

# SENATE BILL No. 144

March 18, 1987, Introduced by Senators KELLY, VAUGHN, CROUSEY, FAUST, GEO. HART, DILLINGHAM, IRWIN, O'BRIEN, SCHWARZ, MACK, ARTHURHULTZ, FAXON, GAST, BARCIA, FREDRICKS, CHERRY, POSTHUMUS, DINGELL, J. HART, MILLER, SHINKLE, EHLERS, DE GROW, SEDERBURG, CRUCE, NICHOLS, POLLACK and HOLMES and referred to the Committee on Judiciary.

A bill to amend the title of Act No. 314 of the Public Acts of 1965, entitled as amended

"An act to authorize the investment of assets of public employee retirement systems or plans created and established by the state or any political subdivision; to provide for the payment of certain costs and investment expenses; to authorize investment in variable rate interest loans; to define and limit the investments which may be made by an investment fiduciary with the assets of a public employee retirement system; and to impose duties on an investment fiduciary,"

as amended, being sections 38.1132 to 38.1140h of the Michigan Compiled Laws; and to add section 13a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title of Act No. 314 of the Public Acts of  
2 1965, as amended, being sections 38.1132 to 38.1140h of the  
3 Michigan Compiled Laws, is amended and section 13a is added to  
4 read as follows:

## TITLE

1  
2 An act to authorize the investment of assets of public  
3 employee retirement systems or plans created and established by  
4 the state or any political subdivision; to provide for the pay-  
5 ment of certain costs and investment expenses; to authorize  
6 investment in variable rate interest loans; to define and limit  
7 the investments which may be made by an investment fiduciary with  
8 the assets of a public employee retirement system; and to impose  
9 duties on an investment fiduciary AND CERTAIN STATE DEPARTMENTS  
10 AND OFFICERS.

11 SEC. 13A. (1) AS USED IN THIS SECTION, "MACBRIDE  
12 PRINCIPLES" MEANS THOSE REQUIREMENTS FOR COMPANIES DOING BUSINESS  
13 IN NORTHERN IRELAND PROVIDING FOR ALL OF THE FOLLOWING:

14 (A) INCREASING THE REPRESENTATION OF INDIVIDUALS FROM UNDER-  
15 REPRESENTED RELIGIOUS GROUPS IN THE WORK FORCE INCLUDING MANAGE-  
16 RIAL, SUPERVISORY, ADMINISTRATIVE, CLERICAL, AND TECHNICAL JOBS.

17 (B) PROVIDING ADEQUATE SECURITY FOR THE PROTECTION OF MINOR-  
18 ITY EMPLOYEES BOTH AT THE WORKPLACE AND WHILE TRAVELING TO AND  
19 FROM THE WORKPLACE.

20 (C) THE BANNING OF PROVOCATIVE RELIGIOUS OR POLITICAL  
21 EMBLEMS FROM THE WORKPLACE.

22 (D) PUBLICLY ADVERTISING ALL EMPLOYMENT OPENINGS AND MAKING  
23 SPECIAL RECRUITMENT EFFORTS TO ATTRACT APPLICANTS FROM UNDERREP-  
24 RESENTED RELIGIOUS GROUPS.

25 (E) PROVIDING THAT LAYOFF, RECALL, AND TERMINATION PROCE-  
26 DURES SHALL NOT IN PRACTICE FAVOR PARTICULAR RELIGIOUS  
27 GROUPINGS.

1 (F) THE ABOLITION OF JOB RESERVATIONS, APPRENTICESHIP  
2 RESTRICTIONS, AND DIFFERENTIAL EMPLOYMENT CRITERIA, WHICH DIS-  
3 CRIMINATE ON THE BASIS OF RELIGION OR ETHNIC ORIGIN.

4 (G) THE DEVELOPMENT OF TRAINING PROGRAMS THAT WILL PREPARE  
5 SUBSTANTIAL NUMBERS OF CURRENT MINORITY EMPLOYEES FOR SKILLED  
6 JOBS, INCLUDING THE EXPANSION OF EXISTING PROGRAMS AND THE CRE-  
7 ATION OF NEW PROGRAMS TO TRAIN, UPGRADE, AND IMPROVE THE SKILLS  
8 OF MINORITY EMPLOYEES.

9 (H) THE ESTABLISHMENT OF PROCEDURES TO ASSESS, IDENTIFY, AND  
10 ACTIVELY RECRUIT MINORITY EMPLOYEES WITH POTENTIAL FOR FURTHER  
11 ADVANCEMENT.

12 (I) THE APPOINTMENT OF SENIOR MANAGEMENT STAFF MEMBERS TO  
13 OVERSEE THE EFFORTS TO COMPLY WITH THESE PRINCIPLES AND THE  
14 IMPLEMENTATION OF TIMETABLES TO ACHIEVE THESE PRINCIPLES.

15 (2) THE INVESTMENT FIDUCIARY SHALL USE ALL CAPITAL STOCK,  
16 COMMON STOCK, PREFERRED STOCK, AMERICAN DEPOSITORY RECEIPTS, OR  
17 ANY OTHER EVIDENCE OF RESIDUAL OWNERSHIP OF A CORPORATION IN  
18 WHICH IT HAS INVESTMENTS TO SUPPORT SHAREHOLDER RESOLUTIONS AND  
19 INITIATIVES PROPOSING THE ADOPTION OF THE MACBRIDE PRINCIPLES FOR  
20 COMPANIES DOING BUSINESS IN NORTHERN IRELAND.

21 (3) IF A PROVISION OF THE MACBRIDE PRINCIPLES IS FOUND TO BE  
22 IN VIOLATION OF THE LAW OF GREAT BRITAIN BY A COURT IN THE UNITED  
23 STATES OR GREAT BRITAIN, THEN THE DUTIES OF THE INVESTMENT FIDU-  
24 CIARY PRESCRIBED BY THIS SECTION SHALL NOT APPLY TO THE EXTENT  
25 THAT A SHAREHOLDER RESOLUTION OR INITIATIVE INCLUDES THE PROVI-  
26 SION THAT HAS BEEN FOUND UNLAWFUL.

1       (4) CONSISTENT WITH SOUND INVESTMENT POLICY, THE INVESTMENT  
2 FIDUCIARY SHALL INVEST THE ASSETS OF A SYSTEM IN SUCH A MANNER  
3 THAT THE INVESTMENTS IN CORPORATIONS DOING BUSINESS IN NORTHERN  
4 IRELAND REFLECT THE ADVANCES MADE BY THOSE CORPORATIONS IN ELIMI-  
5 NATING DISCRIMINATION BY IMPLEMENTING THE MACBRIDE PRINCIPLES.