

HOUSE BILL No. 4092

January 22, 2009, Introduced by Reps. Constan, Robert Jones, Polidori, Liss, Haugh, Terry Brown, Lisa Brown, Segal, Valentine, Haase, Kennedy, Geiss, Roberts, Barnett, Bauer, Miller, Slavens, Angerer and Ebli and referred to the Committee on Commerce.

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 VIOLATE THE PROVISIONS OF 1965 PA 166, MCL
3 408.551 TO 408.558, IF APPLICABLE, IN THE CONSTRUCTION,
4 IMPROVEMENT, OR FINANCING OF IMPROVEMENTS TO INDUSTRIAL BUILDINGS
5 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

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 GOVERNING BODY OF
4 THE MUNICIPALITY 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 FROM
8 THE CONSTRUCTION, IMPROVEMENT, OR FINANCING OF INDUSTRIAL BUILDINGS
9 UNDER THIS ACT IN THE IMMEDIATELY PRECEDING YEAR.

10 (B) THE NUMBER OF NEW JOBS CREATED FROM THE CONSTRUCTION,
11 IMPROVEMENT, OR FINANCING OF INDUSTRIAL BUILDINGS UNDER THIS ACT IN
12 THE IMMEDIATELY PRECEDING YEAR.

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

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