

**SUBSTITUTE FOR  
HOUSE BILL NO. 4160**

A bill to amend 1984 PA 270, entitled  
"Michigan strategic fund act,"  
by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

9           (2) Money transferred or appropriated by law to the fund for

1 the purposes of carrying out this chapter shall be expended or  
2 invested by the fund as authorized by law for the following  
3 purposes:

4 (a) 21st century investments.

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

7 (c) Other programs or activities authorized under this  
8 chapter.

9 (d) For **PROMOTION OF TOURISM IN THIS STATE. FOR** fiscal year  
10 2010-2011 only, ~~\$10,000,000.00~~ **\$20,000,000.00** for the promotion of  
11 tourism in this state from funds appropriated in the jobs for  
12 Michigan investment program - 21st century jobs fund line in  
13 section 109 of 2010 PA 191 with not less than \$1,500,000.00 to be  
14 used for the 2010-2011 winter advertisement buy. **FOR ALL FUNDS USED**  
15 **FOR PROMOTION OF TOURISM IN THIS STATE UNDER THIS SUBDIVISION, THE**  
16 **FUND SHALL REPORT TO THE LEGISLATURE AT THE SAME TIME AND IN THE**  
17 **SAME MANNER AS PROVIDED IN SECTION 89D.**

18 (3) Except for the appropriations described in section 88j(3)  
19 and as otherwise provided in section 88q, for fiscal years other  
20 than the 2008-2009 and 2009-2010 fiscal years the fund board shall  
21 not expend more than the following amounts each year from the 21st  
22 century jobs trust fund created in the Michigan trust fund act,  
23 2000 PA 489, MCL 12.251 to 12.260, for the following purposes:

24 (a) 25% for the loan enhancement program.

25 (b) 40% for the private equity investment program, the venture  
26 capital investment program, and the mezzanine investment program  
27 combined.

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

5 (4) Not more than 4% of the annual appropriation as provided  
6 by law from the 21st century jobs trust fund created in the  
7 Michigan trust fund act, 2000 PA 489, MCL 12.251 to 12.260, may be  
8 used for the purposes of administering the programs and activities  
9 authorized under this chapter. However, the fund and the fund board  
10 shall not use more than 3% of the annual appropriation for  
11 administering the programs and activities authorized under this  
12 chapter unless the fund board by a 2/3 vote authorizes the  
13 additional 1% for administration.

14 (5) Not more than 5% of the annual appropriation as provided  
15 by law from the 21st century jobs trust fund created in the  
16 Michigan trust fund act, 2000 PA 489, MCL 12.251 to 12.260, may be  
17 used for business development and business marketing costs. Not  
18 less than 80% of the funds committed for business development and  
19 business marketing costs shall be targeted to persons or entities  
20 outside of this state. No funds may be used for any business  
21 development and business marketing effort that includes a reference  
22 to or the image or voice of an elected state officer or a candidate  
23 for elective state office and that is targeted to a media market in  
24 Michigan. The fund board shall select all vendors for all marketing  
25 expenditures under this chapter by issuing a request for proposal.  
26 At a minimum, the request for proposal shall require the responding  
27 entities to disclose any conflict of interest, disclose any

1 criminal convictions, disclose any investigations by the internal  
2 revenue service or any other federal or state taxing body or court,  
3 disclose any pertinent litigation regarding the conduct of the  
4 entity, and maintain records and evidence pertaining to work  
5 performed. The fund board shall establish a standard process to  
6 evaluate proposals submitted as a result of a request for proposal  
7 and appoint a committee to review the proposals. The fund or the  
8 fund board shall not appoint or designate any person paid or unpaid  
9 to a committee to review proposals if that person has a conflict of  
10 interest with any potential vendors as determined by the office of  
11 the chief compliance officer established in section 88i.

12 (6) The fund shall not use any money appropriated or  
13 transferred for purposes authorized under this chapter to acquire  
14 interests in or improve real property. The restriction under this  
15 subsection applies only to the fund and not to recipients of  
16 expenditures or investments under this chapter.