

SUBSTITUTE FOR  
HOUSE BILL NO. 5255  
(As amended December 10, 2003)

A bill to amend 1995 PA 24, entitled  
"Michigan economic growth authority act,"  
by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804,  
207.805, 207.806, 207.808, and 207.810), section 3 as amended by  
2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and  
by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 3. As used in this act:  
      [(a) "Affiliated business" means a business that is 100% owned and  
      controlled by an associated business.  
      (b) "Associated business" means a business which owns at least 50%  
      of and controls, directly or indirectly, an authorized business.  
2       (c)] "Authorized business" means [~~an eligible business with~~  
3 ~~which the authority has entered into a written agreement for a~~  
4 ~~tax credit under section 9.~~ 1 of the following:  
      (i) A single eligible business with a unique federal employer  
      identification number which has met the requirements of section 8 and  
      with which the authority has entered into a written agreement for a tax  
      credit under section 9.  
      (ii) A single eligible business with a unique federal employer  
      identification number which has met the requirements of section 8, except  
      as provided in this subparagraph, and with which the authority has  
      entered into a written agreement for a tax credit under section 9. An  
      eligible business is not required to create qualified new jobs or  
      maintain retained jobs if qualified new jobs are created or retained jobs  
      are maintained by an associated or affiliated business.  
5       (d)] "Authority" means the Michigan economic growth authority  
6 created under section 4.  
      [(e) "Business" means proprietorship, joint venture, partnership,  
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limited liability partnership, trust, business trust, syndicate,  
association, joint stock company, corporation, cooperative, limited  
liability company, or any other organization.

7 (f)] "Distressed business" means a business that meets all of

8 the following as verified by the department of treasury:

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1           (i) Four years immediately preceding the application to the  
2 authority under this act, the business had 150 or more full-time  
3 jobs [in this state.]

4           (ii) Within the immediately preceding 4 years, there has been  
5 a reduction of not less than 30% of the number of full-time jobs  
6 [in this state] during any consecutive 2-year period. The  
7 highest number of full-time jobs within the consecutive 2-year  
8 period shall be used in order to determine the percentage  
9 reduction of full-time jobs in this subparagraph.

10           (iii) Is not a seasonal employer as defined in section 27 of  
11 the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL  
12 421.27.

13           [(g)] ~~-(e)-~~ "Eligible business" means a **distressed business** or  
14 business that proposes to maintain retained jobs after December  
15 31, 1999 or to create qualified new jobs in this state after  
16 April 18, 1995 in manufacturing, mining, research and  
17 development, wholesale and trade, or office operations or a  
18 business that is a qualified high-technology business. An  
19 eligible business does not include retail establishments,  
20 professional sports stadiums, or that portion of an eligible  
21 business used exclusively for retail sales. Professional sports  
22 stadium does not include a sports stadium in existence on June 6,  
23 2000 that is not used by a professional sports team on the date  
24 that an application related to that professional sports stadium  
25 is filed under section 8.

26           [(h)] ~~-(d)-~~ "Facility" means a site within this state in which  
27 an authorized business maintains retained jobs or creates

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1 qualified new jobs. A facility does not include a site that was  
2 a vaccine laboratory owned by this state on April 1, 1995.

3 **[(i)]** ~~-(e)-~~ "Full-time job" means a job performed by an  
4 individual who is employed by an authorized business **or an**  
5 **employee leasing company or professional employer organization on**  
6 **behalf of the authorized business** for consideration for 35 hours  
7 or more each week and for which the authorized business **or an**  
8 **employee leasing company or professional employer organization on**  
9 **behalf of the authorized business** withholds income and social  
10 security taxes.

11 **[(j)]** ~~-(f)-~~ "Local governmental unit" means a county, city,  
12 village, or township in this state.

13 **[(k)]** ~~-(g)-~~ "High-technology activity" means 1 or more of the  
14 following:

15 (i) Advanced computing, which is any technology used in the  
16 design and development of any of the following:

17 (A) Computer hardware and software.

18 (B) Data communications.

19 (C) Information technologies.

20 (ii) Advanced materials, which are materials with engineered  
21 properties created through the development of specialized process  
22 and synthesis technology.

23 (iii) Biotechnology, which is any technology that uses living  
24 organisms, cells, macromolecules, microorganisms, or substances  
25 from living organisms to make or modify a product, improve plants  
26 or animals, or develop microorganisms for useful purposes.  
27 Biotechnology does not include human cloning as defined in

1 section 16274 of the public health code, 1978 PA 368,  
2 MCL 333.16274, or stem cell research with embryonic tissue.

3 (iv) Electronic device technology, which is any technology  
4 that involves microelectronics, semiconductors, electronic  
5 equipment, and instrumentation, radio frequency, microwave, and  
6 millimeter electronics, and optical and optic-electrical devices,  
7 or data and digital communications and imaging devices.

8 (v) Engineering or laboratory testing related to the  
9 development of a product.

10 (vi) Technology that assists in the assessment or prevention  
11 of threats or damage to human health or the environment,  
12 including, but not limited to, environmental cleanup technology,  
13 pollution prevention technology, or development of alternative  
14 energy sources.

15 (vii) Medical device technology, which is any technology that  
16 involves medical equipment or products other than a  
17 pharmaceutical product that has therapeutic or diagnostic value  
18 and is regulated.

19 (viii) Product research and development.

20 (ix) Advanced vehicles technology that is any technology that  
21 involves electric vehicles, hybrid vehicles, or alternative fuel  
22 vehicles, or components used in the construction of electric  
23 vehicles, hybrid vehicles, or alternative fuel vehicles. For  
24 purposes of this act:

25 (A) "Electric vehicle" means a road vehicle that draws  
26 propulsion energy only from an on-board source of electrical  
27 energy.

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1 (B) "Hybrid vehicle" means a road vehicle that can draw  
2 propulsion energy from both a consumable fuel and a rechargeable  
3 energy storage system.

4 ~~[(l)]~~ ~~-(h)-~~ "New capital investment" means 1 or more of the  
5 following:

6 ~~[(x) Tool and die manufacturing.]~~

7 (i) New construction. As used in this subparagraph:

8 (A) "New construction" means property not in existence on the  
9 date the authorized business enters into a written agreement with  
10 the authority and not replacement construction. New construction  
11 includes the physical addition of equipment or furnishings,  
12 subject to section 27(2)(a) to (o) of the general property tax  
13 act, 1893 PA 206, MCL 211.27.

14 (B) "Replacement construction" means that term as defined in  
15 section 34d(1)(b)(v) of the general property tax act, 1893  
16 PA 206, MCL 211.34d.

17 (ii) The purchase of new personal property. As used in this  
18 subparagraph, "new personal property" means personal property  
19 that is not subject to or that is exempt from the collection of  
20 taxes under the general property tax act, 1893 PA 206, MCL 211.1  
21 to 211.157, on the date the authorized business enters into a  
22 written agreement with the authority.

23 ~~[(m)]~~ ~~-(i)-~~ "Qualified high-technology business" means a  
24 business that is ~~both~~ **either** of the following:

25 (i) A business with not less than 25% of the total operating  
26 expenses of the business used for research and development in the  
27 tax year in which the business files an application under this  
act as determined under generally accepted accounting principles

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1 and verified by the authority.

2 (ii) A business whose primary business activity is  
3 high-technology activity.

4 **[(n)]** ~~-(j)-~~ "Qualified new job" means ~~either~~ 1 of the  
5 following:

6 (i) A full-time job created by an authorized business at a  
7 facility that is in excess of the number of full-time jobs the  
8 authorized business maintained in this state prior to the  
9 Expansion or location, as determined by the authority.

10 (ii) For jobs created after July 1, 2000, a full-time job at  
11 a facility created by an eligible business that is in excess of  
12 the number of full-time jobs maintained by that eligible business  
13 in this state 120 days before the eligible business became an  
14 authorized business, as determined by the authority.

15 **(iii) For a distressed business, a full-time job at a**  
16 **facility that is in excess of the number of full-time jobs**  
17 **maintained by that eligible business in this state on the date**  
18 **the eligible business became an authorized business.**

19 **[(o)]** ~~-(k)-~~ "Retained jobs" means the number of full-time jobs  
20 at a facility of an authorized business maintained in this state  
21 on a specific date as that date and number of jobs is determined  
22 by the authority.

**[(p) "Rural business" means an eligible business located in a county  
with a population of 75,000 or less.**

23 **[(q)]** ~~-(l)-~~ "Written agreement" means a written agreement made  
24 pursuant to section 8.

25 Sec. 4. (1) The Michigan economic growth authority is  
26 created within the Michigan ~~jobs commission~~ **strategic fund**.

27 The Michigan ~~jobs commission~~ **strategic fund** shall provide staff

1 for the authority and shall carry out the administrative duties  
2 and functions as directed by the authority. The budgeting,  
3 procurement, and related functions as directed by the authority  
4 are under the supervision of the ~~director~~ **president** of the  
5 Michigan ~~jobs commission~~ **strategic fund**.

6 (2) The authority consists of the following ~~8~~ **10** members:

7 (a) The director of the ~~Michigan jobs commission~~ **department**  
8 **of labor and economic growth**, or his or her designee, as  
9 chairperson of the authority.

10 (b) The state treasurer or his or her designee.

11 (c) The ~~director of the department of management and budget~~  
12 **chief executive officer of the Michigan economic development**  
13 **corporation**, or his or her designee.

14 (d) The director of the state transportation department, or  
15 his or her designee.

16 (e) ~~Four~~ **Six** other members appointed by the governor **by and**  
17 **with the advice and consent of the senate** who are not employed by  
18 this state and who have knowledge, skill, and experience in the  
19 academic, business, local government, labor, or financial  
20 fields. **However, the members appointed by the governor who are**  
21 **nominees of the majority leader of the senate or speaker of the**  
22 **house of representatives are not subject to advice and consent of**  
23 **the senate. Of the members appointed by the governor under this**  
24 **subsection, 1 shall be appointed from 1 or more nominees of the**  
25 **majority leader of the senate and 1 shall be appointed from 1 or**  
26 **more nominees of the speaker of the house of representatives.**

27 (3) A member shall be appointed for a term of 4 years, except



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1 that of the members first appointed by the governor, ~~2~~ 3 shall  
2 be appointed for a term of 2 years and ~~2~~ 3 for a term of 4  
3 years from the dates of their appointments. A vacancy shall be  
4 filled for the balance of the unexpired term in the same manner  
5 as an original appointment **by the governor and, except as**  
6 **otherwise provided in this section, by and with the advice and**  
7 **consent of the senate.**

8 (4) Except as otherwise provided by law, a member of the  
9 authority shall not receive compensation for services, but the  
10 authority may reimburse each member for expenses necessarily  
11 incurred in the performance of his or her duties.

12 (5) **The member appointed by the governor who is the nominee**  
13 **of the majority leader of the senate and the member appointed by**  
14 **the governor who is the nominee of the speaker of the house of**  
15 **representatives shall both serve on the executive committee that**  
16 **reviews applications under this act.**

**[(6) The member appointed by the governor who is a nominee of the**  
**majority leader of the senate and the member appointed by the governor**  
**who is the nominee of the speaker of the house of representatives shall**  
**both serve on the executive committee that reviews applications under**  
**this act.]**

17 Sec. 5. (1) The powers of the authority are vested in the  
18 authority members in office. Regardless of the existence of a  
19 vacancy, a majority of the members of the authority constitutes a  
20 quorum necessary for the transaction of business at a meeting or  
21 the exercise of a power or function of the authority. Action may  
22 be taken by the authority at a meeting upon a vote of the  
23 majority of the members present.

24 (2) The authority shall meet at the call of the chairperson  
25 or as may be provided by the authority. Meetings of the  
26 authority may be held anywhere within this state.

27 (3) The business of the authority shall be conducted at a

1 public meeting of the authority held in compliance with the open  
2 meetings act, ~~Act No. 267 of the Public Acts of 1976, being~~  
3 ~~sections 15.261 to 15.275 of the Michigan Compiled Laws~~ **1976 PA**  
4 **267, MCL 15.261 to 15.275.** Public notice of the time, date, and  
5 place of the meeting shall be given as provided by ~~Act No. 267~~  
6 ~~of the Public Acts of 1976~~ **the open meetings act, 1976 PA 267,**  
7 **MCL 15.261 to 15.275.** A record or portion of a record, material,  
8 or other data received, prepared, used, or retained by the  
9 authority in connection with an application for a tax credit  
10 under section 9 that relates to financial or proprietary  
11 information submitted by the applicant that is considered by the  
12 applicant and acknowledged by the authority as confidential shall  
13 not be subject to the disclosure requirements of the freedom of  
14 information act, ~~Act No. 442 of the Public Acts of 1976, being~~  
15 ~~sections 15.231 to 15.246 of the Michigan Compiled Laws~~ **1976 PA**  
16 **442, MCL 15.231 to 15.246.** ~~The chairperson~~ **A designee** of the  
17 authority shall make the determination as to whether the  
18 authority acknowledges as confidential any financial or  
19 proprietary information submitted by the applicant and considered  
20 by the applicant as confidential. Unless considered proprietary  
21 information, the authority shall not acknowledge routine  
22 financial information as confidential. If the ~~chairperson~~  
23 **designee** of the authority determines that information submitted  
24 to the authority is financial or proprietary information and is  
25 confidential, the ~~chairperson~~ **designee of the authority** shall  
26 release a written statement, subject to disclosure under ~~Act~~  
27 ~~No. 440 of the Public Acts of 1976~~ **the freedom of information**

1 act, 1976 PA 442, MCL 15.231 to 15.246, which states all of the  
2 following:

3 (a) The name and business location of the person requesting  
4 that the information submitted be confidential as financial or  
5 proprietary information.

6 (b) That the information submitted was determined by the  
7 ~~chairperson~~ **designee** of the authority to be confidential as  
8 financial or proprietary information.

9 (c) A broad nonspecific overview of the financial or  
10 proprietary information determined to be confidential.

11 (4) The authority shall not disclose financial or proprietary  
12 information not subject to disclosure pursuant to subsection (3)  
13 without consent of the applicant submitting the information.

14 (5) As used in this section, "financial or proprietary  
15 information" means information that has not been publicly  
16 disseminated or is unavailable from other sources, the release of  
17 which might cause the applicant significant competitive harm.  
18 Financial or proprietary information does not include a written  
19 agreement under this act.

20 Sec. 6. The authority shall have powers necessary or  
21 convenient to carry out and effectuate the purpose of this act,  
22 including, but not limited to, the following:

23 (a) To authorize eligible businesses to receive tax credits  
24 to foster job creation in this state.

25 (b) To determine which businesses qualify for tax credits  
26 under this act.

27 (c) To determine the amount and duration of tax credits

1 authorized under this act.

2 (d) To issue certificates and enter into written agreements  
3 specifying the conditions under which tax credits are authorized  
4 and the circumstances under which those tax credits may be  
5 reduced or terminated.

6 (e) To charge and collect reasonable administrative fees.

7 (f) To delegate to the chairperson of the authority, staff,  
8 or others the functions and powers it considers necessary and  
9 appropriate to administer the programs under this act.

10 ~~(g) To promulgate rules pursuant to the administrative~~  
11 ~~procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328,~~  
12 ~~necessary to carry out the purposes of this act.~~

13 (g) ~~(h)~~ To assist an eligible business to obtain the  
14 benefits of a tax credit, incentive, or inducement program  
15 provided by this act or by law.

16 (h) ~~(i)~~ To determine the eligibility of and issue  
17 certificates to certain qualified taxpayers for credits allowed  
18 under section 38g(3) of the single business tax act, 1975 PA 228,  
19 MCL 208.38g, and to develop the application process and necessary  
20 forms to claim the credit under section 38g(3) of the single  
21 business tax act, 1975 PA 228, MCL 208.38g. The Michigan  
22 economic growth authority annually shall prepare and submit to  
23 the house of representatives and senate committees responsible  
24 for tax policy and economic development issues a report on the  
25 credits under section 38g(3) of the single business tax act, 1975  
26 PA 228, MCL 208.38g. The report shall include, but is not  
27 limited to, all of the following:

1           (i) A listing of the projects under section 38g(3) of the  
2 single business tax act, 1975 PA 228, MCL 208.38g, that were  
3 approved in the previous calendar year.

4           (ii) The total amount of eligible investment approved under  
5 section 38g(3) of the single business tax act, 1975 PA 228, MCL  
6 208.38g, in the previous calendar year.

7           (i) ~~-(j)-~~ To approve the capture of school operating taxes  
8 and work plans as provided in sections 13 and 15 of the  
9 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2663  
10 and 125.2665.

11           (j) ~~-(k)-~~ To approve relocation of public buildings or  
12 operations for economic development purposes under the brownfield  
13 redevelopment financing act, **1996 PA 381, MCL 125.2651 to**  
14 **125.2672.**

15           Sec. 8. (1) After receipt of an application, the authority  
16 may enter into an agreement with an eligible business for a tax  
17 credit under section 9 if the authority determines that all of  
18 the following are met:

19           (a) Except as provided in subsection (5), the eligible  
20 business creates 1 or more of the following within 12 months of  
21 the expansion or location as determined by the authority:

22           (i) A minimum of 75 qualified new jobs at the facility if  
23 expanding in this state.

24           (ii) A minimum of 150 qualified new jobs at the facility if  
25 locating in this state.

26           (iii) A minimum of 25 qualified new jobs at the facility if  
27 the facility is located in a neighborhood enterprise zone as

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1 determined under the neighborhood enterprise zone act, 1992  
2 PA 147, MCL 207.771 to 207.787, is located in a renaissance zone  
3 under the Michigan renaissance zone act, 1996 PA 376,  
4 MCL 125.2681 to 125.2696, or is located in a federally designated  
5 empowerment zone, rural enterprise community, or enterprise  
6 community.

7 (iv) A minimum of 5 qualified new jobs at the facility if the  
8 eligible business is a qualified high-technology business.

**[(v) A minimum of 5 qualified new jobs at the facility if the  
eligible business is a rural business.]**

9 (b) Except as provided in subsection (5), the eligible  
10 business agrees to maintain 1 or more of the following for each  
11 year that a credit is authorized under this act:

12 (i) A minimum of 75 qualified new jobs at the facility if  
13 expanding in this state.

14 (ii) A minimum of 150 qualified new jobs at the facility if  
15 locating in this state.

16 (iii) A minimum of 25 qualified new jobs at the facility if  
17 the facility is located in a neighborhood enterprise zone as  
18 determined under the neighborhood enterprise zone act, 1992  
19 PA 147, MCL 207.771 to 207.787, is located in a renaissance zone  
20 under the Michigan renaissance zone act, 1996 PA 376,  
21 MCL 125.2681 to 125.2696, or is located in a federally designated  
22 empowerment zone, rural enterprise community, or enterprise  
23 community.

24 (iv) If the eligible business is a qualified high-technology  
25 business, all of the following apply:

26 (A) A minimum of 5 qualified new jobs at the facility.

27 (B) A minimum of 25 qualified new jobs at the facility within

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1 5 years after the date of the expansion or location as determined  
2 by the authority and a minimum of 25 qualified new jobs at the  
3 facility each year thereafter for which a credit is authorized  
4 under this act.

**[(v) If the eligible business is a rural business, all of the following apply:**

**(A) A minimum of 5 qualified new jobs at the facility.**

**(B) A minimum of 25 qualified new jobs at the facility within 5 years after the date of the expansion or location as determined by the authority.]**

5 (c) Except as provided in subsection (5), in addition to the  
6 jobs specified in subdivision (b), the eligible business, if  
7 already located within this state, agrees to maintain a number of  
8 full-time jobs equal to or greater than the number of full-time  
9 jobs it maintained in this state prior to the expansion, as  
10 determined by the authority.

11 (d) Except as otherwise provided in this subdivision, the  
12 average wage paid for all retained jobs and qualified new jobs is  
13 equal to or greater than 150% of the federal minimum wage.  
14 However, if the eligible business is a qualified high-technology  
15 business, then the average wage paid for all qualified new jobs  
16 is equal to or greater than 400% of the federal minimum wage.

17 (e) Except for a qualified high-technology business, the  
18 expansion, retention, or location of the eligible business will  
19 not occur in this state without the tax credits offered under  
20 this act.

21 (f) The local governmental unit in which the eligible  
22 business will expand, be located, or maintain retained jobs, or a  
23 local economic development corporation or similar entity, will  
24 make a staff, financial, or economic commitment to the eligible  
25 business for the expansion, retention, or location.

26 (g) The financial statements of the eligible business  
27 indicated that it is financially sound and that its plans for the

1 expansion, retention, or location are economically sound.

2 (h) ~~The~~ **Except as provided in subsection (5)(c), the**  
3 eligible business has not begun construction of the facility.

4 (i) The expansion, retention, or location of the eligible  
5 business will benefit the people of this state by increasing  
6 opportunities for employment and by strengthening the economy of  
7 this state.

8 (j) The tax credits offered under this act are an incentive  
9 to expand, retain, or locate the eligible business in Michigan  
10 and address the competitive disadvantages with sites outside this  
11 state.

12 (k) A cost/benefit analysis reveals that authorizing the  
13 eligible business to receive tax credits under this act will  
14 result in an overall positive fiscal impact to the state.

15 (l) If feasible, as determined by the authority, in locating  
16 the facility, the authorized business reuses or redevelops  
17 property that was previously used for an industrial or commercial  
18 purpose.

19 (m) If the eligible business is a qualified high-technology  
20 business, the eligible business agrees that not less than 25% of  
21 the total operating expenses of the business will be maintained  
22 for research and development for the first 3 years of the written  
23 agreement.

24 (2) If the authority determines that the requirements of  
25 subsection (1) or (5) have been met, the authority shall  
26 determine the amount and duration of tax credits to be authorized  
27 under section 9, and shall enter into a written agreement as



1 provided in this section. The duration of the tax credits shall  
2 not exceed 20 years **or for an authorized business that is a**  
3 **distressed business, 3 years.** In determining the amount and  
4 duration of tax credits authorized, the authority shall consider  
5 the following factors:

6 (a) The number of qualified new jobs to be created or  
7 retained jobs to be maintained.

8 (b) The average wage level of the qualified new jobs or  
9 retained jobs relative to the average wage paid by private  
10 entities in the county in which the facility is located.

11 (c) The total capital investment or new capital investment  
12 the eligible business will make.

13 (d) The cost differential to the business between expanding,  
14 locating, or retaining new jobs in Michigan and a site outside of  
15 Michigan.

16 (e) The potential impact of the expansion, retention, or  
17 location on the economy of Michigan.

18 (f) The cost of the credit under section 9, the staff,  
19 financial, or economic assistance provided by the local  
20 government unit, or local economic development corporation or  
21 similar entity, and the value of assistance otherwise provided by  
22 this state.

23 (3) A written agreement between an eligible business and the  
24 authority shall include, but need not be limited to, all of the  
25 following:

26 (a) A description of the business expansion, retention, or  
27 location that is the subject of the agreement.

1 (b) Conditions upon which the authorized business designation  
2 is made.

3 (c) A statement by the eligible business that a violation of  
4 the written agreement may result in the revocation of the  
5 designation as an authorized business and the loss or reduction  
6 of future credits under section 9.

7 (d) A statement by the eligible business that a  
8 misrepresentation in the application may result in the revocation  
9 of the designation as an authorized business and the refund of  
10 credits received under section 9.

11 (e) A method for measuring full-time jobs before and after an  
12 expansion, retention, or location of an authorized business in  
13 this state.

14 (f) A written certification from the eligible business  
15 regarding all of the following:

16 (i) The eligible business will follow a competitive bid  
17 process for the construction, rehabilitation, development, or  
18 renovation of the facility, and that this process will be open to  
19 all Michigan residents and firms. The eligible business may not  
20 discriminate against any contractor on the basis of its  
21 affiliation or nonaffiliation with any collective bargaining  
22 organization.

23 (ii) The eligible business will make a good faith effort to  
24 employ, if qualified, Michigan residents at the facility.

25 (iii) The eligible business will make a good faith effort to  
26 employ or contract with Michigan residents and firms to  
27 construct, rehabilitate, develop, or renovate the facility.

1           (iv) The eligible business will make a good faith effort to  
2 utilize Michigan-based suppliers and vendors when purchasing  
3 goods and services.

4           ~~(g) If the authority determines that it is necessary to  
5 provide infrastructure assistance for the location or expansion  
6 of an eligible business within an international tradeport  
7 development zone under the international tradeport development  
8 authority act, 1994 PA 325, MCL 125.2521 to 125.2546, a statement  
9 that if the authorized business locates or expands within that  
10 international tradeport development zone, that all or a portion  
11 of the tax credit received each year by the authorized business,  
12 as determined by the authority, shall be assigned by the  
13 authorized business to the international tradeport development  
14 authority for infrastructure improvements within the  
15 international tradeport development zone under the international  
16 tradeport development authority act, 1994 PA 325, MCL 125.2521 to  
17 125.2546.~~

18           (4) Upon execution of a written agreement as provided in this  
19 section, an eligible business is an authorized business.

20           (5) After receipt of an application, the authority may enter  
21 into a written agreement with an eligible business that meets  
22 ~~either~~ **1 or more** of the following criteria:

23           (a) Is located in this state on the date of the application,  
24 makes new capital investment of \$250,000,000.00 in this state,  
25 and maintains 500 retained jobs, as determined by the authority.

26           (b) **[Meets either of the following criteria:**

**(i)]** Relocates production of a product to this state after the  
27 date of the application, makes capital investment of

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1 \$500,000,000.00 in this state, and maintains 500 retained jobs,  
2 as determined by the authority.

**[(ii) Makes capital investment of \$100,000,000.00 in a time period beginning 3 years prior to and 2 years following becoming an authorized business and agrees to maintain at least 2,000 jobs at the facility without permanent reduction in full-time employment except through attrition or retirement. The credit under this subparagraph can only be granted as part of a package of incentives that addresses international competition and includes a negotiated labor contribution.]**

3 (c) Is a distressed business.

4 (6) The authority shall not execute more than 25 new written  
5 agreements each year for eligible businesses that are not  
6 qualified high-technology businesses [**, distressed businesses, or rural businesses**].

7 If the authority executes less than 25 new written agreements in  
8 a year, the authority may carry forward for 1 year only the  
9 difference between 25 and the number of new agreements executed  
10 in the immediately preceding year.

11 (7) The authority shall not execute more than 50 new written  
12 agreements each year for eligible businesses that are qualified  
13 high-technology businesses [**or rural business. Only 5 of the 50 written agreements for businesses that are qualified high-technology businesses or rural business may be executed each year for qualified rural businesses**].

14 (8) The authority shall not execute more than 20 new written  
15 agreements each year for eligible businesses that are distressed  
16 businesses. The authority shall not execute more than 5 of the  
17 written agreements described in this subsection each year for  
18 distressed businesses that had 1,000 or more full-time jobs at a  
19 facility 4 years immediately preceding the application to the  
20 authority under this act.

21 Sec. 8a. Beginning on the effective date of the amendatory  
22 act that added this section, the authority shall not require an  
23 eligible business, as a condition of becoming an authorized  
24 business, to pay an unreasonable fee to or make a donation to the

25 Michigan economic development corporation or a foundation or fund  
26 associated with the Michigan economic development corporation.

27 Sec. 10. The authority shall report to both houses of the

1 legislature yearly on October 1 on the activities of the  
2 authority. The report shall include, but is not limited to, all  
3 of the following:

4 (a) The total amount of capital investment attracted under  
5 this act.

6 (b) The total number of qualified new jobs created under this  
7 act.

8 (c) The total number of new written agreements.

9 (d) Name and location of all authorized businesses — and  
10 the names and addresses of all of the following:

11 (i) The directors and officers of the corporation if the  
12 authorized business is a corporation.

13 (ii) The partners of the partnership or limited liability  
14 partnership if the authorized business is a partnership or  
15 limited liability partnership.

16 (iii) The members of the limited liability company if the  
17 authorized business is a limited liability company.

18 (e) The amount and duration of the tax credit separately for  
19 each authorized business.

20 (f) The amount of any fee, donation, or other payment of any  
21 kind from the authorized business to the Michigan economic  
22 development corporation or a foundation or fund associated with  
23 the Michigan economic development corporation paid or made in the  
24 previous reporting year end or, if it is the first reporting year  
25 for the authorized business, for the immediately preceding 3  
26 calendar years.