

SUBSTITUTE FOR  
HOUSE BILL NO. 4092

A bill to amend 1963 PA 62, entitled  
"Industrial development revenue bond act of 1963,"  
(MCL 125.1251 to 125.1267) by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 5A. (1) BEGINNING JULY 1, 2009, THE GOVERNING BODY OF THE  
2 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO  
3 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS  
4 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE  
5 APPLICANT WILL NOT KNOWINGLY HIRE OR CONTRACT WITH ANY BUSINESS  
6 ENTITY THAT KNOWINGLY HIRES AN INDIVIDUAL WHO IS NOT AUTHORIZED  
7 UNDER FEDERAL LAW TO WORK IN THE UNITED STATES.

8        (2) BEGINNING JULY 1, 2009, THE GOVERNING BODY OF THE  
9 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO  
10 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS

1 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE  
2 APPLICANT WILL NOT KNOWINGLY OR REPEATEDLY VIOLATE THE PROVISIONS  
3 OF 1965 PA 166, MCL 408.551 TO 408.558, IF APPLICABLE, IN THE  
4 CONSTRUCTION, IMPROVEMENT, OR FINANCING OF IMPROVEMENTS TO  
5 INDUSTRIAL BUILDINGS UNDER THIS ACT.

6 (3) BEGINNING JULY 1, 2009, THE GOVERNING BODY OF THE  
7 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO  
8 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS  
9 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE  
10 APPLICANT WILL DO ALL OF THE FOLLOWING:

11 (A) MAKE A GOOD FAITH EFFORT TO EMPLOY, IF QUALIFIED, MICHIGAN  
12 RESIDENTS AT THE INDUSTRIAL BUILDING.

13 (B) MAKE A GOOD FAITH EFFORT TO EMPLOY OR CONTRACT WITH  
14 MICHIGAN RESIDENTS AND FIRMS TO CONSTRUCT OR IMPROVE INDUSTRIAL  
15 BUILDINGS UNDER THIS ACT.

16 (C) MAKE A GOOD FAITH EFFORT TO UTILIZE MICHIGAN-BASED  
17 SUPPLIERS AND VENDORS WHEN PURCHASING GOODS AND SERVICES.

18 (4) BEGINNING JULY 1, 2009, THE WRITTEN AGREEMENT DESCRIBED IN  
19 SUBSECTION (1) SHALL ALSO CONTAIN A REMEDY PROVISION THAT PROVIDES  
20 FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

21 (A) A REQUIREMENT THAT THE APPLICANT'S INDUSTRIAL FACILITIES  
22 EXEMPTION CERTIFICATE IS REVOKED UNDER THIS ACT IF THE APPLICANT IS  
23 DETERMINED TO BE IN VIOLATION OF SUBSECTION (1) OR (2), AS  
24 DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY.

25 (B) A REQUIREMENT THAT THE APPLICANT MAY BE REQUIRED TO REPAY  
26 SOME OR ALL OF THE BENEFITS RECEIVED UNDER THIS ACT IF THE  
27 APPLICANT IS DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF

House Bill No. 4092 (H-1) as amended March 12, 2009

1 SUBSECTION (1) OR (2), AS DETERMINED BY THE GOVERNING BODY OF THE  
2 MUNICIPALITY.

3 (5) NOT LATER THAN FEBRUARY 1 EACH YEAR, THE [APPLICANT  
4 ] SHALL REPORT TO THE BOARD OF THE MICHIGAN  
5 STRATEGIC FUND ON THE ACTIVITIES FOR THE IMMEDIATELY PRECEDING  
6 FISCAL YEAR. THE REPORT SHALL CONTAIN ALL OF THE FOLLOWING:

7 (A) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN NEW JOBS [BY THE  
8 APPLICANT] FROM  
9 THE CONSTRUCTION, IMPROVEMENT, OR FINANCING OF INDUSTRIAL BUILDINGS  
10 UNDER THIS ACT IN THE IMMEDIATELY PRECEDING YEAR.

11 (B) THE NUMBER OF NEW JOBS CREATED [BY THE APPLICANT] FROM THE  
12 CONSTRUCTION,  
13 IMPROVEMENT, OR FINANCING OF INDUSTRIAL BUILDINGS UNDER THIS ACT IN  
14 THE IMMEDIATELY PRECEDING YEAR.

15 (C) THE DETAILS OF THE GOOD FAITH EFFORTS REQUIRED OF THE  
16 APPLICANT DESCRIBED IN SUBSECTION (3) (A), (B), AND (C).

17 (6) THE ATTORNEY GENERAL OF THIS STATE, OR OTHER APPROPRIATE  
18 STATE AGENCY, SHALL BE RESPONSIBLE FOR ANY ENFORCEMENT NECESSARY TO  
19 ENSURE COMPLIANCE AFTER THE APPLICANT HAS SIGNED THE AGREEMENT  
20 UNDER THE PROVISIONS DESCRIBED IN SUBSECTIONS (2), (3), AND (4).