

HOUSE BILL NO. 5604

December 02, 2021, Introduced by Rep. Frederick and referred to the Committee on Government Operations.

A bill to amend 1984 PA 270, entitled
"Michigan strategic fund act,"
by amending section 9 (MCL 125.2009), as amended by 2017 PA 109,
and by adding section 88s.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The fund shall transmit to each member of the
2 legislature, the governor, the clerk of the house of
3 representatives, the secretary of the senate, and the senate and
4 house fiscal agencies annually a report of its activities. The
5 report shall be transmitted not later than April 10 of each year

1 for activities in the immediately preceding state fiscal year. The
2 report shall not include information exempt from disclosure under
3 section 5. The report shall include, but is not limited to, all of
4 the following for each program operated under this act:

5 (a) A list of entities that received financial assistance.

6 (b) The type of project or product being financed.

7 (c) The amount and type of financial assistance.

8 (d) For each separate form of financial assistance, all of the
9 following:

10 (i) The number of new jobs committed or projected when the
11 financial assistance was applied for.

12 (ii) The number of retained jobs committed or projected when
13 the financial assistance was applied for.

14 (iii) The actual number of new jobs created that are not
15 temporary employees.

16 (iv) The actual number of retained jobs that are not temporary
17 employees.

18 (v) The average annual salary of the new jobs created that are
19 not temporary employees.

20 (vi) The average annual salary of the retained jobs that are
21 not temporary employees.

22 (e) The duration of the financial assistance.

23 (f) The amount of financial support other than state
24 resources.

25 (g) Money or other revenue or property returned to the fund,
26 including any repayments through a clawback provision in the
27 agreement.

28 (h) The status of all loans of the fund.

29 (i) A list of all entities that are in bankruptcy, that the

1 fund has received actual notice of, filed by a direct recipient of
2 an active single incentive of at least \$500,000.00. In addition,
3 the fund shall, within 120 days after the fund receives notice,
4 provide a report of the notice of bankruptcy on its website and
5 shall forward the report to each of the following:

6 (i) The senate majority leader and the senate minority leader.

7 (ii) The speaker of the house and the house minority leader.

8 (iii) The members of the house commerce **and tourism** committee.

9 (iv) The members of the house appropriations subcommittee on
10 general government.

11 (v) The members of the senate economic **and small business**
12 development committee.

13 (vi) The members of the senate appropriations subcommittee on
14 general government.

15 (j) A summary of the approximate administrative costs used to
16 administer the programs and activities authorized under this act.

17 (k) Any other information as required in this section.

18 (2) The auditor general or a certified public accountant
19 appointed by the auditor general annually shall conduct and remit
20 to the legislature an audit of the fund and, in the conduct of the
21 audit, shall have access to all records of the fund at any time,
22 whether or not confidential. Each audit required by this section
23 shall include a determination of whether the fund is likely to be
24 able to continue to meet its obligations, including a report on the
25 status of outstanding loans and agreements made by the fund.

26 (3) The fund shall also transmit the audit described in
27 subsection (2) to the chairperson and minority vice-chairperson of
28 the senate appropriations subcommittee on general government and
29 the house of representatives appropriations subcommittee on general

1 government. The fund shall make the report and audit available to
2 the public on the fund's website.

3 (4) The report described in subsection (1) ~~shall~~**must** also
4 contain all of the following that are related to a 21st century
5 investment made by the fund board under chapter 8A:

6 (a) The amount of qualified venture capital fund investments,
7 qualified mezzanine fund investments, and qualified private equity
8 fund investments under management in this state, including year-to-
9 year growth.

10 (b) The value of loan enhancement program investments,
11 qualified private equity fund investments, qualified mezzanine fund
12 investments, and qualified venture capital investments in qualified
13 businesses, including year-to-year growth.

14 (c) A statement of the amount of money in each loan reserve
15 fund established under the small business capital access program
16 required under chapter 8A.

17 (5) The report described in subsection (1) ~~shall~~**must** also
18 include, but is not limited to, all of the following for all
19 actions under section 88r:

20 (a) The total actual amount of qualified investment attracted
21 under section 88r as reported to the fund.

22 (b) The total actual number of new jobs created under section
23 88r as reported to the fund.

24 (c) The actual amount of the grant, loan, or other economic
25 assistance made under section 88r separately for each qualified
26 business verified by the fund.

27 (d) For each qualified business, whether it is a new business,
28 whether it is an expansion of an existing business, or whether it
29 relocated from outside of this state.

1 (e) An evaluation of the aggregate return on investment that
2 this state realizes on the actual qualified new jobs and actual
3 qualified investment made by qualified businesses.

4 (6) The report described in subsection (1) ~~shall~~**must** also
5 include, but is not limited to, all of the following for all
6 actions under chapter 8B:

7 (a) For tourism promotion efforts, all of the following:

8 (i) An itemized list, by market, of how much was spent, types
9 of media purchased, and target of the tourism promotion campaign.

10 (ii) The return on investment analysis that utilizes existing
11 baseline data and compares results with prior outcome evaluations
12 funded by Travel Michigan.

13 (b) For business development efforts, all of the following:

14 (i) An itemized list, by market, of how much was spent, types
15 of media purchased, and target of the business promotion campaign.

16 (ii) A performance analysis that compares the program or
17 campaign objectives and outcome of the campaign or program.

18 (7) The report described in subsection (1) ~~shall~~**must** also
19 include, but is not limited to, all of the following for all
20 actions under section 90d:

21 (a) The total actual amount of private investment attracted
22 under section 90d as reported to the fund.

23 (b) The actual amount of the community revitalization
24 incentives made under chapter 8C separately for each project.

25 (c) The total actual amount of square footage revitalized or
26 added for each project approved under section 90d as reported to
27 the fund. When reporting square footage, the person must report the
28 square footage by category, including, but not limited to,
29 commercial, residential, or retail.

1 (d) The aggregate increase in taxable value of all property
2 subject to a written agreement under chapter 8C when established
3 and recorded by the local units of government and as reported to
4 the fund.

5 (e) The total actual number of residential units revitalized
6 or added for each project approved under section 90d as reported to
7 the fund.

8 (f) Each project that received a community revitalization
9 incentive outside the fund program standards and guidelines and why
10 the variance was given.

11 (8) Beginning on and after January 1, 2012, on a monthly basis
12 the fund shall provide exact copies of all information regarding
13 all actions under chapter 8C that is provided to board members of
14 the fund for the purpose of monthly board meetings, subject to
15 confidentiality under section 5, to each of the following and post
16 that information on the fund's website:

17 (a) The chairperson and minority vice-chairperson of the house
18 commerce **and tourism** committee.

19 (b) The chairperson and minority vice-chairperson of the house
20 appropriations subcommittee on general government.

21 (c) The chairperson and minority vice-chairperson of the
22 senate economic **and small business** development committee.

23 (d) The chairperson and minority vice-chairperson of the
24 senate appropriations subcommittee on general government.

25 (9) The report described in subsection (1) ~~shall~~**must** also
26 include a summary of the approximate administrative costs used to
27 administer the programs and activities authorized in the following
28 sections:

29 (a) Section 88b.

1 (b) Section 88h.

2 (c) Section 90b.

3 (10) The report described in subsection (1) ~~shall~~**must** also
4 include, but is not limited to, all of the following for all
5 actions for business incubators approved by the fund after January
6 14, 2015:

7 (a) The number of new jobs created and projected new job
8 growth by current clients of the business incubator.

9 (b) Amounts of other funds leveraged by current clients of the
10 business incubator.

11 (c) Increases in revenue for current clients of the business
12 incubator.

13 (11) The report described in subsection (1) ~~shall~~**must** also
14 include the actual repayments received by the fund for failure to
15 comply with clawback provisions of the written agreement under all
16 of the following:

17 (a) Section 78.

18 (b) Section 88d.

19 (c) Section 88k.

20 (d) Section 88q.

21 (e) Section 88r.

22 (f) Section 90b.

23 (12) Beginning on July 1, 2015, the fund shall post on the
24 fund's website a list of each contract, agreement, or other written
25 loan or grant documentation for financial assistance under sections
26 88r and 90b that the fund entered into or modified in the
27 immediately preceding fiscal year.

28 (13) Beginning on July 1, 2015, the fund shall post and update
29 periodically all of the following on its website for all loans made

1 under sections 88r and 90b:

2 (a) A description of the project for which the loan was made.

3 (b) The total amount of the loan.

4 (c) Whether payments on the loan balance are current or
5 delinquent.

6 (d) The interest rate of the loan.

7 (14) Beginning July 1, 2015, the report described in
8 subsection (1) shall also contain all of the following for each
9 program that provides financial assistance under this act that
10 requires a site visit:

11 (a) A copy of the site visit guidelines for that program.

12 (b) The number of site visits conducted under that program.

13 (c) The chief compliance officer shall review and evaluate
14 compliance with the site visit guidelines.

15 (15) The fund shall post on its website and update
16 periodically all of the information described in subsection (14).

17 (16) The report described in subsection (1) must also include,
18 but is not limited to, all of the following for all written
19 agreements related to the good jobs for Michigan program created
20 under chapter 8D:

21 (a) The name of the authorized business.

22 (b) The number of certified new jobs required to be
23 maintained.

24 (c) The amount and duration of the withholding tax capture
25 revenues.

26 **(17) The report described in subsection (1) must also include**
27 **the activities of the critical industry fund described in section**
28 **88s.**

29 **(18) ~~(17)~~As used in this section, "financial assistance"**

1 means grants, loans, other economic assistance, and any other
2 incentives or assistance under this act.

3 Sec. 88s. (1) The critical industry fund is created as a
4 separate account within the investment fund. Money in the critical
5 industry fund will remain in the critical industry fund at the
6 close of a fiscal year and will not revert to the investment fund
7 or to the general fund. The critical industry fund includes all of
8 the following:

9 (a) Money appropriated to, transferred to, or deposited in the
10 critical industry fund as provided by law.

11 (b) Money or assets received by the state treasurer or the
12 fund from any source for deposit in the critical industry fund.

13 (c) Interest and earnings on any money or other assets
14 deposited in the critical industry fund and any other investment
15 income or net income of the critical industry fund.

16 (d) Earnings, royalties, return on investments, return of
17 principal, payments made, or other money received by or payable to
18 the critical industry fund under a written agreement or other
19 agreement related to a qualified investment under this section.

20 (2) Not later than March 15 of each year, the fund shall
21 transmit to each member of the legislature, the governor, the clerk
22 of the house of representatives, the secretary of the senate, and
23 the senate and house fiscal agencies a report on the activities of
24 the critical industry fund.