

SENATE 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 MAKE A GOOD FAITH EFFORT TO EMPLOY OR CONTRACT WITH
3 MICHIGAN RESIDENTS OR INDIVIDUALS WHO PLAN ON BECOMING RESIDENTS OF
4 THIS STATE AND MICHIGAN FIRMS TO CONSTRUCT OR IMPROVE INDUSTRIAL
5 BUILDINGS UNDER THIS ACT.

6 (3) BEGINNING JULY 1, 2009, THE WRITTEN AGREEMENT DESCRIBED IN
7 SUBSECTION (1) SHALL ALSO CONTAIN A REMEDY PROVISION THAT PROVIDES
8 FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

9 (A) A REQUIREMENT THAT THE APPLICANT'S INDUSTRIAL FACILITIES
10 EXEMPTION CERTIFICATE IS REVOKED UNDER THIS ACT IF THE APPLICANT IS
11 DETERMINED TO BE IN VIOLATION OF SUBSECTION (1), AS DETERMINED BY
12 THE GOVERNING BODY OF THE MUNICIPALITY.

13 (B) A REQUIREMENT THAT THE APPLICANT MAY BE REQUIRED TO REPAY
14 SOME OR ALL OF THE BENEFITS RECEIVED UNDER THIS ACT IF THE
15 APPLICANT IS DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF
16 SUBSECTION (1), AS DETERMINED BY THE GOVERNING BODY OF THE
17 MUNICIPALITY.

18 (4) NOT LATER THAN THE FEBRUARY 1 IMMEDIATELY FOLLOWING THE
19 COMPLETION OF THE CONSTRUCTION OR IMPROVEMENT OF AN INDUSTRIAL
20 BUILDING, THE APPLICANT SHALL REPORT TO THE GOVERNING BODY OF THE
21 MUNICIPALITY REGARDING ALL OF THE FOLLOWING:

22 (A) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN JOBS FOR THE
23 CONSTRUCTION OR IMPROVEMENT OF INDUSTRIAL BUILDINGS FOR WHICH BONDS
24 OR NOTES WERE ISSUED UNDER THIS ACT.

25 (B) THE NUMBER OF JOBS CREATED FROM THE CONSTRUCTION OR
26 IMPROVEMENT OF INDUSTRIAL BUILDINGS FOR WHICH BONDS OR NOTES WERE
27 ISSUED UNDER THIS ACT.

1 (C) THE DETAILS OF THE GOOD FAITH EFFORTS REQUIRED OF THE
2 APPLICANT DESCRIBED IN SUBSECTION (2).

3 (5) NOT LATER THAN MAY 1 EACH YEAR, THE GOVERNING BODY OF THE
4 MUNICIPALITY SHALL COMPILE ALL INFORMATION SUBMITTED BY APPLICANTS
5 UNDER SUBSECTION (4) AND SUBMIT IT TO THE BOARD OF THE MICHIGAN
6 STRATEGIC FUND.

7 (6) THE ATTORNEY GENERAL OF THIS STATE, OR OTHER APPROPRIATE
8 STATE AGENCY, SHALL BE RESPONSIBLE FOR ANY ENFORCEMENT NECESSARY TO
9 ENSURE COMPLIANCE AFTER THE APPLICANT HAS SIGNED THE AGREEMENT
10 UNDER THE PROVISIONS DESCRIBED IN SUBSECTIONS (1), (2), AND (3).

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 95th Legislature are
13 enacted into law:

14 (a) Senate Bill No. 502.

15
16 (b) Senate Bill No. 539.