

HB4400, As Passed House, April 27, 2000

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4400**

A bill to amend 1996 PA 381, entitled
"Brownfield redevelopment financing act,"
by amending sections 2, 3, 4, 5, 7, 8, 13, 15, 16, and 19
(MCL 125.2652, 125.2653, 125.2654, 125.2655, 125.2657,
125.2658,
125.2663, 125.2665, 125.2666, and 125.2669).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Additional response activities" means response
activi-
- 3 ties ~~proposed~~ IDENTIFIED as part of a brownfield plan that
are

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4 in addition to baseline environmental assessment activities
and

5 due care activities for an eligible property.

6 (b) "Authority" means a brownfield redevelopment
authority

7 created under this act.

8 (c) "Baseline environmental assessment" means that term
as

9 defined in section 20101 ~~of part 201 (environmental~~

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Sub. H.B. 4400 (S-3) as amended by the Senate and House 2
[House amendments (dated April 27, 2000) shown in brackets]

1 ~~remediation)~~ of the natural resources and environmental
2 protection act, ~~Act No. 451 of the Public Acts of 1994,~~
~~being~~
3 ~~section 324.20101 of the Michigan Compiled Laws~~ 1994 PA
451,
4 MCL 324.20101.

5 (d) "Baseline environmental assessment activities"
means
6 those response activities identified as part of a brownfield
plan
7 that are necessary to complete a baseline environmental
assess-
8 ment for an eligible property in the brownfield plan.

9 (E) "BLIGHTED" MEANS PROPERTY THAT MEETS ANY OF THE
FOLLOW-
10 ING CRITERIA:

11 (i) HAS BEEN DECLARED A PUBLIC NUISANCE IN ACCORDANCE
WITH A

12 LOCAL HOUSING, BUILDING, PLUMBING, FIRE, OR OTHER RELATED
CODE OR ORDINANCE.

13 (ii) IS AN ATTRACTIVE NUISANCE TO CHILDREN BECAUSE OF
PHYSI-

14 CAL CONDITION, USE, OR OCCUPANCY.

15 (iii) IS A FIRE HAZARD OR IS OTHERWISE DANGEROUS TO THE
16 SAFETY OF PERSONS OR PROPERTY.

17 (iv) HAS HAD THE UTILITIES, PLUMBING, HEATING, OR
SEWERAGE

18 PERMANENTLY DISCONNECTED, DESTROYED, REMOVED, OR RENDERED
INEF-

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19 FECTIVE SO THAT THE PROPERTY IS UNFIT FOR ITS INTENDED USE.

20 (v) IS TAX REVERTED PROPERTY OWNED BY A QUALIFIED LOCAL
GOV-

21 ERNMENTAL UNIT, BY A COUNTY, OR BY THIS STATE. [THE SALE,
LEASE, OR TRANSFER OF TAX REVERTED PROPERTY BY A QUALIFIED
LOCAL GOVERNMENTAL UNIT OR THIS STATE AFTER THE PROPERTY'S
INCLUSION IN A BROWNFIELD PLAN SHALL NOT RESULT IN THE LOSS
TO THE PROPERTY OF THE STATUS AS BLIGHTED PROPERTY FOR
PURPOSES OF THIS ACT.]

22 (F) ~~(e)~~ "Board" means the governing body of an
authority.

23 (G) ~~(f)~~ "Brownfield plan" means a plan that meets the
24 requirements of section 13 and is adopted under section 14.

25 (H) ~~(g)~~ "Captured taxable value" means the amount in
1

26 year by which the current taxable value of an eligible
property

27 subject to a brownfield plan, including the taxable value or

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3

1 assessed value, as appropriate, of the property for which
2 specific taxes are paid in lieu of property taxes, exceeds
the
3 initial taxable value of that eligible property. The state
tax
4 commission shall prescribe the method for calculating
captured
5 taxable value.

6 (I) ~~(h)~~ "Chief executive officer" means the mayor of
a
7 city, the village manager of a village, the township
supervisor
8 of a township, or the county executive of a county or, if
the
9 county does not have an elected county executive, the
chairperson
10 of the county board of commissioners.

11 (J) ~~(i)~~ "Department" means the department of
environmental
12 quality.

13 (K) ~~(j)~~ "Due care activities" means those response
activi-
14 ties identified as part of a brownfield plan that are
necessary
15 to allow the owner or operator of an eligible property in
the
16 plan to comply with the requirements of section 20107a ~~of~~
~~part~~
17 ~~201 of Act No. 451 of the Public Acts of 1994, being~~
18 ~~section 324.20107a of the Michigan Compiled Laws~~ OF THE
NATURAL

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19 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,

20 MCL 324.20107A.

21 (l) ~~(k)~~ "Eligible activities" OR "ELIGIBLE ACTIVITY"
DOES NOT INCLUDE ACTIVITIES RELATED TO MULTISOURCE
COMMERCIAL HAZARDOUS WASTE DISPOSAL WELLS AS THAT TERM IS
DEFINED IN SECTION 62506A OF THE NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.62506A,
BUT means

22 1 or more of the following:

23 (i) Baseline environmental assessment activities.

24 (ii) Due care activities.

25 (iii) Additional response activities.

26 (iv) FOR ELIGIBLE ACTIVITIES ON ELIGIBLE PROPERTY THAT
WAS

27 USED OR IS CURRENTLY USED FOR COMMERCIAL, INDUSTRIAL, OR

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4

[House amendments (dated April 27, 2000) shown in brackets]

1 RESIDENTIAL PURPOSES THAT IS IN A QUALIFIED LOCAL
GOVERNMENTAL

2 UNIT AND IS A FACILITY, FUNCTIONALLY OBSOLETE, OR BLIGHTED,
AND

3 EXCEPT FOR PURPOSES OF SECTION 38D OF THE SINGLE BUSINESS
TAX

4 ACT, 1975 PA 228, MCL 208.38D, THE FOLLOWING ADDITIONAL

5 ACTIVITIES:

6 (A) INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT
ELIGI-

7 BLE PROPERTY.

8 (B) DEMOLITION OF STRUCTURES THAT IS NOT RESPONSE
ACTIVITY

9 UNDER SECTION 201 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
PRO-

10 TECTION ACT, 1994 PA 451, MCL 324.20101.

11 (C) LEAD OR ASBESTOS ABATEMENT.

12 (D) SITE PREPARATION THAT IS NOT RESPONSE ACTIVITY
UNDER

13 SECTION 201 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
PROTECTION

14 ACT, 1994 PA 451, MCL 324.20101.

(v) RELOCATION OF PUBLIC BUILDINGS OR OPERATIONS FOR
ECONOMIC DEVELOPMENT PURPOSES WITH PRIOR APPROVAL OF THE
MICHIGAN ECONOMIC DEVELOPMENT AUTHORITY.

BY AN [(vi) REASONABLE AND ACTUAL OPERATING EXPENSES INCURRED
AUTHORITY OR A MUNICIPALITY ON BEHALF OF AN AUTHORITY,
NOT TO EXCEED \$75,000.00 ANNUALLY THAT ARE NOT PART OF
THE REASONABLE COSTS OF PREPARING A WORK PLAN OR
REMEDIAL ACTION PLAN OR THE COST OF THE REVIEW OF A
WORK PLAN FOR WHICH TAXES MAY BE USED UNDER SECTION
13.]

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15 (M) ~~(I)~~ "Eligible property" means ~~a facility as that~~
term
16 ~~is defined in section 20101 of part 201 of Act No. 451 of~~
~~the~~
17 ~~Public Acts of 1994, being section 324.20101 of the Michigan~~
18 ~~Compiled Laws, and~~ PROPERTY FOR WHICH ELIGIBLE ACTIVITIES
ARE
19 IDENTIFIED UNDER A BROWNFIELD PLAN THAT WAS USED OR IS
CURRENTLY
20 USED FOR COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL PURPOSES
THAT IS
21 EITHER IN A QUALIFIED LOCAL GOVERNMENTAL UNIT AND IS A
FACILITY,
22 FUNCTIONALLY OBSOLETE, OR BLIGHTED OR IS NOT IN A QUALIFIED
LOCAL
23 GOVERNMENTAL UNIT AND IS A FACILITY, AND INCLUDES PARCELS
THAT
24 ARE adjacent or contiguous ~~parcels~~ TO THAT PROPERTY if the
25 development of the adjacent and contiguous parcels is
estimated
26 to increase the captured taxable value of ~~the facility for~~
~~which~~
27 ~~eligible activities are proposed under a brownfield plan~~
THAT

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5

1 PROPERTY. Eligible property ~~shall include~~ INCLUDES, to
the

2 extent included in THE brownfield plan, personal property
located

3 on the ~~facility~~ PROPERTY. ELIGIBLE PROPERTY DOES NOT
INCLUDE

4 QUALIFIED AGRICULTURAL PROPERTY EXEMPT UNDER SECTION 7EE OF
THE

5 GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7EE, FROM THE
TAX

6 LEVIED BY A LOCAL SCHOOL DISTRICT FOR SCHOOL OPERATING
PURPOSES

7 TO THE EXTENT PROVIDED UNDER SECTION 1211 OF THE REVISED
SCHOOL

8 CODE, 1976 PA 451, MCL 380.1211.

9 (N) "FACILITY" MEANS THAT TERM AS DEFINED IN SECTION
20101

10 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
1994

11 PA 451, MCL 324.20101.

12 (O) ~~(m)~~ "Fiscal year" means the fiscal year of the
13 authority.

14 (P) "FUNCTIONALLY OBSOLETE" MEANS THAT THE PROPERTY IS
15 UNABLE TO BE USED TO ADEQUATELY PERFORM THE FUNCTION FOR
WHICH IT

16 WAS INTENDED DUE TO A SUBSTANTIAL LOSS IN VALUE RESULTING
FROM

17 FACTORS SUCH AS OVERCAPACITY, CHANGES IN TECHNOLOGY,
DEFICIENCIES

18 OR SUPERADEQUACIES IN DESIGN, OR OTHER SIMILAR FACTORS THAT

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19 AFFECT THE PROPERTY ITSELF OR THE PROPERTY'S RELATIONSHIP
WITH

20 OTHER SURROUNDING PROPERTY.

21 (Q) ~~(n)~~ "Governing body" means the elected body
having

22 legislative powers of a municipality creating an authority
under

23 this act.

24 (R) "INFRASTRUCTURE IMPROVEMENTS" MEANS A STREET, ROAD,
SIDEWALK, PARKING FACILITY, PEDESTRIAN MALL, ALLEY,

25 BRIDGE, SEWER, SEWAGE TREATMENT PLANT, PROPERTY DESIGNED TO

26 REDUCE, ELIMINATE, OR PREVENT THE SPREAD OF IDENTIFIED SOIL
OR

27 GROUNDWATER CONTAMINATION, DRAINAGE SYSTEM, WATERWAY,
WATERLINE,

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- 1 WATER STORAGE FACILITY, RAIL LINE, UTILITY LINE OR PIPELINE,
OR
- 2 OTHER SIMILAR OR RELATED STRUCTURE OR IMPROVEMENT, TOGETHER
WITH
- 3 NECESSARY EASEMENTS FOR THE STRUCTURE OR IMPROVEMENT, OWNED
OR
- 4 USED BY A PUBLIC AGENCY OR FUNCTIONALLY CONNECTED TO SIMILAR
OR
- 5 SUPPORTING PROPERTY OWNED OR USED BY A PUBLIC AGENCY, OR
DESIGNED
- 6 AND DEDICATED TO USE BY, FOR THE BENEFIT OF, OR FOR THE
PROTEC-
- 7 TION OF THE HEALTH, WELFARE, OR SAFETY OF THE PUBLIC
GENERALLY,
- 8 WHETHER OR NOT USED BY A SINGLE BUSINESS ENTITY, PROVIDED
THAT
- 9 ANY ROAD, STREET, OR BRIDGE SHALL BE CONTINUOUSLY OPEN TO
PUBLIC
- 10 ACCESS AND THAT OTHER PROPERTY SHALL BE LOCATED IN PUBLIC
EASE-
- 11 MENTS OR RIGHTS-OF-WAY AND SIZED TO ACCOMMODATE REASONABLY
FORE-
- 12 SEEABLE DEVELOPMENT OF ELIGIBLE PROPERTY IN ADJOINING AREAS.
- 13 (S) ~~(O)~~ "Initial taxable value" means the taxable
value of
- 14 an eligible property identified in and subject to a
brownfield
- 15 plan at the time the resolution adding that eligible
property in
- 16 the brownfield plan is adopted, as shown by the most recent
- 17 assessment roll for which equalization has been completed at
the

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- 18 time the resolution is adopted. Property exempt from
taxation at
- 19 the time the initial taxable value is determined shall be
- 20 included with the initial taxable value of zero. Property
for
- 21 which a specific tax is paid in lieu of property tax shall
not be
- 22 considered exempt from taxation. The state tax commission
shall
- 23 prescribe the method for calculating the initial taxable
value of
- 24 property for which a specific tax was paid in lieu of
property
- 25 tax.
- 26 (T) ~~(p)~~ "Local taxes" means all taxes levied other
than
- 27 taxes levied for school operating purposes.

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Sub. H.B. 4400 (S-3) as amended April 27, 2000

7

1 (U) ~~(q)~~ "Municipality" means all of the following:

2 (i) A city.

3 (ii) A village.

4 (iii) A township in those areas of the township that are
5 outside of a village.

6 (iv) A township in those areas of the township that are
7 in a village upon the concurrence by resolution of the village in
8 which the zone would be located.

9 (v) A county [~~upon the concurrence by resolution of the
10 city or village or township in which the zone would be located.
11 .]~~

11 (V) "QUALIFIED LOCAL GOVERNMENTAL UNIT" MEANS THAT TERM
12 AS
13 DEFINED IN THE OBSOLETE PROPERTY REHABILITATION ACT.

13 (W) "QUALIFIED TAXPAYER" MEANS THAT TERM AS DEFINED IN
14 SECTIONS 38D AND 38G OF THE SINGLE BUSINESS TAX ACT, 1975 PA
15 228,
16 MCL 208.38D AND 208.38G.

16 (X) ~~(r)~~ "Remedial action plan" means a plan that
17 meets

17 both of the following requirements:

18 (i) Is a remedial action plan as that term is defined
19 in

19 section 20101 of ~~part 201 of Act No. 451 of the Public Acts
20 of~~

20 ~~1994, being section 324.20101 of the Michigan Compiled Laws~~

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THE

21 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
451,

22 MCL 324.20101.

23 (ii) Describes each individual activity to be conducted
to

24 complete ~~an~~ eligible ~~activity~~ ACTIVITIES and the
associated

25 costs of each individual activity.

26 (Y) ~~(s)~~ "Response activity" means that term as
defined in

27 section 20101 of ~~part 201 of Act No. 451 of the Public Acts~~
of

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- 1 ~~1994, being section 324.20101 of the Michigan Compiled Laws~~
THE
- 2 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
451,
- 3 MCL 324.20101.
- 4 (Z) ~~(t)~~ "Specific taxes" means a tax levied under
Act
- 5 ~~No. 198 of the Public Acts of 1974, being sections 207.551~~
to
- 6 ~~207.572 of the Michigan Compiled Laws~~ 1974 PA 198, MCL
207.551
- 7 TO 207.572; the commercial redevelopment act, ~~Act No. 255~~
of the
- 8 ~~Public Acts of 1978, being sections 207.651 to 207.668 of~~
the
- 9 ~~Michigan Compiled Laws~~ 1978 PA 255, MCL 207.651 TO 207.668;
the
- 10 enterprise zone act, ~~Act No. 224 of the Public Acts of~~
~~1985,~~
- 11 ~~being sections 125.2101 to 125.2123 of the Michigan Compiled~~
- 12 ~~Laws; Act No. 189 of the Public Acts of 1953, being sections~~
- 13 ~~211.181 to 211.182 of the Michigan Compiled Laws~~ 1985 PA
224,
- 14 MCL 125.2101 TO 125.2123; 1953 PA 189, MCL 211.181 TO
211.182;
- 15 ~~or~~ the technology park development act, ~~Act No. 385 of~~
the
- 16 ~~Public Acts of 1984, being sections 207.701 to 207.718 of~~
the
- 17 ~~Michigan Compiled Laws~~ 1984 PA 385, MCL 207.701 TO 207.718;
OR

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18 THE OBSOLETE PROPERTY REHABILITATION ACT.

19 (AA) ~~(u)~~ "Tax increment revenues" means the amount of
ad

20 valorem property taxes and specific taxes attributable to
the

21 application of the levy of all taxing jurisdictions upon the
cap-

22 tured taxable value of each parcel of eligible property
subject

23 to a brownfield plan and personal property located on that

24 property. Tax increment revenues exclude ad valorem
property

25 taxes specifically levied for the payment of principal of
and

26 interest on either obligations approved by the electors or

27 obligations pledging the unlimited taxing power of the local

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1 governmental unit, and specific taxes attributable to those
ad
2 valorem property taxes. Tax increment revenues attributable
to
3 eligible property also exclude the amount of ad valorem
property
4 taxes or specific taxes captured by a downtown development
5 authority, tax increment finance authority, or local
development
6 finance authority if those taxes were captured by these
other
7 authorities on the date that eligible property became
subject to
8 a brownfield plan under this act.

9 (BB) ~~(v)~~ "Taxable value" means the value determined
under
10 section 27a of the general property tax act, ~~Act No. 206 of~~
the
11 ~~Public Acts of 1893, being section 211.27a of the Michigan~~
12 ~~Compiled Laws 1893 PA 206, MCL 211.27A.~~

13 (CC) ~~(w)~~ "Taxes levied for school operating purposes"
14 means all of the following:

15 (i) The taxes levied by a local school district for
operat-
16 ing purposes.

17 (ii) The taxes levied under the state education tax act,
18 ~~Act No. 331 of the Public Acts of 1993, being sections~~
~~211.901~~
19 ~~to 211.906 of the Michigan Compiled Laws 1993 PA 331,~~

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20 MCL 211.901 TO 211.906.

21 (iii) That portion of specific taxes attributable to
taxes

22 described under subparagraphs (i) and (ii).

23 (DD) ~~(x)~~ "Work plan" means a plan that describes each

24 individual activity to be conducted to complete ~~an~~
eligible

25 ~~activity~~ ACTIVITIES and the associated costs of each
individual

26 activity. ~~as approved by the department.~~

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Sub. H.B. 4400 (S-3) as amended April 27, 2000

10

- 1 (EE) ~~(y)~~ "Zone" means [, FOR AN AUTHORITY ESTABLISHED
BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
SUBDIVISION (R),] a brownfield redevelopment zone
- 2 designated under ~~section 4~~ THIS ACT.
- 3 Sec. 3. (1) A municipality may establish 1 or more
- 4 authorities. [~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (4), AN]
authority WITH ZONES ESTABLISHED BEFORE THE
- 5 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION
(2)
- 6 SHALL EXERCISE ITS POWERS WITHIN ITS DESIGNATED ZONES.
[EXCEPT AS PROVIDED IN SUBSECTION (4),] AN
- 7 AUTHORITY ESTABLISHED AFTER THE EFFECTIVE DATE OF THE
AMENDATORY
- 8 ACT THAT ADDED SUBSECTION (2) shall exercise its powers ~~in~~
~~its~~
- 9 ~~zone or zones~~ OVER ANY ELIGIBLE PROPERTY LOCATED IN THE
- 10 MUNICIPALITY.
- 11 (2) AN AUTHORITY WITH ZONES ESTABLISHED BEFORE THE
EFFECTIVE
- 12 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION MAY
ALTER
- 13 OR AMEND THE BOUNDARIES OF THOSE ZONES IF THE AUTHORITY
HOLDS A
- 14 PUBLIC HEARING ON THE ALTERATION OR AMENDMENT USING THE
PROCE-
- 15 DURES UNDER SECTION 4(2), (3), AND (4).
- 16 (3) ~~(2)~~ The authority shall be a public body
corporate
- 17 that may sue and be sued in a court of competent
jurisdiction.
- 18 The authority possesses all the powers necessary to carry

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out the

- 19 purpose of its incorporation. The enumeration of a power in
this
- 20 act is not a limitation upon the general powers of the
- 21 authority. The powers granted in this act to an authority
may be
- 22 exercised whether or not bonds are issued by the authority.

[(4) AN AUTHORITY ESTABLISHED BY A COUNTY SHALL
EXERCISE ITS POWERS WITH RESPECT TO ELIGIBLE PROPERTY WITHIN A
CITY, VILLAGE, OR TOWNSHIP WITHIN THE COUNTY ONLY
IF THAT CITY, VILLAGE, OR TOWNSHIP HAS CONCURRED
WITH THE PROVISIONS OF A BROWNFIELD PLAN THAT
APPLY TO THAT ELIGIBLE PROPERTY WITHIN THE CITY,
VILLAGE, OR TOWNSHIP.]

- 23 [(5)] A [CITY, VILLAGE, OR TOWNSHIP INCLUDING A CITY,
VILLAGE, OR TOWNSHIP THAT IS A QUALIFIED LOCAL GOVERNMENTAL
UNIT] MAY ENTER INTO A
- 24 WRITTEN AGREEMENT WITH THE COUNTY IN WHICH [THAT CITY,
VILLAGE,
- 25 OR TOWNSHIP] IS LOCATED TO EXERCISE THE POWERS GRANTED TO
- 26 [THAT SPECIFIC CITY, VILLAGE, OR TOWNSHIP] UNDER THIS ACT.

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1 Sec. 4. (1) A governing body may declare by resolution
2 adopted by a majority of its members elected and serving its
3 intention to create and provide for the operation of an
4 authority.

5 (2) In the resolution of intent, the governing body
6 shall
7 set a date for holding a public hearing on the adoption of a
8 pro-
9 posed resolution creating the authority. ~~and designating~~
10 ~~the~~
11 ~~boundaries of the zone.~~ Notice of the public hearing shall
12 be
13 published twice in a newspaper of general circulation in the
14 municipality, not less than 20 nor more than 40 days before
15 the
16 date of the hearing. The notice shall state the date, time,
17 and
18 place of the hearing. ~~, and shall describe the area or~~
19 ~~areas of~~
20 ~~the municipality to be included within the proposed zone.~~
21 ~~The~~
22 ~~areas to be included within a proposed zone may include~~
23 ~~noncon-~~
24 ~~tiguous parcels of property, all of which shall be~~
25 ~~considered~~
26 ~~within the boundaries of the zone.~~ At that hearing, a
27 citizen,
28 taxpayer, official from a taxing jurisdiction whose millage
29 may
30 be subject to capture under a brownfield plan, ~~in the~~
31 ~~proposed~~

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19 ~~zone,~~ or property owner of the municipality has the right
to be

20 heard in regard to the establishment of the authority. ~~and~~
the

21 ~~boundaries of the proposed zone. The governing body of the~~

22 ~~municipality shall not incorporate land into the zone not~~

23 ~~included in the description contained in the notice of~~
public

24 ~~hearing, but it may eliminate described lands from the zone~~
in

25 ~~the final determination of the boundaries without additional~~

26 ~~notice.~~

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- 1 (3) Not more than 30 days after the public hearing, if
the
- 2 governing body intends to proceed with the establishment of
the
- 3 authority, the governing body shall adopt, by majority vote
of
- 4 its members elected and serving, a resolution establishing
the
- 5 authority. ~~and designating the boundaries of the zone
within~~
- 6 ~~which the authority shall exercise its powers.~~ The adoption
of
- 7 the resolution is subject to all applicable statutory or
charter
- 8 provisions with respect to the approval or disapproval by
the
- 9 chief executive or other officer of the municipality and the
- 10 adoption of a resolution over his or her veto. This
resolution
- 11 shall be filed with the secretary of state promptly after
its
- 12 adoption.
- 13 ~~(4) The governing body may alter or amend the
boundaries of~~
- 14 ~~the zone to include or exclude lands from the zone in
accordance~~
- 15 ~~with the same requirements prescribed for adopting the
resolution~~
- 16 ~~creating the authority.~~
- 17 (4) ~~(5)~~ The proceedings establishing an authority
shall be

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18 presumptively valid unless contested in a court of competent
19 jurisdiction within 60 days after the filing of the
resolution
20 with the secretary of state.
21 (5) ~~—(6)—~~ The exercise by an authority of the powers
con-
22 ferred by this act shall be considered to be an essential
govern-
23 mental function and benefit to, and a legitimate public
purpose
24 of, the state, the authority, and the municipality or units.
25 Sec. 5. (1) Each authority shall be under the
supervision
26 and control of a board chosen by the governing body.
Subject to

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1 subsection (2), the governing body may by majority vote
designate

2 1 of the following to constitute the board:

3 (a) The board of directors of the economic development
cor-

4 poration of the municipality established under the economic
5 development corporations act, ~~Act No. 338 of the Public
Acts of~~

6 ~~1974, being sections 125.1601 to 125.1636 of the Michigan
7 Compiled Laws 1974 PA 338, MCL 125.1601 TO 125.1636.~~

8 (b) The trustees of the board of a downtown development
9 authority established under ~~Act No. 197 of the Public Acts
of~~

10 ~~1975, being sections 125.1651 to 125.1681 of the Michigan
11 Compiled Laws, if the zone includes an area within the
boundaries~~

12 ~~of the district of that downtown development authority 1975
13 PA 197, MCL 125.1651 TO 125.1681.~~

14 (c) The trustees of the board of a tax increment
financing

15 authority established under the tax increment finance
authority

16 act, ~~Act No. 450 of the Public Acts of 1980, being sections
17 125.1801 to 125.1830 of the Michigan Compiled Laws, if the
zone~~

18 ~~includes an area within the boundaries of the district of
that~~

19 ~~tax increment financing authority 1980 PA 450, MCL 125.1801
TO~~

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20 125.1830.

21 (d) The trustees of the board of a local development
financ-

22 ing authority established under the local development
financing

23 act, ~~Act No. 281 of the Public Acts of 1986, being sections~~

24 ~~125.2151 to 125.2174 of the Michigan Compiled Laws, if the~~
~~zone~~

25 ~~includes an area within the boundaries of the district of~~
~~that~~

26 ~~local development financing authority 1986 PA 281, MCL~~
~~125.2151~~

27 TO 125.2174.

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1 (e) Not less than 5 nor more than 9 persons appointed
by the
2 chief executive officer of the municipality subject to the
3 approval of the governing body. Of the initial members
appoint-
4 ed, an equal number, as near as practicable, shall be
appointed
5 for 1 year, 2 years, and 3 years. A member shall hold
office
6 until the member's successor is appointed and qualified.
7 Thereafter, each member shall serve for a term of 3 years.
An
8 appointment to fill a vacancy shall be made by the chief
execu-
9 tive officer of the municipality for the unexpired term
only.
10 Members of the board shall serve without compensation, but
shall
11 be reimbursed for reasonable actual and necessary expenses.
12 (2) The governing body of a municipality in which a
board
13 described in subsection (1)(b), (c), or (d) has been
established
14 shall designate the trustees of 1 of those boards to
constitute
15 the board. This subsection shall only apply in the event a
board
16 described in subsection (1)(b), (c), or (d) is authorized
under
17 subsection (1) to serve as the board of the authority. ~~and~~
~~all~~

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18 ~~the parcels in the brownfield zone are in the existing~~
authority

19 ~~described in subsection (1)(b), (c), or (d).~~

20 (3) The members shall elect 1 of their membership as
chair-

21 person and another as vice-chairperson. The members may
desig-

22 nate and elect other officers of the board as they consider

23 necessary.

24 (4) Before assuming the duties of office, a member
shall

25 qualify by taking and subscribing to the oath of office
provided

26 in section 1 of article XI of the state constitution of
1963.

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15

1 (5) The board shall adopt rules governing its procedure
and
2 the holding of regular meetings, subject to the approval of
the
3 governing body. Special meetings may be held when called in
the
4 manner provided in the rules of the board. Meetings of the
board
5 shall be open to the public, in accordance with the open
meetings
6 act, ~~Act No. 267 of the Public Acts of 1976, being sections~~
7 ~~15.261 to 15.275 of the Michigan Compiled Laws 1976 PA 267,~~
8 MCL 15.261 TO 15.275.

9 (6) After notice and an opportunity to be heard, a
member of
10 the board appointed under subsection (1)(e) may be removed
before
11 the expiration of his or her term for cause by the governing
12 body. Removal of a member is subject to review by the
circuit
13 court.

14 (7) All financial records of an authority shall be open
to
15 the public under the freedom of information act, ~~Act No.~~
~~442 of~~
16 ~~the Public Acts of 1976, being sections 15.231 to 15.246 of~~
the
17 ~~Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO 15.246.~~

18 (8) A majority of the members of the board appointed
and

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19 serving shall constitute a quorum. Action may be taken by
the

20 board at a meeting upon a vote of the majority of the
members

21 present.

22 Sec. 7. (1) An authority may do 1 or more of the

23 following:

24 (a) Adopt, amend, and repeal bylaws for the regulation
of

25 its affairs and the conduct of its business.

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16

- 1 (b) Incur and expend funds to pay or reimburse a public
or
- 2 private person for costs of eligible activities attributable
to
- 3 an eligible property.
- 4 (c) As approved by the municipality, incur costs and
expend
- 5 funds from the local site remediation revolving fund created
6 under section 8 for purposes authorized in that section.
- 7 (d) Make and enter into contracts necessary or
incidental to
- 8 the exercise of its powers and the performance of its
duties,
- 9 including but not limited to lease purchase agreements, land
con-
- 10 tracts, installment sales agreements, and loan agreements.
- 11 (e) On terms and conditions and in a manner and for
consid-
- 12 eration the authority considers proper or for no monetary
consid-
- 13 eration, own, mortgage, convey, or otherwise dispose of, or
lease
- 14 as lessor or lessee, land and other property, real or
personal,
- 15 or rights or interests in the property, that the authority
deter-
- 16 mines are reasonably necessary to achieve the purposes of
this
- 17 act, and grant or acquire licenses, easements, and options
with
- 18 respect to the property.

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19 (f) Acquire, maintain, repair, or operate all devices
neces-

20 sary to ensure continued eligible activities on eligible

21 property.

22 (g) Accept grants and donations of property, labor, or
other

23 things of value from a public or private source.

24 (h) Incur costs in connection with the performance of
its

25 authorized functions, including, but not limited to,
administra-

26 tive costs and architect, engineer, legal, or accounting
fees.

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17

- 1 (i) Study, develop, and prepare the reports or plans
the
- 2 authority considers necessary to assist it in the exercise
of its
- 3 powers under this act and to monitor and evaluate the
progress
- 4 ~~made in the development of the zone~~ UNDER THIS ACT.
- 5 (j) Procure insurance against loss in connection with
the
- 6 authority's property, assets, or activities.
- 7 (k) Invest the money of the authority at the
authority's
- 8 discretion in obligations determined proper by the
authority, and
- 9 name and use depositories for its money.
- 10 (l) Make loans, participate in the making of loans,
under-
- 11 take commitments to make loans and mortgages, buy and sell
loans
- 12 and mortgages at public or private sale, rewrite loans and
mort-
- 13 gages, discharge loans and mortgages, foreclose on a
mortgage,
- 14 commence an action to protect or enforce a right conferred
upon
- 15 the authority by a law, mortgage, loan, contract, or other
agree-
- 16 ment, bid for and purchase property that was the subject of
the
- 17 mortgage at a foreclosure or other sale, acquire and take
posses-

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- 18 sion of the property and in that event compute, administer,
pay
- 19 the principal and interest on obligations incurred in
connection
- 20 with that property, and dispose of and otherwise deal with
the
- 21 property, in a manner as may be necessary or desirable to
protect
- 22 the interests of the authority.
- 23 (m) Borrow money and issue its notes under the
municipal
- 24 finance act, ~~Act No. 202 of the Public Acts of 1943, being~~
~~sec=~~
- 25 ~~tions 131.1 to 139.3 of the Michigan Compiled Laws 1943 PA~~
~~202,~~
- 26 MCL 131.1 TO 139.3, in anticipation of collection of tax
- 27 increment revenues.

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18

1 (n) Do all other things necessary or convenient to
achieve

2 the objectives and purposes of the authority, this act, or
other

3 laws that relate to the purposes and responsibilities of the
4 authority.

5 (2) The authority shall determine the captured taxable
value

6 of each parcel of eligible property. ~~that is included in a~~
7 ~~zone.~~ The captured taxable value of a parcel shall not be
less

8 than zero.

9 (3) A municipality may transfer the funds of the
municipal-

10 ity to an authority or to another person on behalf of the
author-

11 ity in anticipation of repayment by the authority.

12 Sec. 8. (1) An authority may establish a local site
remedi-

13 ation revolving fund. A local site remediation revolving
fund

14 shall consist of money available under section 13(5) and may
also

15 consist of money appropriated or otherwise made available
from

16 public or private sources. An authority shall separately
account

17 for money deposited to the fund that is directly derived
from tax

18 increment revenues levied for school operating purposes.

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19 (2) The local site remediation revolving fund may be
used

20 only to pay the costs of eligible activities on eligible
property

21 that is located within ~~the zone of an authority established~~
~~by~~

22 the municipality.

23 (3) An authority or a municipality on behalf of an
authority

24 may incur an obligation for the purpose of funding a local
site

25 remediation revolving fund.

26 Sec. 13. (1) Subject to section 15, the board may
implement

27 a brownfield plan. The brownfield plan may apply to 1 or
more

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19

1 parcels of eligible property ~~within the zone~~ whether or
not

2 those parcels of eligible property are contiguous and may be

3 amended to apply to additional parcels of eligible property.

4 ~~within the zone.~~ If more than 1 parcel of eligible
property is

5 included within the plan, the tax increment revenues under
the

6 plan shall be determined individually for each parcel of
eligible

7 property. Each plan OR AN AMENDMENT TO A PLAN shall be
approved

8 by the governing body of the municipality and shall contain
all

9 of the following:

10 (a) A description of the costs of the plan intended to
be

11 paid for with the tax increment revenues, including a brief
sum-

12 mary of the eligible activities that are proposed for each
eligi-

13 ble property.

14 (b) An estimate of the captured taxable value and tax
incre-

15 ment revenues for each year of the plan from each parcel of
eli-

16 gible property and in THE aggregate. The plan may provide
for

17 the use of part or all of the captured taxable value,
including

18 deposits in the local site remediation revolving fund, but

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the

- 19 portion intended to be used shall be clearly stated in the
plan.
- 20 The plan shall not provide either for an exclusion from
captured
- 21 taxable value of a portion of the captured taxable value or
for
- 22 an exclusion of the tax levy of 1 or more taxing
jurisdictions
- 23 unless the tax levy is excluded from tax increment revenues
in
- 24 section ~~2(u)~~ 2(AA), or unless the tax levy is excluded
from
- 25 capture under section 15.
- 26 (c) The method by which the costs of the plan will be
- 27 financed, including a description of any advances made or

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20

1 anticipated to be made for the costs of the plan from the
2 municipality.

3 (d) The maximum amount of note or bonded indebtedness
4 to be incurred, if any.

5 (e) The duration of the brownfield plan, which shall
6 not exceed the lesser of the period authorized under subsections
7 (4) and (5) or 30 years.

8 (f) An estimate of the impact of tax increment
9 financing on the revenues of all taxing jurisdictions in which the
10 eligible property is located.

11 (g) A legal description of each parcel of eligible
12 property to which the plan applies, a map showing the location and
13 dimensions of each eligible property, A STATEMENT OF THE
14 CHARACTERISTICS THAT QUALIFY THE PROPERTY AS ELIGIBLE PROPERTY, and a
15 statement of whether personal property is included as part of the
16 eligible property.

17 (h) Estimates of the number of persons residing on each
18 eligible property to which the plan applies and the number of
fami-

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- 19 lies and individuals to be displaced. If occupied
residences are
- 20 designated for acquisition and clearance by the authority,
the
- 21 plan shall include a demographic survey of the persons to be
dis-
- 22 placed, a statistical description of the housing supply in
the
- 23 community, including the number of private and public units
in
- 24 existence or under construction, the condition of those in
exis-
- 25 tence, the number of owner-occupied and renter-occupied
units,
- 26 the annual rate of turnover of the various types of housing
and
- 27 the range of rents and sale prices, an estimate of the total

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21

- 1 demand for housing in the community, and the estimated
capacity
- 2 of private and public housing available to displaced
families and
- 3 individuals.
- 4 (i) A plan for establishing priority for the relocation
of
- 5 persons displaced by implementation of the plan.
- 6 (j) Provision for the costs of relocating persons
displaced
- 7 by implementation of the plan, and financial assistance and reim-
bursement of expenses, including litigation expenses and
- 8 expenses
- 9 incident to the transfer of title, in accordance with the stan-
dards and provisions of the ~~federal~~ uniform relocation
- 10 assist-
ance and real property acquisition policies act of 1970,
Public
- 11 Law 91-646, 84 Stat. 1894.
- 12 (k) A strategy for compliance with ~~Act No. 227 of the~~
~~Public Acts of 1972, being sections 213.321 to 213.332 of~~
the
- 13 ~~Michigan Compiled Laws~~ 1972 PA 227, MCL 213.321 TO 213.332.
- 14 (l) A description of proposed use of the local site
remedia-
tion revolving fund.
- 15 (m) Other material that the authority or governing body
con-

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- 19 siders pertinent.
- 20 (2) The percentage of all taxes levied on a parcel of
eligibility-
- 21 ble property for school operating expenses that is captured
and
- 22 used under a brownfield plan and all tax increment finance
plans
- 23 under ~~Act No. 197 of the Public Acts of 1975, being~~
~~sections~~
- 24 ~~125.1651 to 125.1681 of the Michigan Compiled Laws 1975 PA~~
~~197,~~
- 25 MCL 125.1651 TO 125.1681, the tax increment finance
authority
- 26 act, ~~Act No. 450 of the Public Acts of 1980, being sections~~
- 27 ~~125.1801 to 125.1830 of the Michigan Compiled Laws 1980 PA~~
~~450,~~

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Sub. H.B. 4400 (S-3) as amended by the Senate and House
22

[House amendments (dated April 27, 2000) shown in brackets]

- 1 MCL 125.1801 TO 125.1830, or the local development financing
act,
- 2 ~~Act No. 281 of the Public Acts of 1986, being sections~~
~~125.2151~~
- 3 ~~to 125.2174 of the Michigan Compiled Laws 1986 PA 281,~~
- 4 MCL 125.2151 TO 125.2174, shall not be greater than the combina-
- 5 tion of the plans' percentage capture and use of all local
taxes
- 6 levied for purposes other than for the payment of principal
of
- 7 and interest on either obligations approved by the electors
or
- 8 obligations pledging the unlimited taxing power of the local
unit
- 9 of government. This subsection shall apply only when taxes
- 10 levied for school operating purposes are subject to capture
under
- 11 section 15.
- 12 (3) Except as provided in [subsection (5)], tax
increment rev-
- 13 enues related to a brownfield plan shall be used only for
costs
- 14 of eligible activities attributable to the eligible
property, the
- 15 captured taxable value of which produces the tax increment
reve-
- 16 nues, including the cost of principal of and interest on any
- 17 obligation issued by the authority to pay the costs of
eligible

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- 18 activities attributable to the eligible property, and the
reason-
- 19 able costs of preparing a work plan or remedial action plan
for
- 20 the eligible property, including the actual cost of the
21 department's review of the work plan or remedial action plan
22 under section 15.
- 23 (4) Except as provided in subsection (5), a brownfield
plan
- 24 shall not authorize the capture of tax increment revenue
from
- 25 eligible property after the year in which the total amount
of tax
- 26 increment revenues captured is equal to the sum of the costs
of
- 27 eligible activities attributable to the eligible property

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23

- 1 including the cost of principal of and interest on any
obligation
- 2 issued by the authority to pay the costs of eligible
activities
- 3 on the eligible property, and the reasonable cost of
preparing a
- 4 work plan or remedial action plan for eligible property, and
the
- 5 actual cost of the department's review of the work plan or
reme-
- 6 dial action plan.
- 7 (5) A brownfield plan may authorize the capture of
addi-
- 8 tional tax increment revenue from an eligible property in
excess
- 9 of the amount authorized under subsection (4) during the
time of
- 10 capture for the purpose of paying the costs of eligible
activi-
- 11 ties under subsection (3), or for not more than 5 years
after the
- 12 time that capture is required for the purpose of paying the
costs
- 13 of eligible activities under subsection (3), or both.
Excess
- 14 revenues captured under this subsection shall be deposited
in the
- 15 local site remediation revolving fund created under section
8 and
- 16 used for the purposes authorized in section 8. If tax
increment
- 17 revenues levied for school operating purposes from eligible

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- prop-
- 18 erty are captured by the authority for purposes authorized under
- 19 subsection (3), the tax increment revenues captured for deposit
- 20 in the local site remediation revolving fund also may include tax
- 21 increment revenues levied for school operating purposes in an
- 22 amount not greater than the tax increment revenues levied for
- 23 school operating purposes captured from the eligible property by
- 24 the authority for the purposes authorized under subsection (3).
- 25 EXCESS REVENUES FROM TAXES LEVIED FOR SCHOOL OPERATING PURPOSES
- 26 FOR ELIGIBLE ACTIVITIES AUTHORIZED UNDER SUBSECTION (15) BY THE

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24

1 MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL NOT BE CAPTURED FOR
2 DEPOSIT IN THE LOCAL SITE REMEDIATION REVOLVING FUND.

3 (6) An authority shall not expend tax increment
revenues to

4 acquire or prepare eligible property, unless the acquisition
or

5 preparation is an eligible activity.

6 (7) Costs of eligible activities attributable to
eligible

7 property include all costs that are necessary or related to
a

8 release from the eligible property, including eligible
activities

9 on properties affected by a release from the eligible
property.

10 For purposes of this subsection, "release" means that ~~word-~~
TERM

11 as defined in section 20101 ~~of part 201 (environmental~~

12 ~~remediation)~~ of the natural resources and environmental
protec-

13 tion act, ~~Act No. 451 of the Public Acts of 1994, being~~

14 ~~section 324.20101 of the Michigan Compiled Laws 1994 PA~~
451,

15 MCL 324.20101.

16 (8) Costs of a response activity paid with tax
increment

17 revenues that are captured pursuant to subsection (3) may be

18 recovered from a person who is liable for the costs of
eligible

19 activities at an eligible property. This state or an

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- authority
- 20 may undertake cost recovery for tax increment revenue captured.
- 21 Before an authority or this state may institute a cost recovery
- 22 action, it must provide the other with 120 days' notice. This
- 23 state or an authority that recovers costs under this subsection
- 24 shall apply those recovered costs to the following, in the fol-
- 25 lowing order of priority:
- 26 (a) The reasonable attorney fees and costs incurred by this
- 27 state or an authority in obtaining the cost recovery.

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25

1 (b) One of the following:

2 (i) If an authority undertakes the cost recovery
3 action, the
4 authority shall deposit the remaining recovered funds into
5 the

6 local site remediation fund created pursuant to section 8,
7 if

8 such a fund has been established by the authority. If a
9 local

10 site remediation fund has not been established, the
11 authority

12 shall disburse the remaining recovered funds to the local
13 taxing

14 jurisdictions in the proportion that the local taxing

15 jurisdictions' taxes were captured.

16 (ii) If this state undertakes a cost recovery action,
17 this

18 state shall deposit the remaining recovered funds into the
19 revi-

20 talization revolving loan fund established under section
21 20108a

22 ~~of part 201 (environmental remediation) of the natural~~

23 ~~resources and environmental protection act, Act No. 451 of~~
24 ~~the~~

25 ~~Public Acts of 1994, being section 324.20108a of the~~
26 ~~Michigan~~

27 ~~Compiled Laws 1994 PA 451, MCL 324.20108A.~~

28 (iii) If this state and an authority each undertake a
29 cost

30 recovery action, undertake a cost recovery action jointly,

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or 1

- 19 on behalf of the other, the amount of any remaining
recovered
- 20 funds shall be deposited pursuant to subparagraphs (i) and
(ii)
- 21 in the proportion that the tax increment revenues being
recovered
- 22 represent local taxes and taxes levied for school operating
pur-
- 23 poses, respectively.
- 24 (9) Approval of the brownfield plan OR AN AMENDMENT TO
A
- 25 BROWNFIELD PLAN shall be in accordance with the notice and
- 26 approval provisions of this section and section 14.

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26

- 1 (10) Before approving a brownfield plan for an eligible
2 property, the governing body shall ~~provide notice and a~~
3 ~~reasonable opportunity to the taxing jurisdictions levying~~
4 ~~taxes~~
5 ~~subject to capture to express their views and~~
6 ~~recommendations~~
7 ~~regarding the plan. The authority shall fully inform the~~
8 ~~taxing~~
9 ~~jurisdictions about the fiscal and economic implications of~~
10 ~~the~~
11 ~~proposed plan before the public hearing held under section~~
12 ~~4.~~
- 13 HOLD A PUBLIC HEARING ON THE BROWNFIELD PLAN. NOTICE OF THE
14 TIME
15 AND PLACE OF THE HEARING SHALL BE GIVEN BY PUBLICATION TWICE
16 IN A
17 NEWSPAPER OF GENERAL CIRCULATION DESIGNATED BY THE
18 MUNICIPALITY,
19 THE FIRST OF WHICH SHALL BE NOT LESS THAN 20 OR MORE THAN 40
20 DAYS
21 BEFORE THE DATE SET FOR THE HEARING.
- 22 (11) NOTICE OF THE TIME AND PLACE OF THE HEARING ON A
23 BROWN-
24 FIELD PLAN SHALL CONTAIN ALL OF THE FOLLOWING:
25 (A) A DESCRIPTION OF THE PROPERTY TO WHICH THE PLAN
26 APPLIES
27 IN RELATION TO EXISTING OR PROPOSED HIGHWAYS, STREETS,
28 STREAMS,
29 OR OTHERWISE.
30 (B) A STATEMENT THAT MAPS, PLATS, AND A DESCRIPTION OF
31 THE

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- 19 BROWNFIELD PLAN ARE AVAILABLE FOR PUBLIC INSPECTION AT A
PLACE
- 20 DESIGNATED IN THE NOTICE AND THAT ALL ASPECTS OF THE
BROWNFIELD
- 21 PLAN ARE OPEN FOR DISCUSSION AT THE PUBLIC HEARING REQUIRED
BY
- 22 THIS SUBSECTION.
- 23 (C) ANY OTHER INFORMATION THAT THE GOVERNING BODY
CONSIDERS
- 24 APPROPRIATE.
- 25 (12) AT THE TIME SET FOR THE HEARING ON THE BROWNFIELD
PLAN
- 26 REQUIRED UNDER SUBSECTION (10), THE GOVERNING BODY SHALL
PROVIDE
- 27 AN OPPORTUNITY FOR INTERESTED PERSONS TO BE HEARD AND SHALL

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House Bill No. 4400 as amended April 5, 2000

27

- 1 RECEIVE AND CONSIDER COMMUNICATIONS IN WRITING WITH
REFERENCE TO
- 2 THE BROWNFIELD PLAN. THE GOVERNING BODY SHALL MAKE AND
PRESERVE
- 3 A RECORD OF THE PUBLIC HEARING, INCLUDING ALL DATA PRESENTED
AT
- 4 THE HEARING.
- 5 (13) NOT LESS THAN 20 DAYS BEFORE THE HEARING ON THE
BROWN-
- 6 FIELD PLAN, THE GOVERNING BODY SHALL PROVIDE NOTICE OF THE
HEAR-
- 7 ING TO THE TAXING JURISDICTIONS THAT LEVY TAXES SUBJECT TO
CAP-
- 8 TURE UNDER THIS ACT. THE AUTHORITY SHALL FULLY INFORM THE
TAXING
- 9 JURISDICTIONS ABOUT THE FISCAL AND ECONOMIC IMPLICATIONS OF
THE
- 10 PROPOSED BROWNFIELD PLAN. AT THAT HEARING, AN OFFICIAL FROM
A
- 11 TAXING JURISDICTION WITH MILLAGE THAT WOULD BE SUBJECT TO
CAPTURE
- 12 UNDER THIS ACT HAS THE RIGHT TO BE HEARD IN REGARD TO THE
ADOP-
- 13 TION OF THE BROWNFIELD PLAN.
- 14 (14) The authority shall not enter into agreements with
the
- 15 taxing jurisdictions and the governing body of the
municipality
- 16 ~~in which the zone is located~~ to share a portion of the
captured
- 17 taxable value of ~~the zone~~ AN ELIGIBLE PROPERTY. Upon
adoption

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18 of the plan, the collection and transmission of the amount
of tax

19 increment revenues as specified in this act shall be binding
on

20 all taxing units levying ad valorem property taxes or
specific

21 taxes against property located in the zone.

22 (15) IF A BROWNFIELD PLAN INCLUDES THE CAPTURE OF TAXES

23 LEVIED FOR SCHOOL OPERATING PURPOSES, APPROVAL OF A WORK
PLAN BY

24 THE MICHIGAN ECONOMIC GROWTH AUTHORITY BEFORE JANUARY 1,
2003 TO

25 USE SCHOOL OPERATING TAXES AND A DEVELOPMENT AGREEMENT

26 BETWEEN THE MUNICIPALITY AND THE OWNER OF THE ELIGIBLE
PROPERTY

27 ARE REQUIRED IF THE REVENUES WILL BE USED FOR INFRASTRUCTURE

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Sub. H.B. 4400 (S-3) as amended by the Senate and House 28
[House amendments (dated April 27, 2000) shown in brackets]

- 1 IMPROVEMENTS THAT DIRECTLY BENEFIT ELIGIBLE PROPERTY,
DEMOLITION
- 2 OF STRUCTURES THAT IS NOT RESPONSE ACTIVITY UNDER PART 201
OF THE
- 3 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
451,
- 4 MCL 324.20101 TO 324.20142, LEAD OR ASBESTOS ABATEMENT, OR
SITE
- 5 PREPARATION THAT IS NOT RESPONSE ACTIVITY UNDER SECTION 201
OF
- 6 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994
- 7 PA 451, MCL 324.20101. THE ELIGIBLE ACTIVITIES TO BE
CONDUCTED
- 8 DESCRIBED IN THIS SUBSECTION SHALL BE CONSISTENT WITH THE
WORK
- 9 PLAN SUBMITTED BY THE AUTHORITY TO THE MICHIGAN ECONOMIC
GROWTH
- 10 AUTHORITY. THE DEPARTMENT'S APPROVAL IS NOT REQUIRED FOR
THE
- 11 CAPTURE OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES FOR
ELIGI-
- 12 BLE ACTIVITIES DESCRIBED IN THIS SUBSECTION.

[

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]

13 Sec. 15. (1) An authority shall not do any of the
14 following:

15 (a) ~~Capture~~ FOR ELIGIBLE ACTIVITIES NOT DESCRIBED IN
16 SEC-

16 TION 13(15), USE taxes levied for school operating purposes
17 CAPTURED from
17 eligible property unless the eligible activities to be
18 conducted

18 on the eligible property are ELIGIBLE ACTIVITIES UNDER PART
19 201

19 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
20 1994

20 PA 451, MCL 324.20101 TO 324.20142, consistent with a work
21 plan

21 or remedial action plan approved by the department after
22 the

22 ~~effective date of this act~~ JULY 24, 1996 and before January
23 1,

23 ~~2001~~ 2003.

24 (b) ~~Use~~ FOR ELIGIBLE ACTIVITIES NOT DESCRIBED IN
25 SECTION

25 13(15), USE funds from a local site remediation revolving
26 fund

26 that are derived from taxes levied for school operating
27 purposes

27 unless the eligible activities to be conducted are ELIGIBLE

H01259'99 (S-3)
Sub. H.B. 4400 (S-3) as amended by the Senate and House 29
[House amendments (dated April 27, 2000) shown in brackets]

1 ACTIVITIES UNDER PART 201 OF THE NATURAL RESOURCES AND

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2 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO
3 324.20142, consistent with a work plan or remedial action
4 plan
5 that has been approved by the department after ~~the~~
~~effective~~
6 ~~date of this act~~ JULY 24, 1996.

7 (C) USE FUNDS FROM A LOCAL SITE REMEDIATION REVOLVING
8 FUND
9 CREATED PURSUANT TO SECTION 8 THAT ARE DERIVED FROM TAXES
10 LEVIED
11 FOR SCHOOL OPERATING PURPOSES FOR THE ELIGIBLE ACTIVITIES
12 DESCRIBED IN SECTION 13(15) UNLESS THE ELIGIBLE ACTIVITIES
13 TO BE
14 CONDUCTED ARE CONSISTENT WITH A WORK PLAN APPROVED BY THE
15 MICHIGAN ECONOMIC GROWTH AUTHORITY.

16 (D) USE TAXES CAPTURED FROM ELIGIBLE PROPERTY TO PAY
17 FOR
18 ELIGIBLE ACTIVITIES CONDUCTED BEFORE APPROVAL OF THE
19 BROWNFIELD
20 PLAN [. THAT TAXES OTHER THAN TAXES LEVIED FOR SCHOOL
21 OPERATING PURPOSES MAY BE USED FOR ANY OF THE FOLLOWING:
22 (i) COSTS INVOLVED IN THE PREPARATION OF A WORK PLAN OR
23 REMEDIAL ACTION PLAN INCLUDING BASELINE ENVIRONMENTAL
24 ASSESSMENTS.
25 (ii) DUE CARE ACTIVITIES THAT OCCURRED NOT MORE THAN 1
26 YEAR PRIOR TO THE ADOPTION OF A BROWNFIELD PLAN.
27 (iii) ELIGIBLE ACTIVITIES DESCRIBED IN SECTION 2(L)(vi)
28 THAT OCCURRED NOT MORE THAN 180 DAYS PRIOR TO THE ADOPTION
29 OF A BROWNFIELD PLAN.]

30 (E) USE TAXES LEVIED FOR SCHOOL OPERATING PURPOSES
31 CAPTURED
32 FROM ELIGIBLE PROPERTY FOR RESPONSE ACTIVITIES THAT BENEFIT
33 A
34 PARTY LIABLE UNDER SECTION 20126 OF THE NATURAL RESOURCES
35 AND

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- 18 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20126.
- 19 (F) USE TAXES [LEVIED FOR SCHOOL OPERATING PURPOSES
CAPTURED FROM ELIGIBLE PROPERTY TO PAY FOR ELIGIBLE
ACTIVITIES DESCRIBED IN SECTION 2(L)(vi).]
- 20 ADMINISTRATIVE AND OPERATING ACTIVITIES OF THE AUTHORITY OR
THE
- 21 MUNICIPALITY ON BEHALF OF THE AUTHORITY EXCEPT FOR COSTS
DESCRIBED IN SECTION 13(16) AND FOR THE REASONABLE COSTS FOR
PREPARING A WORK PLAN OR REMEDIAL ACTION PLAN FOR THE
ELIGIBLE PROPERTY, INCLUDING THE ACTUAL COST OF THE REVIEW
OF THE WORK PLAN OR REMEDIAL ACTION PLAN UNDER THIS SECTION.
- 22 (2) To seek department approval of a work plan UNDER
SUBSEC-
- 23 TION (1)(A) OR (B) or remedial action plan, the authority
shall
- 24 submit all of the following for each eligible property:
- 25 (a) A copy of the brownfield plan.
- 26 (b) Current ownership information for each eligible
property
- 27 and a summary of available information on proposed future
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- 1 ownership, including the amount of any delinquent taxes,
2 interest, and penalties that may be due.
- 3 (c) A summary of available information on the
historical and
- 4 current use of each eligible property, including a brief
summary
- 5 of site conditions and what is known about environmental
contami-
- 6 nation as that term is defined in section 20101 ~~of part 201~~
- 7 ~~(environmental remediation)~~ of the natural resources and
envi-

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8 ronmental protection act, ~~Act No. 451 of the Public Acts of~~
9 ~~1994, being section 324.20101 of the Michigan Compiled Laws~~
 1994

10 PA 451, MCL 324.20101.

11 (d) Existing and proposed future zoning for each
 eligible

12 property.

13 (e) A brief summary of the proposed redevelopment and
 future

14 use for each eligible property.

15 (f) A separate work plan or remedial action plan, or
 part of

16 a work plan or remedial action plan, for each eligible
 activity

17 to be undertaken.

18 (3) Upon receipt of a request for approval of a work
 plan or

19 remedial action plan under subsection (2) that pertains to
 base-

20 line environmental assessment activities or due care
 activities,

21 or both, or a portion of a work plan or remedial action plan
 that

22 pertains to only baseline environmental assessment
 activities or

23 due care activities, or both, the department shall provide 1
 of

24 the following written responses to the requesting authority

25 within 60 days:

26 (a) An unconditional approval.

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1 (b) A conditional approval that delineates specific
2 necessary modifications to the work plan or remedial action
3 plan,
4 including but not limited to individual activities to be
5 added or
6 deleted from the work plan or remedial action plan and
7 revision
8 of costs.

9 (c) If the work plan or remedial action plan lacks
10 suffi-
11 cient information for the department to respond under
12 subdivision (a) or (b), a letter stating with specificity
13 the
14 necessary additions or changes to the work plan or remedial
15 action plan to be submitted before a plan will be considered
16 by
17 the department.

18 (4) In its review of a work plan or remedial action
19 plan,
20 the department shall consider all of the following:

21 (a) Whether the individual activities included in the
22 work
23 plan or remedial action plan are sufficient to complete the
24 eli-
25 gible activity.

26 (b) Whether each individual activity included in the
27 work
28 plan or remedial action plan is required to complete the
29 eligible
30 activity.

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20 (c) Whether the cost for each individual activity is
21 reasonable.

22 (5) If the department fails to provide a written
23 response

23 under subsection (3) within 60 days after receipt of a
24 request

24 for approval of a work plan or remedial action plan that
25 pertains

25 to baseline environmental assessment activities or due care

26 activities, or both, the authority may proceed with the
27 baseline

27 environmental assessment activities or due care activities,
or

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1 both, as outlined in the work plan or remedial action plan
as
2 submitted for approval. Except as provided in subsection
(6),
3 baseline environmental assessment activities or due care
activi-
4 ties, or both, conducted pursuant to a work plan or remedial
5 action plan that was submitted to the department for
approval but
6 for which the department failed to provide a written
response
7 under subsection (3) shall be considered approved for the
pur-
8 poses of subsection (1).

9 (6) The department may issue a written response to a
work
10 plan or remedial action plan that pertains to baseline
environ-
11 mental assessment activities or due care activities, or
both,
12 more than 60 days but less than 6 months after receipt of a
13 request for approval. If the department issues a written
14 response under this subsection, the authority is not
required to
15 conduct individual activities that are in addition to the
indi-
16 vidual activities included in the work plan or remedial
action
17 plan as it was submitted for approval and failure to conduct
18 these additional activities shall not affect the authority's

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- 19 ability to capture taxes under subsection (1) for the
eligible
- 20 activities described in the work plan or remedial action
plan
- 21 initially submitted under subsection (5). In addition, at
the
- 22 option of the authority, these additional individual
activities
- 23 shall be considered part of the work plan or remedial action
plan
- 24 of the authority and approved for purposes of subsection
(1).
- 25 However, any response by the department under this
subsection
- 26 that identifies ~~addition~~ ADDITIONAL individual activities
that
- 27 must be carried out to satisfy the baseline environmental

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1 assessment or due care requirements, or both, of part 201
2 ~~(environmental remediation)~~ of the natural resources and envi-
3 ronmental protection act, ~~Act No. 451 of the Public Acts of~~
4 ~~1994, being sections 324.20101 to 324.20142 of the Michigan~~
5 ~~Compiled Laws~~ 1994 PA 451, MCL 324.20101 TO 324.20142, must
6 be
7 satisfactorily completed for the baseline environmental
8 assess-
9 ment or due care activities, or both, to be considered
10 acceptable
11 for the purposes of compliance with part 201 of ~~Act No. 451~~
12 ~~of~~
13 ~~the Public Acts of 1994~~ THE NATURAL RESOURCES AND
14 ENVIRONMENTAL
15 PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO 324.20142.
16 (7) If the department issues a written response under
17 subsection (6) to a work plan or remedial action plan that
18 per-
19 tains to baseline environmental assessment activities or due
20 care
21 activities, or both, and if the department's written
22 response
23 modifies an individual activity proposed by the work plan or
24 remedial action plan of the authority in a manner that
25 reduces or
26 eliminates a proposed response activity, the authority must
27 com-
28 plete those individual activities included in the baseline
29 envi-

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- 19 ronmental assessment or due care activities, or both, in
accord-
- 20 ance with the department's response in order for that
portion of
- 21 the work plan or remedial action plan to be considered
approved
- 22 for purposes of subsection (1), unless 1 or more of the
following
- 23 conditions apply:
- 24 (a) Obligations for the individual activity have been
issued
- 25 by the authority, or by a municipality on behalf of the
authori-
- 26 ty, to fund the individual activity prior to issuance of the
- 27 department's response.

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1 (b) The individual activity has commenced or payment
for the
2 work has been irrevocably obligated prior to issuance of the
3 department's response.

4 (8) It shall be in the sole discretion of an authority
to
5 propose to undertake additional response activities at an
eligible
6 ble property under a brownfield plan. The department shall
not
7 require a work plan or remedial action plan for either
baseline
8 environmental assessment activities or due care activities,
or
9 both, to include additional response activities.

10 (9) The department may reject the portion of a work
plan or
11 remedial action plan that includes additional response
activities
12 and may consider the level of risk reduction that will be
accom-
13 plished by the additional response activities in determining
14 whether to approve or reject the work plan or remedial
action
15 plan or a portion of a plan.

16 (10) The department's approval or rejection of a work
plan
17 UNDER SUBSECTION (1)(A) OR (B) or remedial action plan for
addi-
18 tional response activities is final.

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- 19 (11) The authority shall reimburse the department for
the
- 20 actual cost incurred by the department or a contractor of
the
- 21 department to review a work plan UNDER SUBSECTION (1)(A) OR
(B)
- 22 or remedial action plan under this section. Funds paid to
the
- 23 department under this subsection shall be deposited in the
- 24 ~~environmental response fund established~~ COST RECOVERY
SUBAC-
- 25 COUNT OF THE CLEANUP AND REDEVELOPMENT FUND CREATED under
section
- 26 20108 ~~of part 201 (environmental remediation)~~ of the
natural
- 27 resources and environmental protection act, ~~Act No. 451 of~~
the

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1 ~~Public Acts of 1994, being section 324.20108 of the Michigan~~
2 ~~Compiled Laws~~ 1994 PA 451, MCL 324.20108.

3 (12) The department shall submit a report each year on
4 or

5 before March 1 to each member of the legislature that
6 contains

7 all of the following:

8 (a) A compilation and summary of all the information
9 submit-

10 ted under subsection (2).

11 (b) The amount of revenue this state would have
12 received if

13 taxes levied for school operating purposes had not been
14 captured

15 under this section for the previous calendar year.

16 (c) The amount of revenue each local governmental unit
17 would

18 have received if taxes levied for school operating purposes
19 had

20 not been captured under this section for the previous
21 calendar

22 year.

23 (13) TO SEEK MICHIGAN ECONOMIC GROWTH AUTHORITY
24 APPROVAL OF

25 A WORK PLAN UNDER SUBSECTION (1)(C) OR SECTION 13(15), THE

26 AUTHORITY SHALL SUBMIT ALL OF THE FOLLOWING FOR EACH
27 ELIGIBLE

28 PROPERTY:

29 (A) A COPY OF THE BROWNFIELD PLAN.

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- 20 (B) CURRENT OWNERSHIP INFORMATION FOR EACH ELIGIBLE
PROPERTY
- 21 AND A SUMMARY OF AVAILABLE INFORMATION ON PROPOSED FUTURE
OWNER-
- 22 SHIP, INCLUDING THE AMOUNT OF ANY DELINQUENT TAXES,
INTEREST, AND
- 23 PENALTIES THAT MAY BE DUE.
- 24 (C) A SUMMARY OF AVAILABLE INFORMATION ON THE
HISTORICAL AND
- 25 CURRENT USE OF EACH ELIGIBLE PROPERTY.
- 26 (D) EXISTING AND PROPOSED FUTURE ZONING FOR EACH
ELIGIBLE
- 27 PROPERTY.

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- 1 (E) A BRIEF SUMMARY OF THE PROPOSED REDEVELOPMENT AND
FUTURE
- 2 USE FOR EACH ELIGIBLE PROPERTY.
- 3 (F) A SEPARATE WORK PLAN, OR PART OF A WORK PLAN, FOR
EACH
- 4 ELIGIBLE ACTIVITY DESCRIBED IN SECTION 13(15) TO BE
UNDERTAKEN.
- 5 (G) A COPY OF THE DEVELOPMENT AGREEMENT REQUIRED UNDER
SEC-
- 6 TION 13(15), WHICH SHALL INCLUDE, BUT IS NOT LIMITED TO, A
- 7 DETAILED SUMMARY OF ANY AND ALL OWNERSHIP INTERESTS,
MONETARY
- 8 CONSIDERATIONS, FEES, REVENUE AND COST SHARING, CHARGES, OR
OTHER
- 9 FINANCIAL ARRANGEMENTS OR OTHER CONSIDERATION BETWEEN THE
- 10 PARTIES.
- 11 (14) UPON RECEIPT OF A REQUEST FOR APPROVAL OF A WORK
PLAN,
- 12 THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL PROVIDE 1 OF
THE
- 13 FOLLOWING WRITTEN RESPONSES TO THE REQUESTING AUTHORITY
WITHIN 60
- 14 DAYS:
- 15 (A) AN UNCONDITIONAL APPROVAL.
- 16 (B) A CONDITIONAL APPROVAL THAT DELINEATES SPECIFIC
NECES-
- 17 SARY MODIFICATIONS TO THE WORK PLAN, INCLUDING, BUT NOT
LIMITED
- 18 TO, INDIVIDUAL ACTIVITIES TO BE ADDED OR DELETED FROM THE
WORK

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- 19 PLAN AND REVISION OF COSTS .
- 20 (C) IF THE WORK PLAN LACKS SUFFICIENT INFORMATION FOR
THE
- 21 MICHIGAN ECONOMIC GROWTH AUTHORITY TO RESPOND UNDER
- 22 SUBDIVISION (A) OR (B), A LETTER STATING WITH SPECIFICITY
THE
- 23 NECESSARY ADDITIONS OR CHANGES TO THE WORK PLAN TO BE
SUBMITTED
- 24 BEFORE A PLAN WILL BE CONSIDERED BY THE MICHIGAN ECONOMIC
GROWTH
- 25 AUTHORITY .

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1 (15) IN ITS REVIEW OF A WORK PLAN UNDER SUBSECTION
2 (1)(C) OR

3 SECTION 13(15), THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL
4 CONSIDER ALL OF THE FOLLOWING:

5 (A) WHETHER THE INDIVIDUAL ACTIVITIES INCLUDED IN THE
6 WORK

7 PLAN ARE SUFFICIENT TO COMPLETE THE ELIGIBLE ACTIVITY.

8 (B) WHETHER EACH INDIVIDUAL ACTIVITY INCLUDED IN THE
9 WORK

10 PLAN IS REQUIRED TO COMPLETE THE ELIGIBLE ACTIVITY.

11 (C) WHETHER THE COST FOR EACH INDIVIDUAL ACTIVITY IS
12 REASONABLE.

13 (16) IF THE MICHIGAN ECONOMIC GROWTH AUTHORITY FAILS TO
14 PRO-

15 VIDE A WRITTEN RESPONSE UNDER SUBSECTION (14) WITHIN 90 DAYS
16 AFTER RECEIPT OF A REQUEST FOR APPROVAL OF A WORK PLAN, THE
17 ELI-

18 GIBLE ACTIVITIES SHALL BE CONSIDERED APPROVED AND THE
19 AUTHORITY

20 MAY PROCEED WITH THE ELIGIBLE ACTIVITIES DESCRIBED IN

21 SECTION 13(15) AS OUTLINED IN THE WORK PLAN AS SUBMITTED FOR
22 APPROVAL.

23 (17) THE MICHIGAN ECONOMIC GROWTH AUTHORITY'S APPROVAL
24 OF A

25 WORK PLAN UNDER SECTION 13(15) IS FINAL.

26 (18) THE AUTHORITY SHALL REIMBURSE THE MICHIGAN
27 ECONOMIC

28 GROWTH AUTHORITY FOR THE ACTUAL COST INCURRED BY THE
29 MICHIGAN

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- 21 ECONOMIC GROWTH AUTHORITY OR A CONTRACTOR OF THE MICHIGAN
ECO-
- 22 NOMIC GROWTH AUTHORITY TO REVIEW A WORK PLAN UNDER THIS
SECTION.
- 23 (19) THE MICHIGAN ECONOMIC GROWTH AUTHORITY SHALL
SUBMIT A
- 24 REPORT EACH YEAR ON OR BEFORE MARCH 1 TO EACH MEMBER OF THE
LEG-
- 25 ISLATURE THAT CONTAINS ALL OF THE FOLLOWING:
- 26 (A) A COMPILATION AND SUMMARY OF ALL THE INFORMATION
- 27 SUBMITTED UNDER SUBSECTION (13).

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1 (B) THE AMOUNT OF REVENUE THIS STATE WOULD HAVE
RECEIVED IF
2 TAXES LEVIED FOR SCHOOL OPERATING PURPOSES HAD NOT BEEN
CAPTURED
3 UNDER THIS SECTION FOR THE PREVIOUS CALENDAR YEAR.

4 (C) THE AMOUNT OF REVENUE EACH LOCAL GOVERNMENTAL UNIT
WOULD
5 HAVE RECEIVED IF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES
HAD
6 NOT BEEN CAPTURED UNDER THIS SECTION FOR THE PREVIOUS
CALENDAR
7 YEAR.

8 (20) ALL TAXES LEVIED FOR SCHOOL OPERATING PURPOSES
THAT ARE
9 NOT USED FOR ELIGIBLE ACTIVITIES CONSISTENT WITH A WORK PLAN
10 APPROVED BY THE [DEPARTMENT OR THE MICHIGAN ECONOMIC GROWTH
11 AUTHORITY AND THAT ARE NOT DEPOSITED IN A LOCAL SITE
REMEDATION REVOLVING FUND] SHALL BE DISTRIB-
12 UTED PROPORTIONATELY BETWEEN THE LOCAL SCHOOL DISTRICT AND
THE
13 SCHOOL AID FUND.

14 Sec. 16. (1) The municipal and county treasurers shall
15 transmit tax increment revenues to the authority not more
than 30
16 days after tax increment revenues are collected.

17 (2) The authority shall expend the tax increment
revenues
18 received only in accordance with the brownfield plan. All
sur-
19 plus funds not deposited in the local site remediation

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- revolving
- 20 fund of the authority under section 13(5) shall revert
propor-
- 21 tionately to the respective taxing bodies, EXCEPT AS
PROVIDED IN
- 22 SECTION 15(20). The governing body may abolish the plan
when it
- 23 finds that the purposes for which the plan was established
are
- 24 accomplished. However, the plan shall not be abolished
until the
- 25 principal and interest on bonds issued under section 17 and
all
- 26 other obligations to which the tax increment revenues are
pledged

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1 have been paid or funds sufficient to make the payment have
been

2 segregated.

3 (3) The authority shall submit annually to the
governing

4 body and the state tax commission a financial report on the
5 status of the activities of the authority. The report shall
6 include all of the following:

7 (a) The amount and source of tax increment revenues
8 received.

9 (b) The amount and purpose of expenditures of tax
10 increment
revenues.

11 (c) The amount of principal and interest on all
outstanding
12 indebtedness.

13 (d) The initial taxable value of all eligible property
14 subject to the brownfield plan.

15 (e) The captured taxable value realized by the
authority.

16 (f) Information concerning any transfer of ownership of
or
17 interest in each eligible property. ~~within the zone.~~

18 (g) All additional information that the governing body
or
19 the state tax commission considers necessary.

20 (4) The ~~department and the~~ state tax commission shall
col-

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- 21 lect the financial reports submitted under subsection (3),
com-
- 22 pile and analyze the information contained in those reports,
and
- 23 submit annually a report based on that information to all of
the
- 24 following standing committees of the legislature:
- 25 (a) In the house of representatives, the ~~conservation,~~
- 26 ~~environment, and Great Lakes committee and tax policy~~
~~committee~~

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1 COMMITTEES RESPONSIBLE FOR NATURAL RESOURCE MANAGEMENT,
2 CONSERVATION, ENVIRONMENTAL PROTECTION, AND TAXATION.

3 (b) In the senate, the ~~natural resources and~~
~~environmental~~

4 ~~affairs committee and the finance committee~~ COMMITTEES
5 RESPONSIB-

6 BLE FOR NATURAL RESOURCE MANAGEMENT, CONSERVATION,
7 ENVIRONMENTAL

8 PROTECTION, AND TAXATION.

9 Sec. 19. (1) An authority that completes the purposes
10 for

11 which it was organized shall be dissolved by resolution of
12 the

13 governing body. ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
14 THE

15 property and assets of the authority remaining after the
16 satis-

17 faction of the obligations of the authority shall belong to
18 the

19 municipality or to an agency or instrumentality designated
20 by

21 resolution of the municipality.

22 (2) TAX INCREMENT REVENUES AND THE INTEREST EARNED ON
23 TAX

24 INCREMENT REVENUES SHALL BE DISTRIBUTED AS PROVIDED UNDER
25 SECTION

26 16(2).

27 Enacting section 1. This amendatory act does not take

28 effect unless all of the following bills of the 90th
Legislature

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19 are enacted into law:

20 (a) Senate Bill No. 269.

21 (b) House Bill No. 5443.

22 (c) House Bill No. 5444.