

HOUSE BILL No. 5255

November 5, 2003, Introduced by Reps. Acciavatti, Taub, Emmons, Voorhees, LaJoy, Casperson, Tabor, Shackleton, Palmer, Ehardt, Kooiman, Stahl, Shaffer, Vander Veen, Richardville and Robertson and referred to the Committee on Commerce.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The Michigan economic growth authority is
 2 created within the ~~Michigan jobs commission~~ **department of labor**
 3 **and economic growth**. The ~~Michigan jobs commission~~ **department**
 4 **of labor and economic growth** shall provide staff for the
 5 authority and shall carry out the administrative duties and
 6 functions as directed by the authority. The budgeting,
 7 procurement, and related functions as directed by the authority
 8 are under the supervision of the director of the ~~Michigan jobs~~
 9 ~~commission~~ **department of labor and economic growth**.

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

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

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

5 (c) The director of the department of management and budget,
6 or his or her designee.

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

9 (e) ~~Four~~ **Six** other members appointed by the governor **by and**
10 **with the advice and consent of the senate** who are not employed by
11 this state and who have knowledge, skill, and experience in the
12 academic, business, local government, labor, or financial
13 fields. **Of the members appointed by the governor under this**
14 **subsection, 1 shall be appointed from 1 more nominees of the**
15 **majority leader of the senate and 1 shall be appointed from 1 or**
16 **more nominees of the speaker of the house of representatives.**

17 (3) A member shall be appointed for a term of 4 years, except
18 that of the members first appointed by the governor, 2 shall be
19 appointed for a term of 2 years and 2 for a term of 4 years from
20 the dates of their appointments. A vacancy shall be filled for
21 the balance of the unexpired term in the same manner as an
22 original appointment **by the governor by and with the advice and**
23 **consent of the senate.**

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

1 Sec. 5. (1) The powers of the authority are vested in the
2 authority members in office. Regardless of the existence of a
3 vacancy, a majority of the members of the authority constitutes a
4 quorum necessary for the transaction of business at a meeting or
5 the exercise of a power or function of the authority, **as long as**
6 **1 or both of the members nominated by the majority leader of the**
7 **senate or nominated by the speaker of the house of**
8 **representatives are part of the majority.** Action may be taken by
9 the authority at a meeting upon a vote of the majority of the
10 members present, **as long as 1 or both of the members nominated by**
11 **the majority leader of the senate or nominated by the speaker of**
12 **the house of representatives are part of the majority.**

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

16 (3) The business of the authority shall be conducted at a
17 public meeting of the authority held in compliance with the open
18 meetings act, ~~Act No. 267 of the Public Acts of 1976, being~~
19 ~~sections 15.261 to 15.275 of the Michigan Compiled Laws~~ **1976 PA**
20 **267, MCL 15.261 to 15.275.** Public notice of the time, date, and
21 place of the meeting shall be given as provided by ~~Act No. 267~~
22 ~~of the Public Acts of 1976~~ **the open meetings act, 1976 PA 267,**
23 **MCL 15.261 to 15.275.** A record or portion of a record, material,
24 or other data received, prepared, used, or retained by the
25 authority in connection with an application for a tax credit
26 under section 9 that relates to financial or proprietary
27 information submitted by the applicant that is considered by the

1 applicant and acknowledged by the authority as confidential shall
2 not be subject to the disclosure requirements of the freedom of
3 information act, ~~Act No. 442 of the Public Acts of 1976, being~~
4 ~~sections 15.231 to 15.246 of the Michigan Compiled Laws~~ **1976 PA**
5 **442, MCL 15.231 to 15.246.** The ~~chairperson of the~~ authority
6 shall make the determination as to whether the authority
7 acknowledges as confidential any financial or proprietary
8 information submitted by the applicant and considered by the
9 applicant as confidential. Unless considered proprietary
10 information, the authority shall not acknowledge routine
11 financial information as confidential. If the ~~chairperson of~~
12 ~~the~~ authority determines that information submitted to the
13 authority is financial or proprietary information and is
14 confidential, the ~~chairperson~~ **authority** shall release a written
15 statement, subject to disclosure under ~~Act No. 440 of the Public~~
16 ~~Acts of 1976~~ **the freedom of information act, 1976 PA 442, MCL**
17 **15.231 to 15.246,** which states all of the following:

18 (a) The name and business location of the person requesting
19 that the information submitted be confidential as financial or
20 proprietary information.

21 (b) That the information submitted was determined by the
22 ~~chairperson of the~~ authority to be confidential as financial or
23 proprietary information.

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

26 (4) The authority shall not disclose financial or proprietary
27 information not subject to disclosure pursuant to subsection (3)

1 without consent of the applicant submitting the information.

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

8 Sec. 6. (1) The authority shall have powers necessary or
9 convenient to carry out and effectuate the purpose of this act,
10 including, but not limited to, the following:

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

13 (b) To determine which businesses qualify for tax credits
14 under this act.

15 (c) To determine the amount and duration of tax credits
16 authorized under this act.

17 (d) To issue certificates and enter into written agreements
18 specifying the conditions under which tax credits are authorized
19 and the circumstances under which those tax credits may be
20 reduced or terminated.

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

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

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

1 **(g)** ~~-(h)-~~ To assist an eligible business to obtain the
2 benefits of a tax credit, incentive, or inducement program
3 provided by this act or by law.

4 **(h)** ~~-(i)-~~ To determine the eligibility of and issue
5 certificates to certain qualified taxpayers for credits allowed
6 under section 38g(3) of the single business tax act, 1975 PA 228,
7 MCL 208.38g, and to develop the application process and necessary
8 forms to claim the credit under section 38g(3) of the single
9 business tax act, 1975 PA 228, MCL 208.38g. The Michigan
10 economic growth authority annually shall prepare and submit to
11 the house of representatives and senate committees responsible
12 for tax policy and economic development issues a report on the
13 credits under section 38g(3) of the single business tax act, 1975
14 PA 228, MCL 208.38g. The report shall include, but is not
15 limited to, all of the following:

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

19 (ii) The total amount of eligible investment approved under
20 section 38g(3) of the single business tax act, 1975 PA 228, MCL
21 208.38g, in the previous calendar year.

22 **(i)** ~~-(j)-~~ To approve the capture of school operating taxes
23 and work plans as provided in sections 13 and 15 of the
24 brownfield redevelopment financing act, 1996 PA 381, MCL 125.2663
25 and 125.2665.

26 **(j)** ~~-(k)-~~ To approve relocation of public buildings or
27 operations for economic development purposes under the brownfield

1 redevelopment financing act, 1996 PA 381, MCL 125.2651 to
2 125.2672.

3 (2) In addition to the requirements in section 8, an eligible
4 business that becomes an authorized business shall make a
5 good-faith effort to utilize Michigan-based suppliers and vendors
6 when purchasing goods and services.

7 Sec. 10. The authority shall report to both houses of the
8 legislature yearly on October 1 on the activities of the
9 authority. The report shall include, but is not limited to, all
10 of the following:

11 (a) The total amount of capital investment attracted under
12 this act.

13 (b) The total number of qualified new jobs created under
14 this act.

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

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

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

20 (ii) The partners of the partnership or limited liability
21 partnership if the authorized business is a partnership or
22 limited liability partnership.

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

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