

SUBSTITUTE FOR  
HOUSE BILL NO. 5789

(As amended April 9, 2008)

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, 2008, 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[.

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1           (2) BEGINNING JULY 1, 2008, 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 VIOLATE THE PROVISIONS OF 1965 PA 166, MCL  
6 408.551 TO 408.558, IF APPLICABLE, IN THE CONSTRUCTION,  
7 IMPROVEMENT, OR FINANCING OF IMPROVEMENTS TO INDUSTRIAL BUILDINGS  
8 UNDER THIS ACT.

9           (3) BEGINNING JULY 1, 2008, THE GOVERNING BODY OF THE  
10 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO  
11 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS  
12 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE  
13 APPLICANT WILL DO ALL OF THE FOLLOWING:

14           (A) MAKE A GOOD FAITH EFFORT TO EMPLOY, IF QUALIFIED, MICHIGAN  
15 RESIDENTS AT THE INDUSTRIAL BUILDING.

16           (B) MAKE A GOOD FAITH EFFORT TO EMPLOY OR CONTRACT WITH  
17 MICHIGAN RESIDENTS AND FIRMS TO CONSTRUCT OR IMPROVE INDUSTRIAL  
18 BUILDINGS UNDER THIS ACT.

19           (C) MAKE A GOOD FAITH EFFORT TO UTILIZE MICHIGAN-BASED  
20 SUPPLIERS AND VENDORS WHEN PURCHASING GOODS AND SERVICES.

21           (4) BEGINNING JULY 1, 2008, THE WRITTEN AGREEMENT DESCRIBED IN  
22 SUBSECTION (1) SHALL ALSO CONTAIN A REMEDY PROVISION THAT PROVIDES  
23 FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

24           (A) A REQUIREMENT THAT THE APPLICANT'S INDUSTRIAL FACILITIES  
25 EXEMPTION CERTIFICATE IS REVOKED UNDER THIS ACT IF THE APPLICANT IS  
26 DETERMINED TO BE IN VIOLATION OF SUBSECTION (1) OR (2), AS  
27 DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY.

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1 (B) A REQUIREMENT THAT THE APPLICANT MAY BE REQUIRED TO REPAY  
2 SOME OR ALL OF THE BENEFITS RECEIVED UNDER THIS ACT IF THE  
3 APPLICANT IS DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF  
4 SUBSECTION (1) OR (2), AS DETERMINED BY THE GOVERNING BODY OF THE  
5 MUNICIPALITY.

6 (5) NOT LATER THAN FEBRUARY 1 EACH YEAR, THE GOVERNING BODY OF  
7 THE MUNICIPALITY SHALL REPORT TO THE BOARD OF THE MICHIGAN  
8 STRATEGIC FUND ON THE ACTIVITIES FOR THE IMMEDIATELY PRECEDING  
9 FISCAL YEAR. THE REPORT SHALL CONTAIN ALL OF THE FOLLOWING:

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

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

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

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