

HOUSE BILL No. 5539

December 6, 2007, Introduced by Reps. Bieda, Robert Jones, Wenke, Condino, Corriveau, Angerer and Dean and referred to the Committee on Tax Policy.

A bill to amend 1996 PA 381, entitled
"Brownfield redevelopment financing act,"
(MCL 125.2651 to 125.2672) by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 15A. (1) IF THE AMOUNT OF TAX INCREMENT REVENUES LOST AS
2 A RESULT OF THE PERSONAL PROPERTY TAX EXEMPTIONS PROVIDED BY
3 SECTION 1211(4) OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL
4 380.1211, SECTION 3 OF THE STATE EDUCATION TAX ACT, 1993 PA 331,
5 MCL 211.903, SECTION 14(4) OF 1974 PA 198, MCL 207.564, AND SECTION
6 9K OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.9K, WILL
7 REDUCE THE ALLOWABLE SCHOOL TAX CAPTURE RECEIVED IN A FISCAL YEAR
8 BY AN AUTHORITY UNDER SECTION 16 USED TO REPAY AN ADVANCE MADE
9 BEFORE JULY 12, 2007, OR TO PAY AN OBLIGATION ISSUED OR INCURRED
10 BEFORE JULY 12, 2007, THE LEGISLATURE SHALL APPROPRIATE AND

1 DISTRIBUTE TO THE AUTHORITY THE AMOUNT DESCRIBED IN SUBSECTION (5).

2 (2) NOT LESS THAN 30 DAYS BEFORE THE FIRST DAY OF A FISCAL
3 YEAR, AN AUTHORITY ELIGIBLE TO RETAIN TAX INCREMENT REVENUES FROM
4 TAXES LEVIED BY A LOCAL OR INTERMEDIATE SCHOOL DISTRICT OR THIS
5 STATE OR TO RECEIVE A DISTRIBUTION UNDER THIS SECTION FOR THAT
6 FISCAL YEAR SHALL FILE A CLAIM WITH THE DEPARTMENT OF TREASURY. THE
7 CLAIM SHALL INCLUDE THE FOLLOWING INFORMATION:

8 (A) THE PROPERTY TAX MILLAGE RATES EXPECTED TO BE LEVIED BY
9 LOCAL SCHOOL DISTRICTS WITHIN THE JURISDICTIONAL AREA OF THE
10 AUTHORITY FOR SCHOOL OPERATING PURPOSES FOR THAT FISCAL YEAR.

11 (B) THE TAX INCREMENT REVENUES ESTIMATED TO BE RECEIVED BY THE
12 AUTHORITY FOR THAT FISCAL YEAR BASED UPON ACTUAL PROPERTY TAX
13 LEVIES OF ALL TAXING JURISDICTIONS WITHIN THE JURISDICTIONAL AREA
14 OF THE AUTHORITY.

15 (C) THE TAX INCREMENT REVENUES THE AUTHORITY ESTIMATES IT
16 WOULD HAVE RECEIVED FOR THAT FISCAL YEAR IF THE PERSONAL PROPERTY
17 TAX EXEMPTIONS DESCRIBED IN SUBSECTION (1) WERE NOT IN EFFECT.

18 (D) A LIST AND DOCUMENTATION OF OBLIGATIONS ISSUED OR INCURRED
19 BEFORE JULY 12, 2007 AND ADVANCES MADE BEFORE JULY 12, 2007 AND THE
20 PAYMENTS DUE ON EACH OF THOSE OBLIGATIONS AND ADVANCES IN THAT
21 FISCAL YEAR, AND THE TOTAL AMOUNT OF ALL THE PAYMENTS DUE ON THOSE
22 OBLIGATIONS AND ADVANCES IN THAT FISCAL YEAR.

23 (E) THE AMOUNT OF MONEY, OTHER THAN TAX INCREMENT REVENUES,
24 ESTIMATED TO BE RECEIVED IN THAT FISCAL YEAR BY THE AUTHORITY THAT
25 IS PRIMARILY PLEDGED TO, AND TO BE USED FOR, THE PAYMENT OF AN
26 OBLIGATION ISSUED OR INCURRED BEFORE JULY 12, 2007 OR THE REPAYMENT
27 OF AN ADVANCE MADE BEFORE JULY 12, 2007. THAT AMOUNT SHALL NOT

1 INCLUDE EXCESS TAX INCREMENT REVENUES OF THE AUTHORITY THAT ARE
2 PERMITTED BY LAW TO BE RETAINED BY THE AUTHORITY FOR PURPOSES THAT
3 FURTHER THE DEVELOPMENT PROGRAM. HOWEVER, THAT AMOUNT SHALL INCLUDE
4 MONEY TO BE OBTAINED FROM SOURCES AUTHORIZED BY LAW, WHICH LAW IS
5 ENACTED ON OR AFTER DECEMBER 1, 1993, FOR USE BY THE MUNICIPALITY
6 OR AUTHORITY TO FINANCE A DEVELOPMENT PLAN.

7 (F) THE AMOUNT OF A DISTRIBUTION RECEIVED PURSUANT TO THIS ACT
8 FOR A FISCAL YEAR IN EXCESS OF OR LESS THAN THE DISTRIBUTION THAT
9 WOULD HAVE BEEN REQUIRED IF CALCULATED UPON ACTUAL TAX INCREMENT
10 REVENUES RECEIVED FOR THAT FISCAL YEAR.

11 (G) A LIST AND DOCUMENTATION OF OTHER PROTECTED OBLIGATIONS
12 AND THE PAYMENTS DUE ON EACH OF THOSE OTHER PROTECTED OBLIGATIONS
13 IN THAT FISCAL YEAR, AND THE TOTAL AMOUNT OF ALL THE PAYMENTS DUE
14 ON THOSE OTHER PROTECTED OBLIGATIONS IN THAT FISCAL YEAR.

15 (3) FOR THE FISCAL YEAR THAT COMMENCES AFTER SEPTEMBER 30,
16 2007 AND BEFORE OCTOBER 1, 2008, AN AUTHORITY MAY MAKE A CLAIM WITH
17 ALL INFORMATION REQUIRED BY SUBSECTION (2) AT ANY TIME AFTER MARCH
18 15, 2008.

19 (4) AFTER REVIEW AND VERIFICATION OF CLAIMS SUBMITTED UNDER
20 THIS SECTION, AMOUNTS APPROPRIATED BY THIS STATE IN COMPLIANCE WITH
21 THIS ACT SHALL BE DISTRIBUTED AS 2 EQUAL PAYMENTS ON MARCH 1 AND
22 SEPTEMBER 1 AFTER RECEIPT OF A CLAIM. AN AUTHORITY SHALL ALLOCATE A
23 DISTRIBUTION IT RECEIVES FOR AN ELIGIBLE OBLIGATION ISSUED ON
24 BEHALF OF A MUNICIPALITY TO THE MUNICIPALITY.

25 (5) SUBJECT TO SUBSECTIONS (6) AND (7), THE AGGREGATE AMOUNT
26 TO BE APPROPRIATED AND DISTRIBUTED UNDER THIS SECTION TO AN
27 AUTHORITY SHALL BE THE SUM OF THE AMOUNTS DETERMINED UNDER

1 SUBDIVISIONS (A) AND (B) MINUS THE AMOUNT DETERMINED UNDER
2 SUBDIVISION (C), AS FOLLOWS:

3 (A) THE AMOUNT BY WHICH THE TAX INCREMENT REVENUES THE
4 AUTHORITY WOULD HAVE RECEIVED FOR THE FISCAL YEAR, EXCLUDING TAXES
5 EXEMPT UNDER SECTION 7FF OF THE GENERAL PROPERTY TAX ACT, 1893 PA
6 206, MCL 211.7FF, IF THE PERSONAL PROPERTY TAX EXEMPTIONS DESCRIBED
7 IN SUBSECTION (1) WERE NOT IN EFFECT, EXCEED THE TAX INCREMENT
8 REVENUES THE AUTHORITY ACTUALLY RECEIVED FOR THE FISCAL YEAR.

9 (B) A SHORTFALL REQUIRED TO BE REPORTED UNDER SUBSECTION
10 (2) (F) THAT HAD NOT PREVIOUSLY INCREASED A DISTRIBUTION.

11 (C) AN EXCESS AMOUNT REQUIRED TO BE REPORTED UNDER SUBSECTION
12 (2) (F) THAT HAD NOT PREVIOUSLY DECREASED A DISTRIBUTION.

13 (6) IF THE PAYMENTS REQUIRED BY THIS SECTION EXCEED THE AMOUNT
14 APPROPRIATED FOR THAT PURPOSE, THE AMOUNTS DISTRIBUTED UNDER THIS
15 SECTION SHALL FIRST BE PAID TO AUTHORITIES FOR THE AMOUNT THAT THE
16 AMOUNT DESCRIBED IN SUBSECTION (2) (D) EXCEEDS THE SUM OF THE
17 AMOUNTS DESCRIBED IN SUBSECTION (2) (B) AND (E).

18 (7) A DISTRIBUTION UNDER THIS SECTION REPLACING TAX INCREMENT
19 REVENUES PLEDGED BY AN AUTHORITY OR A MUNICIPALITY IS SUBJECT TO
20 THE LIEN OF THE PLEDGE, WHETHER OR NOT THERE HAS BEEN PHYSICAL
21 DELIVERY OF THE DISTRIBUTION.

22 (8) OBLIGATIONS FOR WHICH DISTRIBUTIONS ARE MADE UNDER THIS
23 SECTION ARE NOT A DEBT OR LIABILITY OF THIS STATE; DO NOT CREATE OR
24 CONSTITUTE AN INDEBTEDNESS, LIABILITY, OR OBLIGATION OF THIS STATE;
25 AND ARE NOT AND DO NOT CONSTITUTE A PLEDGE OF THE FAITH AND CREDIT
26 OF THIS STATE.

27 (9) NOT LATER THAN JULY 1 OF EACH YEAR, THE AUTHORITY SHALL

1 CERTIFY TO THE LOCAL TAX COLLECTING TREASURER THE AMOUNT OF THE
2 DISTRIBUTION REQUIRED UNDER SUBSECTION (5), CALCULATED WITHOUT
3 REGARD TO THE RECEIPT OF TAX INCREMENT REVENUES ATTRIBUTABLE TO
4 LOCAL OR INTERMEDIATE SCHOOL DISTRICT TAXES OR ATTRIBUTABLE TO
5 TAXES LEVIED UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL
6 211.901 TO 211.906.

7 (10) CALCULATIONS OF DISTRIBUTIONS UNDER THIS SECTION AND
8 CLAIMS REPORTS REQUIRED TO BE MADE UNDER SUBSECTION (2) SHALL BE
9 MADE ON THE BASIS OF EACH DEVELOPMENT AREA OF THE AUTHORITY.

10 (11) THE STATE TAX COMMISSION MAY PROVIDE THAT THE
11 REIMBURSEMENT CALCULATIONS UNDER THIS SECTION AND THE CALCULATION
12 OF ALLOWABLE CAPTURE OF SCHOOL TAXES SHALL BE MADE FOR EACH
13 CALENDAR YEAR'S TAX INCREMENT REVENUES USING A 12-MONTH DEBT
14 PAYMENT PERIOD USED BY THE AUTHORITY AND APPROVED BY THE STATE TAX
15 COMMISSION.

16 (12) AS USED IN THIS SECTION:

17 (A) "ADVANCE" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1975
18 PA 197, MCL 125.1651.

19 (B) "OBLIGATION" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
20 1975 PA 197, MCL 125.1651.