

SUBSTITUTE FOR
HOUSE BILL NO. 5850

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:

1

CHAPTER 2A

2

SEC. 29. AS USED IN THIS CHAPTER:

3

(A) "COMMISSIONER" MEANS THE MICHIGAN FILM COMMISSIONER

4

CREATED IN SECTION 29B.

5

(B) "COUNCIL" MEANS THE MICHIGAN FILM OFFICE ADVISORY COUNCIL

6

CREATED IN SECTION 29C.

7

(C) "LOCAL FILM OFFICE" MEANS AN OFFICE, AGENCY, BUREAU, OR

8

DEPARTMENT OF A POLITICAL SUBDIVISION OF THIS STATE THAT SEEKS TO

9

PROMOTE FILM PRODUCTION WITHIN THE POLITICAL SUBDIVISION AND THAT

1 IS FUNDED PRINCIPALLY BY THE POLITICAL SUBDIVISION.

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

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

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

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

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

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

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

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

26 (E) SERVE AS THIS STATE'S CHIEF LIAISON WITH THE FILM, DIGITAL
27 MEDIA, AND TELEVISION PRODUCTION INDUSTRY AND WITH OTHER

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

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

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

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

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

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

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

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

24 (M) SPONSOR WORKSHOPS OR CONFERENCES ON TOPICS RELATING TO
25 FILMMAKING, INCLUDING, BUT NOT LIMITED TO, SCREENWRITING, FILM
26 FINANCING, AND THE PREPARATION OF COMMUNITIES TO ATTRACT AND ASSIST
27 FILM, DIGITAL MEDIA, AND TELEVISION PRODUCTIONS IN THIS STATE.

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

5 (O) COORDINATE ACTIVITIES WITH LOCAL FILM OFFICES.

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

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

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

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

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

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

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

26 (T) SOLICIT AND ACCEPT GIFTS, GRANTS, LABOR, LOANS, AND OTHER
27 AID FROM ANY PERSON, GOVERNMENT, OR ENTITY.

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

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

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

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

13 (i) SECTION 88D.

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

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

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

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

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

26 (4) THE COMMISSIONER AND THE PRESIDENT OF THE FUND SHALL
27 COOPERATE IN ADMINISTERING THE BUDGET, PROCUREMENT, AND RELATED

1 MANAGEMENT FUNCTIONS OF THE OFFICE. THE FUND MAY PROVIDE THE OFFICE
2 WITH STAFF SUPPORT AND OTHER SERVICES TO ASSIST THE OFFICE IN
3 PERFORMING THE FUNCTIONS AND DUTIES OF THE OFFICE.

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

7 SEC. 29B. (1) THE HEAD OF THE OFFICE SHALL BE THE MICHIGAN
8 FILM COMMISSIONER. THE COMMISSIONER SHALL BE A MEMBER OF THE STATE
9 CLASSIFIED SERVICE. THE TERMS AND CONDITIONS OF THE EMPLOYMENT OF
10 THE COMMISSIONER SHALL BE GOVERNED BY A SENIOR EXECUTIVE SERVICE
11 LIMITED TERM EMPLOYMENT AGREEMENT AND THE RULES AND REGULATIONS OF
12 THE CIVIL SERVICE COMMISSION GOVERNING THE SENIOR EXECUTIVE
13 SERVICE. THE TERM OF THE AGREEMENT SHALL NOT EXCEED 2 YEARS AND
14 SHALL END ON DECEMBER 31 OF AN EVEN-NUMBERED YEAR CONSISTENT WITH
15 THE RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION. THE
16 GOVERNOR SHALL BE THE APPOINTING AUTHORITY FOR THE COMMISSIONER.
17 BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE, THE
18 COMMISSIONER SHALL TAKE AND FILE THE CONSTITUTIONAL OATH OF OFFICE
19 PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF
20 1963.

21 (2) THE COMMISSIONER SHALL SERVE AS AN ADVISOR TO THE GOVERNOR
22 ON MATTERS RELATING TO FILMS AND OTHER DIGITAL MEDIA. THE
23 COMMISSIONER MAY REPORT DIRECTLY TO THE GOVERNOR AND THE PRESIDENT
24 OF THE FUND ON MATTERS RELATING TO THE OFFICE, TO THE COUNCIL, AND
25 TO FILMS AND DIGITAL MEDIA GENERALLY.

26 (3) THE COMMISSIONER SHALL SUPERVISE, AND BE RESPONSIBLE FOR,
27 THE PERFORMANCE OF THE FUNCTIONS OF THE OFFICE UNDER THIS CHAPTER.

1 THE COMMISSIONER SHALL PERFORM ALL DUTIES VESTED IN THE
2 COMMISSIONER UNDER THE LAWS OF THIS STATE. THE COMMISSIONER SHALL
3 CONSULT WITH THE PRESIDENT OF THE FUND ON ACTIVITIES OF THE OFFICE
4 AFFECTING THE FUND.

5 (4) THE COMMISSIONER SHALL ATTEND THE MEETINGS OF THE COUNCIL
6 AND PROVIDE THE COUNCIL AND THE PRESIDENT OF THE FUND WITH REGULAR
7 REPORTS AND OTHER INFORMATION DESCRIBING THE ACTIVITIES OF THE
8 OFFICE.

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

12 (6) THE COMMISSIONER MAY PROMULGATE RULES UNDER THE
13 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
14 24.328, AS THE COMMISSIONER DEEMS NECESSARY TO EXECUTE THE DUTIES
15 AND RESPONSIBILITIES OF THE OFFICE.

16 SEC. 29C. (1) THE MICHIGAN FILM OFFICE ADVISORY COUNCIL IS
17 CREATED IN THE OFFICE. THE COUNCIL SHALL CONSIST OF THE FOLLOWING
18 MEMBERS:

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

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

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

25 (iii) ONE MEMBER REPRESENTING THEATER OWNERS BASED IN THIS
26 STATE.

27 (iv) ONE MEMBER REPRESENTING LOCAL FILM OFFICES OR LOCAL UNITS

1 OF GOVERNMENT.

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

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

6 (vii) THREE OTHER RESIDENTS OF THIS STATE, INCLUDING AT LEAST 2
7 RESIDENTS NOT ACTIVE IN THE FILM, TELEVISION, DIGITAL MEDIA, AND
8 RELATED INDUSTRIES.

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

11 (C) THE PRESIDENT OF THE FUND.

12 (2) THE GOVERNOR SHALL DESIGNATE 1 MEMBER OF THE COUNCIL TO
13 SERVE AS CHAIRPERSON OF THE COUNCIL AT THE PLEASURE OF THE
14 GOVERNOR. THE MEMBERS OF THE COUNCIL MAY ELECT A MEMBER OF THE
15 COUNCIL TO SERVE AS VICE-CHAIRPERSON OF THE COUNCIL AND MAY ELECT
16 OTHER MEMBERS OF THE COUNCIL AS OFFICERS OF THE COUNCIL AS THE
17 COUNCIL CONSIDERS APPROPRIATE.

18 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), THE TERM OF OFFICE
19 OF EACH MEMBER OF THE COUNCIL APPOINTED BY THE GOVERNOR UNDER
20 SUBSECTION (1) (A) SHALL BE 4 YEARS.

21 (4) OF THE MEMBERS OF THE COUNCIL INITIALLY APPOINTED BY THE
22 GOVERNOR UNDER SUBSECTION (1) (A), 4 SHALL BE APPOINTED FOR TERMS
23 EXPIRING ON SEPTEMBER 30, 2008, 4 SHALL BE APPOINTED FOR TERMS
24 EXPIRING ON SEPTEMBER 30, 2009, 3 SHALL BE APPOINTED FOR TERMS
25 EXPIRING ON SEPTEMBER 30, 2010, AND 3 SHALL BE APPOINTED FOR TERMS
26 EXPIRING ON SEPTEMBER 30, 2011.

27 (5) IF A VACANCY OCCURS ON THE COUNCIL OTHER THAN BY

1 EXPIRATION OF A TERM, THE VACANCY SHALL BE FILLED IN THE SAME
2 MANNER AS THE ORIGINAL APPOINTMENT FOR THE REMAINDER OF THE TERM.

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

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

8 (A) ADVISE THE OFFICE, THE FUND, THE GOVERNOR, AND THE
9 LEGISLATURE ON HOW TO PROMOTE AND MARKET THIS STATE'S LOCATIONS,
10 CREWS, FACILITIES, AND TECHNICAL PRODUCTION FACILITIES AND OTHER
11 SERVICES USED BY FILM, TELEVISION, DIGITAL MEDIA, AND RELATED
12 INDUSTRIES.

13 (B) ENCOURAGE COMMUNITY AND MICHIGAN FILM, DIGITAL MEDIA, AND
14 TELEVISION PRODUCTION INDUSTRY PARTICIPATION IN, AND COORDINATION
15 WITH, STATE EFFORTS TO ATTRACT FILM, DIGITAL MEDIA, TELEVISION, AND
16 RELATED PRODUCTION TO THIS STATE.

17 (C) ASSIST THE OFFICE AND THE FUND IN PROMOTING, ENCOURAGING,
18 AND FACILITATING FILM, DIGITAL MEDIA, TELEVISION, AND RELATED
19 PRODUCTION IN THIS STATE.

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

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

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

27 (G) ASSIST IN THE ESTABLISHMENT OF FILM, DIGITAL MEDIA, AND

1 TELEVISION VENTURES AND SUCH RELATED MATTERS AS THE OFFICE
2 CONSIDERS APPROPRIATE.

3 (H) MAKE INQUIRIES, STUDIES, AND INVESTIGATIONS, HOLD
4 HEARINGS, AND RECEIVE COMMENTS FROM THE PUBLIC. THE COUNCIL MAY
5 ALSO CONSULT WITH OUTSIDE EXPERTS IN ORDER TO PERFORM ITS DUTIES,
6 INCLUDING, BUT NOT LIMITED TO, EXPERTS IN THE PRIVATE SECTOR,
7 ORGANIZED LABOR, GOVERNMENT AGENCIES, AND AT INSTITUTIONS OF HIGHER
8 EDUCATION.

9 (I) PROVIDE OTHER ASSISTANCE OR ADVICE RELATING TO THE DUTIES
10 OF THE COUNCIL UNDER THIS CHAPTER AS REQUESTED BY THE COMMISSIONER.

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

13 (9) A MEETING OF THE COUNCIL SHALL BE CONDUCTED AS A PUBLIC
14 MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267,
15 MCL 15.261 TO 15.275. NOTICE OF THE DATE, TIME, AND PLACE OF A
16 PUBLIC MEETING OF THE COUNCIL SHALL BE GIVEN AS PRESCRIBED IN THE
17 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A MAJORITY OF
18 THE MEMBERS OF THE COUNCIL SERVING CONSTITUTE A QUORUM FOR THE
19 TRANSACTION OF THE COUNCIL'S BUSINESS. THE COUNCIL SHALL ACT BY A
20 MAJORITY VOTE OF ITS SERVING MEMBERS.

21 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
22 RETAINED BY THE COUNCIL WHEN PERFORMING BUSINESS OF THE COUNCIL IS
23 SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231
24 TO 15.246, EXCEPT THAT SUCH A WRITING MAY BE KEPT CONFIDENTIAL FOR
25 UP TO 6 MONTHS AFTER THE DATE A REQUEST TO INSPECT, OBTAIN, OR COPY
26 THE WRITING IS RECEIVED, IF, IN THE JUDGMENT OF THE CHAIRPERSON OF
27 THE COUNCIL, DISCLOSURE OF THE RECORD WOULD COMPROMISE OR OTHERWISE

1 UNDERMINE THE ABILITY OF MICHIGAN INDUSTRY TO COMPETE IN THE
2 PROMOTION AND MARKETING OF MICHIGAN'S LOCATIONS, CREWS, FACILITIES,
3 AND TECHNICAL PRODUCTION AND OTHER SERVICES.

4 (11) A MEMBER OF THE COUNCIL SHALL NOT USE FOR PERSONAL GAIN
5 INFORMATION OBTAINED BY THE MEMBER WHILE PERFORMING BUSINESS OF THE
6 COUNCIL, NOR SHALL A MEMBER OF THE COUNCIL DISCLOSE CONFIDENTIAL
7 INFORMATION OBTAINED BY THE MEMBER WHILE CONDUCTING COUNCIL
8 BUSINESS, EXCEPT AS NECESSARY TO PERFORM COUNCIL BUSINESS. THE
9 COUNCIL SHALL ADOPT A CODE OF ETHICS FOR ITS MEMBERS AND ESTABLISH
10 POLICIES AND PROCEDURES REQUIRING THE DISCLOSURE OF RELATIONSHIPS
11 THAT MAY GIVE RISE TO A CONFLICT OF INTEREST. THE COUNCIL SHALL
12 REQUIRE THAT ANY MEMBER OF THE COUNCIL WITH A DIRECT OR INDIRECT
13 INTEREST IN ANY MATTER BEFORE THE COUNCIL DISCLOSE THE MEMBER'S
14 INTEREST TO THE COUNCIL BEFORE THE COUNCIL TAKES ANY ACTION ON THE
15 MATTER.

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

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

22 (A) FEES DEPOSITED IN THE PROMOTION FUND UNDER SECTIONS 455 TO
23 459 OF THE MICHIGAN BUSINESS TAX ACT, 2007 PA 36, MCL 208.1455 TO
24 208.1459.

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

27 (C) PROCEEDS DEPOSITED IN THE PROMOTION FUND UNDER SECTION

1 88D.

2 (3) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
3 PROMOTION FUND AND SHALL CREDIT TO THE PROMOTION FUND INTEREST AND
4 EARNINGS FROM PROMOTION FUND INVESTMENTS.

5 (4) MONEY IN THE PROMOTION FUND AT THE CLOSE OF A FISCAL YEAR
6 SHALL REMAIN IN THE PROMOTION FUND AND SHALL NOT LAPSE TO THE
7 GENERAL FUND.

8 (5) MONEY IN THE PROMOTION FUND MAY BE EXPENDED, UPON
9 APPROPRIATION, TO SUPPORT THE FUNCTIONS OF THE OFFICE UNDER THIS
10 CHAPTER AND OTHER APPLICABLE LAW AND FOR PURPOSES AUTHORIZED UNDER
11 THIS CHAPTER.

12 SEC. 29E. THE POWERS AND DUTIES OF THE FUND UNDER THIS CHAPTER
13 MAY BE EXERCISED AND PERFORMED BY THE MICHIGAN ECONOMIC DEVELOPMENT
14 CORPORATION AS A JOINT EXERCISE OF POWER AUTHORIZED UNDER THE URBAN
15 COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO
16 124.512, PURSUANT TO THE CONTRACTUAL INTERLOCAL AGREEMENT EFFECTIVE
17 APRIL 5, 1999, AS AMENDED, BETWEEN LOCAL PARTICIPATING ECONOMIC
18 DEVELOPMENT CORPORATIONS FORMED UNDER THE ECONOMIC DEVELOPMENT
19 CORPORATIONS ACT, 1974 PA 338, MCL 125.1601 TO 125.1636, AND THE
20 FUND, OR UNDER AN INTERGOVERNMENTAL AGREEMENT WITH LOCAL FILM
21 OFFICES OR OTHER GOVERNMENTAL ENTITIES. THIS SECTION DOES NOT
22 AUTHORIZE THE OFFICE TO EXERCISE THE POWERS AND DUTIES OF THE FUND.

23 SEC. 29F. (1) A PERSON WHO IS NOT AN AGENT OR EMPLOYEE OF THE
24 OFFICE, COMMISSIONER, OR COUNCIL SHALL NOT REPRESENT THAT THE
25 PERSON IS AN EMPLOYEE OR AGENT OF THE OFFICE, COMMISSIONER, OR
26 COUNCIL WITHOUT THE EXPRESS AUTHORIZATION OF THE COMMISSIONER.

27 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A

1 MISDEMEANOR AND MAY BE IMPRISONED FOR NOT MORE THAN 93 DAYS AND
2 SHALL BE FINED NOT MORE THAN \$5,000.00.

3 SEC. 29G. (1) ALL RECORDS, PERSONNEL, PROPERTY, GRANTS, AND
4 UNEXPENDED BALANCES OF APPROPRIATIONS, ALLOCATIONS, AND OTHER FUNDS
5 USED, HELD, EMPLOYED, AVAILABLE, OR TO BE MADE AVAILABLE TO ANY
6 ENTITY FOR THE ACTIVITIES, POWERS, DUTIES, FUNCTIONS, AND
7 RESPONSIBILITIES VESTED IN THE OFFICE UNDER THIS CHAPTER ARE
8 TRANSFERRED TO THE OFFICE. THE STATE BUDGET DIRECTOR SHALL
9 DETERMINE AND AUTHORIZE THE MOST EFFICIENT MANNER POSSIBLE FOR
10 HANDLING FINANCIAL TRANSACTIONS AND RECORDS IN THE STATE'S
11 FINANCIAL MANAGEMENT SYSTEM FOR THE REMAINDER OF THE FISCAL YEAR
12 ENDING SEPTEMBER 30, 2008.

13 (2) THE UNEXPENDED BALANCES OF APPROPRIATIONS TRANSFERRED TO
14 THE OFFICE UNDER SUBSECTION (1) INCLUDE, BUT ARE NOT LIMITED TO,
15 ANY FUNDS APPROPRIATED TO THE OFFICE UNDER SECTION 88J(3)(E)
16 REMAINING IN A WORK PROJECT ON THE EFFECTIVE DATE OF THE AMENDATORY
17 ACT THAT ADDED THIS SUBSECTION.

18 Enacting section 1. Sections 21 and 22 of the history, arts,
19 and libraries act, 2001 PA 63, MCL 399.721 and 399.722, are
20 repealed effective May 4, 2008.

21 Enacting section 2. This amendatory act takes effect May 4,
22 2008.