

HOUSE BILL No. 5847

February 28, 2008, Introduced by Reps. Donigan, Meisner, Huizenga, Johnson, Miller, Hammon, Byrnes, Leland, Kathleen Law, Griffin, Condino, Robert Jones, Polidori, Gonzales, Corriveau, Espinoza, Brown, Simpson, Gillard, Amos, Spade, Valentine, McDowell, Meadows, Rick Jones, Bauer, Casperson, Hammel, Dean, Bieda, Byrum, Ebli, Proos, Angerer, Accavitti, Palsrok, Nofs, Clemente, Hansen, Jackson, Lemmons, Lindberg, Clack, Vagnozzi, Sak, Knollenberg, Constan and Young and referred to the Committee on Commerce.

A bill to amend 1995 PA 24, entitled
"Michigan economic growth authority act,"
by amending section 3 (MCL 207.803), as amended by 2007 PA 62.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Affiliated business" means a business that is 100% owned
3 and controlled by an associated business.

4 (b) "Associated business" means a business that owns at least
5 50% of and controls, directly or indirectly, an authorized
6 business.

7 (c) "Authorized business" means 1 of the following:

8 (i) A single eligible business with a unique federal employer
9 identification number that has met the requirements of section 8

1 and with which the authority has entered into a written agreement
2 for a tax credit under section 9.

3 (ii) A single eligible business with a unique federal employer
4 identification number that has met the requirements of section 8,
5 except as provided in this subparagraph, and with which the
6 authority has entered into a written agreement for a tax credit
7 under section 9. An eligible business is not required to create
8 qualified new jobs or maintain retained jobs if qualified new jobs
9 are created or retained jobs are maintained by an associated or
10 affiliated business.

11 (iii) A single eligible business with a unique federal employer
12 identification number that has met the requirements of section 8,
13 except as provided in this subparagraph, and with which the
14 authority has entered into a written agreement for a tax credit
15 under section 9. An eligible business is not required to create
16 qualified new jobs or maintain retained jobs if qualified new jobs
17 are created or retained jobs are maintained by a subsidiary
18 business that withholds income and social security taxes, or an
19 employee leasing company or professional employer organization that
20 has entered into a contractual service agreement with the
21 authorized business in which the employee leasing company or
22 professional employer organization withholds income and social
23 security taxes on behalf of the authorized business.

24 (d) "Authority" means the Michigan economic growth authority
25 created under section 4.

26 (e) "Business" means proprietorship, joint venture,
27 partnership, limited liability partnership, trust, business trust,

1 syndicate, association, joint stock company, corporation,
2 cooperative, limited liability company, or any other organization.

3 (f) "Distressed business" means a business that meets all of
4 the following as verified by the Michigan economic growth
5 authority:

6 (i) Four years immediately preceding the application to the
7 authority under this act, the business had 150 or more full-time
8 jobs in this state.

9 (ii) Within the immediately preceding 4 years, there has been a
10 reduction of not less than 30% of the number of full-time jobs in
11 this state during any consecutive 3-year period. The highest number
12 of full-time jobs within the consecutive 3-year period shall be
13 used in order to determine the percentage reduction of full-time
14 jobs in this subparagraph.

15 (iii) Is not a seasonal employer as defined in section 27 of the
16 Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.27.

17 (g) "Eligible business" means a distressed business or
18 business that proposes to maintain retained jobs after December 31,
19 1999 or to create qualified new jobs in this state after April 18,
20 1995 in manufacturing, mining, research and development, wholesale
21 and trade, **FILM AND DIGITAL MEDIA PRODUCTION**, or office operations
22 or a business that is a qualified high-technology business. An
23 eligible business does not include retail establishments,
24 professional sports stadiums, or that portion of an eligible
25 business used exclusively for retail sales. Professional sports
26 stadium does not include a sports stadium in existence on June 6,
27 2000 that is not used by a professional sports team on the date

1 that an application related to that professional sports stadium is
2 filed under section 8.

3 (h) "Facility" means a site or sites within this state in
4 which an authorized business or subsidiary business maintains
5 retained jobs or creates qualified new jobs.

6 (I) "FILM AND DIGITAL MEDIA PRODUCTION" MEANS THE DEVELOPMENT,
7 PREPRODUCTION, PRODUCTION, POSTPRODUCTION, AND DISTRIBUTION OF
8 SINGLE MEDIA OR MULTIMEDIA ENTERTAINMENT CONTENT FOR DISTRIBUTION
9 OR EXHIBITION TO THE GENERAL PUBLIC IN 2 OR MORE STATES BY ANY
10 MEANS AND MEDIA IN ANY DIGITAL MEDIA FORMAT, FILM, OR VIDEO TAPE,
11 INCLUDING, BUT NOT LIMITED TO, A MOTION PICTURE, A DOCUMENTARY, A
12 TELEVISION SERIES, A TELEVISION MINISERIES, A TELEVISION SPECIAL,
13 INTERSTITIAL TELEVISION PROGRAMMING, LONG-FORM TELEVISION,
14 INTERACTIVE TELEVISION, MUSIC VIDEOS, INTERACTIVE GAMES, VIDEO
15 GAMES, INTERNET PROGRAMMING, AN INTERNET VIDEO, A SOUND RECORDING,
16 A VIDEO, DIGITAL ANIMATION, OR AN INTERACTIVE WEBSITE. FILM AND
17 DIGITAL MEDIA PRODUCTION ALSO INCLUDES THE DEVELOPMENT,
18 PREPRODUCTION, PRODUCTION, POSTPRODUCTION, AND DISTRIBUTION OF A
19 TRAILER, PILOT, VIDEO TEASER, OR DEMO CREATED PRIMARILY TO
20 STIMULATE THE SALE, MARKETING, PROMOTION, OR EXPLOITATION OF FUTURE
21 INVESTMENT IN A FILM OR DIGITAL MEDIA PRODUCTION. FILM OR DIGITAL
22 MEDIA PRODUCTION DOES NOT INCLUDE THE PRODUCTION OF ANY OF THE
23 FOLLOWING:

24 (i) A PRODUCTION FOR WHICH RECORDS ARE REQUIRED TO BE
25 MAINTAINED WITH RESPECT TO ANY PERFORMER IN THE PRODUCTION UNDER 18
26 USC 2257.

27 (ii) A PRODUCTION THAT INCLUDES OBSCENE MATTER OR AN OBSCENE

1 PERFORMANCE AS DESCRIBED IN 1984 PA 343, MCL 752.361 TO 752.374.

2 (iii) A PRODUCTION THAT PRIMARILY CONSISTS OF TELEVISED NEWS OR
3 CURRENT EVENTS.

4 (iv) A PRODUCTION THAT PRIMARILY CONSISTS OF A LIVE SPORTING
5 EVENT.

6 (v) A PRODUCTION THAT PRIMARILY CONSISTS OF POLITICAL
7 ADVERTISING.

8 (vi) A RADIO PROGRAM.

9 (vii) A WEATHER SHOW.

10 (viii) A FINANCIAL MARKET REPORT.

11 (ix) A TALK SHOW.

12 (x) A GAME SHOW.

13 (xi) A PRODUCTION THAT PRIMARILY MARKETS A PRODUCT OR SERVICE.

14 (xii) AN AWARDS SHOW OR OTHER GALA EVENT PRODUCTION.

15 (xiii) A PRODUCTION WITH THE PRIMARY PURPOSE OF FUND-RAISING.

16 (xiv) A PRODUCTION THAT PRIMARILY IS FOR EMPLOYEE TRAINING OR
17 IN-HOUSE CORPORATE ADVERTISING OR OTHER SIMILAR PRODUCTION.

18 (J) ~~(i)~~—"Full-time job" means a job performed by an individual
19 for 35 hours or more each week and whose income and social security
20 taxes are withheld by 1 or more of the following:

21 (i) An authorized business.

22 (ii) An employee leasing company.

23 (iii) A professional employer organization on behalf of the
24 authorized business.

25 (iv) Another person as provided in section 8(1)(c).

26 (v) A business that sells all or part of its assets to an
27 eligible business that receives a credit under section 8(1) or (5).

1 **(K)** ~~(j)~~—"Local governmental unit" means a county, city,
2 village, or township in this state.

3 **(I)** ~~(k)~~—"High-technology activity" means 1 or more of the
4 following:

5 (i) Advanced computing, which is any technology used in the
6 design and development of any of the following:

7 (A) Computer hardware and software.

8 (B) Data communications.

9 (C) Information technologies.

10 (ii) Advanced materials, which are materials with engineered
11 properties created through the development of specialized process
12 and synthesis technology.

13 (iii) Biotechnology, which is any technology that uses living
14 organisms, cells, macromolecules, microorganisms, or substances
15 from living organisms to make or modify a product, improve plants
16 or animals, or develop microorganisms for useful purposes.
17 Biotechnology does not include human cloning as defined in section
18 16274 of the public health code, 1978 PA 368, MCL 333.16274, or
19 stem cell research with embryonic tissue.

20 (iv) Electronic device technology, which is any technology that
21 involves microelectronics, semiconductors, electronic equipment,
22 and instrumentation, radio frequency, microwave, and millimeter
23 electronics, and optical and optic-electrical devices, or data and
24 digital communications and imaging devices.

25 (v) Engineering or laboratory testing related to the
26 development of a product.

27 (vi) Technology that assists in the assessment or prevention of

1 threats or damage to human health or the environment, including,
2 but not limited to, environmental cleanup technology, pollution
3 prevention technology, or development of alternative energy
4 sources.

5 (vii) Medical device technology, which is any technology that
6 involves medical equipment or products other than a pharmaceutical
7 product that has therapeutic or diagnostic value and is regulated.

8 (viii) Product research and development.

9 (ix) Advanced vehicles technology, which is any technology that
10 involves electric vehicles, hybrid vehicles, or alternative fuel
11 vehicles, or components used in the construction of electric
12 vehicles, hybrid vehicles, or alternative fuel vehicles. For
13 purposes of this act:

14 (A) "Electric vehicle" means a road vehicle that draws
15 propulsion energy only from an on-board source of electrical
16 energy.

17 (B) "Hybrid vehicle" means a road vehicle that can draw
18 propulsion energy from both a consumable fuel and a rechargeable
19 energy storage system.

20 (x) Tool and die manufacturing.

21 (xi) Competitive edge technology as defined in section 88a of
22 the Michigan strategic fund act, 1984 PA 270, MCL 125.2088a.

23 **(M)** ~~(I)~~—"New capital investment" means 1 or more of the
24 following:

25 (i) New construction. As used in this subparagraph:

26 (A) "New construction" means property not in existence on the
27 date the authorized business enters into a written agreement with

1 the authority and not replacement construction. New construction
2 includes the physical addition of equipment or furnishings, subject
3 to section 27(2)(a) to (o) of the general property tax act, 1893 PA
4 206, MCL 211.27.

5 (B) "Replacement construction" means that term as defined in
6 section 34d(1)(b)(v) of the general property tax act, 1893 PA 206,
7 MCL 211.34d.

8 (ii) The purchase of new personal property. As used in this
9 subparagraph, "new personal property" means personal property that
10 is not subject to or that is exempt from the collection of taxes
11 under the general property tax act, 1893 PA 206, MCL 211.1 to
12 211.155, on the date the authorized business enters into a written
13 agreement with the authority.

14 (N) ~~(m)~~—"Qualified high-technology business" means a business
15 or facility that is either of the following:

16 (i) A business with not less than 25% of the total operating
17 expenses of the business used for research and development in the
18 tax year in which the business files an application under this act
19 as determined under generally accepted accounting principles and
20 verified by the authority.

21 (ii) A business or facility whose primary business activity is
22 high-technology activity.

23 (O) ~~(n)~~—"Qualified new job" means 1 of the following:

24 (i) A full-time job created by an authorized business at a
25 facility that is in excess of the number of full-time jobs the
26 authorized business maintained in this state prior to the expansion
27 or location, as determined by the authority.

1 (ii) For jobs created after July 1, 2000, a full-time job at a
2 facility created by an eligible business that is in excess of the
3 number of full-time jobs maintained by that eligible business in
4 this state up to 120 days before the eligible business became an
5 authorized business, as determined by the authority.

6 (iii) For a distressed business, a full-time job at a facility
7 that is in excess of the number of full-time jobs maintained by
8 that eligible business in this state on the date the eligible
9 business became an authorized business.

10 (P) ~~(e)~~—"Retained jobs" means the number of full-time jobs at
11 a facility of an authorized business maintained in this state on a
12 specific date as that date and number of jobs is determined by the
13 authority.

14 (Q) ~~(p)~~—"Rural business" means an eligible business located in
15 a county with a population of 90,000 or less.

16 (R) ~~(q)~~—"Subsidiary business" means a business that is
17 directly or indirectly controlled or at least 80% owned by an
18 authorized business.

19 (S) ~~(r)~~—"Written agreement" means a written agreement made
20 pursuant to section 8. A written agreement may address new jobs,
21 qualified new jobs, full-time jobs, retained jobs, or any
22 combination of new jobs, qualified new jobs, full-time jobs, or
23 retained jobs.