

MICHIGAN STRATEGIC FUND ACT (EXCERPT)
Act 270 of 1984

125.2090i Withholdings certificate; issuance; contents; request for payment; failure of authorized business to satisfy and maintain jobs and other conditions; forfeiture of payment; assignment or transfer of written agreement; retention of amount to pay for administrative expenses; identification of authorized business and disclosure of amount an duration of payments; publication of information on website.

Sec. 90i. (1) Subject to the limitations under section 90h(9), an authorized business is eligible to receive withholding tax capture revenue payments as provided in this chapter.

(2) Except as otherwise provided under subsection (3), the fund shall issue a withholdings certificate each calendar year to an authorized business that states the following:

(a) That the eligible business is an authorized business.

(b) The amount of withholding tax capture revenues to be paid from the good jobs for Michigan fund for the designated calendar year.

(c) The authorized business's federal employer identification number or the Michigan treasury number assigned to the authorized business.

(3) The fund shall provide the department of treasury with a copy of each withholdings certificate issued under this section. Upon receipt of a withholdings certificate, an authorized business may request a payment from the good jobs for Michigan fund by filing a copy of the withholdings certificate with the fund. The fund shall issue the withholding tax capture revenue payment from the good jobs for Michigan fund within 90 days of receipt of the request for payment from the authorized business.

(4) If the authorized business subsequently fails to satisfy and maintain the minimum number of certified new jobs as required under this chapter or any other conditions included in the written agreement, the authorized business forfeits its withholding tax capture revenue payment for the calendar year that the authorized business fails to comply with this chapter or the written agreement. The forfeiture of a withholding tax capture revenue payment under this subsection does not extend the duration of the original written agreement. Accordingly, if the duration of the written agreement has not expired, an authorized business that satisfies all of the terms of the written agreement after a forfeiture under this subsection is entitled to certification for withholding tax capture revenue payments for those subsequent calendar years.

(5) In the event of a proposed reorganization, merger, or other change of ownership of the authorized business for which reimbursement will continue pursuant to a written agreement, the approval of the fund is required prior to the assignment or transfer of the written agreement.

(6) The fund shall retain an amount equal to 5% of the withholding tax capture revenue payments authorized for that year for the fund. The board shall use the amount described in this subsection to pay for the additional administration expenses under this chapter.

(7) As a condition of being an authorized business, an authorized business authorizes the fund to identify the authorized business and disclose the amount and duration of the withholding tax capture revenue payments. The fund shall publish the information described in this subsection on the fund's website and include this information in the report required under section 9.

History: Add. 2017, Act 109, Eff. Aug. 25, 2017.

Popular name: Strategic Fund