

SENATE BILL No. 397

May 29, 2013, Introduced by Senators CASPERSON and WALKER and referred to the Committee on Economic Development.

A bill to amend 2010 PA 275, entitled
"Next Michigan development act,"
by amending section 5 (MCL 125.2955).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The board of the Michigan strategic fund, upon the
2 filing of an application under section 4, may designate the
3 applicant as a next Michigan development corporation. No more than
4 ~~5~~ 6 next Michigan development corporations may be designated in
5 this state. The president of the Michigan strategic fund shall
6 develop the form of application for designation as a next Michigan
7 development corporation within 49 days of the effective date of
8 this act provided that an application from an eligible act 7 entity
9 or an eligible urban entity which otherwise meets the requirements
10 of this act may be filed with the board of the Michigan strategic

1 fund at any time ~~following the effective date of this act,~~ **AFTER**
2 **DECEMBER 15, 2010,** and any such application shall be considered by
3 the board of the Michigan strategic fund under subsections (2) ~~7~~
4 **AND** (3). ~~7 and (6).~~ The Michigan strategic fund shall use its best
5 efforts to develop the application process jointly with eligible
6 act 7 entities and eligible urban entities.

7 (2) The board of the Michigan strategic fund shall apply the
8 following criteria in determining to designate a next Michigan
9 development corporation:

10 (a) The nominal level of unemployed workers within the county
11 or counties which are parties to the interlocal agreement creating
12 the applicant eligible act 7 entity, if the applicant is an
13 eligible act 7 entity, or within the applicant eligible urban
14 entity, if the applicant is an eligible urban entity, in each case
15 as publicly reported by the state department of energy, labor, and
16 economic growth as of the month preceding the filing of the
17 application on an adjusted or unadjusted basis, whichever is
18 greater.

19 (b) The number of local governmental unit parties to the
20 applicant's interlocal agreement if the applicant is an eligible
21 act 7 entity.

22 (c) Whether the application demonstrates evidence of
23 significant job creation potential of a regional or state asset or
24 combinations of enterprises, facilities, or obsolete facilities
25 within the territory of the applicant, as documented by a
26 comprehensive business plan and a third-party study or studies
27 quantifying the job creation potential, and the degree of the job

1 creation potential.

2 (d) Whether the application is supported by public and private
3 commitment and the degree of the commitment.

4 (e) The extent to which the interlocal agreement or the
5 eligible urban entity creates the possibility of streamlined
6 permitting.

7 (3) ~~Subject to subsection (6), the~~ **THE** board of the Michigan
8 strategic fund shall grant or deny designation to an applicant
9 within 49 days of receipt of the application. If the board of the
10 Michigan strategic fund does not grant or deny the designation
11 within 49 days of receipt of the application, the application shall
12 be considered approved. If the application is denied, the board
13 shall provide the applicant with the specific reasons for the
14 denial by reference to the criteria set forth in subsection (2). An
15 applicant may amend the application to take into account the
16 reasons for the denial and thereafter may resubmit the application
17 to the board of the Michigan strategic fund.

18 (4) The board of the Michigan strategic fund shall not
19 designate more than 2 next Michigan development corporations in a
20 calendar year. However, the board of the Michigan strategic fund
21 may designate 3 next Michigan development corporations in a
22 calendar year if 1 or more of the next Michigan development
23 corporations designated is located entirely north of 43° 49' in
24 this state.