

Chapter 70

(House Bill 1487)

AN ACT concerning

Maryland Entertainment Council – Alterations

FOR the purpose of reestablishing the Maryland Entertainment Council to be the Maryland Entertainment Industry Council within the Department of Commerce to study and make recommendations regarding Maryland’s film, television, and entertainment industry; and generally relating to the Maryland Entertainment Council.

BY repealing

Chapter 434 of the Acts of the General Assembly of 2023
Section 2

BY repealing and reenacting, with amendments,

Chapter 434 of the Acts of the General Assembly of 2023
Section 5

BY adding to

Article – Economic Development

Section 4–401 through 4–408 to be under the new subtitle “Subtitle 4. Maryland
Entertainment Industry Council”

Annotated Code of Maryland

(2018 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Chapter 434 of the Acts of 2023

[SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Maryland Entertainment Council.

(b) (1) Subject to paragraph (2) of this subsection, the Council consists of:

(i) one member of the Senate of Maryland, appointed by the
President of the Senate;

(ii) one member of the House of Delegates, appointed by the Speaker
of the House;

(iii) the Governor's appointed Senior Advisor on Film, Television, and Entertainment; and

(iv) the following members, appointed by the Governor:

1. one expert in the business of the film, television, and entertainment industry, such as an executive, producer, studio representative, or an individual holding a leadership role within the industry;

2. one expert in workforce development or higher education related to the film, television, and entertainment industry;

3. one expert in emerging technologies or specialties of the film, television, and entertainment industry, such as an expert in gaming, artificial intelligence, visual effects, animation, post-production, or another related specialty;

4. one expert in legal or policy fields specific to the film, television, and entertainment industry;

5. one representative of the independent film and television community;

6. one representative of nongovernmental entities or philanthropic institutions that support film, television, or entertainment directly or creative economies more broadly; and

7. one representative of organized labor in the entertainment industry.

(2) The Governor may appoint up to three additional individuals as honorary cochair of the Council who are:

(i) individuals with extraordinary cultural capital and commanding significant influence within the film, television, and entertainment industry;

(ii) business leaders commanding a significant stake within the film, television, and entertainment industry; or

(iii) individuals who have defined the current cultural brand of the film, television, and entertainment industry within the State.

(3) An individual appointed as an honorary cochair of the Council shall be a nonvoting member of the Council whose responsibilities shall be limited to the promotion and business development of Maryland's film, television, and entertainment industry.

- (c) The Senior Advisor on Film, Television, and Entertainment shall chair the Council.
- (d) The Department of Commerce shall provide staff for the Council.
- (e) A member of the Council:
 - (1) may not receive compensation as a member of the Council; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (f) The Council shall:
 - (1) assess Maryland's existing assets, opportunities, and competitive position within the film, television, and entertainment industry;
 - (2) study:
 - (i) Maryland's State, local, and private assets that currently support Maryland's film, television, and entertainment industry, including key infrastructure, existing workforce, workforce pipelines, scenic profile, emerging specialties, and independent creative communities;
 - (ii) existing State programs, agencies, offices, grant programs, and commissions across State agencies that support the film, television, and entertainment industry;
 - (iii) models, competitive profiles, methods, and legislation that states have utilized to incentivize necessary infrastructure and workforce to support the film, television, and entertainment industry;
 - (iv) industry needs, disruptive trends, and emerging technologies within the film, television, and entertainment industry; and
 - (v) complementary industries, aligned businesses, and potential corporate, philanthropic, and other partners for the film, television, and entertainment industry; and
 - (3) make recommendations on the development of a coordinated, comprehensive strategic plan to position Maryland as an emerging leader in the film, television, and entertainment industry.
- (g) On or before December 1, 2023, the Council shall submit a preliminary report to the Governor, the Secretary of Commerce, and, in accordance with § 2-1257 of the State Government Article, the General Assembly that includes:

(1) an assessment of Maryland’s existing infrastructure, creative profile, and core structural advantages that the State is uniquely positioned to leverage;

(2) recommendations on how to best utilize existing State offices, commissions, and programs to advance Maryland’s film, television, and entertainment industry and what, if any, additional investments should be made to support these State functions;

(3) a clear definition of Maryland’s creative and competitive profile; and

(4) recommendations to measure the economic impact of additional investment in the film, television, and entertainment industry.

(h) On or before September 1, 2024, the Council shall submit its final report to the Governor, the Secretary of Commerce, and, in accordance with § 2–1257 of the State Government Article, the General Assembly on:

(1) the matters included in the Council’s preliminary report;

(2) recommendations regarding the expansion of eligibility for film production incentives, including with respect to live to tape events, and the potential economic impact from that expansion;

(3) recommendations to strengthen the structure and funding of the State’s existing film and theatrical production incentives to ensure a greater return on investment on Maryland’s investment in the film, television, and entertainment industry;

(4) recommendations for additional State investment to bolster identified specialties and high–leverage growth opportunities in the film, television, and entertainment industry;

(5) recommendations to support and grow Maryland’s independent creative community and incentivize export promotions of Maryland–based talent;

(6) methods to bolster film–, television–, and entertainment–related business development and identify potential industry partnerships;

(7) methods to sustainably grow the film, television, and entertainment workforce and identify potential workforce development and higher education partners; and

(8) other recommendations, as appropriate, to support and grow the economic impact of Maryland’s film, television, and entertainment industry.】

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023. [Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.]

Article – Economic Development

SUBTITLE 4. MARYLAND ENTERTAINMENT INDUSTRY COUNCIL.

4-401.

IN THIS SUBTITLE, “COUNCIL” MEANS THE MARYLAND ENTERTAINMENT INDUSTRY COUNCIL.

4-402.

THERE IS A MARYLAND ENTERTAINMENT INDUSTRY COUNCIL IN THE DEPARTMENT.

4-403.

(A) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE GOVERNOR’S APPOINTED SENIOR ADVISOR ON FILM, TELEVISION, AND ENTERTAINMENT;

(4) THE SECRETARY OF COMMERCE, OR THE SECRETARY’S DESIGNEE;

(5) THE SECRETARY OF LABOR, OR THE SECRETARY’S DESIGNEE;

(6) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY’S DESIGNEE; AND

(7) THE FOLLOWING 19 MEMBERS APPOINTED BY THE GOVERNOR, IN CONSULTATION WITH THE SECRETARY:

(I) ONE EXPERT IN THE BUSINESS OF THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY, SUCH AS AN EXECUTIVE, A PRODUCER, A STUDIO REPRESENTATIVE, OR AN INDIVIDUAL HOLDING A LEADERSHIP ROLE WITHIN THE INDUSTRY;

(II) ONE EXPERT IN WORKFORCE DEVELOPMENT OR HIGHER EDUCATION RELATED TO THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY;

(III) ONE EXPERT IN EMERGING TECHNOLOGIES OR SPECIALTIES OF THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY, SUCH AS AN EXPERT IN GAMING, ARTIFICIAL INTELLIGENCE, VISUAL EFFECTS, ANIMATION, POSTPRODUCTION, OR ANOTHER RELATED SPECIALTY;

(IV) ONE EXPERT IN LEGAL OR POLICY FIELDS SPECIFIC TO THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY;

(V) ONE REPRESENTATIVE OF THE INDEPENDENT FILM AND TELEVISION COMMUNITY;

(VI) ONE REPRESENTATIVE OF NONGOVERNMENTAL ENTITIES OR PHILANTHROPIC INSTITUTIONS THAT SUPPORT FILM, TELEVISION, OR ENTERTAINMENT DIRECTLY OR CREATIVE ECONOMIES MORE BROADLY;

(VII) ONE REPRESENTATIVE OF ORGANIZED LABOR IN THE ENTERTAINMENT INDUSTRY; AND

(VIII) 12 INDIVIDUALS WHO HAVE GENERAL EXPERIENCE IN THE FILM, TELEVISION, OR ENTERTAINMENT INDUSTRIES.

(B) (1) THE GOVERNOR MAY APPOINT UP TO THREE ADDITIONAL INDIVIDUALS AS HONORARY COCHAIRS OF THE COUNCIL WHO ARE:

(I) INDIVIDUALS WITH EXTRAORDINARY CULTURAL CAPITAL AND COMMANDING SIGNIFICANT INFLUENCE WITHIN THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY;

(II) BUSINESS LEADERS COMMANDING A SIGNIFICANT STAKE WITHIN THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY; OR

(III) INDIVIDUALS WHO HAVE DEFINED THE CURRENT CULTURAL BRAND OF THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY WITHIN THE STATE.

(2) AN INDIVIDUAL APPOINTED AS AN HONORARY COCHAIR OF THE COUNCIL SHALL BE A NONVOTING MEMBER OF THE COUNCIL WHOSE RESPONSIBILITIES SHALL BE LIMITED TO THE PROMOTION AND BUSINESS DEVELOPMENT OF MARYLAND'S FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY.

(C) (1) (I) THE TERM OF A MEMBER UNDER SUBSECTION (A)(7) OF THIS SECTION IS 2 YEARS AND BEGINS ON JULY 1.

(II) A MEMBER OF THE GENERAL ASSEMBLY APPOINTED TO THE COUNCIL SERVES UNTIL A SUCCESSOR IS APPOINTED.

(2) (I) THIS PARAGRAPH APPLIES ONLY TO A MEMBER APPOINTED UNDER SUBSECTION (A)(7) OF THIS SECTION.

(II) A MEMBER MAY BE REAPPOINTED, BUT AFTER SERVING FOR THREE CONSECUTIVE 2-YEAR TERMS, A MEMBER MAY NOT BE REAPPOINTED UNTIL AT LEAST 1 YEAR AFTER THE END OF THE MEMBER'S PREVIOUS TENURE.

(III) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2024.

(IV) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIES.

(V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) IN APPOINTING MEMBERS, THE GOVERNOR SHALL PROVIDE, TO THE EXTENT PRACTICABLE, BALANCED GEOGRAPHIC REPRESENTATION.

4-404.

THE SENIOR ADVISOR ON FILM, TELEVISION, AND ENTERTAINMENT SHALL CHAIR THE COUNCIL.

4-405.

A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

4-406.

(A) THE COUNCIL SHALL:

(1) ASSESS MARYLAND’S EXISTING ASSETS, OPPORTUNITIES, AND COMPETITIVE POSITION WITHIN THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY;

(2) STUDY:

(I) MARYLAND’S STATE, LOCAL, AND PRIVATE ASSETS THAT CURRENTLY SUPPORT MARYLAND’S FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY, INCLUDING KEY INFRASTRUCTURE, EXISTING WORKFORCE, WORKFORCE PIPELINES, SCENIC PROFILE, EMERGING SPECIALTIES, AND INDEPENDENT CREATIVE COMMUNITIES;

(II) EXISTING STATE PROGRAMS, AGENCIES, OFFICES, GRANT PROGRAMS, AND COMMISSIONS ACROSS STATE AGENCIES THAT SUPPORT THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY;

(III) MODELS, COMPETITIVE PROFILES, METHODS, AND LEGISLATION THAT STATES HAVE UTILIZED TO INCENTIVIZE NECESSARY INFRASTRUCTURE AND WORKFORCE TO SUPPORT THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY;

(IV) INDUSTRY NEEDS, DISRUPTIVE TRENDS, AND EMERGING TECHNOLOGIES WITHIN THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY; AND

(V) COMPLEMENTARY INDUSTRIES, ALIGNED BUSINESSES, AND POTENTIAL CORPORATE, PHILANTHROPIC, AND OTHER PARTNERS FOR THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY; AND

(3) MAKE RECOMMENDATIONS ON THE DEVELOPMENT OF A COORDINATED, COMPREHENSIVE STRATEGIC PLAN TO POSITION MARYLAND AS AN EMERGING LEADER IN THE FILM, TELEVISION, AND ENTERTAINMENT INDUSTRY.

(B) THE COUNCIL MAY:

(1) ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE;

- (2) ENTER INTO CONTRACTS AND AGREEMENTS;
 - (3) OBTAIN SERVICES;
 - (4) ASK ANY OTHER UNIT OF THE STATE FOR ASSISTANCE AND DATA THAT ENABLE THE COUNCIL TO CARRY OUT ITS POWERS AND DUTIES;
 - (5) ACCEPT FEDERAL MONEY FOR ANY PURPOSE OF THIS SUBTITLE;
- AND
- (6) ACCEPT GIFTS, DONATIONS, OR BEQUESTS FOR ANY PURPOSE OF THIS SUBTITLE.

4-407.

STAFF FOR THE COUNCIL SHALL BE PROVIDED BY:

- (1) THE DEPARTMENT; AND
- (2) ANY OTHER STATE AGENCY DESIGNATED BY THE GOVERNOR.

4-408.

THE COUNCIL:

- (1) ~~SHALL PUBLISH AN ANNUAL REPORT ON OR BEFORE JANUARY 1, 2026, AND EACH JANUARY 1 THEREAFTER, SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY;~~ AND
- (2) MAY PUBLISH OTHER MATERIAL.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Maryland Entertainment Industry Council established under Section 1 of this Act be the successor of the Maryland Entertainment Council established by Section 2 of Chapter 434 of the Acts of the General Assembly of 2023.

(b) Subject to the limitations of § 4-403(c) and (d) of the Economic Development Article, as enacted by Section 1 of this Act, the Governor may appoint an individual who previously served on the Maryland Entertainment Council established by Section 2 of Chapter 434 of the Acts of the General Assembly of 2023 to serve on the Maryland Entertainment Industry Council established under Section 1 of this Act.

(c) The terms of the initial appointed members of the Maryland Entertainment Industry Council established by Section 1 of this Act shall expire as follows:

- (1) 10 members in 2025; and
- (2) 9 members in 2026.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2024, the Maryland Entertainment Industry Council established under Section 1 of this Act shall submit a report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on:

- (1) an assessment of Maryland’s existing infrastructure, creative profile, and core structural advantages that the State is uniquely positioned to leverage;
- (2) recommendations on how to best utilize existing State offices, commissions, and programs to advance Maryland’s film, television, and entertainment industry and what, if any, additional investments should be made to support these State functions;
- (3) a clear definition of Maryland’s creative and competitive profile;
- (4) recommendations to measure the economic impact of additional investment in the film, television, and entertainment industry;
- (5) recommendations regarding the expansion of eligibility for film production incentives, including with respect to live to tape events, and the potential economic impact from that expansion;
- (6) recommendations to strengthen the structure and funding of the State’s existing film and theatrical production incentives to ensure a greater return on investment on Maryland’s investment in the film, television, and entertainment industry;
- (7) recommendations for additional State investment to bolster identified specialties and high-leverage growth opportunities in the film, television, and entertainment industry;
- (8) recommendations to support and grow Maryland’s independent creative community and incentivize export promotions of Maryland-based talent;
- (9) methods to bolster film-, television-, and entertainment-related business development and identify potential industry partnerships;

(10) methods to sustainably grow the film, television, and entertainment workforce and identify potential workforce development and higher education partners; and

(11) other recommendations, as appropriate, to support and grow the economic impact of Maryland's film, television, and entertainment industry.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, April 9, 2024.