

# HOUSE BILL No. 5675

March 23, 2004, Introduced by Reps. Nitz, Nofs, Gaffney, Bradstreet, Garfield, Stewart, Hummel, Mortimer, Voorhees, Brandenburg, Tabor, Casperson, LaJoy, DeRossett and Stahl and referred to the Committee on Commerce.

A bill to amend 1974 PA 338, entitled  
"Economic development corporations act,"  
by amending section 3 (MCL 125.1603), as amended by 1985 PA 154.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. As used in this act:

2       (a) "Corporation" means a corporation organized pursuant to  
3 this act.

4       (b) "Employee-owned corporation" means an employee-owned  
5 corporation as defined by the employee-owned corporation act,  
6 1985 PA 152, MCL 450.731 to 450.738.

7       (c) "Governing body" means the body in which the legislative  
8 powers of a municipality are vested.

9       (d) "Municipality" means a county, city, village, or  
10 township.

11       (e) "Local public agency" means the official body of a

1 municipality authorized to plan and implement the development and  
2 redevelopment of the municipality.

3 (f) "Project" means land or an interest in land, existing or  
4 planned improvements, machinery, furnishings, or equipment  
5 suitable for use by any of the following:

6 (i) An industrial or commercial enterprise, including  
7 agricultural and forestry enterprises and enterprises designed to  
8 produce energy from renewable resources. Projects of such an  
9 enterprise may include any of the following:

10 (A) Necessary buildings, improvements, or structures suitable  
11 for and intended for or incidental to use as an industrial or  
12 commercial enterprise.

13 (B) Industrial park or industrial site improvements or port  
14 improvements.

15 (C) A replacement housing project incidental to an industrial  
16 or commercial enterprise.

17 (D) The machinery, furnishings, leasehold improvements, or  
18 equipment necessary, suitable, intended for or incidental to a  
19 commercial, industrial, or residential use in connection with the  
20 buildings, improvements, or structures.

21 (E) Machinery, furnishings, leasehold improvements, or  
22 equipment, including pollution control facilities, to be  
23 installed or used primarily within a project area.

24 (ii) An enterprise in relation to a housing and neighborhood  
25 improvement program, which program involves either the clearing  
26 of land or the rehabilitation or construction of housing for the  
27 immediate sale of single family or multi-family units at fair

1 market value, or both. Housing and neighborhood improvement  
2 programs identified by this subparagraph shall constitute a  
3 project for purposes of this subparagraph if the area in which  
4 these improvement programs are to be undertaken are located in,  
5 or are eligible to be included in, blighted or redevelopment  
6 areas identified ~~pursuant to Act No. 344 of the Public Acts of~~  
7 ~~1945, as amended, being sections 125.71 to 125.84 of the Michigan~~  
8 ~~Compiled Laws~~ **under 1945 PA 344, MCL 125.71 to 125.84**; the urban  
9 redevelopment corporations law, ~~Act No. 250 of the Public Acts~~  
10 ~~of 1941, as amended, being sections 125.901 to 125.922 of the~~  
11 ~~Michigan Compiled Laws~~ **1941 PA 250, MCL 125.901 to 125.922**; ~~Act~~  
12 ~~No. 197 of the Public Acts of 1975, as amended, being sections~~  
13 ~~125.1651 to 125.1680, of the Michigan Compiled Laws,~~ **1975 PA**  
14 **197, MCL 125.1651 to 125.1681**; or the tax increment finance  
15 authority act, ~~Act No. 450 of the Public Acts of 1980, being~~  
16 ~~sections 125.1801 to 125.1828 of the Michigan Compiled Laws~~ **1980**  
17 **PA 450, MCL 125.1801 to 125.1830.**

18 **(iii) A commercial enterprise that constructs, improves, or**  
19 **finances broadband infrastructure.**

20 (g) "Project area" means that land area or an interest in a  
21 land area within the municipality which will be acquired in the  
22 implementation of a project or which will be the permanent site  
23 of machinery, furnishings, or equipment constituting all or part  
24 of a project.

25 (h) "Project citizens district council" means a project  
26 citizens district council established ~~pursuant to~~ **under** this  
27 act.

1 (i) "Project cost" or "costs" means the cost of purchasing,  
2 acquiring, constructing, improving, enlarging, extending, or  
3 repairing a project. Project cost or costs includes any  
4 engineering, architectural, legal, accounting, financial, and  
5 other expenses incidental to the purchasing, acquiring,  
6 constructing, improving, enlarging, extending, or repairing of a  
7 project. Project cost or costs also includes the interest on the  
8 bonds and other obligations issued to pay project costs during  
9 the period of construction and after the period of construction  
10 until sufficient revenues have developed. Project cost or costs  
11 also includes a reserve or addition to a reserve for payment of  
12 principal and interest on the bonds and the amount required for  
13 operation and maintenance until sufficient revenues have  
14 developed.

15 (j) "Project district area" means that portion of a  
16 municipality and any area adjacent to a municipality, as  
17 determined by its governing body, which contains a project area  
18 and the surrounding territory that will be significantly affected  
19 by a project.

20 (k) "Project plan" means that information and those  
21 requirements for a project set forth in section 8.

22 (l) "Pollution control facilities" means water or air  
23 pollution control equipment or solid waste disposal facilities  
24 located within or without the limits of the municipality.

25 (m) "Solid waste disposal facilities" means buildings,  
26 plants, structures, equipment, or facilities and their  
27 appurtenances, together with land or an interest in land or a

1 portion of land, for the purpose of treating, shredding,  
2 compression, high temperature incineration, pyrolization,  
3 separation, or any other technology for recovery, transporting,  
4 storing, or the final placement and disposal of solid wastes  
5 resulting from any process of industry, manufacture, trade, or  
6 business, from the development, processing, or recovery of any  
7 natural resources, or from the operation of any public utility.  
8 Solid waste disposal facilities includes buildings, plants,  
9 structures, equipment, or facilities and their appurtenances,  
10 together with land or an interest in land or a portion of land,  
11 which qualify as solid waste disposal facilities under section  
12 ~~103(b)(4)~~ **142** of the internal revenue code, **26 USC 142**.

13 (n) "Water and air pollution control equipment" means  
14 buildings, plants, structures, equipment, or facilities and their  
15 appurtenances, together with land or an interest in land or a  
16 portion of land, for the purpose of controlling, eliminating,  
17 recovering, removing, reducing, dispersing, treating, or  
18 neutralizing atmospheric or water pollutants, including liquid,  
19 gaseous, or solid substances or discharges or radiation, or  
20 cooling the temperature of atmospheric or water pollutants, or  
21 any liquid, gas, or solid, resulting from any process of  
22 industry, manufacture, trade, or business; the development,  
23 processing, or recovery of any natural resources; or the  
24 operation of any public utility, any of which may pollute or may  
25 tend to pollute or affect the water or air of this state or  
26 adjacent to this state. Water and air pollution control  
27 equipment includes buildings, plants, structures, facilities, and

1 equipment and their appurtenances, together with land or an  
2 interest in land or a portion of land, used or to be used as a  
3 change in a manufacturing, production, generation, transmission,  
4 or distribution process to prevent, reduce, recover, remove,  
5 disperse, neutralize, control, or eliminate air or water  
6 pollution. Water and air pollution control equipment includes  
7 buildings, plants, structures, equipment, or facilities and their  
8 appurtenances, together with land or an interest in land or a  
9 portion of land, which qualify as air or water pollution control  
10 facilities under section ~~103(b)(4)~~ **142** of the internal revenue  
11 code, **26 USC 142**.