

HOUSE BILL No. 5850

February 28, 2008, Introduced by Reps. Coulouris, Meisner, Huizenga, Johnson, Hammon, Miller, Byrnes, Kathleen Law, Leland, Condino, Griffin, Robert Jones, Corriveau, Polidori, Gonzales, Espinoza, Brown, Simpson, Donigan, Gillard, Amos, Valentine, Spade, Hammel, Meadows, McDowell, Dean, Casperson, Rick Jones, Bauer, Bieda, Byrum, Ebli, Angerer, Proos, Nofs, Accavitti, Palsrok, Clemente, Hansen, Jackson, Lemmons, Lindberg, Clack, Sak, Vagnozzi, Constan, Knollenberg and Young and referred to the Committee on Commerce.

A bill to amend 1984 PA 270, entitled
"Michigan strategic fund act,"
(MCL 125.2001 to 125.2094) by adding chapter 2A; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 2A

SEC. 29. AS USED IN THIS CHAPTER:

(A) "COMMISSIONER" MEANS THE MICHIGAN FILM COMMISSIONER
CREATED IN SECTION 29B.

(B) "COUNCIL" MEANS THE MICHIGAN FILM OFFICE ADVISORY COUNCIL
CREATED IN SECTION 29C.

(C) "LOCAL FILM OFFICE" MEANS AN OFFICE, AGENCY, BUREAU, OR
DEPARTMENT OF A POLITICAL SUBDIVISION OF THIS STATE THAT SEEKS TO

1 PROMOTE FILM PRODUCTION WITHIN THE POLITICAL SUBDIVISION AND THAT
2 IS FUNDED PRINCIPALLY BY THE POLITICAL SUBDIVISION.

3 (D) "OFFICE" MEANS THE MICHIGAN FILM OFFICE CREATED IN SECTION
4 29A.

5 (E) "PROMOTION FUND" MEANS THE MICHIGAN FILM PROMOTION FUND
6 CREATED UNDER SECTION 29D.

7 SEC. 29A. (1) THE MICHIGAN FILM OFFICE IS CREATED IN THE FUND.
8 THE OFFICE SHALL BE THE SUCCESSOR TO ANY AUTHORITY, POWERS, DUTIES,
9 FUNCTIONS, OR RESPONSIBILITIES OF THE MICHIGAN FILM OFFICE UNDER
10 SECTION 21 OF THE HISTORY, ARTS, AND LIBRARIES ACT, 2001 PA 63, MCL
11 399.721.

12 (2) THE OFFICE MAY DO ALL OF THE FOLLOWING:

13 (A) PROMOTE AND MARKET LOCATIONS, TALENT, CREWS, FACILITIES,
14 AND TECHNICAL PRODUCTION AND OTHER SERVICES RELATED TO FILM,
15 DIGITAL MEDIA, AND TELEVISION PRODUCTION IN THIS STATE.

16 (B) PROVIDE TO INTERESTED PERSONS DESCRIPTIVE AND PERTINENT
17 INFORMATION ON LOCATIONS, TALENT, CREWS, FACILITIES, AND TECHNICAL
18 PRODUCTION AND OTHER SERVICES RELATED TO FILM, DIGITAL MEDIA, AND
19 TELEVISION PRODUCTION IN THIS STATE.

20 (C) PROVIDE TECHNICAL ASSISTANCE TO THE FILM, TELEVISION, AND
21 DIGITAL MEDIA INDUSTRY IN LOCATING AND SECURING THE USE OF
22 LOCATIONS, TALENT, CREWS, FACILITIES, AND SERVICES IN THIS STATE.

23 (D) ENCOURAGE COMMUNITY AND MICHIGAN FILM, DIGITAL MEDIA, AND
24 TELEVISION PRODUCTION INDUSTRY PARTICIPATION IN, AND COORDINATION
25 WITH, STATE AND LOCAL EFFORTS TO ATTRACT FILM, DIGITAL MEDIA, AND
26 TELEVISION PRODUCTION IN THIS STATE.

27 (E) SERVE AS THIS STATE'S CHIEF LIAISON WITH THE FILM, DIGITAL

1 MEDIA, AND TELEVISION PRODUCTION INDUSTRY AND WITH OTHER
2 GOVERNMENTAL UNITS AND AGENCIES FOR THE PURPOSE OF PROMOTING,
3 ENCOURAGING, AND FACILITATING FILM, DIGITAL MEDIA, AND TELEVISION
4 PRODUCTION IN THIS STATE.

5 (F) EXPLAIN THE BENEFITS AND ADVANTAGES OF PRODUCING FILMS,
6 DIGITAL MEDIA, AND TELEVISION PRODUCTIONS IN THIS STATE.

7 (G) ASSIST FILM, DIGITAL MEDIA, AND TELEVISION PRODUCERS WITH
8 SECURING LOCATION AUTHORIZATION AND OTHER APPROPRIATE SERVICES
9 CONNECTED WITH FILM, DIGITAL MEDIA, AND TELEVISION PRODUCTION IN
10 THIS STATE.

11 (H) SCOUT POTENTIAL FILM LOCATIONS FOR NATIONAL AND
12 INTERNATIONAL FILM, DIGITAL MEDIA, AND TELEVISION PROSPECTS.

13 (I) ESCORT FILM, DIGITAL MEDIA, AND TELEVISION PRODUCERS ON
14 LOCATION SCOUTING TRIPS.

15 (J) SERVE AS A LIAISON BETWEEN FILM, DIGITAL MEDIA, AND
16 TELEVISION PRODUCERS, STATE AGENCIES, LOCAL AGENCIES, FEDERAL
17 AGENCIES, COMMUNITY ORGANIZATIONS AND LEADERS, AND THE FILM,
18 DIGITAL MEDIA, AND TELEVISION INDUSTRY IN THIS STATE.

19 (K) ASSIST FILM, DIGITAL MEDIA, AND TELEVISION PRODUCERS IN
20 SECURING PERMITS TO FILM AT SPECIFIC LOCATIONS IN THIS STATE AND IN
21 OBTAINING NEEDED SERVICES RELATED TO THE PRODUCTION OF A FILM,
22 DIGITAL MEDIA, OR TELEVISION PROGRAM.

23 (L) REPRESENT THIS STATE AT FILM, DIGITAL MEDIA, AND TELEVISION
24 INDUSTRY TRADE SHOWS AND FILM FESTIVALS.

25 (M) SPONSOR WORKSHOPS OR CONFERENCES ON TOPICS RELATING TO
26 FILMMAKING, INCLUDING, BUT NOT LIMITED TO, SCREENWRITING, FILM
27 FINANCING, AND THE PREPARATION OF COMMUNITIES TO ATTRACT AND ASSIST

1 FILM, DIGITAL MEDIA, AND TELEVISION PRODUCTIONS IN THIS STATE.

2 (N) ENCOURAGE COOPERATION BETWEEN LOCAL, STATE, AND FEDERAL
3 GOVERNMENT AGENCIES AND LOCAL FILM OFFICES IN THE LOCATION AND
4 PRODUCTION OF FILMS, DIGITAL MEDIA, AND TELEVISION PROGRAMMING IN
5 THIS STATE.

6 (O) COORDINATE ACTIVITIES WITH LOCAL FILM OFFICES.

7 (P) FACILITATE COOPERATION FROM STATE DEPARTMENTS AND
8 AGENCIES, LOCAL GOVERNMENTS, LOCAL FILM OFFICES, FEDERAL AGENCIES,
9 AND PRIVATE SECTOR ENTITIES IN THE LOCATION AND PRODUCTION OF
10 FILMS, DIGITAL MEDIA, AND TELEVISION PROGRAMMING IN THIS STATE.

11 (Q) PREPARE, MAINTAIN, AND DISTRIBUTE A DIRECTORY OF PERSONS,
12 FIRMS, AND GOVERNMENTAL AGENCIES AVAILABLE TO ASSIST IN THE
13 PRODUCTION OF FILMS, DIGITAL MEDIA, AND TELEVISION PROGRAMMING IN
14 THIS STATE.

15 (R) PREPARE, MAINTAIN, AND DISTRIBUTE A DIGITAL LIBRARY
16 DEPICTING THE VARIETY AND EXTENT OF THE LOCATIONS WITHIN THIS STATE
17 FOR FILM, DIGITAL MEDIA, AND TELEVISION PRODUCTIONS.

18 (S) PREPARE AND DISTRIBUTE APPROPRIATE PROMOTIONAL AND
19 INFORMATIONAL MATERIALS THAT DO ALL OF THE FOLLOWING:

20 (i) DESCRIBE DESIRABLE LOCATIONS IN THIS STATE FOR FILM,
21 DIGITAL MEDIA, AND TELEVISION PRODUCTION.

22 (ii) EXPLAIN THE BENEFITS AND ADVANTAGES OF PRODUCING FILMS,
23 DIGITAL MEDIA, AND TELEVISION PRODUCTIONS IN THIS STATE.

24 (iii) DETAIL SERVICES AND ASSISTANCE AVAILABLE FROM STATE
25 GOVERNMENT, FROM LOCAL FILM OFFICES, AND FROM THE FILM, DIGITAL
26 MEDIA, AND TELEVISION INDUSTRY IN THIS STATE.

27 (T) SOLICIT AND ACCEPT GIFTS, GRANTS, LABOR, LOANS, AND OTHER

1 AID FROM ANY PERSON, GOVERNMENT, OR ENTITY.

2 (U) EMPLOY TECHNICAL EXPERTS, OTHER OFFICERS, AGENTS, OR
3 EMPLOYEES, PERMANENT OR TEMPORARY, PAID FROM THE FUNDS OF THE
4 OFFICE. THE OFFICE SHALL DETERMINE THE QUALIFICATIONS, DUTIES, AND
5 COMPENSATION OF THOSE THE OFFICE EMPLOYS.

6 (V) CONTRACT FOR GOODS AND SERVICES AND ENGAGE PERSONNEL AS
7 NECESSARY TO PERFORM THE DUTIES OF THE OFFICE UNDER THIS CHAPTER.

8 (W) STUDY, DEVELOP, AND PREPARE REPORTS OR PLANS THE OFFICE
9 CONSIDERS NECESSARY TO ASSIST THE OFFICE IN THE EXERCISE OF ITS
10 POWERS UNDER THIS CHAPTER AND TO MONITOR AND EVALUATE PROGRESS
11 UNDER THIS CHAPTER.

12 (X) EXERCISE THE DUTIES AND RESPONSIBILITIES VESTED IN THE
13 OFFICE UNDER THIS CHAPTER AND ALL OF THE FOLLOWING:

14 (i) SECTION 88D.

15 (ii) SECTION 88J(3) (E) .

16 (iii) SECTION 4CC OF THE GENERAL SALES TAX ACT, 1933 PA 167, MCL
17 205.54CC.

18 (iv) SECTIONS 455 TO 459 OF THE MICHIGAN BUSINESS TAX ACT, 2007
19 PA 36, MCL 208.1455 TO 208.1459.

20 (Y) ALL OTHER THINGS NECESSARY OR CONVENIENT TO ACHIEVE THE
21 OBJECTIVES AND PURPOSES OF THE OFFICE, THIS CHAPTER, OR OTHER LAWS
22 THAT RELATE TO THE PURPOSES AND RESPONSIBILITIES OF THE OFFICE.

23 (3) THE ENUMERATION OF A POWER IN THIS CHAPTER SHALL NOT BE
24 CONSTRUED AS A LIMITATION UPON THE GENERAL POWERS OF THE OFFICE.
25 THE POWERS GRANTED UNDER THIS CHAPTER ARE IN ADDITION TO THOSE
26 POWERS GRANTED BY ANY OTHER LAW.

27 (4) THE FUND SHALL ASSIST THE OFFICE WITH THE BUDGET,

1 PROCUREMENT, AND RELATED MANAGEMENT FUNCTIONS OF THE OFFICE, AS
2 REQUESTED BY THE COMMISSIONER. SUBJECT TO AVAILABLE APPROPRIATIONS,
3 THE FUND SHALL PROVIDE THE OFFICE WITH STAFF SUPPORT AND OTHER
4 SERVICES NECESSARY TO ENABLE THE OFFICE TO PERFORM THE FUNCTIONS
5 VESTED IN THE OFFICE AS REQUESTED BY THE COMMISSIONER.

6 (5) STATE DEPARTMENTS, AGENCIES, BOARDS, COMMISSIONS, AND
7 OFFICERS AND LOCAL FILM OFFICES SHALL COOPERATE WITH THE OFFICE IN
8 THE PERFORMANCE OF THE OFFICE'S DUTIES UNDER THIS CHAPTER.

9 SEC. 29B. (1) THE HEAD OF THE OFFICE SHALL BE THE MICHIGAN
10 FILM COMMISSIONER. THE COMMISSIONER SHALL BE A MEMBER OF THE STATE
11 CLASSIFIED SERVICE. THE GOVERNOR SHALL BE THE APPOINTING AUTHORITY
12 FOR THE COMMISSIONER. BEFORE ENTERING UPON THE DUTIES OF HIS OR HER
13 OFFICE, THE COMMISSIONER SHALL TAKE AND FILE THE CONSTITUTIONAL
14 OATH OF OFFICE PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE
15 CONSTITUTION OF 1963.

16 (2) THE COMMISSIONER SHALL SERVE AS AN ADVISOR TO THE GOVERNOR
17 ON MATTERS RELATING TO FILMS AND OTHER DIGITAL MEDIA. THE
18 COMMISSIONER MAY REPORT DIRECTLY TO THE GOVERNOR ON MATTERS
19 RELATING TO THE OFFICE, TO THE COUNCIL, AND TO FILMS AND DIGITAL
20 MEDIA GENERALLY.

21 (3) THE COMMISSIONER SHALL SUPERVISE, AND BE RESPONSIBLE FOR,
22 THE PERFORMANCE OF THE FUNCTIONS OF THE OFFICE UNDER THIS CHAPTER.
23 THE COMMISSIONER SHALL PERFORM ALL DUTIES VESTED IN THE
24 COMMISSIONER UNDER THE LAWS OF THIS STATE.

25 (4) THE COMMISSIONER SHALL ATTEND THE MEETINGS OF THE COUNCIL
26 AND PROVIDE THE COUNCIL WITH REGULAR REPORTS AND OTHER INFORMATION
27 DESCRIBING THE ACTIVITIES OF THE OFFICE.

1 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THE
2 COMMISSIONER SHALL EXERCISE HIS OR HER POWERS, DUTIES, FUNCTIONS,
3 AND RESPONSIBILITIES UNDER THIS CHAPTER INDEPENDENTLY OF THE FUND.

4 (6) THE COMMISSIONER MAY PROMULGATE RULES UNDER THE
5 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
6 24.328, AS THE COMMISSIONER DEEMS NECESSARY TO EXECUTE THE DUTIES
7 AND RESPONSIBILITIES OF THE OFFICE.

8 SEC. 29C. (1) THE MICHIGAN FILM OFFICE ADVISORY COUNCIL IS
9 CREATED IN THE FUND. THE COUNCIL SHALL CONSIST OF THE FOLLOWING
10 MEMBERS:

11 (A) FIFTEEN INDIVIDUALS APPOINTED BY THE GOVERNOR AS FOLLOWS:

12 (i) FIVE MEMBERS ASSOCIATED WITH BROAD AREAS OF FILM, DIGITAL
13 MEDIA, AND MOTION PICTURE MAKING, PRODUCTION OF TELEVISION PROGRAMS
14 AND COMMERCIALS, AND RELATED INDUSTRIES IN MICHIGAN.

15 (ii) TWO MEMBERS FROM FILM, TELEVISION, DIGITAL MEDIA, OR
16 RELATED INDUSTRY UNIONS.

17 (iii) ONE MEMBER REPRESENTING THEATER OWNERS BASED IN THIS
18 STATE.

19 (iv) ONE MEMBER REPRESENTING LOCAL FILM OFFICES OR LOCAL UNITS
20 OF GOVERNMENT.

21 (v) ONE INDIVIDUAL SELECTED FROM A LIST OF 3 OR MORE NOMINEES
22 SUBMITTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

23 (vi) ONE INDIVIDUAL SELECTED FROM A LIST OF 3 OR MORE NOMINEES
24 SUBMITTED BY THE SENATE MAJORITY LEADER.

25 (vii) FOUR OTHER RESIDENTS OF THIS STATE, INCLUDING AT LEAST 2
26 RESIDENTS NOT ACTIVE IN THE FILM, TELEVISION, DIGITAL MEDIA, AND
27 RELATED INDUSTRIES.

1 (B) THE COMMISSIONER, WHO SHALL SERVE AS AN EX OFFICIO
2 NONVOTING MEMBER OF THE COUNCIL.

3 (2) THE GOVERNOR SHALL DESIGNATE 1 MEMBER OF THE COUNCIL TO
4 SERVE AS CHAIRPERSON OF THE COUNCIL AT THE PLEASURE OF THE
5 GOVERNOR. THE MEMBERS OF THE COUNCIL MAY ELECT A MEMBER OF THE
6 COUNCIL TO SERVE AS VICE-CHAIRPERSON OF THE COUNCIL AND MAY ELECT
7 OTHER MEMBERS OF THE COUNCIL AS OFFICERS OF THE COUNCIL AS THE
8 COUNCIL CONSIDERS APPROPRIATE.

9 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), THE TERM OF OFFICE
10 OF EACH MEMBER OF THE COUNCIL APPOINTED BY THE GOVERNOR SHALL BE 4
11 YEARS.

12 (4) OF THE MEMBERS OF THE COUNCIL INITIALLY APPOINTED BY THE
13 GOVERNOR, 4 SHALL BE APPOINTED FOR TERMS EXPIRING ON SEPTEMBER 30,
14 2008, 4 SHALL BE APPOINTED FOR TERMS EXPIRING ON SEPTEMBER 30,
15 2009, 4 SHALL BE APPOINTED FOR TERMS EXPIRING ON SEPTEMBER 30,
16 2010, AND 3 SHALL BE APPOINTED FOR TERMS EXPIRING ON SEPTEMBER 30,
17 2011.

18 (5) IF A VACANCY OCCURS ON THE COUNCIL OTHER THAN BY
19 EXPIRATION OF A TERM, THE VACANCY SHALL BE FILLED IN THE SAME
20 MANNER AS THE ORIGINAL APPOINTMENT FOR THE REMAINDER OF THE TERM.

21 (6) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION
22 BUT, SUBJECT TO AVAILABLE APPROPRIATIONS, MAY RECEIVE REIMBURSEMENT
23 FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE ATTENDING MEETINGS OR
24 PERFORMING OTHER AUTHORIZED OFFICIAL BUSINESS OF THE COUNCIL.

25 (7) THE COUNCIL MAY DO 1 OR MORE OF THE FOLLOWING:

26 (A) ADVISE THE OFFICE, THE FUND, THE GOVERNOR, AND THE
27 LEGISLATURE ON HOW TO PROMOTE AND MARKET THIS STATE'S LOCATIONS,

1 CREWS, FACILITIES, AND TECHNICAL PRODUCTION FACILITIES AND OTHER
2 SERVICES USED BY FILM, TELEVISION, DIGITAL MEDIA, AND RELATED
3 INDUSTRIES.

4 (B) ENCOURAGE COMMUNITY AND MICHIGAN FILM, DIGITAL MEDIA, AND
5 TELEVISION PRODUCTION INDUSTRY PARTICIPATION IN, AND COORDINATION
6 WITH, STATE EFFORTS TO ATTRACT FILM, DIGITAL MEDIA, TELEVISION, AND
7 RELATED PRODUCTION TO THIS STATE.

8 (C) ASSIST THE OFFICE IN PROMOTING, ENCOURAGING, AND
9 FACILITATING FILM, DIGITAL MEDIA, TELEVISION, AND RELATED
10 PRODUCTION IN THIS STATE.

11 (D) DEVELOP STRATEGIES AND METHODS TO ATTRACT FILM, DIGITAL
12 MEDIA, TELEVISION, AND RELATED BUSINESS TO THIS STATE.

13 (E) UNDER DIRECTION OF THE OFFICE, PROVIDE ASSISTANCE TO FILM,
14 DIGITAL MEDIA, TELEVISION, AND RELATED SERVICE PERSONNEL WHO USE
15 THIS STATE AS A BUSINESS LOCATION.

16 (F) SPONSOR AND SUPPORT OFFICIAL FUNCTIONS FOR FILM, DIGITAL
17 MEDIA, TELEVISION, AND RELATED INDUSTRIES.

18 (G) ASSIST IN THE ESTABLISHMENT OF FILM, DIGITAL MEDIA, AND
19 TELEVISION VENTURES AND SUCH RELATED MATTERS AS THE OFFICE
20 CONSIDERS APPROPRIATE.

21 (H) MAKE INQUIRIES, STUDIES, AND INVESTIGATIONS, HOLD
22 HEARINGS, AND RECEIVE COMMENTS FROM THE PUBLIC. THE COUNCIL MAY
23 ALSO CONSULT WITH OUTSIDE EXPERTS IN ORDER TO PERFORM ITS DUTIES,
24 INCLUDING, BUT NOT LIMITED TO, EXPERTS IN THE PRIVATE SECTOR,
25 ORGANIZED LABOR, GOVERNMENT AGENCIES, AND AT INSTITUTIONS OF HIGHER
26 EDUCATION.

27 (I) PROVIDE OTHER ASSISTANCE OR ADVICE RELATING TO THE DUTIES

1 OF THE COUNCIL UNDER THIS CHAPTER AS REQUESTED BY THE COMMISSIONER.

2 (8) THE COUNCIL SHALL MEET NOT LESS THAN 3 TIMES PER YEAR AND
3 AT THE CALL OF ITS CHAIRPERSON.

4 (9) A MEETING OF THE COUNCIL SHALL BE CONDUCTED AS A PUBLIC
5 MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267,
6 MCL 15.261 TO 15.275. NOTICE OF THE DATE, TIME, AND PLACE OF A
7 PUBLIC MEETING OF THE COUNCIL SHALL BE GIVEN AS PRESCRIBED IN THE
8 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A MAJORITY OF
9 THE MEMBERS OF THE COUNCIL SERVING CONSTITUTE A QUORUM FOR THE
10 TRANSACTION OF THE COUNCIL'S BUSINESS. THE COUNCIL SHALL ACT BY A
11 MAJORITY VOTE OF ITS SERVING MEMBERS.

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

22 (11) A MEMBER OF THE COUNCIL SHALL NOT USE FOR PERSONAL GAIN
23 INFORMATION OBTAINED BY THE MEMBER WHILE PERFORMING BUSINESS OF THE
24 COUNCIL, NOR SHALL A MEMBER OF THE COUNCIL DISCLOSE CONFIDENTIAL
25 INFORMATION OBTAINED BY THE MEMBER WHILE CONDUCTING COUNCIL
26 BUSINESS, EXCEPT AS NECESSARY TO PERFORM COUNCIL BUSINESS. THE
27 COUNCIL SHALL ADOPT A CODE OF ETHICS FOR ITS MEMBERS AND ESTABLISH

1 POLICIES AND PROCEDURES REQUIRING THE DISCLOSURE OF RELATIONSHIPS
2 THAT MAY GIVE RISE TO A CONFLICT OF INTEREST. THE COUNCIL SHALL
3 REQUIRE THAT ANY MEMBER OF THE COUNCIL WITH A DIRECT OR INDIRECT
4 INTEREST IN ANY MATTER BEFORE THE COUNCIL DISCLOSE THE MEMBER'S
5 INTEREST TO THE COUNCIL BEFORE THE COUNCIL TAKES ANY ACTION ON THE
6 MATTER.

7 SEC. 29D. (1) THE MICHIGAN FILM PROMOTION FUND IS CREATED
8 WITHIN THE STATE TREASURY.

9 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
10 ANY SOURCE FOR DEPOSIT INTO THE FUND, INCLUDING FEDERAL FUNDS,
11 OTHER STATE REVENUES, GIFTS, BEQUESTS, AND OTHER DONATIONS,
12 INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

13 (A) FEES DEPOSITED IN THE FUND UNDER SECTIONS 457 TO 459 OF
14 THE MICHIGAN BUSINESS TAX ACT, 2007 PA 36, MCL 208.1455 TO
15 208.1459.

16 (B) FEES DEPOSITED IN THE FUND UNDER SECTION 367 OF THE INCOME
17 TAX ACT OF 1967, 1967 PA 281, MCL 206.367.

18 (C) PROCEEDS DEPOSITED IN THE FUND UNDER SECTION 88D.

19 (3) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
20 FUND AND SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
21 INVESTMENTS.

22 (4) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
23 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

24 (5) MONEY IN THE FUND MAY BE EXPENDED, UPON APPROPRIATION, TO
25 SUPPORT THE FUNCTIONS OF THE OFFICE UNDER THIS CHAPTER AND OTHER
26 APPLICABLE LAW AND FOR PURPOSES AUTHORIZED UNDER THIS CHAPTER.

27 SEC. 29E. THE POWERS AND DUTIES OF THE FUND UNDER THIS CHAPTER

1 MAY BE EXERCISED AND PERFORMED BY THE MICHIGAN ECONOMIC DEVELOPMENT
2 CORPORATION AS A JOINT EXERCISE OF POWER AUTHORIZED UNDER THE URBAN
3 COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO
4 124.512, PURSUANT TO THE CONTRACTUAL INTERLOCAL AGREEMENT EFFECTIVE
5 APRIL 5, 1999, AS AMENDED, BETWEEN LOCAL PARTICIPATING ECONOMIC
6 DEVELOPMENT CORPORATIONS FORMED UNDER THE ECONOMIC DEVELOPMENT
7 CORPORATIONS ACT, 1974 PA 338, MCL 125.1601 TO 125.1636, AND THE
8 FUND, OR UNDER AN INTERGOVERNMENTAL AGREEMENT WITH LOCAL FILM
9 OFFICES OR OTHER GOVERNMENTAL ENTITIES.

10 SEC. 29F. (1) A PERSON WHO IS NOT AN AGENT OR EMPLOYEE OF THE
11 OFFICE, COMMISSIONER, OR COUNCIL SHALL NOT REPRESENT THAT THE
12 PERSON IS AN EMPLOYEE OR AGENT OF THE OFFICE, COMMISSIONER, OR
13 COUNCIL WITHOUT THE EXPRESS AUTHORIZATION OF THE COMMISSIONER.

14 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
15 MISDEMEANOR AND MAY BE IMPRISONED FOR NOT MORE THAN 93 DAYS AND
16 SHALL BE FINED NOT MORE THAN \$5,000.00.

17 SEC. 29G. (1) ALL RECORDS, PERSONNEL, PROPERTY, GRANTS, AND
18 UNEXPENDED BALANCES OF APPROPRIATIONS, ALLOCATIONS, AND OTHER FUNDS
19 USED, HELD, EMPLOYED, AVAILABLE, OR TO BE MADE AVAILABLE TO ANY
20 ENTITY FOR THE ACTIVITIES, POWERS, DUTIES, FUNCTIONS, AND
21 RESPONSIBILITIES VESTED IN THE OFFICE UNDER THIS CHAPTER ARE
22 TRANSFERRED TO THE OFFICE. THE STATE BUDGET DIRECTOR SHALL
23 DETERMINE AND AUTHORIZE THE MOST EFFICIENT MANNER POSSIBLE FOR
24 HANDLING FINANCIAL TRANSACTIONS AND RECORDS IN THE STATE'S
25 FINANCIAL MANAGEMENT SYSTEM FOR THE REMAINDER OF THE FISCAL YEAR
26 ENDING SEPTEMBER 30, 2008.

27 (2) THE UNEXPENDED BALANCES OF APPROPRIATIONS TRANSFERRED TO

1 THE OFFICE UNDER SUBSECTION (1) INCLUDE, BUT ARE NOT LIMITED TO,
2 ANY FUNDS APPROPRIATED TO THE OFFICE UNDER SECTION 88J(2) (E)
3 REMAINING IN A WORK PROJECT ON THE EFFECTIVE DATE OF THE AMENDATORY
4 ACT THAT ADDED THIS SUBSECTION.

5 Enacting section 1. Sections 21 and 22 of the history, arts,
6 and libraries act, 2001 PA 63, MCL 399.721 and 399.722, are
7 repealed effective April 6, 2008.

8 Enacting section 2. This amendatory act takes effect April 6,
9 2008.