

**SUBSTITUTE FOR  
HOUSE BILL NO. 5099**

A bill to amend 1984 PA 270, entitled  
"Michigan strategic fund act,"  
by amending section 9 (MCL 125.2009), as amended by 2021 PA 136.

**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~~**must** be transmitted not later than April 10 of each  
6 year for activities in the immediately preceding state fiscal year.  
7 The report ~~shall~~**must** not include information exempt from  
8 disclosure under section 5. The report ~~shall~~**must** include, but is  
9 not limited to, all of the following for each program operated

1 under this act:

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

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

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

5 (d) For each separate form of financial assistance, all of the  
6 following:

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

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

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

13 (iv) The actual number of retained jobs that are not temporary  
14 employees.

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

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

19 (e) The duration of the financial assistance.

20 (f) The amount of financial support other than state  
21 resources.

22 (g) Money or other revenue or property returned to the fund,  
23 including any repayments through a clawback provision in the  
24 agreement.

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

26 (i) A list of all entities that are in bankruptcy, ~~that of~~  
27 **which** the fund has received actual notice, ~~of,~~ filed by a direct  
28 recipient of an active single incentive of ~~at least~~ **not less than**  
29 \$500,000.00. In addition, the fund shall, within 120 days after the

1 fund receives notice, provide a report of the notice of bankruptcy  
2 on its website and ~~shall~~ forward the report to each of the  
3 following:

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

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

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

7 (iv) The members of the house appropriations subcommittee on  
8 general government.

9 (v) The members of the senate economic and small business  
10 development committee.

11 (vi) The members of the senate appropriations subcommittee on  
12 general government.

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

15 (k) Any other information as required ~~in~~ **by** this section.

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

24 (3) The fund shall also transmit the audit described in  
25 subsection (2) to the chairperson and minority vice-chairperson of  
26 the senate appropriations subcommittee on general government and  
27 the house of representatives appropriations subcommittee on general  
28 government. The fund shall make the report and audit available to  
29 the public on the fund's website.

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

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

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

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

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

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

20 (b) The total actual number of new jobs created under section  
21 88r as reported to the fund.

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

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

28 (e) An evaluation of the aggregate return on investment that  
29 this state realizes on the actual qualified new jobs and actual

1 qualified investment made by qualified businesses.

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

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

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

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

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

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

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

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

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

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

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

28 (d) The aggregate increase in taxable value of all property  
29 subject to a written agreement under chapter 8C when established

1 and recorded by the local units of government and as reported to  
2 the fund.

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

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

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

15 (a) The chairperson and minority vice-chairperson of the house  
16 commerce and tourism committee.

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

19 (c) The chairperson and minority vice-chairperson of the  
20 senate economic and small business development committee.

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

23 (9) The report described in subsection (1) must also include a  
24 summary of the approximate administrative costs used to administer  
25 the programs and activities authorized in the following sections:

26 (a) Section 88b.

27 (b) Section 88h.

28 (c) Section 90b.

29 (10) The report described in subsection (1) must also include,

1 but is not limited to, all of the following for all actions for  
2 business incubators approved by the fund after January 14, 2015:

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

5 (b) Amounts of other funds leveraged by current clients of the  
6 business incubator.

7 (c) Increases in revenue for current clients of the business  
8 incubator.

9 (11) The report described in subsection (1) must also include  
10 the actual repayments received by the fund for failure to comply  
11 with clawback provisions of the written agreement under all of the  
12 following:

13 (a) Section 78.

14 (b) Section 88d.

15 (c) Section 88k.

16 (d) Section 88q.

17 (e) Section 88r.

18 (f) Section 90b.

19 (12) Beginning on July 1, 2015, the fund shall post on the  
20 fund's website a list of each contract, agreement, or other written  
21 loan or grant documentation for financial assistance under sections  
22 88r and 90b that the fund entered into or modified in the  
23 immediately preceding fiscal year.

24 (13) Beginning on July 1, 2015, the fund shall post and update  
25 periodically all of the following on its website for all loans made  
26 under sections 88r and 90b:

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

28 (b) The total amount of the loan.

29 (c) Whether payments on the loan balance are current or

1 delinquent.

2 (d) The interest rate of the loan.

3 (14) Beginning July 1, 2015, the report described in  
4 subsection (1) ~~shall~~**must** also contain all of the following for  
5 each program that provides financial assistance under this act that  
6 requires a site visit:

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

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

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

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

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

17 (a) The name of the authorized business.

18 (b) The number of certified new jobs required to be  
19 maintained.

20 (c) The amount and duration of the withholding tax capture  
21 revenues.

22 (17) The report described in subsection (1) must also include  
23 the activities of the critical industry program described in  
24 section 88s.

25 (18) The report described in subsection (1) must also include  
26 the activities of the Michigan strategic site readiness program  
27 described in section 88t.

28 **(19) The fund shall cooperate with the department of treasury**  
29 **and assist in preparing the report required under section 718 of**



1 the income tax act of 1967, 1967 PA 281, MCL 206.718.

2 (20) ~~(19)~~As used in this section, "financial assistance"  
3 means grants, loans, other economic assistance, and any other  
4 incentives or assistance under this act.