

HOUSE BILL No. 5780

February 21, 2008, Introduced by Reps. Miller, LeBlanc, Constan, McDowell, Byrum, Byrnes, Wojno, Lemmons, Scott, Ebli, Donigan, Vagnozzi, Young, Simpson, Hopgood, Spade, Gonzales, Sheltroun, Brown, Espinoza, Bennett, Mayes, Valentine, Polidori, Hammon, Melton, Cheeks, Alma Smith, Clack, Hammel, Coulouris, Meadows, Bauer, Griffin, Kathleen Law, Meisner and Angerer and referred to the Committee on Labor.

A bill to amend 1984 PA 270, entitled
"Michigan strategic fund act,"
by amending section 11 (MCL 125.2011), as amended by 1987 PA 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Within 90 days after assistance for a project is
2 requested from the fund by the filing of a written application with
3 the board, the board shall approve or disapprove the request for
4 assistance. Upon written request by an applicant, the board may
5 reconsider its denial of an application for assistance under this
6 section or may waive the 90-day deadline for approving or
7 disapproving an application.

8 (2) BEGINNING JULY 1, 2008, THE BOARD SHALL NOT APPROVE A
9 REQUEST FOR ASSISTANCE FOR A PROJECT OR AN ECONOMIC DEVELOPMENT

1 PROJECT, OR A LOAN OR GRANT UNDER CHAPTER 8A, UNLESS THE APPLICANT
2 STATES, IN WRITING, THAT THE APPLICANT WILL NOT HIRE OR CONTRACT
3 WITH ANY BUSINESS ENTITY THAT HIRES AN INDIVIDUAL WHO IS NOT
4 AUTHORIZED UNDER FEDERAL LAW TO WORK IN THE UNITED STATES AND THAT
5 THE APPLICANT WILL COMPLY IN GOOD FAITH WITH THE VERIFICATION
6 REQUIREMENTS IN 8 USC 1324A TO ENSURE THAT ALL EMPLOYEES HIRED BY
7 THE APPLICANT OR EMPLOYEES OF ANY CONTRACTORS HIRED BY THE
8 APPLICANT ARE AUTHORIZED TO WORK IN THE UNITED STATES.

9 (3) BEGINNING JULY 1, 2008, THE BOARD SHALL NOT APPROVE A
10 REQUEST FOR ASSISTANCE FOR A PROJECT OR AN ECONOMIC DEVELOPMENT
11 PROJECT, OR A LOAN OR GRANT UNDER CHAPTER 8A, UNLESS THE APPLICANT
12 STATES, IN WRITING, THAT THE APPLICANT WILL DO ALL OF THE
13 FOLLOWING:

14 (A) HIRE ONLY RESIDENTS OF THIS STATE TO WORK ON PROJECTS,
15 ECONOMIC DEVELOPMENT PROJECTS, OR FACILITIES THAT ARE CONSTRUCTED
16 WITH A LOAN OR GRANT PROVIDED UNDER CHAPTER 8A UNLESS THE BOARD
17 DETERMINES THAT THE PROJECT, ECONOMIC DEVELOPMENT PROJECT, OR
18 FACILITIES THAT ARE CONSTRUCTED WITH A LOAN OR GRANT PROVIDED UNDER
19 CHAPTER 8A CANNOT BE CONSTRUCTED BY USING ONLY RESIDENTS OF THIS
20 STATE.

21 (B) CONTRACT WITH BUSINESSES THAT AGREE TO HIRE ONLY RESIDENTS
22 OF THIS STATE TO WORK ON PROJECTS, ECONOMIC DEVELOPMENT PROJECTS,
23 OR FACILITIES THAT ARE CONSTRUCTED WITH A LOAN OR GRANT PROVIDED
24 UNDER CHAPTER 8A UNLESS THE BOARD DETERMINES THAT THE PROJECT,
25 ECONOMIC DEVELOPMENT PROJECT, OR FACILITIES THAT ARE CONSTRUCTED
26 WITH A LOAN OR GRANT PROVIDED UNDER CHAPTER 8A CANNOT BE
27 CONSTRUCTED BY USING ONLY RESIDENTS OF THIS STATE.

1 (4) BEGINNING JULY 1, 2008, THE WRITTEN AGREEMENT DESCRIBED IN
2 SUBSECTIONS (2) AND (3) SHALL ALSO CONTAIN A REMEDY PROVISION THAT
3 PROVIDES FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

4 (A) A REQUIREMENT THAT THE APPLICANT'S FINANCING, LOAN, OR
5 GRANT IS REVOKED UNDER THIS ACT IF THE APPLICANT IS DETERMINED TO
6 BE IN VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION, AS
7 DETERMINED BY THE BOARD.

8 (B) A REQUIREMENT THAT THE APPLICANT MAY BE REQUIRED TO REPAY
9 SOME OR ALL OF THE BENEFITS RECEIVED UNDER THIS ACT IF THE
10 APPLICANT IS DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF
11 THIS SUBDIVISION, AS DETERMINED BY THE BOARD.

12 (5) NOT LATER THAN FEBRUARY 1 EACH YEAR, THE BOARD SHALL
13 REPORT TO EACH HOUSE OF THE LEGISLATURE ON THE ACTIVITIES FOR THE
14 IMMEDIATELY PRECEDING FISCAL YEAR. THE REPORT SHALL CONTAIN ALL OF
15 THE FOLLOWING:

16 (A) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN NEW JOBS FROM
17 PROJECTS, ECONOMIC DEVELOPMENT PROJECTS, OR FACILITIES CONSTRUCTED
18 WITH A LOAN OR GRANT PROVIDED UNDER CHAPTER 8A IN THE IMMEDIATELY
19 PRECEDING YEAR.

20 (B) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN NEW JOBS AND
21 THE NUMBER OF NEW JOBS CREATED FROM OTHER ECONOMIC DEVELOPMENT
22 INITIATIVES THAT ARE REQUIRED TO BE REPORTED TO THE BOARD.

23 (C) THE SPECIFIC REASONS FOR EACH DETERMINATION OF EXEMPTION
24 FROM THE PROVISIONS OF SUBSECTION (3) (A) OR (B) MADE BY THE BOARD
25 AND THE NUMBER OF JOBS RELATED TO EACH DETERMINATION.

26 (D) ANY OTHER INFORMATION THE BOARD DETERMINES NECESSARY.