

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4094

A bill to amend 1987 PA 231, entitled

"An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,"

by amending section 13 (MCL 247.913) and by adding section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9A. (1) BEGINNING JULY 1, 2009, THE ADMINISTRATOR SHALL
2 NOT USE ANY PROCEEDS OF THE FUND FOR A PROJECT UNLESS THE APPLICANT
3 STATES, IN WRITING, THAT THE APPLICANT WILL NOT KNOWINGLY HIRE OR
4 CONTRACT WITH ANY BUSINESS ENTITY THAT KNOWINGLY HIRES AN
5 INDIVIDUAL WHO IS NOT AUTHORIZED UNDER FEDERAL LAW TO WORK IN THE
6 UNITED STATES.

7 (2) BEGINNING JULY 1, 2009, THE ADMINISTRATOR SHALL NOT USE

1 ANY PROCEEDS OF THE FUND FOR A PROJECT UNLESS THE APPLICANT STATES,
2 IN WRITING, THAT THE APPLICANT WILL MAKE A GOOD FAITH EFFORT TO
3 EMPLOY OR CONTRACT WITH MICHIGAN RESIDENTS OR INDIVIDUALS WHO PLAN
4 ON BECOMING RESIDENTS OF THIS STATE AND MICHIGAN FIRMS TO
5 CONSTRUCT, REHABILITATE, AND DEVELOP THE PROJECT.

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 IS NO LONGER ELIGIBLE TO
10 RECEIVE FINANCING FOR PROJECTS DESCRIBED IN SECTION 9(1)(A) IF THE
11 APPLICANT IS DETERMINED TO BE IN VIOLATION OF SUBSECTION (1), AS
12 DETERMINED BY THE ADMINISTRATOR.

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 ADMINISTRATOR.

17 Sec. 13. By December 31 each year the commission shall report
18 to the governor, **THE BOARD OF THE MICHIGAN STRATEGIC FUND**, the
19 house and senate appropriations committees, and the house and
20 senate fiscal agencies the following information regarding this
21 act:

22 (a) The projects funded during the previous fiscal year.

23 (b) The status of projects funded in the immediately preceding
24 fiscal year.

25 (c) The number of jobs created and retained and any other
26 economic benefits of the projects funded and listed under
27 subdivision (a).

1 (d) The degree to which the projects funded have achieved the
2 objectives of this act.

3 **(E) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN PROJECTS**
4 **FUNDED UNDER THIS ACT IN THE IMMEDIATELY PRECEDING YEAR.**

5 **(F) THE DETAILS OF THE GOOD FAITH EFFORTS REQUIRED OF THE**
6 **APPLICANT DESCRIBED IN SECTION 9A(2) .**

7 **(G)** ~~(e)~~Any other information considered necessary by the
8 commission for the legislature to evaluate the effectiveness of
9 this act.

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

13 (a) Senate Bill No. 502.

14
15 (b) Senate Bill No. 539.