

SENATE BILL NO. 951

June 26, 2024, Introduced by Senators LINDSEY, RUNESTAD, THEIS, BELLINO, DAMOOSE and DALEY and referred to the Committee on Economic and Community Development.

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 88s and 88t (MCL 125.2088s and 125.2088t), section 88s as added by 2021 PA 136 and section 88t as added by 2021 PA 134, and by adding section 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 7c. (1) Notwithstanding anything to the contrary in this**
2 **act, the fund shall not provide a grant, loan, or other economic**
3 **assistance to a disqualified person or for the benefit of a**
4 **disqualified person.**

1 (2) The legislature finds that this section and sections
2 88s(11) and (12) and 88t(16) and (17) are reasonable and necessary
3 for the public good and the general welfare of the people of this
4 state.

5 (3) As used in this section:

6 (a) "Adversarial entity" means an entity on the entity list
7 published by the United States Department of Commerce's Bureau of
8 Industry and Security in Supplement No. 4 to 15 CFR part 744.

9 (b) "Country of concern" means any of the following:

10 (i) A country designated by the United States Department of
11 Defense as a country of special concern as part of the Trusted
12 Capital program.

13 (ii) A state sponsor of terror.

14 (iii) A military end-user country.

15 (c) "Disqualified person" means any of the following:

16 (i) A country of concern.

17 (ii) An entity incorporated, organized, or formed in a country
18 of concern.

19 (iii) An entity headquartered in a country of concern.

20 (iv) A resident of a country of concern.

21 (v) An adversarial entity.

22 (vi) A military end-user entity.

23 (vii) An entity in which a person described in subparagraph (i)
24 to (vi), or a combination of persons described in subparagraph (i) to
25 (vi), holds, directly or indirectly, a more than 10% voting or
26 ownership interest in the entity or has control over the day-to-day
27 operations of the entity by contract or law.

28 (d) "Military end-user country" means a country on the

1 military end-user list published by the United States Department of
2 Commerce's Bureau of Industry and Security in Supplement No. 7 to
3 15 CFR part 744.

4 (e) "Military end-user entity" means an entity on the military
5 end-user list published by the United States Department of
6 Commerce's Bureau of Industry and Security in Supplement No. 7 to
7 15 CFR part 744.

8 (f) "State sponsor of terror" means a country determined by
9 the United States Secretary of State to have repeatedly provided
10 support for acts of international terrorism.

11 Sec. 88s. (1) The fund shall create and operate the critical
12 industry program. The fund shall use money transferred from the
13 strategic outreach and attraction reserve fund created in section 4
14 of the Michigan trust fund act, 2000 PA 489, MCL 12.254, or money
15 appropriated to the program to make qualified investments to
16 qualified businesses.

17 (2) The fund shall expend money allocated to the Michigan
18 critical industry program only to provide qualified investments to
19 qualified businesses for deal-closing, gap financing, or other
20 economic assistance to create or retain qualified jobs as a result
21 of a technological shift in product or production or make capital
22 investments, or both, as determined by the fund board. The program
23 must provide for a detailed application, approval, and compliance
24 process that is also published and available on the fund's website.

25 (3) The fund shall consider and document at a minimum all of
26 the following criteria to the extent reasonably applicable as
27 reasonably determined by the fund board to the type of project
28 proposed before entering into a written agreement for a qualified
29 investment as provided under subsection (4):

1 (a) The importance of the project to the community in which it
2 is located.

3 (b) If the project will act as a catalyst for additional
4 revitalization of the community in which it is located and this
5 state.

6 (c) The amount of local community and financial support for
7 the project.

8 (d) The applicant's financial need for a qualified investment
9 from the critical industry program.

10 (e) The extent of reuse of vacant buildings, public or
11 private, reuse of historic resources, and redevelopment of blighted
12 property.

13 (f) Creation or retention of qualified jobs as a result of a
14 technological shift in product or production at the project
15 location and within this state.

16 (g) The level of other public funds including, but not limited
17 to, the appropriation of federal or state funds and any federal or
18 state tax credits.

19 (h) The level of any private funds, investments, or
20 contributions into the project including, but not limited to, the
21 qualified business's own investments in the project.

22 (i) Whether and how the project is financially and
23 economically sound.

24 (j) Whether and how the project promotes sustainable
25 development.

26 (k) Whether and how the project involves the rehabilitation of
27 a historic resource.

28 (l) Whether and how the project addresses areawide
29 redevelopment and the overall economic benefit to the existing

1 supply chain.

2 (m) The level and extent of environmental contamination.

3 (n) Whether and how the project will compete with or affect
4 existing Michigan businesses within the same industry.

5 (o) Whether and how the project's proximity to rail and
6 utility will impact performance of the project and maximize energy
7 and logistics needs in the community in which it is located and in
8 this state.

9 (p) The risk of obsolescence of the project, products, and
10 investments in the future.

11 (q) The overall return on investment to this state.

12 (r) Whether and how the project addresses food supply
13 challenges.

14 (s) Any other additional criteria approved by the board that
15 are specific to each individual project and are consistent with the
16 purpose of this program.

17 (4) If the fund determines, after making the considerations
18 under subsection (3), to award a qualified investment to a
19 qualified business under this program, the fund shall enter into a
20 written agreement with the qualified business that includes in a
21 clear and concise manner all of the terms and conditions relating
22 to the qualified investment as determined and documented by the
23 fund board, including, but not limited to, the following:

24 (a) Specific time frames and benchmarks to be met before the
25 qualified business receives a disbursement in installments under
26 the critical industry program pursuant to the approved qualified
27 investment.

28 (b) Specific terms relating to the required creation or
29 retention of qualified jobs as a result of a technological shift in

1 product or production at the project location and within this
2 state, including measurable outcomes, proration of payments for
3 partial performance, clawback and specific repayment provisions for
4 breach of the agreement, or for failure to meet measurable
5 outcomes.

6 (c) Specific penalties for noncompliance with the written
7 agreement as determined by the fund.

8 (d) A provision that all money that is subject to a clawback
9 or required to be repaid under a specific repayment provision must
10 be paid within 90 days of notification by the fund. Any amounts not
11 paid within that 90-day period are subject to a penalty of 1% per
12 month, prorated on a daily basis.

13 (e) A provision that this state shall have a security interest
14 as **that term is** defined in section ~~1201(2)(ii)~~ **1201** of the uniform
15 commercial code, 1962 PA 174, MCL 440.1201, to the extent of the
16 qualified investment. This provision does not apply if it conflicts
17 with any contractual obligation of the qualified business or any
18 federal or state bankruptcy or insolvency laws.

19 (f) A provision that the qualified business will provide the
20 data described in the written agreement that are necessary for the
21 fund to report to the legislature as required under this program.

22 (g) A provision that the qualified business may enter into
23 direct agreements with workforce training providers, when
24 appropriate, as determined by the fund to meet the workforce
25 requirements of a qualified investment.

26 (5) If the fund receives a request to modify an existing
27 written agreement for a qualified investment under this program,
28 the fund must provide a copy of that requested modification to each
29 member of the legislature, the governor, the clerk of the house of

1 representatives, the secretary of the senate, and the senate and
2 house fiscal agencies within 5 business days ~~of~~**after** the receipt
3 of the modification request. In addition to the copy of the request
4 for modification, the notice provided under this subsection must
5 also include the specific provisions to be modified and the
6 rationale for considering the modification. Before the fund
7 modifies an existing written agreement for a qualified investment,
8 the fund must give notice of the proposed amendments and publish
9 them on the fund's internet website at least 1 business day ~~prior~~
10 ~~to~~**before** a public hearing on the proposed amendments. If the fund
11 approves and modifies an existing written agreement under this
12 subsection, the fund must provide a copy of that amended written
13 agreement to each member of the legislature, the governor, the
14 clerk of the house of representatives, the secretary of the senate,
15 and the senate and house fiscal agencies within 1 business day of
16 the modification.

17 (6) ~~If the fund board seeks to make a determination as to~~**In**
18 **determining** whether a qualified investment approved under this
19 program represents a fair exchange of value for value, the fund may
20 consider the total value to this state of the qualified investment
21 and the best interests of this state, including, but not limited
22 to, any positive economic impact to this state likely to be
23 generated by the qualified business pursuant to the written
24 agreement for a qualified investment, especially economic impact
25 resulting in the location of a high-economic-impact business
26 facility in this state, increased capital investment in this state,
27 and the creation or retention of qualified jobs as a result of a
28 technological shift in product or production in this state.

29 (7) The fund board shall not disburse funds allocated to the

1 program for a qualified investment to a qualified business if that
2 qualified business has not fully repaid all money subject to
3 clawback or required to be repaid under a specific repayment
4 provision as provided in any written agreement under this act or if
5 that qualified business is in default on any grant, loan,
6 investment, or other economic assistance made or guaranteed by this
7 state. All money paid to the fund pursuant to a clawback or
8 specific repayment provision for a qualified investment under this
9 program ~~shall~~**must** be deposited in the strategic outreach and
10 attraction reserve fund created in section 4 of the Michigan trust
11 fund act, 2000 PA 489, MCL 12.254. The fund shall not use money
12 allocated to the program for administrative purposes. Any money
13 that is allocated to the program that remains unexpended,
14 unallocated, or unobligated at the end of a fiscal year ~~shall~~
15 ~~revert~~**reverts** back to the strategic outreach and attraction
16 reserve fund created in section 4 of the Michigan trust fund act,
17 2000 PA 489, MCL 12.254.

18 (8) Not later than March 15 of each year, the fund shall
19 transmit to each member of the legislature, the governor, the clerk
20 of the house of representatives, the secretary of the senate, and
21 the senate and house fiscal agencies a report on the activities of
22 the critical industry program. The report must include **all of** the
23 following:

24 (a) A list of qualified businesses that received a qualified
25 investment.

26 (b) The type of project or product approved for a qualified
27 investment.

28 (c) The amount and type of qualified investment.

29 (d) For each separate form of qualified investment, all of the

1 following:

2 (i) The number of qualified jobs committed or projected to be
3 created or retained as a result of a technological shift in product
4 or production when the qualified investment was applied for.

5 (ii) The actual number of qualified jobs created or retained as
6 a result of a technological shift in product or production that are
7 not temporary employees.

8 (iii) The average annual salary of the qualified jobs created or
9 retained as a result of a technological shift in product or
10 production that are not temporary employees.

11 (e) The duration of the qualified investment.

12 (f) The amount of other financial assistance other than state
13 resources.

14 (g) Money or other revenue or property returned to the
15 strategic outreach and attraction reserve fund, created in section
16 4 of the Michigan trust fund act, 2000 PA 489, MCL 12.254,
17 including any clawbacks and repayments due to a breach of the
18 written agreement.

19 (9) If the fund fails to transmit the report as required in
20 subsection (8) on or before March 15, the fund board shall not
21 disburse funds for a qualified investment under this program until
22 it transmits the report as required under subsection (8).

23 (10) The legislature finds and declares that funding provided
24 under this program is for a public purpose and serves the health,
25 safety, and general welfare of the residents of this state.

26 **(11) The fund shall not enter into a written agreement with a**
27 **disqualified person on or after the effective date of the**
28 **amendatory act that added section 7c. This subsection applies**
29 **regardless of whether money has been allocated to the program for a**

1 qualified investment to that disqualified person or whether a term
2 sheet has been issued for the qualified investment to the
3 disqualified person.

4 (12) If the fund entered into a written agreement with a
5 disqualified person before the effective date of the amendatory act
6 that added section 7c, both of the following apply:

7 (a) The written agreement is against public policy and is void
8 and unenforceable.

9 (b) The fund board shall not disburse funds allocated to the
10 program for the qualified investment to the disqualified person.

11 (13) ~~(11)~~As used in this section:

12 (a) "Critical industry program" or "program" means the
13 critical industry program created ~~in~~**under** subsection (1).

14 (b) "Disqualified person" means that term as defined in
15 section 7c.

16 (c) ~~(b)~~"Qualified business" means a business that is located
17 in or operates in this state or will locate or will operate in this
18 state as determined by the fund board. A qualified business may
19 include more than 1 business as determined by the fund board.

20 (d) ~~(c)~~"Qualified investment" means a grant, loan, or other
21 economic assistance for a project subject to a written agreement
22 with a qualified business under this program. Qualified investment
23 includes a grant, loan, or other economic assistance for creation
24 or retention of qualified jobs as a result of a technological shift
25 in product or production, infrastructure improvements, other
26 capital investments, the purchase or acquisition of heavy
27 machinery, or other assistance, including, but not limited to, an
28 agreement providing for assistance via the transportation economic
29 development fund created under section 2 of 1987 PA 231, MCL

1 247.902. Qualified investment also includes a grant, loan, or other
2 economic assistance for job training opportunities or workforce
3 development and education, or both.

4 (e) ~~(d)~~—"Qualified job" means a job performed by an individual
5 who is a resident of this state whose Michigan income taxes are
6 withheld by an employer, or an employee leasing company or
7 professional employer organization on behalf of the employer, or by
8 an individual who is not a resident of this state and is employed
9 by a business at a project location that is located in this state,
10 as determined and verified by the fund.

11 (f) **"Written agreement" means a written agreement entered into**
12 **by the fund with a qualified business under subsection (4).**

13 Sec. 88t. (1) The fund shall create and operate the Michigan
14 strategic site readiness program. The fund shall use the program
15 money transferred from the strategic outreach and attraction
16 reserve fund created in section 4 of the Michigan trust fund act,
17 2000 PA 489, MCL 12.254, or money appropriated to the program to
18 make grants, loans, or other economic assistance under this
19 program.

20 (2) The fund shall expend money allocated to the Michigan
21 strategic site readiness program only to provide grants, loans, and
22 other economic assistance for eligible applicants to conduct
23 eligible activities for the purpose of creating investment-ready
24 sites to attract and promote investment in this state for eligible
25 activities on, or related to, strategic sites and mega-strategic
26 sites. The program must provide for a detailed application,
27 approval, and compliance process that is also published and
28 available on the fund's website. The detailed application,
29 approval, and compliance process must, at a minimum, provide for

1 all of the following:

2 (a) An eligible applicant may apply for a grant, loan, or
3 other economic assistance in a form and manner determined by the
4 fund.

5 (b) The fund shall establish separate application criteria for
6 mega-strategic sites and for strategic sites that are not mega-
7 strategic sites and for sites that have, and that do not have, a
8 specifically identified end user.

9 (3) Before approving an application under this section, the
10 fund shall consider and document, at a minimum, all of the
11 following criteria to the extent reasonably applicable as
12 reasonably determined by the fund board to the type of project
13 proposed before entering into a written agreement for a grant,
14 loan, or other economic assistance as provided under this program:

15 (a) The importance of the project or eligible activities to
16 the community in which it is located.

17 (b) If the project will act as a catalyst for additional
18 revitalization of the community in which it is located and this
19 state.

20 (c) The amount of local community and financial support for
21 the project.

22 (d) The amount of any other economic assistance or support
23 provided by this state for the project.

24 (e) The amount of any other economic assistance or support
25 provided by the federal government for the project including, but
26 not limited to, federal appropriations or tax credits.

27 (f) The amount of any private funds or investments for the
28 project including the applicant's own investments in the project.

29 (g) The applicant's financial need for a grant, loan, or other

1 economic assistance under this program.

2 (h) The extent of reuse of vacant buildings, public or
3 private, reuse of historic resources, and redevelopment of blighted
4 property.

5 (i) Creation or retention of qualified jobs as a result of a
6 technological shift in product or production at the project
7 location and within this state.

8 (j) Whether and how the project is financially and
9 economically sound.

10 (k) Whether and how the project converts abandoned public
11 buildings to private use.

12 (l) Whether and how the project promotes sustainable
13 development.

14 (m) Whether and how the project involves the rehabilitation of
15 a historic resource.

16 (n) Whether and how the project addresses areawide
17 redevelopment.

18 (o) Whether and how the project addresses underserved markets
19 of commerce.

20 (p) The level and extent of environmental contamination.

21 (q) Whether and how the project will compete with or affect
22 existing Michigan businesses within the same industry.

23 (r) Whether and how the project's proximity to rail and
24 utility will impact performance of the project and maximize energy
25 and logistics needs in the community in which it is located and in
26 this state.

27 (s) The risk of obsolescence of the project, products, and
28 investments in the future.

29 (t) The overall return on investment to this state.

1 (u) Whether the proposed strategic site or mega-strategic site
2 is incorporated into a strategic plan of a political subdivision of
3 this state.

4 (v) Any other additional criteria approved by the fund board
5 that are specific to each individual project and are consistent
6 with the purpose of this program.

7 (4) If the fund determines, after the considerations under
8 subsection (3), to provide a grant, loan, or other economic
9 assistance to an eligible applicant under this program, the fund
10 shall enter into a written agreement with the eligible applicant
11 that includes in a clear and concise manner all of the terms and
12 conditions related to the grant, loan, or other economic assistance
13 as determined and documented by the fund board, including, but not
14 limited to, the following:

15 (a) Specific dates and benchmarks for the eligible applicant
16 to receive a grant, loan, or other economic assistance under this
17 program, including conditions for the disbursement of funds in
18 installments.

19 (b) For a grant, loan, or other economic assistance provided
20 to a person identified as the end user of the site, a clawback and
21 specific repayment provision if the person fails to comply with the
22 provisions of the written agreement.

23 (c) A provision that all money that is subject to clawback or
24 required to be repaid under a specific repayment provision must be
25 paid within 90 days of notification by the fund. Any amounts not
26 paid within that 90-day period are subject to a penalty of 1% per
27 month, prorated on a daily basis.

28 (d) A provision that this state shall have a security interest
29 as **that term is** defined in section ~~1201(2)(ii)~~ **1201** of the uniform

1 commercial code, 1962 PA 174, MCL 440.1201, to the extent of the
 2 grant, loan, or other economic assistance provided under this
 3 program. This provision does not apply if it conflicts with any
 4 contractual obligation of the eligible applicant or any federal or
 5 state bankruptcy or insolvency laws.

6 (e) An audit provision that requires the fund to verify that
 7 the established benchmarks for the project have been met.

8 (5) In addition to the considerations under subsection (3), in
 9 determining whether to approve a grant, loan, or other economic
 10 assistance for a strategic site for which an end user has not been
 11 specifically identified, the fund shall consider and document, as
 12 reasonably determined by the fund board, at a minimum all of the
 13 following:

14 (a) The degree to which the proposed site demonstrates a high
 15 level of competitiveness for future development, considering and
 16 documenting all of the following:

17 (i) Whether the proposed site is currently assembled.

18 (ii) Whether the proposed site is under site control.

19 (iii) Whether the proposed site is of a size, configuration,
 20 location, and condition that makes the site substantially ready for
 21 marketing and competitive for development ~~upon~~**on** completion of the
 22 grant, loan, or other economic assistance proposed to be offered
 23 under this program and demonstrated matching contributions.

24 (b) Whether the proposed investment will result in the
 25 elimination of blight and the remediation of environmental
 26 contamination.

27 (c) The degree of local matching contributions.

28 (d) Whether the award will promote geographic equity in the
 29 distribution of funds between different areas of this state.

1 (e) Whether the eligible applicant has pursued all available
2 cost-containment measures.

3 (6) In determining whether to approve a grant, loan, or other
4 economic assistance for a mega-strategic site for which an end user
5 has not been specifically identified, the fund shall consider and
6 document, in addition to the criteria in subsections (3) and
7 (5)(a), at a minimum all of the following criteria related to the
8 strategic basis for the investment and feasibility of the
9 investment:

10 (a) Whether the proposed mega-strategic site is supported by a
11 strategic analysis that supports the demand for that site.

12 (b) The feasibility of proposed land acquisition.

13 (c) Utility and transportation availability, and the
14 feasibility of necessary utility and transportation improvements.

15 (d) Workforce availability and training capability.

16 (e) Environmental and topographical conditions, and the
17 feasibility of necessary site improvements to address environmental
18 and topographical conditions.

19 (7) In addition to the considerations under subsection (3), in
20 determining whether to approve a grant, loan, or other economic
21 assistance for a project for which an end user has been
22 specifically identified, the fund shall consider and document, as
23 reasonably determined by the fund board, all of the following:

24 (a) The strategic economic importance of the project to the
25 community in which it is located and to this state.

26 (b) Whether the financial assistance is needed to secure the
27 project in this state.

28 (c) The degree to which the project is a priority for the
29 local governmental unit or local economic development corporation

1 in the jurisdiction of which the site is located.

2 (d) The level of creation or retention of qualified jobs as a
3 result of a technological shift in product or production.

4 (e) Whether the qualified jobs created or retained as a result
5 of a technological shift in product or production equal or exceed
6 the average wage for the county in which the project is located.

7 (f) The level of capital investment.

8 (g) The evidence of the end user's commitment to the site.

9 (8) If the fund receives a request to modify an existing
10 written agreement for a grant, loan, or other economic assistance
11 under this program, the fund must provide a copy of that requested
12 modification to each member of the legislature, the governor, the
13 clerk of the house of representatives, the secretary of the senate,
14 and the senate and house fiscal agencies within 5 business days ~~of~~
15 **after** the receipt of the modification request. In addition to the
16 copy of the request for modification, the notice provided under
17 this subsection must also include the specific provisions to be
18 modified and the rationale for considering the modification. Before
19 the fund modifies an existing written agreement for a grant, loan,
20 or other economic assistance under this program, the fund must give
21 notice of the proposed amendments and publish them on the fund's
22 internet website at least 1 business day ~~prior to~~ **before** a public
23 hearing on the proposed amendments. If the fund approves and
24 modifies an existing written agreement under this subsection, the
25 fund must provide a copy of that amended written agreement to each
26 member of the legislature, the governor, the clerk of the house of
27 representatives, the secretary of the senate, and the senate and
28 house fiscal agencies within 1 business day of the modification.

29 (9) In making an award for a mega-strategic site under this

1 program that does not have a specifically identified end user, the
2 fund, working in collaboration with the eligible applicant, shall
3 prepare a mega-strategic site investment strategy and spending plan
4 that details the sequence and cost of anticipated investments in
5 the selected mega-strategic site, the benchmarks for bringing the
6 mega-strategic site to a marketable condition, and the marketing
7 strategy for the mega-site. Each plan must have the objective of
8 establishing a certified mega-strategic site under a nationally
9 recognized third-party certification program.

10 (10) The fund shall post on its website or post on the website
11 of the Michigan economic development corporation, not less than
12 every 3 months, the name of the eligible applicant or applicants,
13 the location of each site that received a grant, loan, or other
14 economic assistance under this program in that period, and the
15 amount of the grant, loan, or other economic assistance.

16 (11) Notwithstanding anything to the contrary in this section,
17 the program may make grants and provide technical assistance to
18 local economic development corporations for the purpose of creating
19 an inventory of development-ready sites, ~~provided that~~ **if** the
20 inventory ~~shall utilize~~ **utilizes** nationally recognized criteria to
21 identify the readiness of those sites for investment, and ~~provided~~
22 ~~further that~~ **if** the fund ~~shall maintain~~ **maintains** a comprehensive
23 inventory of those sites on its website. The inventory maintained
24 on the website ~~shall~~ **must** include in an interactive and user-
25 friendly manner a listing of all local and state development-ready
26 sites and any pictures, maps, and other documentation related to
27 those sites.

28 (12) The fund board shall not disburse money from the program
29 for a grant, loan, or other economic assistance to an eligible

1 applicant if that eligible applicant has not fully repaid all money
2 subject to clawback or required to be repaid under a specific
3 repayment provision as provided in any written agreement under this
4 act or if that eligible applicant is in default on any grant, loan,
5 or other economic assistance made or guaranteed by this state. All
6 money paid to the fund pursuant to a clawback or specific repayment
7 provision for a grant, loan, or other economic assistance under
8 this program shall be deposited in the strategic outreach and
9 attraction reserve fund created in section 4 of the Michigan trust
10 fund act, 2000 PA 489, MCL 12.254. The fund shall not use money
11 allocated to the program for administrative purposes. Any money
12 that is allocated to the program that remains unexpended,
13 unallocated, or unobligated at the end of the fiscal year ~~shall~~
14 ~~revert~~ **reverts** back to the strategic outreach and attraction
15 reserve fund created in section 4 of the Michigan trust fund act,
16 2000 PA 489, MCL 12.254.

17 (13) Not later than March 15 of each year, the fund shall
18 transmit to each member of the legislature, the governor, the clerk
19 of the house of representatives, the secretary of the senate, and
20 the senate and house fiscal agencies a report on the activities of
21 the Michigan strategic site readiness fund. The report must include
22 **all of** the following:

23 (a) A list of eligible applicants that received a grant, loan,
24 or other economic assistance.

25 (b) The type of project or eligible activities approved for an
26 award under this program.

27 (c) The amount and type of each award.

28 (d) The duration of the grant, loan, or other economic
29 assistance.

1 (e) The amount of other financial assistance other than state
2 resources.

3 (f) Money or other revenue or property returned to the
4 strategic outreach and attraction reserve fund, including any
5 clawbacks and repayments due to a breach of the written agreement.

6 (14) If the fund fails to transmit the report as required in
7 subsection (13) on or before March 15, the fund board shall not
8 disburse money for a grant, loan, or other economic assistance
9 under this program until it transmits the report as required under
10 subsection (13).

11 (15) The legislature finds and declares that funding provided
12 under this program is for a public purpose and serves the health,
13 safety, and general welfare of the residents of this state.

14 **(16) The fund shall not enter into a written agreement with**
15 **respect to a site for which the eligible applicant or end user is a**
16 **disqualified person on or after the effective date of the**
17 **amendatory act that added section 7c. This subsection applies**
18 **regardless of whether money has been allocated to the program for a**
19 **grant, loan, or other economic assistance for eligible activities**
20 **at that site or whether a term sheet has been issued for a grant,**
21 **loan, or other economic assistance for eligible activities at that**
22 **site.**

23 (17) If the fund entered into a written agreement with respect
24 to a site for which the eligible applicant or end user is a
25 disqualified person before the effective date of the amendatory act
26 that added section 7c, both of the following apply:

27 (a) The written agreement is against public policy and is void
28 and unenforceable.

29 (b) The fund board shall not disburse funds allocated to the

1 program for a grant, loan, or other economic assistance for
2 eligible activities at that site.

3 (18) ~~(16)~~—As used in this section:

4 (a) "Disqualified person" means that term as defined in
5 section 7c.

6 (b) ~~(a)~~—"Eligible activities" means, with respect to a site
7 that is the subject of an application under this program, 1 or more
8 of the following:

9 (i) Land acquisition and assembly.

10 (ii) Site preparation and improvement.

11 (iii) Infrastructure improvements that directly benefit the
12 site, including, but not limited to, transportation infrastructure,
13 water and wastewater infrastructure, and utilities necessary to
14 service the site.

15 (iv) Any demolition, construction, alteration, rehabilitation,
16 or improvement of buildings on the site.

17 (v) Environmental remediation.

18 (vi) Architectural, engineering, surveying, and similar
19 professional fees.

20 (c) ~~(b)~~—"Eligible applicant" means an applicant that is 1 or
21 more of the following:

22 (i) A political subdivision of this state, including, but not
23 limited to, a county, city, village, township, charter township, or
24 instrumentality of a county, city, village, township, or charter
25 township.

26 (ii) A local economic development corporation or similar
27 entity.

28 (iii) A person who is the owner of the site for which the
29 improvements are proposed, but who is not the end user of that

1 site, ~~provided that~~ **if** that person ~~must apply~~ **applies** jointly with
 2 an applicant under subparagraph (i) or (ii).

3 (iv) In the case of an application for a site for which a
 4 specific person has been identified as the end user, the person
 5 that is or will be the end user of that site.

6 (d) ~~(e)~~—"End user" means the person, either directly or
 7 through an affiliate, that will establish and operate the
 8 manufacturing or other commercial enterprise that constitutes the
 9 end use of the improved site.

10 (e) ~~(d)~~—"Mega-strategic site" means a strategic site that is
 11 or will be used for a large industrial project.

12 (f) ~~(e)~~—"Michigan strategic site readiness program" or
 13 "program" means the Michigan strategic site readiness program
 14 created ~~in~~ **under** subsection (1).

15 (g) ~~(f)~~—"Qualified job" means a job performed by an individual
 16 who is a resident of this state whose Michigan income taxes are
 17 withheld by an employer, or an employee leasing company or
 18 professional employer organization on behalf of the employer, or by
 19 an individual who is not a resident of this state and is employed
 20 by a business at a project location that is located in this state,
 21 as determined and verified by the fund.

22 (h) ~~(g)~~—"Strategic site" means a site, whether publicly or
 23 privately owned, that is, or subsequent to a proposed acquisition
 24 will be, used for manufacturing or other commercial use.

25 (i) **"Written agreement" means a written agreement entered into**
 26 **by the fund with an eligible applicant under subsection (4).**