

# HOUSE BILL No. 4194

February 8, 2011, Introduced by Reps. Brunner, Melton, Lane, Darany, Slavens, Haugh, Townsend, Kandrevas, Smiley, Ananich, Dillon, McCann, Liss, Rutledge, Constan, Barnett, Bauer, Segal, Stapleton, Hovey-Wright, Hobbs, Bledsoe, Geiss, Cavanagh, Switalski, Stallworth, Byrum, Lipton, Durhal, Howze, Lindberg, Santana, Talabi, Oakes, Brown and Womack 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, 2011, 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, 2011, THE GOVERNING BODY OF THE  
9 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO

1 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS  
2 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE  
3 APPLICANT WILL MAKE A GOOD FAITH EFFORT TO EMPLOY OR CONTRACT WITH  
4 MICHIGAN RESIDENTS OR INDIVIDUALS WHO PLAN ON BECOMING RESIDENTS OF  
5 THIS STATE AND MICHIGAN FIRMS TO CONSTRUCT OR IMPROVE INDUSTRIAL  
6 BUILDINGS UNDER THIS ACT.

7 (3) BEGINNING JULY 1, 2011, THE WRITTEN AGREEMENT DESCRIBED IN  
8 SUBSECTION (1) SHALL ALSO CONTAIN A REMEDY PROVISION THAT PROVIDES  
9 FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

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

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

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

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

26 (B) THE NUMBER OF JOBS CREATED FROM THE CONSTRUCTION OR  
27 IMPROVEMENT OF INDUSTRIAL BUILDINGS FOR WHICH BONDS OR NOTES WERE

1 ISSUED UNDER THIS ACT.

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

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

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