

SENATE BILL No. 556

June 30, 2011, Introduced by Senators PROOS, HANSEN, KOWALL, PAPPAGEORGE, NOFS and EMMONS and referred to the Committee on Economic Development.

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88b, and 88h (MCL 125.2005, 125.2088b, and 125.2088h), section 5 as amended by 2008 PA 224, section 88b as amended by 2011 PA 3, and section 88h as added by 2005 PA 225, and by adding section 88r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) There is created by this act a public body
2 corporate and politic to be known as the Michigan strategic fund.
3 The fund shall be within the department of treasury and shall
4 exercise its prescribed statutory powers, duties, and functions
5 independently of the state treasurer. The statutory authority,
6 powers, duties, functions, records, personnel, property, unexpended
7 balances of appropriations, allocations, and other funds of the
8 fund, including the functions of budgeting, procurement, personnel,

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1 and management-related functions, shall be retained by the fund,
2 and the fund shall be an autonomous entity within the department of
3 treasury in the same manner as the Michigan employment security
4 commission was designated an autonomous entity within the Michigan
5 department of labor under section 379 of the executive organization
6 act of 1965, 1965 PA 380, MCL 16.479.

7 (2) Except as otherwise provided in this act, the purposes,
8 powers, and duties of the Michigan strategic fund are vested in and
9 shall be exercised by a board of directors.

10 (3) Except as provided in subsection (4), the board shall
11 consist of the director of the department of ~~labor and economic~~
12 ~~growth~~ **LICENSING AND REGULATORY AFFAIRS** or his or her designee from
13 within the department of ~~labor and economic growth~~, **LICENSING AND**
14 **REGULATORY AFFAIRS**, the state treasurer or his or her designee from
15 within the department of treasury, the chief executive officer of
16 the MEDC, and 6 other members with knowledge, skill, and experience
17 in the academic, business, or financial field, who shall be
18 appointed by the governor with the advice and consent of the
19 senate. None of the 6 members appointed under this section shall be
20 employees of this state. Not less than 5 members of the board
21 appointed under this subsection shall be members of the private
22 sector. Five of the 6 members appointed under this subsection shall
23 serve for fixed terms. Upon completion of each fixed term expiring
24 after December 30, 2005, a member shall be appointed for a term of
25 4 years. Of the private sector members appointed by the governor
26 for a fixed term, 1 shall be appointed from a list of 3 or more
27 nominees of the speaker of the house of representatives

1 representing persons within the private sector with experience in
2 private equity or venture capital investments, commercial lending,
3 or commercialization of technology and 1 shall be appointed from a
4 list of 3 or more nominees of the senate majority leader
5 representing persons within the private sector with experience in
6 private equity or venture capital investments, commercial lending,
7 or commercialization of technology. A member appointed under this
8 subsection or subsection (4) shall serve until a successor is
9 appointed, and a vacancy shall be filled for the balance of the
10 unexpired term in the same manner as the original appointment. The
11 member appointed under this subsection and serving without a fixed
12 term shall serve at the pleasure of the governor. Of the members
13 appointed under this subsection and subsection (4), there shall be
14 minority, female, and small business representation. After December
15 31, 2005, at least 2 of the members of the board shall have
16 experience in private equity or venture capital investments, at
17 least 1 of the members shall have experience in commercial lending,
18 and at least 1 of the members of the board shall have experience in
19 commercialization of technology.

20 (4) In addition to the 9 members of the board under subsection
21 (3), not later than December 15, 2005, the governor shall appoint,
22 with the advice and consent of the senate, 2 additional members to
23 the board for terms expiring December 31, 2007. After the initial
24 appointments under this subsection, members appointed under this
25 subsection shall be appointed for a term of 4 years. The members
26 appointed under this subsection shall be from the private sector
27 and shall have experience in private equity or venture capital

1 investments, commercial lending, or commercialization of
2 technology. From the date of the appointment of the members under
3 this subsection until December 31, 2015, the board shall have 11
4 members. After December 31, 2015, the board shall have 9 members
5 and no members shall be appointed under this subsection.

6 (5) The governor shall designate 1 member of the board to
7 serve as its chairperson. The governor shall designate 1 member of
8 the board to serve as president of the fund and may designate 1
9 member to serve as vice-president of the fund. The chairperson,
10 president, and vice-president, if a vice-president is designated,
11 shall serve as those officers at the pleasure of the governor.

12 (6) Members of the board shall serve without compensation for
13 their membership on the board, except that members of the board may
14 receive reasonable reimbursement for necessary travel and expenses.

15 (7) The board may delegate to its president, vice-president,
16 staff, or others those functions and authority that the board deems
17 necessary or appropriate, which may include the oversight and
18 supervision of employees of the fund. However, responsibilities
19 specifically vested in the board under chapter 8A shall be
20 performed by the board and shall not be transferred to the MEDC,
21 **EXCEPT THAT GRANTS, LOANS, OR OTHER ECONOMIC ASSISTANCE UNDER**
22 **SECTION 88R OF \$1,000,000.00 OR LESS CAN BE AUTHORIZED BY THE**
23 **PRESIDENT OF THE FUND.**

24 (8) A majority of the members of the board appointed and
25 serving constitutes a quorum for the transaction of business at a
26 meeting, or the exercise of a power or function of the fund,
27 notwithstanding the existence of 1 or more vacancies. The board may

1 act only by resolution approved by a majority of board members
2 appointed and serving. Voting upon action taken by the board shall
3 be conducted by majority vote of the members appointed and serving.
4 Members of the board may be present in person at a meeting of the
5 board or, if authorized by the bylaws of the board, by use of
6 telecommunications or other electronic equipment. The fund shall
7 meet at the call of the chair and as may be provided in the bylaws
8 of the fund. Meetings of the fund may be held anywhere within the
9 state of Michigan.

10 (9) The business of the board shall be conducted at a public
11 meeting of the board held in compliance with the open meetings act,
12 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date,
13 and place of the meeting shall be given in the manner required by
14 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and shall
15 also be provided on an internet website operated by the fund. A
16 record or portion of a record, material, or other data received,
17 prepared, used, or retained by the fund or any of its centers in
18 connection with an application to or with a project or product
19 assisted by the fund or any of its centers or with an award, grant,
20 loan, or investment under chapter 8A that relates to financial or
21 proprietary information submitted by the applicant that is
22 considered by the applicant and acknowledged by the board as
23 confidential shall not be subject to the disclosure requirements of
24 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
25 The disclosure of a record concerning investment information
26 described in section 88c under the freedom of information act, 1976
27 PA 442, MCL 15.231 to 15.246, is subject to the limitations

1 provided in section 88c. The board may also meet in closed session
2 pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to
3 15.275, to make a determination of whether it acknowledges as
4 confidential any financial or proprietary information submitted by
5 the applicant and considered by the applicant as confidential.
6 Unless considered proprietary information, the board shall not
7 acknowledge routine financial information as confidential. If the
8 board determines that information submitted to the fund is
9 financial or proprietary information and is confidential, the board
10 shall release a written statement, subject to disclosure under the
11 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, that
12 states all of the following:

13 (a) The name and business location of the person requesting
14 that the information submitted be confidential as financial or
15 proprietary information.

16 (b) That the information submitted was determined by the board
17 to be confidential as financial or proprietary information.

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

20 (10) The fund shall not disclose financial or proprietary
21 information not subject to disclosure pursuant to subsection (9)
22 without consent of the applicant submitting the information.

23 (11) Any document to which the fund is a party evidencing a
24 loan, insurance, mortgage, lease, venture, or other type of
25 agreement the fund is authorized to enter into shall not be
26 considered financial or proprietary information that may be exempt
27 from disclosure under subsection (9).

1 (12) For purposes of subsections (9), (10), and (11),
2 "financial or proprietary information" means information that has
3 not been publicly disseminated or which is unavailable from other
4 sources, the release of which might cause the applicant significant
5 competitive harm.

6 Sec. 88b. (1) The fund shall create and operate programs
7 authorized under this chapter. The fund board shall determine the
8 annual allocation of money for programs authorized under this
9 chapter and make authorized expenditures or investments from the
10 investment fund of the 21st century jobs trust fund created in the
11 Michigan trust fund act, 2000 PA 489, MCL 12.251 to 12.260, as
12 authorized under this chapter for programs and activities
13 authorized under this chapter.

14 (2) Money transferred or appropriated by law to the fund for
15 the purposes of carrying out this chapter shall be expended or
16 invested by the fund as authorized by law for the following
17 purposes:

18 (a) 21st century investments.

19 (b) Grants and loans approved by the commercialization board
20 under section 88k.

21 (c) Other programs or activities authorized under this
22 chapter.

23 (d) For promotion of tourism in this state. For fiscal year
24 2010-2011 only, \$20,000,000.00 for the promotion of tourism in this
25 state from funds appropriated in the jobs for Michigan investment
26 program - 21st century jobs fund line in section 109 of 2010 PA 191
27 with not less than \$1,500,000.00 to be used for the 2010-2011

1 winter advertisement buy. For all funds used for promotion of
2 tourism in this state under this subdivision, the fund shall report
3 to the legislature at the same time and in the same manner as
4 provided in section 89d.

5 ~~—— (3) Except for the appropriations described in section 88j(3)~~
6 ~~and as otherwise provided in section 88q, for fiscal years other~~
7 ~~than the 2008-2009 and 2009-2010 fiscal years the fund board shall~~
8 ~~not expend more than the following amounts each year from the 21st~~
9 ~~century jobs trust fund created in the Michigan trust fund act,~~
10 ~~2000 PA 489, MCL 12.251 to 12.260, for the following purposes:~~

11 ~~—— (a) 25% for the loan enhancement program.~~

12 ~~—— (b) 40% for the private equity investment program, the venture~~
13 ~~capital investment program, and the mezzanine investment program~~
14 ~~combined.~~

15 ~~—— (c) 70% for competitive edge technology grants and loans under~~
16 ~~section 88k. The commercialization board shall not authorize the~~
17 ~~expenditure of more than \$100,000,000.00 of the amount described in~~
18 ~~this subdivision for basic research over the life of the program.~~

19 (3) ~~(4)~~ Not more than 4% of the annual appropriation as
20 provided by law from the 21st century jobs trust fund created in
21 the Michigan trust fund act, 2000 PA 489, MCL 12.251 to 12.260, may
22 be used for the purposes of administering the programs and
23 activities authorized under this chapter. However, the fund and the
24 fund board shall not use more than 3% of the annual appropriation
25 for administering the programs and activities authorized under this
26 chapter unless the fund board by a 2/3 vote authorizes the
27 additional 1% for administration.

1 (4) ~~(5)~~—Not more than 5% of the annual appropriation as
2 provided by law from the 21st century jobs trust fund created in
3 the Michigan trust fund act, 2000 PA 489, MCL 12.251 to 12.260, may
4 be used for business development and business marketing costs. Not
5 less than 80% of the funds committed for business development and
6 business marketing costs shall be targeted to persons or entities
7 outside of this state. No funds may be used for any business
8 development and business marketing effort that includes a reference
9 to or the image or voice of an elected state officer or a candidate
10 for elective state office and that is targeted to a media market in
11 Michigan. The fund board shall select all vendors for all marketing
12 expenditures under this chapter by issuing a request for proposal.
13 At a minimum, the request for proposal shall require the responding
14 entities to disclose any conflict of interest, disclose any
15 criminal convictions, disclose any investigations by the internal
16 revenue service or any other federal or state taxing body or court,
17 disclose any pertinent litigation regarding the conduct of the
18 entity, and maintain records and evidence pertaining to work
19 performed. The fund board shall establish a standard process to
20 evaluate proposals submitted as a result of a request for proposal
21 and appoint a committee to review the proposals. The fund or the
22 fund board shall not appoint or designate any person paid or unpaid
23 to a committee to review proposals if that person has a conflict of
24 interest with any potential vendors as determined by the office of
25 the chief compliance officer established in section 88i.

26 (5) ~~(6)~~—The fund shall not use any money appropriated or
27 transferred for purposes authorized under this chapter to acquire

1 interests in or improve real property. The restriction under this
2 subsection applies only to the fund and not to recipients of
3 expenditures or investments under this chapter.

4 Sec. 88h. (1) The jobs for Michigan investment fund is created
5 within the fund as a permanent fund authorized by section 19 of
6 article IX of the state constitution of 1963. Money in the
7 investment fund at the close of the fiscal year shall remain in the
8 investment fund and shall not lapse to the general fund. Money in
9 the investment fund shall not be transferred to another
10 governmental entity or a separate legal entity and public body
11 corporate established under the urban cooperation act of 1967, 1967
12 (Ex Sess) PA 7, MCL 124.501 to 124.512, except as authorized in
13 this chapter.

14 (2) Money or other assets deposited in the investment fund
15 shall be held as permanent funds as provided under section 19 of
16 article IX of the state constitution of 1963 and invested only as
17 authorized under this chapter, including, but not limited to,
18 investments in the stock of a company, association, or corporation.

19 (3) The investment fund shall be invested as authorized under
20 this chapter for the benefit of the people of the state of Michigan
21 and for the purpose of creating incentives for the following in
22 this state:

23 (a) Diversifying the economy.

24 (b) Retaining or creating jobs.

25 (c) Increasing capital investment activity.

26 (d) Increasing commercial lending activity.

27 (e) Encouraging the development and commercialization of

1 competitive edge technologies.

2 (4) Funds or other assets of the investment fund also may be
3 invested in debt instruments or debt obligations for loans or
4 guarantees authorized under this chapter.

5 (5) The investment fund shall consist of all of the following:

6 (a) Any funds appropriated to, transferred to, or deposited in
7 the investment fund from the 21st century jobs trust fund under the
8 Michigan trust fund act, 2000 PA 489, MCL 12.251 to ~~12.256~~-12.260.

9 (b) Earnings, royalties, return on investments, return of
10 principal, payments made, or other money received by or payable to
11 the fund under agreements related to grants, loans, investments, or
12 expenditures by the fund under this chapter.

13 (c) Assets, property, money, earnings, royalties, return on
14 investments, return of principal, payments made, or other money
15 owed, received by, or payable to the fund or the Michigan economic
16 development corporation under agreements related to grants, loans,
17 investments, or other payments funded by appropriations from the
18 state general fund or tobacco settlement revenue under 1 or more of
19 the following:

20 (i) Section 418 of 1999 PA 120, commonly known as the health
21 and aging research and development initiative or the Michigan life
22 sciences corridor initiative, or any successor program.

23 (ii) Section 410 of 2000 PA 292, commonly known as the health
24 and aging research and development initiative or the Michigan life
25 sciences corridor initiative, or any successor program.

26 (iii) Section 410 of 2001 PA 80, commonly known as the health
27 and aging research and development initiative or the Michigan life

1 sciences corridor initiative, or any successor program.

2 (iv) Section 410 of 2002 PA 517, commonly known as the Michigan
3 life sciences corridor initiative, or any successor program.

4 (v) Section 410 of 2003 PA 169, commonly known as the Michigan
5 life sciences and technology tri-corridor initiative, or any
6 successor program.

7 (vi) Section 510 of 2004 PA 354, commonly known as the Michigan
8 technology tri-corridor and life sciences initiative, or any
9 successor program.

10 (vii) Section 801 of 2005 PA 11, commonly known as the
11 technology tri-corridor and life sciences initiative, or any
12 successor program.

13 (viii) Section 381(1)(c) of 2003 PA 173, providing for payments
14 to the life sciences commercial development fund.

15 (d) Money or assets received by the state treasurer or the
16 fund from any source for deposit in the investment fund.

17 (e) Interest and earnings on any funds or other assets
18 deposited in the investment fund or other net income of the
19 investment fund.

20 **(F) ANY OTHER FUNDS APPROPRIATED FOR PROGRAMS UNDER THIS**
21 **CHAPTER.**

22 (6) The net income of the investment fund may be expended by
23 the fund only for purposes authorized under this chapter pursuant
24 to an appropriation authorized by law. As used in this section, the
25 net income of the investment fund shall be computed annually as of
26 the last day of the state fiscal year in accordance with generally
27 accepted accounting principles, excluding any unrealized gains or

1 losses.

2 (7) The fund board shall be the trustees of the investment
3 fund and shall direct the investment and reinvestment of the funds
4 and assets of the investment fund as provided under, and consistent
5 with the objectives of, this chapter.

6 (8) The fund board may establish restricted subaccounts within
7 the investment fund as necessary to administer the investment fund.
8 The fund board may contract with the state treasurer to assist the
9 fund board in administering the investment fund. The fund board may
10 authorize money in the investment fund not invested as authorized
11 under sections 88d, 88e, 88f, and 88g to be managed by the state
12 treasurer as part of the common cash fund of this state under 1967
13 PA 55, MCL 12.51 to 12.53. Money managed by the state treasurer
14 under this subsection shall be separately accounted for by the
15 state treasurer. When authorized under this subsection, the state
16 treasurer may invest the funds or assets of the investment fund in
17 any investment authorized under 1855 PA 105, MCL 21.141 to 21.147,
18 for surplus funds of this state, in obligations issued by any state
19 or political subdivision or instrumentality of the United States,
20 or in any obligation issued, assumed, or guaranteed by a solvent
21 entity created or existing under the laws of the United States or
22 of any state, district, or territory of the United States, which
23 are not in default as to principal or interest.

24 (9) A member of the fund board or officer of the fund shall
25 not gain from any investment of funds or assets of the investment
26 fund. A member of the fund board or officer of the fund shall not
27 have any direct or indirect interest in an investment of funds or

1 assets of the investment fund. A member of the fund board or person
2 connected with the investment fund directly or indirectly, for
3 himself or herself, or as an agent or partner of others, shall not
4 borrow any of the funds or assets of the investment fund or in any
5 manner use funds or assets of the investment fund except as
6 authorized under this chapter. A member of the fund board or
7 officer of the fund shall not become an endorser or surety or
8 become in any manner an obligor for money loaned by or borrowed
9 from the investment fund. Failure to comply with this subsection
10 constitutes misconduct in office subject to removal under section
11 94.

12 **SEC. 88R. (1) THE FUND SHALL CREATE AND OPERATE THE MICHIGAN**
13 **BUSINESS DEVELOPMENT PROGRAM TO PROVIDE GRANTS, LOANS, AND OTHER**
14 **ECONOMIC ASSISTANCE TO QUALIFIED BUSINESSES THAT MAKE QUALIFIED**
15 **INVESTMENTS IN THIS STATE OR PROVIDE QUALIFIED NEW JOBS IN THIS**
16 **STATE.**

17 **(2) THE MICHIGAN BUSINESS DEVELOPMENT PROGRAM SHALL PROVIDE**
18 **FOR ALL OF THE FOLLOWING:**

19 **(A) GRANTS, LOANS, AND OTHER ECONOMIC ASSISTANCE TO ASSIST**
20 **QUALIFIED BUSINESSES IN MAKING QUALIFIED INVESTMENTS AND PROVIDING**
21 **NEW JOBS IN THIS STATE, WITH PREFERENCE GIVEN TO QUALIFIED**
22 **BUSINESSES THAT NEED ADDITIONAL ASSISTANCE FOR DEAL-CLOSING AND FOR**
23 **SECOND STAGE COMPANY GAP FINANCING.**

24 **(B) A DETAILED APPLICATION, APPROVAL, AND COMPLIANCE PROCESS**
25 **PUBLISHED AND AVAILABLE ON THE FUND'S WEBSITE. THE DETAILED**
26 **APPLICATION, APPROVAL, AND COMPLIANCE PROCESS SHALL, AT A MINIMUM,**
27 **CONTAIN THE FOLLOWING:**

1 (i) A QUALIFIED BUSINESS MAY APPLY FOR A GRANT, LOAN, OR OTHER
2 ECONOMIC ASSISTANCE IN A FORM AND MANNER DETERMINED BY THE FUND.

3 (ii) AFTER RECEIPT OF AN APPLICATION, THE FUND MAY ENTER INTO A
4 WRITTEN AGREEMENT WITH THE QUALIFIED BUSINESS IF THE QUALIFIED
5 BUSINESS AGREES TO MAKE CERTAIN QUALIFIED INVESTMENTS OR CREATE A
6 CERTAIN NUMBER OF NEW JOBS IN THIS STATE.

7 (iii) THE WRITTEN AGREEMENT SHALL PROVIDE IN A CLEAR AND CONCISE
8 MANNER ALL OF THE CONDITIONS IMPOSED, INCLUDING SPECIFIC TIME
9 FRAMES, ON THE QUALIFIED BUSINESS TO RECEIVE A GRANT, LOAN, OR
10 OTHER ECONOMIC ASSISTANCE UNDER THIS SECTION.

11 (iv) THE WRITTEN AGREEMENT SHALL PROVIDE FOR A REPAYMENT
12 PROVISION OF ANY GRANTS, LOANS, OR OTHER ECONOMIC ASSISTANCE IF THE
13 QUALIFIED BUSINESS FAILS TO COMPLY WITH THE PROVISIONS OF THE
14 WRITTEN AGREEMENT.

15 (C) IN ANY FISCAL YEAR, A QUALIFIED BUSINESS SHALL NOT RECEIVE
16 MORE THAN 10% OF THE AMOUNT APPROPRIATED IN THAT FISCAL YEAR FOR A
17 PROJECT FUNDED UNDER THIS SECTION.

18 (3) THE FUND SHALL NOT ENTER INTO A WRITTEN AGREEMENT WITH A
19 QUALIFIED BUSINESS UNLESS ALL OF THE FOLLOWING ARE MET:

20 (A) THE MUNICIPALITY MAKES A STAFF, FINANCIAL, OR ECONOMIC
21 COMMITMENT TO THE PROJECT AS DETERMINED BY THE FUND.

22 (B) THE QUALIFIED BUSINESS PROVIDES A BUSINESS PLAN OR
23 DEMONSTRATES THE NEED FOR THE GRANT, LOAN, OR OTHER ECONOMIC
24 ASSISTANCE.

25 (C) THE QUALIFIED BUSINESS AGREES TO PROVIDE THE DATA
26 DESCRIBED IN THE WRITTEN AGREEMENT NECESSARY FOR THE FUND TO REPORT
27 TO THE LEGISLATURE UNDER THIS ACT.

1 (4) THE FUND SHALL POST ON ITS WEBSITE OR POST ON THE WEBSITE
2 OF THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION THE NAME AND
3 LOCATION OF EACH QUALIFIED BUSINESS THAT RECEIVED A GRANT, LOAN, OR
4 OTHER ECONOMIC ASSISTANCE AWARDED UNDER THIS SECTION AND THE AMOUNT
5 OF THE GRANT, LOAN, OR OTHER ECONOMIC ASSISTANCE.

6 (5) THE FUND, WITH ASSISTANCE FROM THE MICHIGAN ECONOMIC
7 DEVELOPMENT CORPORATION AND THE OFFICE OF THE CHIEF COMPLIANCE
8 OFFICER, SHALL ESTABLISH POLICIES AND PROCEDURES TO CONDUCT
9 BACKGROUND CHECKS ON EACH QUALIFIED BUSINESS APPLYING FOR A GRANT,
10 LOAN, OR OTHER ECONOMIC ASSISTANCE UNDER THIS SECTION.

11 (6) BEGINNING NOVEMBER 1, 2012 AND EACH YEAR THEREAFTER, THE
12 FUND SHALL REPORT TO EACH HOUSE OF THE LEGISLATURE ON THE
13 ACTIVITIES OF THE FUND UNDER THIS SECTION THAT OCCURRED IN THE
14 PREVIOUS FISCAL YEAR. THE REPORT SHALL BE MADE AVAILABLE IN AN
15 ELECTRONIC FORMAT. THE REPORT SHALL INCLUDE, BUT IS NOT LIMITED TO,
16 ALL OF THE FOLLOWING:

17 (A) THE TOTAL PROPOSED AMOUNT OF QUALIFIED INVESTMENT
18 ATTRACTED UNDER THIS SECTION.

19 (B) THE TOTAL ACTUAL AMOUNT OF QUALIFIED INVESTMENT ATTRACTED
20 UNDER THIS SECTION VERIFIED BY THE FUND.

21 (C) THE TOTAL COMMITTED NUMBER OF NEW JOBS CREATED UNDER THIS
22 SECTION.

23 (D) THE TOTAL ACTUAL NUMBER OF NEW JOBS CREATED UNDER THIS
24 SECTION VERIFIED BY THE FUND.

25 (E) THE TOTAL NUMBER OF NEW WRITTEN AGREEMENTS.

26 (F) THE AMOUNT OF THE GRANT, LOAN, OR OTHER ECONOMIC
27 ASSISTANCE AWARDED UNDER THIS SECTION SEPARATELY FOR EACH QUALIFIED

1 BUSINESS.

2 (G) THE ACTUAL AMOUNT OF THE GRANT, LOAN, OR OTHER ECONOMIC
3 ASSISTANCE MADE UNDER THIS SECTION SEPARATELY FOR EACH QUALIFIED
4 BUSINESS VERIFIED BY THE FUND.

5 (H) FOR EACH QUALIFIED BUSINESS, WHETHER IT IS A NEW BUSINESS,
6 WHETHER IT IS AN EXPANSION OF AN EXISTING BUSINESS, OR WHETHER IT
7 RELOCATED FROM OUTSIDE OF THIS STATE.

8 (I) AN EVALUATION OF THE AGGREGATE RETURN ON INVESTMENT THAT
9 THIS STATE REALIZES ON THE ACTUAL QUALIFIED NEW JOBS AND ACTUAL
10 QUALIFIED INVESTMENT MADE BY QUALIFIED BUSINESSES.

11 (J) A REPORT ON THE INDIVIDUALS HIRED BY THE QUALIFIED
12 BUSINESS THAT INCLUDES THE NUMBER OF INDIVIDUALS HIRED BY THE
13 QUALIFIED BUSINESS, THEIR EDUCATIONAL ATTAINMENT, INCLUDING, BUT
14 NOT LIMITED TO, HIGH SCHOOL DIPLOMA OR EQUIVALENT, HIGHER EDUCATION
15 CERTIFICATE OR DEGREE, OR ADVANCED DEGREE OR TRAINING, AND THE
16 NUMBER OF INDIVIDUALS HIRED BY THE QUALIFIED BUSINESS WHO RELOCATED
17 TO THIS STATE.

18 (7) BEGINNING FEBRUARY 1, 2012 AND NOT LESS THAN EVERY 3
19 MONTHS THEREAFTER, THE FUND SHALL POST ON ITS INTERNET WEBSITE THE
20 NAME AND LOCATION OF A QUALIFIED BUSINESS THAT RECEIVED APPROVAL OF
21 A GRANT, LOAN, OR OTHER ECONOMIC ASSISTANCE UNDER THIS SECTION IN
22 THE IMMEDIATELY PRECEDING 3-MONTH PERIOD.

23 (8) THE LEGISLATURE FINDS AND DECLARES THAT FUNDING AUTHORIZED
24 UNDER THIS SECTION TO ENCOURAGE DIVERSIFICATION OF THE ECONOMY, TO
25 ENCOURAGE CAPITAL INVESTMENT IN THIS STATE, AND TO PROMOTE THE
26 CREATION OF QUALIFIED NEW JOBS IN THIS STATE IS A PUBLIC PURPOSE
27 AND OF PARAMOUNT CONCERN IN THE INTEREST OF THE HEALTH, SAFETY, AND

1 GENERAL WELFARE OF THE CITIZENS OF THIS STATE.

2 (9) AS USED IN THIS SECTION:

3 (A) "OTHER ECONOMIC ASSISTANCE" MEANS ANY OTHER FORM OF
4 ASSISTANCE ALLOWED UNDER THIS ACT THAT IS NOT A GRANT OR A LOAN.

5 (B) "QUALIFIED BUSINESS" MEANS A BUSINESS THAT IS LOCATED IN
6 OR OPERATES IN THIS STATE OR WILL LOCATE OR WILL OPERATE IN THIS
7 STATE AS DETERMINED BY THE FUND.

8 (C) "QUALIFIED INVESTMENT" MEANS INVESTMENT IN THIS STATE
9 RELATED TO A PROJECT SUBJECT TO A WRITTEN AGREEMENT UNDER THIS
10 SECTION.

11 (D) "QUALIFIED NEW JOB" MEANS A JOB PERFORMED BY AN INDIVIDUAL
12 WHO IS A RESIDENT OF THIS STATE WHOSE INCOME AND TAXES ARE WITHHELD
13 BY AN EMPLOYER THAT IS IN EXCESS OF THE NUMBER OF FULL-TIME JOBS
14 MAINTAINED BY THE QUALIFIED BUSINESS MAINTAINED IN THIS STATE PRIOR
15 TO THE EXPANSION OR LOCATION, AS DETERMINED AND VERIFIED BY THE
16 FUND.