

HOUSE BILL NO. 4573

May 16, 2023, Introduced by Reps. Glanville, Skaggs, Brixie, Steckloff, MacDonell, Rheingans, Brabec, Breen, Koleszar, Hood, Price, Tyrone Carter, Paiz, Arbit, Stone, Wilson, Rogers, Fitzgerald, Miller, Hill, Scott and Markkanen and referred to the Committee on Higher Education.

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 161, 162, and 164 (MCL 389.161, 389.162, and 389.164), sections 161 and 162 as amended by 2015 PA 130 and section 164 as amended by 2018 PA 376.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 161. As used in this chapter:
- 2 (a) "Agreement" means a written agreement between an employer
- 3 and a community college district concerning a project and any

1 amendments to that agreement.

2 (b) "Bond" or "bonds" means bonds, notes, or other debt issued
3 by a community college district under this chapter.

4 (c) "Employer" means a person that is engaged in business and
5 has employees in this state.

6 (d) "New job" means a full-time job in this state that meets
7 all of the following:

8 (i) Except as provided in subparagraph (ii) or (iii), is a new,
9 existing, or expanding business of an employer.

10 (ii) Is not a job of a recalled worker, a replacement job, or
11 any other job that existed in the employer's business within the 1-
12 year period preceding the date of an agreement.

13 (iii) Is not a job that is part of an employer's business
14 operation located in a municipality in this state, if that job
15 existed in a business operation or a substantially similar business
16 operation of the employer formerly located in another municipality
17 in this state, the employer moved that business operation or
18 substantially similar business operation to its current location,
19 and the employer closed or substantially reduced that former
20 business operation or substantially similar business operation.

21 (iv) Results in a net increase in employment in this state for
22 that employer.

23 (v) The wage paid for the job **at the time of the contract** is
24 ~~equal to or exceeds~~ **at least the lesser of the following:**

25 (A) 175% of the state minimum wage.

26 (B) **The county ALICE household survival budget for a household**
27 **of 1 adult and 1 child. As used in this sub-subparagraph, "county**
28 **ALICE household survival budget" is an amount equal to the minimum**
29 **hourly wage rate necessary to pay the minimal estimate of the total**

1 household essentials in the county in which a job is primarily
 2 performed, based on the most recent data provided by United for
 3 ALICE at unitedforalice.org.

4 (e) "New jobs credit from withholding" means the credit
 5 described in section 163.

6 (f) "New jobs training program" or "program" means the project
 7 or projects established by a community college district for the
 8 creation of jobs by providing education and training or retraining
 9 of workers for new jobs.

10 (g) "Program costs" means all necessary and incidental costs
 11 of providing program services.

12 (h) "Program services" includes, but is not limited to, any of
 13 the following:

14 (i) Training or retraining for new jobs.

15 (ii) Adult basic education and job-related instruction.

16 (iii) Developmental, readiness, and remedial education.

17 (iv) Vocational and skill-assessment services and testing.

18 (v) Training facilities, equipment, materials, and supplies.

19 (vi) Administrative expenses for the new jobs training program.

20 (vii) Subcontracted services with public universities and
 21 colleges in this state, private colleges or universities, or any
 22 federal, state, or local departments or agencies.

23 (viii) Contracted or professional services.

24 (i) "Project" means a training arrangement that is the subject
 25 of an agreement entered into between the community college district
 26 and an employer to provide program services.

27 (j) "State minimum wage" means the minimum hourly wage rate in
 28 effect as of the date the employer and the community college
 29 district enter into the agreement to establish the project under

1 former 1964 PA 154 or under the workforce opportunity wage act,
2 2014 PA 138, MCL 408.411 to 408.424, as applicable.

3 Sec. 162. (1) A community college district may enter into an
4 agreement to establish a project with an employer engaged in
5 business activities anywhere in the state. An agreement ~~shall~~**must**
6 meet section 163 and all of the following:

7 (a) ~~Shall~~**Must** provide for program costs that may be paid from
8 a new jobs credit from withholding, to be received or derived from
9 new employment resulting from the project, or from tuition, student
10 fees, or special charges fixed by the board of trustees to defray
11 program costs in whole or in part.

12 (b) ~~Shall~~**Must** contain an estimate of the number of new jobs
13 to be created by the employer.

14 (c) ~~Shall~~**Must** include a provision that fixes, on a quarterly
15 basis, the minimum amount of new jobs credit from withholding to be
16 paid for program costs.

17 (d) ~~Shall~~**Must** provide that if the amount received from the
18 new jobs credit from withholding is insufficient to pay program
19 costs, the employer agrees to provide money, at least quarterly, to
20 make up the shortfall, so that the community college district
21 receives for each quarter the minimum amount of new jobs credit
22 from withholding that is provided in the agreement.

23 (e) ~~Shall~~**Must** include the employer's agreement to mortgage,
24 assign, pledge, or place a lien on any real or personal property as
25 required by the community college district as security for its
26 obligations under the agreement.

27 (f) ~~Shall~~**Must** provide for payment of an administrative fee to
28 the community college district in an amount equal to 15% of the
29 aggregate amount to be paid under the agreement.

1 (g) May contain other provisions the community college
2 district considers appropriate or necessary.

3 (2) Any payments required to be made by an employer under an
4 agreement are a lien on the employer's business property, real and
5 personal, until paid, have equal precedence with property taxes,
6 and ~~shall~~**are** not ~~be~~ divested by a judicial sale. Property subject
7 to the lien established in this subsection may be sold for sums due
8 and delinquent at a tax sale, with the same forfeitures, penalties,
9 and consequences as for the nonpayment of property taxes. The
10 purchaser at tax sale obtains the property subject to the remaining
11 payments required under the agreement.

12 (3) A community college district shall file a copy of an
13 agreement with the department of treasury promptly after its
14 execution.

15 (4) A community college district shall not enter into any new
16 agreements after December 31, ~~2023~~**2033**.

17 Sec. 164. (1) Subject to subsection (16), by resolution of its
18 board of trustees, a community college district may authorize,
19 issue, and sell its new jobs training revenue bonds in anticipation
20 of payments to be received pursuant to an agreement, subject to the
21 requirements of this chapter, to finance costs of new jobs training
22 programs and to pay costs of issuing those bonds. The bonds ~~shall~~
23 **must** be payable in the manner and on the terms and conditions
24 determined, or within the parameters specified, by the board in the
25 resolution authorizing issuance of the bonds. The resolution
26 authorizing the bonds ~~shall create~~**creates** a lien on the receipts
27 from new jobs credit from withholding to be received by the
28 community college district pursuant to an agreement or agreements
29 that ~~shall be~~**is** a statutory lien and ~~shall be~~**is** a first lien

1 subject only to liens previously created. As additional security,
2 in the resolution authorizing the bonds, the board of trustees may
3 also pledge the limited tax full faith and credit of the district
4 and may authorize and enter into an insurance contract, agreement
5 for lines of credit, letter of credit, commitment to purchase
6 obligations, remarketing agreement, reimbursement agreement, tender
7 agreement, or any other transaction necessary to provide security
8 to assure timely payment of any bonds.

9 (2) Bonds described in subsection (1) ~~shall~~**must** be authorized
10 by resolution of the board of trustees, and ~~shall~~**must** bear the
11 date or dates, and ~~shall~~**must** mature at the time or times, not
12 exceeding 20 years from the date of issue, provided in the
13 resolution. The bonds ~~shall~~**must** bear interest at the rate or
14 rates, fixed or variable or a combination of fixed and variable, be
15 in the denominations, be in the form, either coupon or registered,
16 carry the registration privileges, be executed in the manner, be
17 payable in the medium of payment and at the place or places, and be
18 subject to the terms of redemption provided in the resolution or
19 resolutions. The bonds of the community college district may be
20 sold at a competitive or negotiated sale at par, premium, or
21 discount as determined in the authorizing resolution.

22 (3) A community college district may issue bonds described in
23 subsection (1) with respect to a single project or multiple
24 projects as determined by the board of trustees in the resolution
25 authorizing the issuance of the bonds. The board of trustees may
26 determine to sell the bonds in conjunction with the sale of bonds
27 by another community college district.

28 (4) Any resolution authorizing any bonds under this section,
29 or any issue of bonds of those bonds, may contain provisions

1 concerning any of the following, and those provisions are part of
2 the contract with the holders of the bonds:

3 (a) Pledging all or any part of any fees or available funds of
4 the community college district, or other money received or to be
5 received, to secure the payment of the bonds or of any issue of
6 bonds, and subject to any agreements with bondholders as may then
7 exist.

8 (b) Pledging all or any part of the assets of the community
9 college district, including mortgages and obligations securing the
10 assets, to secure the payment of the bonds or of any issue of
11 bonds, subject to any agreements with bondholders as may then
12 exist.

13 (c) The setting aside of reserves or sinking funds and the
14 regulation and disposition of reserves or sinking funds.

15 (d) Limitations on the purpose to which the proceeds of sale
16 of bonds may be applied and pledging the proceeds to secure the
17 payment of the bonds or of any issue of bonds.

18 (e) Limitations on the issuance of additional bonds; the terms
19 on which additional bonds may be issued and secured; and the
20 refunding of outstanding or other bonds.

21 (f) The procedure, if any, by which the terms of any contract
22 with bondholders may be amended or abrogated, the amount of bonds
23 the holders of which must consent to the amendment or abrogation,
24 and the manner in which bondholders may give that consent.

25 (g) Vesting in a trustee or trustees the property, rights,
26 powers, and duties in trust determined by the board of trustees of
27 the community college district.

28 (h) Any other matters that in any way affect the security or
29 protection of the bonds.

1 (i) Delegating to an officer or other employee of the
2 community college district, or an agent designated by the community
3 college district, the power to cause the issue, sale, and delivery
4 of the bonds within limits on those bonds established by the
5 community college district concerning any of the following:

6 (i) The form of the bonds.

7 (ii) The maximum interest rate or rates of the bonds.

8 (iii) The maturity date or dates of the bonds.

9 (iv) The purchase price of the bonds.

10 (v) The denominations of the bonds.

11 (vi) The redemption premiums of the bonds.

12 (vii) The nature of the security for the bonds.

13 (viii) Any other terms and conditions concerning issuance of the
14 bonds prescribed by the board of trustees of the community college
15 district.

16 (5) All of the following apply to any pledge of money or other
17 assets made by a community college district to secure any bonds or
18 issue of bonds under this section:

19 (a) The pledge is valid and binding from the time when the
20 pledge is made.

21 (b) The money or other assets pledged are immediately subject
22 to the lien of the pledge when received, without any physical
23 delivery of the money or assets or any further act.

24 (c) The lien of the pledge is valid and binding as against all
25 parties having claims of any kind, in tort, contract, or otherwise,
26 against the community college district, whether or not those
27 parties have notice of the lien.

28 (d) The community college district is not required to record
29 the resolution or any other instrument creating the pledge.

1 (6) The board of trustees of a community college district and
2 any person executing bonds subject to this section are not
3 personally liable on the bonds or subject to any personal liability
4 or accountability by reason of the issuance of the bonds.

5 (7) A community college district issuing bonds under this
6 section may purchase bonds of the community college district out of
7 any funds available for that purpose, subject to any agreements
8 with bondholders in effect at that time. Unless the board of the
9 community college district determines by resolution that the
10 payment of a higher price is in the best interests of the community
11 college district, the community college shall not purchase those
12 bonds at a price that exceeds 1 of the following, as applicable:

13 (a) If the bonds are redeemable at the time of purchase, the
14 redemption price applicable at that time plus accrued interest to
15 the next interest payment date on the bonds.

16 (b) If the bonds are not redeemable at the time of purchase,
17 the redemption price applicable on the first date after the
18 purchase on which the bonds are redeemable, plus accrued interest
19 to that date.

20 (8) Bonds issued under this section are not subject to the
21 revised municipal finance act, 2001 PA 34, MCL 141.2101 to
22 141.2821, except that bonds issued under this section are subject
23 to the maximum rate permitted under section 305 of the revised
24 municipal finance act, 2001 PA 34, MCL 141.2305.

25 (9) The issuance of bonds under this section is subject to the
26 agency financing reporting act, 2002 PA 470, MCL 129.171 to
27 129.177.

28 (10) Bonds issued under this section ~~shall~~**must** not be
29 considered to be within any limitation of outstanding debt limit

1 applicable to the community college district, including any
2 limitation contained in section 122, but ~~shall~~**must** be considered
3 as authorized in addition to any limitation of outstanding debt
4 limit applicable to the community college district.

5 (11) By resolution of its board of trustees, a community
6 college district may refund all or any part of its outstanding
7 bonds issued under this section by issuing refunding bonds. A
8 community college district may issue refunding bonds whether the
9 outstanding bonds to be refunded have or have not matured, are or
10 are not redeemable on the date of issuance of the refunding bonds,
11 or are or are not subject to redemption before maturity.

12 (12) A community college district may issue refunding bonds
13 under subsection (11) in a principal amount greater than the
14 principal amount of the outstanding bonds to be refunded if
15 necessary to effect the refunding under the refunding plan.

16 (13) A community college district may use the proceeds of
17 refunding bonds issued under subsection (11) to pay interest
18 accrued, or to accrue, to the earliest or any subsequent date of
19 redemption, purchase, or maturity of the outstanding bonds to be
20 refunded, redemption premium, if any, and any commission, service
21 fee, and other expense necessary to be paid in connection with the
22 outstanding bonds to be refunded. A community college district may
23 also use the proceeds of refunding bonds to pay part of the cost of
24 issuance of the refunding bonds, interest on the refunding bonds, a
25 reserve for the payment of principal, interest, and redemption
26 premiums on the refunding bonds, and other necessary incidental
27 expenses, including, but not limited to, placement fees and fees or
28 charges for insurance, letters of credit, lines of credit, or
29 commitments to purchase the outstanding bonds to be refunded.

1 (14) A community college district may apply the proceeds of
2 refunding bonds issued under subsection (11) and other available
3 money to payment of the principal, interest, or redemption
4 premiums, if any, on the refunded outstanding bonds at maturity or
5 on any prior redemption date or may deposit the proceeds or other
6 money in trust to use to purchase and deposit in trust direct
7 obligations of the United States, direct noncallable and
8 nonprepayable obligations that are unconditionally guaranteed by
9 the United States government as to full and timely payment of
10 principal and interest, noncallable and nonprepayable coupons from
11 those obligations that are stripped pursuant to United States
12 Treasury programs, and resolution funding corporation bonds and
13 strips, the principal and interest on which when due, together with
14 other available money, will provide funds sufficient to pay
15 principal, interest, and redemption premiums, if any, on the
16 refunded outstanding bonds as the refunded outstanding bonds become
17 due, whether by maturity or on a prior redemption date, as provided
18 in the authorizing resolution.

19 (15) A community college district is authorized to pay all or
20 part of the costs of new jobs training programs out of funds of the
21 community college district, including self-funding methods. The use
22 of funds of the community college district and self-funding methods
23 to pay the costs of new jobs training programs ~~shall~~**must** be
24 considered an authorized expenditure of public funds and ~~shall~~**must**
25 not be construed as an investment.

26 (16) A community college district shall not authorize, issue,
27 or sell any new jobs training revenue bonds after December 31,
28 ~~2023~~**2033**.