

# SENATE BILL No. 1223

March 19, 2008, Introduced by Senator ALLEN and referred to the Committee on Commerce and Tourism.

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 8B

SEC. 89. (1) THE LEGISLATURE FINDS AND DECLARES THAT THE ACTIVITIES AUTHORIZED UNDER THIS CHAPTER TO PROMOTE THIS STATE AND THE CREATION OF JOBS IN THIS STATE ARE A PUBLIC PURPOSE AND OF PARAMOUNT CONCERN IN THE INTEREST OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THIS STATE. IT IS THE INTENT OF THE LEGISLATURE THAT THE ECONOMIC BENEFITS AND THE CREATION OF JOBS RESULTING FROM THIS CHAPTER SHALL ACCRUE SUBSTANTIALLY WITHIN THIS STATE.

(2) ACTIVITIES AUTHORIZED UNDER THIS CHAPTER SHALL NOT BE

1 CONSIDERED A PROJECT, ECONOMIC DEVELOPMENT PROJECT, OR A PRODUCT  
2 ASSISTED BY THE FUND FOR PURPOSES OF CHAPTER 1 OR 2.

3 SEC. 89A. THE BOARD SHALL ESTABLISH A MICHIGAN PROMOTION  
4 PROGRAM TO PROMOTE TOURISM IN MICHIGAN. UPON REQUEST FROM THE  
5 BOARD, THE STATE TREASURER SHALL TRANSFER APPROPRIATED FUNDS FROM  
6 THE 21ST CENTURY JOBS TRUST FUND ESTABLISHED UNDER SECTION 7 OF THE  
7 MICHIGAN TRUST FUND ACT, 2000 PA 489, MCL 12.257, TO THE FUND IN  
8 THE AMOUNTS DESIGNATED BY THE BOARD AT THE TIME AND AS NECESSARY TO  
9 FUND DISBURSEMENTS REQUIRED FOR THE MICHIGAN PROMOTION PROGRAM. THE  
10 FUNDING PROVIDED UNDER THIS CHAPTER FOR TOURISM PROMOTION IS  
11 INTENDED TO ENHANCE FUNDING BEYOND THAT INCLUDED IN THE ANNUAL  
12 APPROPRIATION FOR TRAVEL MICHIGAN TO ATTRACT ADDITIONAL TOURISM  
13 EXPENDITURES AND DEVELOPMENT OF THE TOURISM INDUSTRY IN THIS STATE.  
14 NOT MORE THAN 4% OF THE ANNUAL APPROPRIATION AS PROVIDED BY LAW  
15 FROM THE 21ST CENTURY JOBS TRUST FUND ESTABLISHED IN THE MICHIGAN  
16 TRUST FUND ACT, 2000 PA 489, MCL 12.251 TO 12.260, MAY BE USED FOR  
17 THE PURPOSE OF ADMINISTERING THE PROGRAM AUTHORIZED UNDER THIS  
18 CHAPTER.

19 SEC. 89B. (1) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008,  
20 THERE IS APPROPRIATED AND TRANSFERRED FROM THE 21ST CENTURY JOBS  
21 TRUST FUND TO THE FUND \$20,000,000.00 FOR CARRYING OUT THE PURPOSES  
22 OF THIS CHAPTER.

23 (2) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009, THERE IS  
24 APPROPRIATED AND TRANSFERRED FROM THE 21ST CENTURY JOBS TRUST FUND  
25 TO THE FUND \$20,000,000.00 FOR CARRYING OUT THE PURPOSES OF THIS  
26 CHAPTER.

27 (3) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010, THERE IS

1 APPROPRIATED AND TRANSFERRED FROM THE 21ST CENTURY JOBS TRUST FUND  
2 TO THE FUND \$20,000,000.00 FOR CARRYING OUT THE PURPOSES OF THIS  
3 CHAPTER.

4 (4) THE APPROPRIATION AUTHORIZED IN SUBSECTION (1), (2), AND  
5 (3) IS A WORK PROJECT APPROPRIATION AND ANY UNENCUMBERED OR  
6 UNALLOTTED FUNDS ARE CARRIED FORWARD INTO THE FOLLOWING FISCAL  
7 YEAR. THE FOLLOWING IS IN COMPLIANCE WITH SECTION 451A(1) OF THE  
8 MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1451A:

9 (A) THE PURPOSE OF THE PROJECT IS TO PROVIDE ECONOMIC BENEFITS  
10 AND JOB CREATION WITHIN THIS STATE THROUGH THE PROMOTION OF  
11 TOURISM.

12 (B) THE WORK PROJECT WILL BE ACCOMPLISHED THROUGH THE USE OF  
13 INTERAGENCY AGREEMENTS, GRANTS, STATE EMPLOYEES, AND CONTRACTS.

14 (C) THE TOTAL ESTIMATED COMPLETION COST OF THE PROJECT IS  
15 \$60,000,000.00.

16 (D) THE EXPECTED COMPLETION DATE IS DECEMBER 31, 2010.

17 SEC. 89C. (1) THE FUND BOARD SHALL SELECT ALL VENDORS FOR ALL  
18 MICHIGAN PROMOTION PROGRAM EXPENDITURES UNDER THIS CHAPTER BY  
19 ISSUING A REQUEST FOR PROPOSAL. AT A MINIMUM, THE REQUEST FOR  
20 PROPOSAL SHALL REQUIRE THE RESPONDING ENTITIES TO DISCLOSE ANY  
21 CONFLICT OF INTEREST, DISCLOSE ANY CRIMINAL CONVICTIONS, DISCLOSE  
22 ANY INVESTIGATIONS BY THE INTERNAL REVENUE SERVICE OR ANY OTHER  
23 FEDERAL OR STATE TAXING BODY OR COURT, DISCLOSE ANY PERTINENT  
24 LITIGATION REGARDING THE CONDUCT OF THE ENTITY, AND MAINTAIN  
25 RECORDS AND EVIDENCE PERTAINING TO WORK PERFORMED FOR AT LEAST 5  
26 YEARS. THE FUND BOARD SHALL ESTABLISH A STANDARD PROCESS TO  
27 EVALUATE PROPOSALS SUBMITTED AS A RESULT OF A REQUEST FOR PROPOSAL

1 AND APPOINT A COMMITTEE TO REVIEW THE PROPOSALS. MEMBERS OF ANY  
2 COMMITTEE OR INDIVIDUALS WORKING ON BEHALF OF THE MICHIGAN  
3 STRATEGIC FUND, PAID OR UNPAID, SHALL HAVE NO CONFLICT OF INTEREST  
4 AS DETERMINED BY THE OFFICE OF THE CHIEF COMPLIANCE OFFICER  
5 ESTABLISHED IN SECTION 88I.

6 (2) NOT LESS THAN 75% OF THE FUNDS APPROPRIATED UNDER THIS  
7 CHAPTER SHALL BE TARGETED TO PERSONS OR ENTITIES OUTSIDE OF THIS  
8 STATE. NO FUNDS MAY BE USED FOR ANY MICHIGAN PROMOTION PROGRAM  
9 EFFORT THAT INCLUDES A REFERENCE TO OR THE IMAGE OR VOICE OF AN  
10 ELECTED OFFICIAL, APPOINTED STATE EMPLOYEE, STATE EMPLOYEE GOVERNED  
11 BY A SENIOR EXECUTIVE SERVICE LIMITED TERM EMPLOYMENT AGREEMENT, OR  
12 A CANDIDATE FOR ELECTIVE OFFICE, AND THAT IS TARGETED TO A MEDIA  
13 MARKET IN THIS STATE.

14 SEC. 89D. NO LATER THAN DECEMBER 31, 2009, THE FUND SHALL  
15 PROVIDE THE GOVERNOR, THE CHAIRS OF THE COMMERCE COMMITTEES OF THE  
16 SENATE AND HOUSE OF REPRESENTATIVES, AND THE CHAIRS OF THE  
17 APPROPRIATIONS COMMITTEES OF THE SENATE AND HOUSE OF  
18 REPRESENTATIVES WITH A DEDICATED FUNDING PROPOSAL FOR THE MICHIGAN  
19 PROMOTION PROGRAM.