESPONSI-
11 BILITIES OF THE DEPARTMENT AS PROVIDED IN THIS ACT AND AS OTHER-
12 WISE PROVIDED BY LAW.

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

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

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

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

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

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

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

(e) Serve as chief state liaison with the film and television production industry and with other governmental units and agencies for the purpose of promoting, encouraging, and facilitating film and television production in Michigan.

SEC. 22. (1) THE MICHIGAN FILM ADVISORY COMMISSION IS CREATED IN THE DEPARTMENT. THE COMMISSION SHALL CONSIST OF 15 INDIVIDUALS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) FIVE MEMBERS ASSOCIATED WITH BROAD AREAS OF FILM AND MOTION PICTURE MAKING, PRODUCTION OF TELEVISION PROGRAMS AND COMMERCIALS, AND RELATED INDUSTRIES IN MICHIGAN.

(B) FIVE MEMBERS REPRESENTING THEATER OWNERS, AT LEAST 3 OF WHOM SHALL BE LARGE THEATER OWNERS. AS USED IN THIS SUBDIVISION, "LARGE THEATER" MEANS A THEATER WITH 10 SCREENS OR MORE OR THAT SEATS 1,000 INDIVIDUALS OR MORE.

(C) TWO MEMBERS FROM FILM, TELEVISION, OR RELATED INDUSTRY UNIONS.

1 (D) THREE MEMBERS APPOINTED FROM THE PUBLIC AT LARGE AND NOT
2 ACTIVE IN THE FILM, TELEVISION, AND RELATED INDUSTRIES.

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

5 (3) THE GOVERNOR SHALL APPOINT 1 MEMBER OF THE COMMISSION TO
6 SERVE AS CHAIRPERSON OF THE COMMISSION FOR A TERM OF 1 YEAR. THE
7 GOVERNOR MAY REAPPOINT THE CHAIRPERSON FOR AN ADDITIONAL TERM OF
8 1 YEAR. A MEMBER SHALL NOT SERVE AS CHAIRPERSON FOR MORE THAN 2
9 CONSECUTIVE TERMS.

10 (4) THE TERM OF OFFICE OF EACH REGULAR MEMBER OF THE COMMIS-
11 SION SHALL BE 3 YEARS AND UNTIL THE APPOINTMENT AND QUALIFICATION
12 OF THE MEMBER'S SUCCESSOR. IF A VACANCY OCCURS ON THE COMMIS-
13 SION, THE GOVERNOR SHALL, WITHIN 90 DAYS OF RECEIVING NOTICE OF
14 THE VACANCY, APPOINT AN INDIVIDUAL TO COMPLETE THE REMAINDER OF
15 THE UNEXPIRED TERM. AN INDIVIDUAL WHO IS APPOINTED TO FILL A
16 VACANCY IS ELIGIBLE FOR APPOINTMENT TO A SUBSEQUENT FULL TERM.

17 (5) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSA-
18 TION BUT, SUBJECT TO APPROPRIATIONS, MAY RECEIVE REIMBURSEMENT
19 FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE ATTENDING MEETINGS
20 OR PERFORMING OTHER AUTHORIZED OFFICIAL BUSINESS OF THE
21 COMMISSION.

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

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

1 (B) ENCOURAGE COMMUNITY AND MICHIGAN FILM AND TELEVISION
2 PRODUCTION INDUSTRY PARTICIPATION IN, AND COORDINATION WITH,
3 STATE EFFORTS TO ATTRACT FILM, TELEVISION, AND RELATED PRODUCTION
4 TO MICHIGAN.

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

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

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

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

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

17 (7) THE COMMISSION SHALL MEET NOT LESS THAN 3 TIMES EACH
18 YEAR, INCLUDING A MEETING HELD EACH MAY. THE COMMISSION SHALL
19 ALSO MEET AT THE CALL OF ITS CHAIRPERSON.

20 (8) A MEETING OF THE COMMISSION SHALL BE CONDUCTED AS A
21 PUBLIC MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT,
22 1976 PA 267, MCL 15.261 TO 15.275. NOTICE OF THE DATE, TIME, AND
23 PLACE OF A PUBLIC MEETING OF THE COMMISSION SHALL BE GIVEN AS
24 PRESCRIBED IN THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
25 15.275.

26 (9) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
27 OR RETAINED BY THE COMMISSION WHEN PERFORMING BUSINESS OF THE

1 COMMISSION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976
2 PA 442, MCL 15.231 TO 15.246, EXCEPT THAT SUCH A WRITING MAY BE
3 KEPT CONFIDENTIAL FOR UP TO 6 MONTHS AFTER THE DATE A REQUEST TO
4 INSPECT, OBTAIN, OR COPY THE WRITING IS RECEIVED, IF, IN THE
5 JUDGMENT OF THE CHAIRPERSON OF THE COMMISSION, DISCLOSURE OF THE
6 RECORD WOULD COMPROMISE OR OTHERWISE UNDERMINE THE ABILITY OF
7 MICHIGAN INDUSTRY TO COMPETE IN THE PROMOTION AND MARKETING OF
8 MICHIGAN'S LOCATIONS, CREWS, FACILITIES, AND TECHNICAL PRODUCTION
9 AND OTHER SERVICES.

10 (10) A MEMBER OF THE COMMISSION SHALL NOT USE FOR PERSONAL
11 GAIN INFORMATION OBTAINED BY THE MEMBER WHILE PERFORMING BUSINESS
12 OF THE COMMISSION, NOR SHALL A MEMBER OF THE COMMISSION DISCLOSE
13 CONFIDENTIAL INFORMATION OBTAINED BY THE MEMBER WHILE CONDUCTING
14 COMMISSION BUSINESS, EXCEPT AS NECESSARY TO PERFORM COMMISSION
15 BUSINESS.