

HOUSE BILL No. 4254

February 15, 2011, Introduced by Reps. McMillin, Somerville, Johnson, Foster and Genetski
and referred to the Committee on Oversight, Reform, and Ethics.

A bill to amend 1995 PA 24, entitled
"Michigan economic growth authority act,"
by amending section 5 (MCL 207.805), as amended by 2008 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The powers of the authority are vested in the
2 authority members in office. Regardless of the existence of a
3 vacancy, a majority of the members of the authority constitutes a
4 quorum necessary for the transaction of business at a meeting or
5 the exercise of a power or function of the authority. Action may be
6 taken by the authority at a meeting upon a vote of the majority of
7 the members present. Members of the authority may be present in
8 person at a meeting of the authority or, if authorized by the
9 bylaws of the authority, by use of telecommunications or other
10 electronic equipment.

1 (2) The authority shall meet at the call of the chairperson or
2 as may be provided by the authority. Meetings of the authority may
3 be held anywhere within this state.

4 (3) The business of the authority shall be conducted at a
5 public meeting of the authority held in compliance with the open
6 meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of
7 the time, date, and place of the meeting shall be given as provided
8 by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A
9 record or portion of a record, material, or other data received,
10 prepared, used, or retained by the authority in connection with an
11 application for a tax credit under section 9 that relates to
12 financial or proprietary information submitted by the applicant
13 that is considered by the applicant and acknowledged by the
14 authority as confidential shall not be subject to the disclosure
15 requirements of the freedom of information act, 1976 PA 442, MCL
16 15.231 to 15.246. A designee of the authority shall make the
17 determination as to whether the authority acknowledges as
18 confidential any financial or proprietary information submitted by
19 the applicant and considered by the applicant as confidential.
20 Unless considered proprietary information, the authority shall not
21 acknowledge routine financial information as confidential. If the
22 designee of the authority determines that information submitted to
23 the authority is financial or proprietary information and is
24 confidential, the designee of the authority shall release a written
25 statement, subject to disclosure under the freedom of information
26 act, 1976 PA 442, MCL 15.231 to 15.246, which states all of the
27 following:

1 (a) The name and business location of the person requesting
2 that the information submitted be confidential as financial or
3 proprietary information.

4 (b) That the information submitted was determined by the
5 designee of the authority to be confidential as financial or
6 proprietary information.

7 (c) A broad nonspecific overview of the financial or
8 proprietary information determined to be confidential.

9 (4) The authority shall not disclose financial or proprietary
10 information not subject to disclosure pursuant to subsection (3)
11 without consent of the applicant submitting the information.

12 (5) NOT LESS THAN 2 WEEKS BEFORE A MEETING OF THE AUTHORITY IN
13 WHICH THE AUTHORITY WILL AUTHORIZE AN ELIGIBLE BUSINESS TO RECEIVE
14 TAX CREDITS AS PROVIDED IN SECTION 6, THE AUTHORITY SHALL MAIL
15 NOTICES TO ALL BUSINESSES LOCATED IN THIS STATE THAT ARE WITHIN THE
16 SAME 5-DIGIT NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE
17 AS THE ELIGIBLE BUSINESS. THE NOTICE SHALL CONTAIN ALL OF THE
18 FOLLOWING:

19 (A) THE DATE, TIME, AND LOCATION OF THE AUTHORITY MEETING.

20 (B) A REQUEST FOR INPUT FROM ALL BUSINESSES IN THAT NORTH
21 AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM AS TO WHETHER GRANTING OF
22 THE TAX CREDIT WILL NEGATIVELY IMPACT CURRENTLY EMPLOYED MICHIGAN
23 RESIDENTS OR FUTURE HIRING OF MICHIGAN RESIDENTS.

24 (6) ~~(5)~~—As used in this section, "financial or proprietary
25 information" means information that has not been publicly
26 disseminated or is unavailable from other sources, the release of
27 which might cause the applicant significant competitive harm.

- 1 Financial or proprietary information does not include a written
- 2 agreement under this act.