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# HOUSE FILE NO. 4063

## *FIRST COMMITTEE ENGROSSMENT*

March 17, 2008

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The bill was read for the first time and referred to the Committee on Finance

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*Referred by Chair to Minnesota Heritage Finance Division.*

March 25, 2008

*Returned to the Committee on Finance as Amended.*

1.1 A bill for an act  
1.2 relating to state government; establishing a onetime grant to the Minnesota Film  
1.3 and TV Board; providing funds for the Minnesota Sesquicentennial Commission;  
1.4 permitting the Indian Affairs Council to conduct meetings by telephone or  
1.5 other electronic means; adding a term to definition of public official; adding a  
1.6 provision to the films jobs production program; requiring a study of vacation  
1.7 rental lodging; appropriating money; amending Minnesota Statutes 2006, section  
1.8 116U.26; Minnesota Statutes 2007 Supplement, sections 3.922, by adding a  
1.9 subdivision; 10A.01, subdivision 35.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. **SUMMARY OF HERITAGE FINANCE APPROPRIATIONS.**

1.12 The amounts shown in this section summarize direct appropriations or reductions,  
1.13 by fund made in this act.

	<b><u>2008</u></b>		<b><u>2009</u></b>		<b><u>Total</u></b>
1.14					
1.15	<u>General</u>	\$		\$	<u>750,000</u>
			<u>750,000</u>	\$	<u>750,000</u>

1.16 Sec. 2. **HERITAGE FINANCE APPROPRIATIONS AND REDUCTIONS.**

1.17 The sums shown in the columns marked "Appropriations" are added to or, if shown  
1.18 in parentheses, subtracted from the appropriations in Laws 2007, chapter 135, or other  
1.19 law to the specified agencies and for the purposes specified in this act. The appropriations  
1.20 are from the general fund, or another named fund and are available for the fiscal years  
1.21 indicated for each purpose. The figures "2008" and "2009" used in this act mean that the  
1.22 appropriations listed under them are available for the fiscal year ending June 30, 2008, or  
1.23 June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal  
1.24 year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal  
1.25 year ending June 30, 2008, are effective the day following final enactment.

2.1  
2.2  
2.3  
2.4

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**  
**2008**                      **2009**

2.5      Sec. 3. **EXPLORE MINNESOTA TOURISM**      \$

\$

2.6      Of the unexpended balance in the special  
2.7      marketing account established pursuant to  
2.8      Laws 2005, First Special Session chapter 1,  
2.9      article 3, section 6, \$500,000 is appropriated  
2.10     for a onetime grant to the Minnesota Film  
2.11     and TV Board for the filming of a movie in  
2.12     Minnesota in 2008 and 2009. The grant is  
2.13     in addition to any payments made for the  
2.14     same purpose from the film production jobs  
2.15     program under Minnesota Statutes, section  
2.16     116U.26. This appropriation is available  
2.17     until expended.

2.18     Sec. 4. **MINNESOTA HISTORICAL**  
2.19     **SOCIETY**

\$

\$

**750,000**

2.20     \$750,000 in the second year is a  
2.21     onetime appropriation for the Minnesota  
2.22     Sesquicentennial Commission. The  
2.23     Minnesota Historical Society, the State Arts  
2.24     Board, and Explore Minnesota Tourism  
2.25     may assist the commission in designing  
2.26     and implementing the grants program.  
2.27     The commission shall encourage private  
2.28     contributions to match the state funds to the  
2.29     greatest extent possible. Any gifts, pledges,  
2.30     membership fees, or contributions received  
2.31     by the commission are appropriated to the  
2.32     commission. The commission is encouraged  
2.33     to solicit and select a state song for the state  
2.34     of Minnesota.

3.1 Sec. 5. Minnesota Statutes 2007 Supplement, section 3.922, is amended by adding a  
3.2 subdivision to read:

3.3 Subd. 4a. **Meetings by electronic means.** (a) Notwithstanding section 13D.01, the  
3.4 Indian Affairs Council may conduct a meeting of its members by telephone or other  
3.5 electronic means so long as the following conditions are met:

3.6 (1) all members of the council participating in the meeting, wherever their physical  
3.7 location, can hear one another and can hear all discussion and testimony;

3.8 (2) members of the public present at the regular meeting location of the council can  
3.9 hear all discussion and all votes of members of the council and participate in testimony;

3.10 (3) at least one member of the council is physically present at the regular meeting  
3.11 location; and

3.12 (4) all votes are conducted by roll call, so each member's vote on each issue can be  
3.13 identified and recorded.

3.14 (b) Each member of the council participating in a meeting by telephone or other  
3.15 electronic means is considered present at the meeting for purposes of determining a  
3.16 quorum and participating in all proceedings.

3.17 (c) If telephone or another electronic means is used to conduct a meeting, the council,  
3.18 to the extent practical, shall allow a person to monitor the meeting electronically from a  
3.19 remote location. The council may require the person making such a connection to pay for  
3.20 documented marginal costs that the council incurs as a result of the additional connection.

3.21 (d) If telephone or another electronic means is used to conduct a regular, special, or  
3.22 emergency meeting, the council shall provide notice of the regular meeting location, of  
3.23 the fact that some members may participate by electronic means, and of the provisions of  
3.24 paragraph (c). The timing and method of providing notice is governed by section 13D.04.

3.25 Sec. 6. Minnesota Statutes 2007 Supplement, section 10A.01, subdivision 35, is  
3.26 amended to read:

3.27 Subd. 35. **Public official.** "Public official" means any:

3.28 (1) member of the legislature;

3.29 (2) individual employed by the legislature as secretary of the senate, legislative  
3.30 auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or  
3.31 attorney in the Office of Senate Counsel and Research or House Research;

3.32 (3) constitutional officer in the executive branch and the officer's chief administrative  
3.33 deputy;

3.34 (4) solicitor general or deputy, assistant, or special assistant attorney general;

- 4.1 (5) commissioner, deputy commissioner, or assistant commissioner of any state  
4.2 department or agency as listed in section 15.01 or 15.06, or the state chief information  
4.3 officer;
- 4.4 (6) member, chief administrative officer, or deputy chief administrative officer of a  
4.5 state board or commission that has either the power to adopt, amend, or repeal rules under  
4.6 chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- 4.7 (7) individual employed in the executive branch who is authorized to adopt, amend,  
4.8 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- 4.9 (8) executive director of the State Board of Investment;
- 4.10 (9) deputy of any official listed in clauses (7) and (8);
- 4.11 (10) judge of the Workers' Compensation Court of Appeals;
- 4.12 (11) administrative law judge or compensation judge in the State Office of  
4.13 Administrative Hearings or referee in the Department of Employment and Economic  
4.14 Development;
- 4.15 (12) member, regional administrator, division director, general counsel, or operations  
4.16 manager of the Metropolitan Council;
- 4.17 (13) member or chief administrator of a metropolitan agency;
- 4.18 (14) director of the Division of Alcohol and Gambling Enforcement in the  
4.19 Department of Public Safety;
- 4.20 (15) member or executive director of the Higher Education Facilities Authority;
- 4.21 (16) member of the board of directors or president of Minnesota Technology, Inc.;
- 4.22 (17) member of the board of directors or executive director of the Minnesota State  
4.23 High School League;
- 4.24 (18) member of the Minnesota Ballpark Authority established in section 473.755;
- 4.25 (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;
- 4.26 (20) manager of a watershed district, or member of a watershed management  
4.27 organization as defined under section 103B.205, subdivision 13; ~~or~~
- 4.28 (21) supervisor of a soil and water conservation district; or
- 4.29 (22) director of Explore Minnesota Tourism.

4.30 Sec. 7. Minnesota Statutes 2006, section 116U.26, is amended to read:

4.31 **116U.26 FILM JOBS PRODUCTION PROGRAM.**

4.32 (a) The film production jobs program is created. The program shall be operated  
4.33 by the Minnesota Film and TV Board with administrative oversight and control by the  
4.34 director of Explore Minnesota Tourism. The program shall make payment to producers of  
4.35 feature films, national television programs, documentaries, music videos, and commercials

5.1 that directly create new film jobs in Minnesota. To be eligible for a payment, a producer  
5.2 must submit documentation to the Minnesota Film and TV Board of expenditures for  
5.3 production costs incurred in Minnesota that are directly attributable to the production  
5.4 in Minnesota of a film product.

5.5 The Minnesota Film and TV Board shall make recommendations to the director of  
5.6 Explore Minnesota Tourism about program payment, but the director has the authority to  
5.7 make the final determination on payments. The director's determination must be based  
5.8 on proper documentation of eligible production costs submitted for payments. No more  
5.9 than five percent of the funds appropriated for the program in any year may be expended  
5.10 for administration.

5.11 (b) For the purposes of this section:

5.12 (1) "production costs" means the cost of the following:

5.13 (i) a story and scenario to be used for a film;

5.14 (ii) salaries of talent, management, and labor, including payments to personal  
5.15 services corporations for the services of a performing artist;

5.16 (iii) set construction and operations, wardrobe, accessories, and related services;

5.17 (iv) photography, sound synchronization, lighting, and related services;

5.18 (v) editing and related services;

5.19 (vi) rental of facilities and equipment; or

5.20 (vii) other direct costs of producing the film in accordance with generally accepted  
5.21 entertainment industry practice; and

5.22 (2) "film" means a movie, television show, documentary, music video, or television  
5.23 commercial, whether on film or video. Film does not include news, current events, public  
5.24 programming, or a program that includes weather or market reports; a talk show; a  
5.25 production with respect to a questionnaire or contest; a sports event or sports activity; a  
5.26 gala presentation or awards show; a finished production that solicits funds; or a production  
5.27 for which the production company is required under United States Code, title 18, section  
5.28 2257, to maintain records with respect to a performer portrayed in a single-media or  
5.29 multimedia program.

5.30 (c) Notwithstanding any other law to the contrary, the Minnesota Film and TV Board  
5.31 may make reimbursements of up to 20 percent of film production costs for films that incur  
5.32 production costs in excess of \$5,000,000 in Minnesota within a 12-month period.

5.33 **EFFECTIVE DATE.** This section is effective for films that begin filming on or  
5.34 after the day following final enactment.

5.35 Sec. 8. **MINNESOTA VACATION RENTAL LODGING STUDY.**

6.1 Explore Minnesota Tourism shall conduct a study of vacation rental lodging in  
6.2 Minnesota and report to the legislature any recommendations needed to protect consumers,  
6.3 ensure tax compliance, promote safe rentals, and promote tourism in Minnesota.

6.4 Explore Minnesota Tourism shall consult with the Minnesota Department of  
6.5 Revenue, Minnesota Department of Health, political subdivisions, and representatives of  
6.6 the tourism industry including resorts, bed and breakfast establishments, cabin owner  
6.7 associations, convention and visitor bureaus, and others to determine and recommend  
6.8 regulations or legislation to define and promote the vacation rental lodging.

6.9 Explore Minnesota Tourism shall report by January 15, 2009, to the chairs  
6.10 of the house of representatives and senate committees with jurisdiction over any  
6.11 recommendations developed from the study, including any proposed legislation.

6.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.