

## CHAPTER 116U

### EXPLORE MINNESOTA TOURISM

116U.05	EXPLORE MINNESOTA TOURISM.	116U.35	PROMOTIONAL EXPENSES.
116U.10	DEFINITIONS.	116U.40	SPECIFIC AGREEMENTS PROHIBITED.
116U.15	MISSION.	116U.45	SALE OF PUBLICATIONS AND PROMOTIONAL MATERIALS; FEES; ADVERTISING.
116U.20	ORGANIZATION.	116U.50	REVENUE.
116U.25	EXPLORE MINNESOTA TOURISM COUNCIL.	116U.55	GIFTS, GRANTS, AND ENDOWMENTS.
116U.26	FILM PRODUCTION JOBS PROGRAM.	116U.65	TRANSITION.
116U.30	DUTIES OF DIRECTOR.		

#### 116U.05 EXPLORE MINNESOTA TOURISM.

Explore Minnesota Tourism is created as an office in the executive branch with a director appointed by the governor. The director is under the supervision of the commissioner of employment and economic development. The director serves in the unclassified service and must be qualified by experience and training in travel and tourism.

**History:** 2004 c 171 s 5

#### 116U.10 DEFINITIONS.

Subdivision 1. **Scope.** As used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Director.** "Director" means the director of Explore Minnesota Tourism.

Subd. 3. **Office.** "Office" means Explore Minnesota Tourism.

**History:** 2004 c 171 s 6

#### 116U.15 MISSION.

The mission of Explore Minnesota Tourism is to promote and facilitate increased travel to and within the state of Minnesota. Its goals are to:

- (1) expand public and private partnerships through increased interagency efforts and increased tourism industry participation;
- (2) increase productivity through enhanced flexibility and options; and
- (3) use innovative fiscal and human resource practices to manage the state's resources and operate the office as efficiently as possible.

The director shall report to the legislature on the performance of the office's operations and the accomplishment of its goals in the office's biennial budget according to section 16A.10, subdivision 1.

**History:** 2004 c 171 s 7

**116U.20 ORGANIZATION.**

The director shall:

(1) employ assistants and other officers, employees, and agents that the director considers necessary to discharge the functions of the office; and

(2) define the duties of the officers, employees, and agents, and delegate to them any of the director's powers, duties, and responsibilities, subject to the director's control and under conditions prescribed by the director.

**History:** 2004 c 171 s 8

**116U.25 EXPLORE MINNESOTA TOURISM COUNCIL.**

(a) The director shall be advised by the Explore Minnesota Tourism Council consisting of up to 28 voting members appointed by the governor for four-year terms, including:

(1) the director of Explore Minnesota Tourism who serves as the chair;

(2) eleven representatives of statewide associations representing bed and breakfast establishments, golf, festivals and events, counties, convention and visitor bureaus, lodging, resorts, trails, campgrounds, restaurants, and chambers of commerce;

(3) one representative from each of the four tourism marketing regions of the state as designated by the office;

(4) six representatives of the tourism business representing transportation, retail, travel agencies, tour operators, travel media, and convention facilities;

(5) one or more ex officio nonvoting members including at least one from the University of Minnesota Tourism Center;

(6) four legislators, two from each house, one each from the two largest political party caucuses in each house, appointed according to the rules of the respective houses; and

(7) other persons, if any, as designated from time to time by the governor.

(b) The council shall act to serve the broader interests of tourism in Minnesota by promoting activities that support, maintain, and expand the state's domestic and international travel market, thereby generating increased visitor expenditures, tax revenue, and employment.

(c) Filling of membership vacancies is as provided in section 15.059. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of the members shall end on the first Monday in January one year after the terms of the other members. Members may serve until their successors are appointed and qualify. Members are not compensated. A member may be reappointed.

(d) The council shall meet at least four times per year and at other times determined by the council. Notwithstanding section 15.059, the council does not expire.

(e) If compliance with section 13D.02 is impractical, the Explore Minnesota Tourism Council may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

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

(2) members of the public present at the regular meeting location of the council can hear clearly all discussion and testimony and all votes of members of the council and, if needed, receive those services required by sections 15.44 and 15.441;

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

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

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

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

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

**History:** 2004 c 171 s 9; 2005 c 163 s 57

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

(a) The film production jobs program is created. The program shall be operated by the Minnesota Film and TV Board with administrative oversight and control by the director of Explore Minnesota Tourism. The program shall make payment to producers of feature films, national television or Internet programs, documentaries, music videos, and commercials that directly create new film jobs in Minnesota. To be eligible for a payment, a producer must submit documentation to the Minnesota Film and TV Board of expenditures for production costs incurred in Minnesota that are directly attributable to the production in Minnesota of a film product.

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

(b) For the purposes of this section:

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

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

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

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

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

(v) editing and related services;

(vi) rental of facilities and equipment; or

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

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

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

**History:** 2006 c 282 art 11 s 9a; 2008 c 363 art 10 s 17

#### **116U.30 DUTIES OF DIRECTOR.**

(a) The director shall:

(1) publish, disseminate, and distribute informational and promotional materials;

(2) promote and encourage the coordination of Minnesota tourism promotion efforts with other state agencies and develop multiagency marketing strategies when appropriate;

- (3) promote and encourage the expansion and development of international tourism marketing;
  - (4) advertise and disseminate information about Minnesota travel opportunities;
  - (5) aid various local communities to improve their tourism marketing programs;
  - (6) coordinate and implement a comprehensive state tourism marketing program that takes into consideration public and private businesses and attractions;
  - (7) contract, in accordance with section 16C.08, for professional services if the work or services cannot be satisfactorily performed by employees of the agency or by any other state agency;
  - (8) provide local, regional, and statewide tourism organizations with information, technical assistance, training, and advice on using state tourism programs; and
  - (9) generally gather, compile, and make available statistical information relating to Minnesota tourism and related areas in this state, with authority to call upon other state agencies for statistical data and results obtained by them and to arrange and compile that statistical information.
- (b) The director may:
- (1) apply for, receive, and spend money for tourism development and marketing from other agencies and tourism organizations and businesses;
  - (2) apply for, accept, and disburse grants and other aids for tourism development and marketing from the federal government and other sources;
  - (3) enter into joint powers or cooperative agreements with agencies of the federal government, local governmental units, regional development commissions, other state agencies, the University of Minnesota and other educational institutions, other states, Canadian provinces, local, statewide, and regional tourism organizations as necessary to perform the director's duties;
  - (4) enter into interagency agreements and agree to share net revenues with the contributing agencies;
  - (5) make grants;
  - (6) conduct market research and analysis to improve marketing techniques in the area of tourism;
  - (7) monitor and study trends in the tourism industry and provide resources and training to address change;
  - (8) annually convene conferences of Minnesota tourism providers for the purposes of exchanging information on tourism development, coordinating marketing activities, and formulating tourism development strategies; and

(9) enter into tourism promotion contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to promote international travel and to implement this chapter.

(c) Contracts for goods and nonprofessional technical services made under paragraph (b), clauses (3) and (9), are not subject to the provisions of sections 16C.03, subdivision 3, and 16C.06 concerning competitive bidding and section 16C.055 concerning barter arrangements. Unless otherwise determined by the commissioner of administration, all other provisions of chapter 16C apply to this section, including section 16C.08, relating to professional and technical services.

**History:** 2004 c 171 s 10

### **116U.35 PROMOTIONAL EXPENSES.**

To promote tourism of the state, the director may expend money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. Policies on promotional expenses must be approved by the Explore Minnesota Tourism Council and the commissioner of administration. A policy for expenditures on food, lodging, and travel must be approved by the commissioner of finance. No money may be expended for the appearance in radio or television broadcasts by an elected public official.

**History:** 2004 c 171 s 11; 2008 c 204 s 42

### **116U.40 SPECIFIC AGREEMENTS PROHIBITED.**

The director may not enter into an agreement which would obligate the state to pay any part of a debt incurred by a public or private facility, organization, or attraction.

**History:** 2004 c 171 s 12

### **116U.45 SALE OF PUBLICATIONS AND PROMOTIONAL MATERIALS; FEES; ADVERTISING.**

(a) The director may sell reports, publications, or related publicity or promotional material of the office as the director determines.

(b) Fees for reports, publications, or related publicity or promotional material are not subject to section 14.386 or to the rulemaking requirements of chapter 14 in general and are not subject to section 16A.1283 or 16A.1285. The fees prescribed by the director must be commensurate with the distribution objective of the office for the material produced or with the cost of furnishing the services.

(c) Office publications may contain advertising and may receive advertising revenue from profit and nonprofit organizations, associations, individuals and corporations, and other

state, federal, or local government agencies. The director shall set advertising rates and fees commensurate with services rendered and distribution objectives.

Revenue under this section is governed by section 116U.50.

**History:** 2004 c 171 s 13

#### **116U.50 REVENUE.**

All revenue received by the office must be deposited in a special revenue account and is appropriated to the director for the purposes of this chapter. The money does not cancel and is available until expended.

**History:** 2004 c 171 s 14

#### **116U.55 GIFTS, GRANTS, AND ENDOWMENTS.**

The office may accept gifts of money, property, or services, may apply for and accept grants from the United States, the state, a subdivision of the state, or a person for any of its purposes; may enter into an agreement required in connection with it; and may hold, use, and dispose of the money, property, or services in accordance with the terms of the gift, grant, or agreement relating to it. The office may also make grants, gifts, and bequests of money, property, or services and enter into contracts to carry out the same. The gift acceptance procedures of sections 16A.013 to 16A.016 do not apply to this section.

**History:** 2004 c 171 s 15

#### **116U.65 TRANSITION.**

(a) Effective July 1, 2004, all Office of Tourism duties of the Department of Employment and Economic Development are transferred to Explore Minnesota Tourism under Minnesota Statutes, section 15.039.

(b) The Department of Employment and Economic Development shall provide research; communications; administration, including fiscal, technology, and human resources assistance; and legislative services to Explore Minnesota Tourism through June 30, 2005. Effective July 1, 2005, one full-time equivalent position for communications and one for research is permanently transferred from the Department of Employment and Economic Development to Explore Minnesota Tourism.

(c) Funding for the services in paragraph (b), rent, and salaries shall be added to Explore Minnesota Tourism's base budget for the biennium ending June 30, 2007, and the base budget for the Department of Employment and Economic Development is reduced by that amount.

**History:** 2004 c 171 s 16