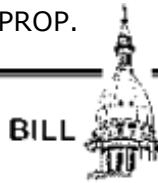




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BILL ANALYSIS

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House Bill 5855 (Substitute H-1 as passed by the House)

(as enacted)

Sponsor: Representative Fred Miller

House Committee: Commerce

Senate Committee: Commerce and Tourism

Date Completed: 3-17-08

CONTENT

The bill would create the "Local Government Filming Location Access Act" to allow a local unit of government to authorize the use of local property without charge for the purpose of producing a film.

Specifically, except as provided below, a local unit of government could authorize a person engaged in the production of a film in Michigan to use, without charge, property owned by or under the control of the local unit for the purpose of producing a film under terms and conditions established by the local unit. The economic and other benefits to the local unit and the State of film production located in the local unit or this State would be considered the value received by the local unit and the State in exchange for the use of the property it owned or occupied.

A local unit could not authorize the use of property it owned or controlled for the production of a film that included obscene matter or an obscene performance or that required individually identifiable records to be created and maintained for every performer as provided in 18 USC 2257. (That Federal provision requires anyone who produces a film, videotape, or other matter containing visual depictions of actual sexual conduct, that is produced for interstate or foreign shipment or transportation, to create and maintain individually identifiable records pertaining to every performer portrayed in the visual depiction.)

A local unit would have to cooperate with the Michigan Film Office by giving it information about potential film locations within the local unit and the use of property it owned or controlled.

"Local unit of government" would mean a political subdivision of this State, including a county, city, village, township, district, local authority, intergovernmental authority, or intergovernmental entity.

"Film" would mean single media or multimedia entertainment content for distribution or exhibition to the general public by any means and media in any digital media format, film, or video tape, including a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games, commercials, internet programming, an internet video, a sound recording, a video, digital animation, or an interactive website.

"Obscene matter or an obscene performance" would mean matter described in Public Act 343 of 1984. (Public Act 343 prohibits disseminating, or possessing with intent to disseminate, any obscene material. Under that Act, "obscene" means any material that meets the following criteria:

- The average individual, applying "contemporary community standards", would find the material, taken as a whole, appeals to the prurient interest.
- The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- The material depicts or describes sexual conduct in a patently offensive way.

"Contemporary community standards" means the customary limits of candor and decency in this State at or near the time of the alleged violation of Public Act 343.)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would affect local expenditures to the extent that use of local unit property for film production would require additional expenditures on the part of the local unit, such as expenditures to relocate employees from a work area temporarily or changes in employees work hours. Similarly, the bill could affect the timing of local unit revenue collections to the extent that use of local unit facilities for film production interfered with activities that result in the collection of revenue, such as operation of a registrar branch office or processing property tax collections. Otherwise, the bill would have no impact on local unit revenue.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.