

**SUBSTITUTE FOR
SENATE BILL NO. 908**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 3, 4, 7, 8, 8a, 11, 13, 14, 15, 15a, and 16 (MCL 125.2652, 125.2653, 125.2654, 125.2657, 125.2658, 125.2658a, 125.2661, 125.2663, 125.2664, 125.2665, 125.2665a, and 125.2666), section 2 as amended by 2013 PA 67, section 3 as amended by 2000 PA 145, sections 4, 8, 13, 15, and 16 as amended and section 8a as added by 2012 PA 502, section 7 as amended by 2002 PA 413, and section 15a as amended by 2014 PA 20, and by adding sections 13a and 13b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 ~~—— (a) "Additional response activities" means response activities~~
3 ~~identified as part of a brownfield plan that are in addition to~~

1 ~~baseline environmental assessment activities and due care~~
 2 ~~activities for an eligible property.~~

3 (A) ~~(b)~~—"Authority" means a brownfield redevelopment authority
 4 created under this act.

5 (B) ~~(c)~~—"Baseline environmental assessment" means that term as
 6 defined in ~~section 20101 of the natural resources and environmental~~
 7 ~~protection act, 1994 PA 451, MCL 324.20101.~~ **PART 201 OR 213.**

8 ~~——(d) "Baseline environmental assessment activities" means those~~
 9 ~~response activities identified as part of a brownfield plan that~~
 10 ~~are necessary to complete a baseline environmental assessment for~~
 11 ~~an eligible property in the brownfield plan.~~

12 (C) ~~(e)~~—"Blighted" means property that meets any of the
 13 following criteria as determined by the governing body:

14 (i) Has been declared a public nuisance in accordance with a
 15 local housing, building, plumbing, fire, or other related code or
 16 ordinance.

17 (ii) Is an attractive nuisance to children because of physical
 18 condition, use, or occupancy.

19 (iii) Is a fire hazard or is otherwise dangerous to the safety
 20 of persons or property.

21 (iv) Has had the utilities, plumbing, heating, or sewerage
 22 permanently disconnected, destroyed, removed, or rendered
 23 ineffective so that the property is unfit for its intended use.

24 (v) Is tax reverted property owned by a qualified local
 25 governmental unit, by a county, or by this state. The sale, lease,
 26 or transfer of tax reverted property by a qualified local
 27 governmental unit, county, or this state after the property's

1 inclusion in a brownfield plan shall not result in the loss to the
2 property of the status as blighted property for purposes of this
3 act.

4 (vi) Is property owned **BY** or under the control of a land bank
5 fast track authority, whether or not located within a qualified
6 local governmental unit. Property included within a brownfield plan
7 prior to the date it meets the requirements of this subdivision to
8 be eligible property shall be considered to become eligible
9 property as of the date the property is determined to have been or
10 becomes qualified as, or is combined with, other eligible property.
11 The sale, lease, or transfer of the property by a land bank fast
12 track authority after the property's inclusion in a brownfield plan
13 shall not result in the loss to the property of the status as
14 blighted property for purposes of this act.

15 (vii) Has substantial **BURIED** subsurface demolition debris
16 ~~buried on site~~ **PRESENT** so that the property is unfit for its
17 intended use.

18 (D) ~~(f)~~—"Board" means the governing body of an authority.

19 (E) ~~(g)~~—"Brownfield plan" means a plan that meets the
20 requirements of section 13 **AND SECTION 13B** and is adopted under
21 section 14.

22 (F) ~~(h)~~—"Captured taxable value" means the amount in 1 year by
23 which the current taxable value of an eligible property subject to
24 a brownfield plan, including the taxable value or assessed value,
25 as appropriate, of the property for which specific taxes are paid
26 in lieu of property taxes, exceeds the initial taxable value of
27 that eligible property. The state tax commission shall prescribe

1 the method for calculating captured taxable value.

2 (G) ~~(i)~~—"Chief executive officer" means the mayor of a city,
3 the village manager of a village, the township supervisor of a
4 township, or the county executive of a county or, if the county
5 does not have an elected county executive, the chairperson of the
6 county board of commissioners.

7 (H) ~~(j)~~—"Combined brownfield plan" means a brownfield plan
8 that also includes the information necessary to submit the plan to
9 the department or Michigan strategic fund under section
10 ~~15(25)~~.15(20).

11 (I) "CORRECTIVE ACTION" MEANS THAT TERM AS DEFINED IN PART 111
12 OR PART 213.

13 (J) ~~(k)~~—"Department" means the department of environmental
14 quality.

15 (K) "DEPARTMENT SPECIFIC ACTIVITIES" MEANS BASELINE
16 ENVIRONMENTAL ASSESSMENTS, DUE CARE ACTIVITIES, RESPONSE
17 ACTIVITIES, AND OTHER ENVIRONMENTALLY RELATED ACTIONS THAT ARE
18 ELIGIBLE ACTIVITIES AND ARE IDENTIFIED AS A PART OF A BROWNFIELD
19 PLAN THAT ARE IN ADDITION TO THE MINIMUM DUE CARE ACTIVITIES
20 REQUIRED BY PART 201, INCLUDING, BUT NOT LIMITED TO:

21 (i) RESPONSE ACTIVITIES THAT ARE MORE PROTECTIVE OF THE PUBLIC
22 HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT THAN REQUIRED BY
23 SECTION 20107A, 20114, OR 21304C OF THE NATURAL RESOURCES AND
24 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20107A,
25 324.20114, AND 324.21304C.

26 (ii) REMOVAL AND CLOSURE OF UNDERGROUND STORAGE TANKS PURSUANT
27 TO PART 211 OR 213.

1 (iii) DISPOSAL OF SOLID WASTE, AS DEFINED IN PART 115 OF THE
2 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
3 MCL 324.11501 TO 324.11554, FROM THE ELIGIBLE PROPERTY, PROVIDED IT
4 WAS NOT GENERATED OR ACCUMULATED BY THE AUTHORITY OR THE DEVELOPER.

5 (iv) DUST CONTROL RELATED TO CONSTRUCTION ACTIVITIES.

6 (v) REMOVAL AND DISPOSAL OF LAKE OR RIVER SEDIMENTS EXCEEDING
7 PART 201 CRITERIA FROM, AT, OR RELATED TO AN ECONOMIC DEVELOPMENT
8 PROJECT WHERE THE UPLAND PROPERTY IS EITHER A FACILITY OR WOULD
9 BECOME A FACILITY AS A RESULT OF THE DEPOSITION OF DREDGED SPOILS.

10 (vi) INDUSTRIAL CLEANING.

11 (vii) SHEETING AND SHORING NECESSARY FOR THE REMOVAL OF
12 MATERIALS EXCEEDING PART 201 CRITERIA AT PROJECTS REQUIRING A
13 PERMIT PURSUANT TO PART 301, 303, OR 325 OF THE NATURAL RESOURCES
14 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.30101 TO
15 324.30113, MCL 324.30301 TO 324.30328, OR MCL 324.32501 TO
16 324.32515A.

17 (viii) LEAD, MOLD, OR ASBESTOS ABATEMENT WHEN LEAD, MOLD, OR
18 ASBESTOS POSE AN IMMINENT AND SIGNIFICANT THREAT TO HUMAN HEALTH.

19 (l) "Due care activities" means those response activities
20 identified as part of a brownfield plan that are necessary to allow
21 the owner or operator of an eligible property in the plan to comply
22 with the requirements of section 20107a OR 21304C of the natural
23 resources and environmental protection act, 1994 PA 451, MCL
24 324.20107a AND 324.21304C.

25 (m) "Economic opportunity zone" means 1 or more parcels of
26 property that meet all of the following:

27 (i) That together are 40 or more acres in size.

1 (ii) That contain or contained a manufacturing facility
2 **OPERATION** that consists or consisted of 500,000 or more square
3 feet.

4 (iii) That are located in a municipality that has a population
5 of 30,000 or less and that is contiguous to a qualified local
6 governmental unit.

7 (n) "Eligible activities" or "eligible activity" means 1 or
8 more of the following:

9 (i) ~~Baseline environmental assessment activities.~~ **FOR ALL**
10 **ELIGIBLE PROPERTIES, ELIGIBLE ACTIVITIES INCLUDE ALL OF THE**
11 **FOLLOWING:**

12 ~~—— (ii) Due care activities.~~

13 ~~—— (iii) Additional response activities.~~

14 ~~—— (iv) For eligible activities on eligible property that was~~
15 ~~used or is currently used for commercial, industrial, or~~
16 ~~residential purposes that is in a qualified local governmental~~
17 ~~unit, that is owned or under the control of a land bank fast track~~
18 ~~authority, or that is located in an economic opportunity zone, and~~
19 ~~is a facility, historic resource, functionally obsolete, or~~
20 ~~blighted, and except for purposes of section 38d of former 1975 PA~~
21 ~~228, the following additional activities:~~

22 ~~—— (A) Infrastructure improvements that directly benefit eligible~~
23 ~~property.~~

24 **(A) DEPARTMENT SPECIFIC ACTIVITIES.**

25 **(B) RELOCATION OF PUBLIC BUILDINGS OR OPERATIONS FOR ECONOMIC**
26 **DEVELOPMENT PURPOSES.**

27 **(C) REASONABLE COSTS OF ENVIRONMENTAL INSURANCE.**

1 (D) REASONABLE COSTS INCURRED TO DEVELOP AND PREPARE
 2 BROWNFIELD PLANS, COMBINED BROWNFIELD PLANS, OR WORK PLANS FOR THE
 3 ELIGIBLE PROPERTY, INCLUDING LEGAL AND CONSULTING FEES THAT ARE NOT
 4 IN THE ORDINARY COURSE OF ACQUIRING AND DEVELOPING REAL ESTATE.

5 (E) REASONABLE COSTS OF BROWNFIELD PLAN AND WORK PLAN
 6 IMPLEMENTATION, INCLUDING, BUT NOT LIMITED TO, TRACKING AND
 7 REPORTING OF DATA AND PLAN COMPLIANCE AND THE REASONABLE COSTS
 8 INCURRED TO ESTIMATE AND DETERMINE ACTUAL COSTS INCURRED, WHETHER
 9 THOSE COSTS ARE INCURRED BY A MUNICIPALITY, AUTHORITY, OR PRIVATE
 10 DEVELOPER.

11 (F) ~~(B)~~ Demolition of structures that is not A response
 12 activity. ~~under section 20101 of the natural resources and~~
 13 ~~environmental protection act, 1994 PA 451, MCL 324.20101.~~

14 (G) ~~(C)~~ Lead, ~~or~~ asbestos, OR MOLD abatement.

15 (H) THE REPAYMENT OF PRINCIPAL OF AND INTEREST ON ANY
 16 OBLIGATION ISSUED BY AN AUTHORITY TO PAY THE COSTS OF ELIGIBLE
 17 ACTIVITIES ATTRIBUTABLE TO AN ELIGIBLE PROPERTY.

18 (ii) FOR ELIGIBLE PROPERTIES LOCATED IN A QUALIFIED LOCAL UNIT
 19 OF GOVERNMENT, OR AN ECONOMIC OPPORTUNITY ZONE, OR THAT IS A FORMER
 20 MILL, ELIGIBLE ACTIVITIES INCLUDE:

21 (A) THE ACTIVITIES DESCRIBED IN SUBPARAGRAPH (i) .

22 (B) INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT ELIGIBLE
 23 PROPERTY.

24 (C) ~~(D)~~ Site preparation that is not A response activity.
 25 ~~under section 20101 of the natural resources and environmental~~
 26 ~~protection act, 1994 PA 451, MCL 324.20101.~~

27 (iii) FOR ELIGIBLE PROPERTIES THAT ARE OWNED BY OR UNDER THE

1 CONTROL OF A LAND BANK FAST TRACK AUTHORITY, OR A QUALIFIED LOCAL
2 UNIT OF GOVERNMENT OR AUTHORITY, ELIGIBLE ACTIVITIES INCLUDE:

3 (A) THE ELIGIBLE ACTIVITIES DESCRIBED IN SUBPARAGRAPHS (i) AND
4 (ii) .

5 (B) ~~(E)~~—Assistance to a land bank fast track authority in
6 clearing or quieting title to, or selling or otherwise conveying,
7 property owned **BY** or under the control of a land bank fast track
8 authority or the acquisition of property by the land bank fast
9 track authority if the acquisition of the property is for economic
10 development purposes.

11 (C) ~~(F)~~—Assistance to a qualified local governmental unit or
12 authority in clearing or quieting title to, or selling or otherwise
13 conveying, property owned **BY** or under the control of a qualified
14 local governmental unit or authority or the acquisition of property
15 by a qualified local governmental unit or authority if the
16 acquisition of the property is for economic development purposes.

17 ~~—— (v) Relocation of public buildings or operations for economic
18 development purposes.~~

19 ~~—— (w) For eligible activities on eligible property that is a
20 qualified facility that is not located in a qualified local
21 governmental unit and that is a facility, functionally obsolete, or
22 blighted, the following additional activities:~~

23 ~~—— (A) Infrastructure improvements that directly benefit eligible
24 property.~~

25 ~~—— (B) Demolition of structures that is not response activity
26 under section 20101 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.20101.~~

1 ~~—— (C) Lead or asbestos abatement.~~

2 ~~—— (D) Site preparation that is not response activity under~~
3 ~~section 20101 of the natural resources and environmental protection~~
4 ~~act, 1994 PA 451, MCL 324.20101.~~

5 ~~—— (vii) For eligible activities on eligible property that is not~~
6 ~~located in a qualified local governmental unit and that is a~~
7 ~~facility, historic resource, functionally obsolete, or blighted,~~
8 ~~the following additional activities:~~

9 ~~—— (A) Demolition of structures that is not response activity~~
10 ~~under section 20101 of the natural resources and environmental~~
11 ~~protection act, 1994 PA 451, MCL 324.20101.~~

12 ~~—— (B) Lead or asbestos abatement.~~

13 ~~—— (viii) Reasonable costs of developing and preparing brownfield~~
14 ~~plans, combined brownfield plans, and work plans.~~

15 ~~—— (ix) For property that is not located in a qualified local~~
16 ~~governmental unit and that is a facility, functionally obsolete, or~~
17 ~~blighted, that is a former mill that has not been used for~~
18 ~~industrial purposes for the immediately preceding 2 years, that is~~
19 ~~located along a river that is a federal superfund site listed under~~
20 ~~the comprehensive environmental response, compensation, and~~
21 ~~liability act of 1980, 42 USC 9601 to 9675, and that is located in~~
22 ~~a city with a population of less than 10,000 persons, the following~~
23 ~~additional activities:~~

24 ~~—— (A) Infrastructure improvements that directly benefit the~~
25 ~~property.~~

26 ~~—— (B) Demolition of structures that is not response activity~~
27 ~~under section 20101 of the natural resources and environmental~~

1 ~~protection act, 1994 PA 451, MCL 324.20101.~~

2 ~~—— (C) Lead or asbestos abatement.~~

3 ~~—— (D) Site preparation that is not response activity under~~
 4 ~~section 20101 of the natural resources and environmental protection~~
 5 ~~act, 1994 PA 451, MCL 324.20101.~~

6 ~~—— (x) For eligible activities on eligible property that is~~
 7 ~~located north of the 45th parallel, that is a facility,~~
 8 ~~functionally obsolete, or blighted, and the owner or operator of~~
 9 ~~which makes new capital investment of \$250,000,000.00 or more in~~
 10 ~~this state, the following additional activities:~~

11 ~~—— (A) Demolition of structures that is not response activity~~
 12 ~~under section 20101 of the natural resources and environmental~~
 13 ~~protection act, 1994 PA 451, MCL 324.20101.~~

14 ~~—— (B) Lead or asbestos abatement.~~

15 ~~—— (xi) Reasonable costs of environmental insurance.~~

16 ~~(o) Except as otherwise provided in this subdivision,~~
 17 ~~"eligible-"ELIGIBLE property" means, EXCEPT AS OTHERWISE PROVIDED~~
 18 ~~IN THIS SUBDIVISION, property for which eligible activities are~~
 19 ~~identified under a brownfield plan that was used or is currently~~
 20 ~~used for commercial, industrial, public, or residential purposes,~~
 21 ~~including personal property located on the property, to the extent~~
 22 ~~included in the brownfield plan, and that is 1 or more of the~~
 23 ~~following:~~

24 ~~(i) Is in a qualified local governmental unit and is a~~
 25 ~~facility OR A SITE OR PROPERTY AS THOSE TERMS ARE DEFINED IN PART~~
 26 ~~213, historic resource, functionally obsolete, or blighted and~~
 27 ~~includes parcels that are adjacent or contiguous to that property~~

1 if the development of the adjacent and contiguous parcels is
 2 estimated to increase the captured taxable value of that property.

3 (ii) Is not in a qualified local governmental unit and is a
 4 facility, **HISTORIC RESOURCE, FUNCTIONALLY OBSOLETE, BLIGHTED, OR A**
 5 **SITE OR PROPERTY AS THOSE TERMS ARE DEFINED IN PART 213**, and
 6 includes parcels that are adjacent or contiguous to that property
 7 if the development of the adjacent and contiguous parcels is
 8 estimated to increase the captured taxable value of that property.

9 (iii) Is tax reverted property owned **BY** or under the control
 10 of a land bank fast track authority.

11 ~~(iv) Is not in a qualified local governmental unit, is a~~
 12 ~~qualified facility, and is a facility, functionally obsolete, or~~
 13 ~~blighted, if the eligible activities on the property are limited to~~
 14 ~~the eligible activities identified in subdivision (n) (vi).~~ **A**
 15 **TRANSIT-ORIENTED DEVELOPMENT OR TRANSIT-ORIENTED PROPERTY.**

16 (v) Is ~~not~~ **LOCATED** in a qualified local governmental unit and
 17 ~~is a facility, historic resource, functionally obsolete, or~~
 18 ~~blighted, if the eligible activities on the property are limited to~~
 19 ~~the eligible activities identified in subdivision (n) (vii).~~ **CONTAINS**
 20 **A TARGETED REDEVELOPMENT AREA.**

21 ~~(vi) Is not in a qualified local governmental unit and is a~~
 22 ~~facility, functionally obsolete, or blighted, if the eligible~~
 23 ~~activities on the property are limited to the eligible activities~~
 24 ~~identified in subdivision (n) (ix).~~

25 ~~(vi) (vii) Is located north of the 45th parallel, is a~~
 26 ~~facility, functionally obsolete, or blighted, and the owner or~~
 27 ~~operator makes new capital investment of \$250,000,000.00 or more in~~

1 ~~this state.~~ Eligible property does not include qualified
 2 agricultural property exempt under section 7ee of the general
 3 property tax act, 1893 PA 206, MCL 211.7ee, from the tax levied by
 4 a local school district for school operating purposes to the extent
 5 provided under section 1211 of the revised school code, 1976 PA
 6 451, MCL 380.1211.

7 ~~—— (viii) Is a transit oriented development.~~

8 ~~—— (ix) Is a transit oriented facility.~~

9 ~~—— (x) Is located in a qualified local governmental unit and~~
 10 ~~contains a targeted redevelopment area, as designated by resolution~~
 11 ~~of the governing body and approved by the Michigan strategic fund,~~
 12 ~~of not less than 40 and not more than 500 contiguous parcels. A~~
 13 ~~qualified local governmental unit is limited to designating no more~~
 14 ~~than 2 targeted redevelopment areas for the purposes of this~~
 15 ~~section in a calendar year. The Michigan strategic fund may approve~~
 16 ~~no more than 5 redevelopment areas for the purposes of this section~~
 17 ~~in a calendar year.~~

18 (p) "Environmental insurance" means liability insurance for
 19 environmental contamination and cleanup that is not otherwise
 20 required by state or federal law.

21 (q) "Facility" means that term as defined in ~~section 20101 of~~
 22 ~~the natural resources and environmental protection act, 1994 PA~~
 23 ~~451, MCL 324.20101.~~ **PART 201.**

24 (r) "Fiscal year" means the fiscal year of the authority.

25 **(S) "FORMER MILL" MEANS A FORMER MILL THAT HAS NOT BEEN USED**
 26 **FOR INDUSTRIAL PURPOSES FOR THE IMMEDIATELY PRECEDING 2 YEARS, THAT**
 27 **IS NOT LOCATED IN A QUALIFIED LOCAL GOVERNMENTAL UNIT, THAT IS A**

1 FACILITY OR IS A SITE OR A PROPERTY AS THOSE TERMS ARE DEFINED IN
2 PART 213, FUNCTIONALLY OBSOLETE, OR BLIGHTED, AND THAT IS LOCATED
3 WITHIN 15 MILES OF A RIVER THAT IS A FEDERAL SUPERFUND SITE LISTED
4 UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND
5 LIABILITY ACT OF 1980, 42 USC 9601 TO 9675, AND THAT IS LOCATED IN
6 A MUNICIPALITY WITH A POPULATION OF LESS THAN 10,000.

7 (T) ~~(s)~~—"Functionally obsolete" means that the property is
8 unable to be used to adequately perform the function for which it
9 was intended due to a substantial loss in value resulting from
10 factors such as overcapacity, changes in technology, deficiencies
11 or superadequacies in design, or other similar factors that affect
12 the property itself or the property's relationship with other
13 surrounding property.

14 (U) ~~(t)~~—"Governing body" means the elected body having
15 legislative powers of a municipality creating an authority under
16 this act.

17 (V) ~~(u)~~—"Historic resource" means that term as defined in
18 section 90a of the Michigan strategic fund act, 1984 PA 270, MCL
19 125.2090a.

20 (W) "INDUSTRIAL CLEANING" MEANS CLEANING OR REMOVAL OF
21 CONTAMINANTS FROM WITHIN A STRUCTURE NECESSARY TO ACHIEVE THE
22 INTENDED USE OF THE PROPERTY.

23 (X) ~~(v)~~—"Infrastructure improvements" means a street, road,
24 sidewalk, parking facility, pedestrian mall, alley, bridge, sewer,
25 sewage treatment plant, property designed to reduce, eliminate, or
26 prevent the spread of identified soil or groundwater contamination,
27 drainage system, waterway, waterline, water storage facility, rail

1 line, utility line or pipeline, transit-oriented development,
2 transit-oriented ~~facility~~, **PROPERTY**, or other similar or related
3 structure or improvement, together with necessary easements for the
4 structure or improvement, owned or used by a public agency or
5 functionally connected to similar or supporting property owned or
6 used by a public agency, or designed and dedicated to use by, for
7 the benefit of, or for the protection of the health, welfare, or
8 safety of the public generally, whether or not used by a single
9 business entity, provided that any road, street, or bridge shall be
10 continuously open to public access and that other property shall be
11 located in public easements or rights-of-way and sized to
12 accommodate reasonably foreseeable development of eligible property
13 in adjoining areas. Infrastructure improvements also include 1 or
14 more of the following whether publicly or privately owned or
15 operated or located on public or private property:

16 (i) Underground parking.

17 (ii) Multilevel parking structures.

18 (iii) Urban storm water management systems.

19 (Y) ~~(w)~~-"Initial taxable value" means the taxable value of an
20 eligible property identified in and subject to a brownfield plan at
21 the time the resolution adding that eligible property in the
22 brownfield plan is adopted, as shown either by the most recent
23 assessment roll for which equalization has been completed at the
24 time the resolution is adopted or, if provided by the brownfield
25 plan, by the next assessment roll for which equalization will be
26 completed following the date the resolution adding that eligible
27 property in the brownfield plan is adopted. Property exempt from

1 taxation at the time the initial taxable value is determined shall
2 be included with the initial taxable value of zero. Property for
3 which a specific tax is paid in lieu of property tax shall not be
4 considered exempt from taxation. The state tax commission shall
5 prescribe the method for calculating the initial taxable value of
6 property for which a specific tax was paid in lieu of property tax.
7 **THE INITIAL ASSESSED VALUE MAY BE MODIFIED BY LOWERING THE INITIAL**
8 **ASSESSED VALUE ONCE DURING THE TERM OF THE BROWNFIELD PLAN THROUGH**
9 **AN AMENDMENT AS PROVIDED IN SECTION 14 AFTER THE TAX INCREMENT**
10 **FINANCING PLAN FAILS TO GENERATE CAPTURED ASSESSED VALUE FOR 3**
11 **CONSECUTIVE YEARS DUE TO DECLINES IN ASSESSED VALUE.**

12 (Z) ~~(x)~~—"Land bank fast track authority" means an authority
13 created under the land bank fast track act, 2003 PA 258, MCL
14 124.751 to 124.774.

15 (AA) ~~(y)~~—"Local taxes" means all taxes levied other than taxes
16 levied for school operating purposes.

17 (BB) ~~(z)~~—"Michigan strategic fund" means the Michigan
18 strategic fund created under the Michigan strategic fund act, 1984
19 PA 270, MCL 125.2001 to 125.2094.

20 (CC) ~~(aa)~~—"Municipality" means all of the following:

21 (i) A city.

22 (ii) A village.

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

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

1 (v) A county.

2 (DD) ~~(bb)~~—"Owned **BY** or under the control of" means that a land
3 bank fast track authority **OR A QUALIFIED LOCAL UNIT OF GOVERNMENT**
4 has 1 or more of the following:

5 (i) An ownership interest in the property.

6 (ii) A tax lien on the property.

7 (iii) A tax deed to the property.

8 (iv) A contract with this state or a political subdivision of
9 this state to enforce a lien on the property.

10 (v) A right to collect delinquent taxes, penalties, or
11 interest on the property.

12 (vi) The ability to exercise its authority over the property.

13 ~~——(cc) "Qualified facility" means a landfill facility area of~~
14 ~~140 or more contiguous acres that is located in a city and that~~
15 ~~contains a landfill, a material recycling facility, and an asphalt~~
16 ~~plant that are no longer in operation.~~

17 (EE) "PART 111", "PART 201", "PART 211", OR "PART 213" MEANS
18 THAT PART AS DESCRIBED AS FOLLOWS:

19 (i) PART 111 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
20 PROTECTION ACT, 1994 PA 451, MCL 324.11101 TO 324.11153.

21 (ii) PART 201 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
22 PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO 324.20142.

23 (iii) PART 211 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
24 PROTECTION ACT, 1994 PA 451, MCL 324.21101 TO 324.21113.

25 (iv) PART 213 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
26 PROTECTION ACT, 1994 PA 451, MCL 324.21301A TO 324.21334.

27 (FF) ~~(dd)~~—"Qualified local governmental unit" means that term

1 as defined in the obsolete property rehabilitation act, 2000 PA
2 146, MCL 125.2781 to 125.2797.

3 (GG) ~~(ee)~~—"Qualified taxpayer" means that term as defined in
4 sections 38d and 38g of former 1975 PA 228, or section 437 of the
5 Michigan business tax act, 2007 PA 36, MCL 208.1437, or a recipient
6 of a community revitalization incentive as described in section 90a
7 of the Michigan strategic fund act, 1984 PA 270, MCL 125.2090a.

8 (HH) "RELEASE" MEANS THAT TERM AS DEFINED IN PART 201 OR PART
9 213.

10 (II) ~~(ff)~~—"Response activity" means either of the following:

11 (i) Response activity as that term is defined in ~~section 20101~~
12 ~~of the natural resources and environmental protection act, 1994 PA~~
13 ~~451, MCL 324.20101.~~ PART 201.

14 (ii) Corrective action. ~~as that term is defined in section~~
15 ~~21302 of the natural resources and environmental protection act,~~
16 ~~1994 PA 451, MCL 324.21302.~~

17 (JJ) ~~(gg)~~—"Specific taxes" means a tax levied under 1974 PA
18 198, MCL 207.551 to 207.572; the commercial redevelopment act, 1978
19 PA 255, MCL 207.651 to 207.668; the enterprise zone act, 1985 PA
20 224, MCL 125.2101 to 125.2123; 1953 PA 189, MCL 211.181 to 211.182;
21 the technology park development act, 1984 PA 385, MCL 207.701 to
22 207.718; the obsolete property rehabilitation act, 2000 PA 146, MCL
23 125.2781 to 125.2797; the neighborhood enterprise zone act, 1992 PA
24 147, MCL 207.771 to 207.786; the commercial rehabilitation act,
25 2005 PA 210, MCL 207.841 to 207.856; or that portion of the tax
26 levied under the tax reverted clean title act, 2003 PA 260, MCL
27 211.1021 to 211.1025a, that is not required to be distributed to a

1 land bank fast track authority.

2 (KK) ~~(hh)~~—"State brownfield redevelopment fund" means the
3 state brownfield redevelopment fund created in section 8a.

4 (II) "TARGETED REDEVELOPMENT AREA" MEANS NOT FEWER THAN 40 AND
5 NOT MORE THAN 500 CONTIGUOUS PARCELS OF REAL PROPERTY LOCATED IN A
6 QUALIFIED LOCAL GOVERNMENTAL UNIT AND DESIGNATED AS A TARGETED
7 REDEVELOPMENT AREA BY RESOLUTION OF THE GOVERNING BODY AND APPROVED
8 BY THE MICHIGAN STRATEGIC FUND. A QUALIFIED LOCAL GOVERNMENTAL UNIT
9 IS LIMITED TO DESIGNATING NO MORE THAN 2 TARGETED REDEVELOPMENT
10 AREAS FOR THE PURPOSES OF THIS SECTION IN A CALENDAR YEAR. THE
11 MICHIGAN STRATEGIC FUND MAY APPROVE NO MORE THAN 5 TARGETED
12 REDEVELOPMENT AREAS FOR THE PURPOSES OF THIS SECTION IN A CALENDAR
13 YEAR.

14 (MM) ~~(ii)~~—"Tax increment revenues" means the amount of ad
15 valorem property taxes and specific taxes attributable to the
16 application of the levy of all taxing jurisdictions upon the
17 captured taxable value of each parcel of eligible property subject
18 to a brownfield plan and personal property located on that
19 property, regardless of whether those taxes began to be levied
20 after the brownfield plan was adopted. Tax increment revenues do
21 not include any of the following:

22 (i) Ad valorem property taxes specifically levied for the
23 payment of principal of and interest on either obligations approved
24 by the electors or obligations pledging the unlimited taxing power
25 of the local governmental unit, and specific taxes attributable to
26 those ad valorem property taxes.

27 (ii) For tax increment revenues attributable to eligible

1 property also exclude the amount of ad valorem property taxes or
2 specific taxes captured by a downtown development authority **UNDER**
3 **1975 PA 197, MCL 125.1651 TO 125.1681**, tax increment finance
4 authority **UNDER THE TAX INCREMENT FINANCE AUTHORITY ACT, 1980 PA**
5 **450, MCL 125.1801 TO 125.1830, CORRIDOR IMPROVEMENT AUTHORITY,**
6 **UNDER THE CORRIDOR IMPROVEMENT AUTHORITY ACT, 2005 PA 280, MCL**
7 **125.2871 TO 125.2899**, or local development finance authority **UNDER**
8 **THE LOCAL DEVELOPMENT FINANCING ACT, 1986 PA 281, MCL 125.2151 TO**
9 **125.2174**, if those taxes were captured by these other authorities
10 on the date that eligible property became subject to a brownfield
11 plan under this act.

12 (iii) Ad valorem property taxes levied under 1 or more of the
13 following or specific taxes attributable to those ad valorem
14 property taxes:

15 (A) The zoological authorities act, 2008 PA 49, MCL 123.1161
16 to 123.1183.

17 (B) The art institute authorities act, 2010 PA 296, MCL
18 123.1201 to 123.1229.

19 ~~(NN) (jj)~~-"Taxable value" means the value determined under
20 section 27a of the general property tax act, 1893 PA 206, MCL
21 211.27a.

22 ~~(OO) (kk)~~-"Taxes levied for school operating purposes" means
23 all of the following:

24 (i) The taxes levied by a local school district for operating
25 purposes.

26 (ii) The taxes levied under the state education tax act, 1993
27 PA 331, MCL 211.901 to 211.906.

1 (iii) That portion of specific taxes attributable to taxes
2 described under subparagraphs (i) and (ii).

3 (PP) ~~(ll)~~—"Transit-oriented development" means infrastructure
4 improvements that are located within 1/2 mile of a transit station
5 or transit-oriented ~~facility~~**PROPERTY** that promotes transit
6 ridership or passenger rail use as determined by the board and
7 approved by the municipality in which it is located.

8 (QQ) ~~(mm)~~—"Transit-oriented ~~facility~~**PROPERTY**" means a
9 ~~facility~~**PROPERTY** that houses a transit station in a manner that
10 promotes transit ridership or passenger rail use.

11 (RR) ~~(nn)~~—"Work plan" means a plan that describes each
12 individual activity to be conducted to complete eligible activities
13 and the associated costs of each individual activity.

14 (SS) ~~(oo)~~—"Zone" means, for an authority established before
15 June 6, 2000, a brownfield redevelopment zone designated under this
16 act.

17 Sec. 3. (1) A municipality may establish 1 or more
18 authorities. Except as provided in subsection (4), an authority
19 with zones established before ~~the effective date of the amendatory~~
20 ~~act that added subsection (2)~~**JUNE 6, 2000** shall exercise its
21 powers within its designated zones. Except as provided in
22 subsection (4), an authority established **ON OR** after ~~the effective~~
23 ~~date of the amendatory act that added subsection (2)~~**JUNE 6, 2000**
24 shall exercise its powers over any eligible property located in the
25 municipality.

26 (2) An authority with zones established before ~~the effective~~
27 ~~date of the amendatory act that added this subsection~~**JUNE 6, 2000**

1 may alter or amend the boundaries of those zones if the authority
2 holds a public hearing on the alteration or amendment using the
3 procedures under section 4(2), (3), and (4).

4 (3) The authority shall be a public body corporate that may
5 sue and be sued in a court of competent jurisdiction. The authority
6 possesses all the powers necessary to carry out the purpose of its
7 incorporation. The enumeration of a power in this act is not a
8 limitation upon the general powers of the authority. The powers
9 granted in this act to an authority may be exercised whether or not
10 bonds are issued by the authority.

11 (4) An authority established by a county shall exercise its
12 powers with respect to eligible property within a city, village, or
13 township within the county only if that city, village, or township
14 has concurred with the provisions of a brownfield plan that apply
15 to that eligible property within the city, village, or township.

16 (5) A city, village, or township including a city, village, or
17 township that is a qualified local governmental unit may enter into
18 a written agreement with the county in which that city, village, or
19 township is located to exercise the powers granted to that specific
20 city, village, or township under this act.

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

24 (2) In the resolution of intent, the governing body shall set
25 a date for holding a public hearing on the adoption of a proposed
26 resolution creating the authority. The notice of the public hearing
27 shall state the date, time, and place of the hearing. At that

1 hearing, a citizen, taxpayer, official from a taxing jurisdiction
2 whose millage may be subject to capture under a brownfield plan, or
3 property owner of the municipality has the right to be heard in
4 regard to the establishment of the authority.

5 (3) Not more than 30 days after the public hearing, if the
6 governing body intends to proceed with the establishment of the
7 authority, the governing body shall adopt, by majority vote of its
8 members elected and serving, a resolution establishing the
9 authority. The adoption of the resolution is subject to all
10 applicable statutory or charter provisions with respect to the
11 approval or disapproval by the chief executive or other officer of
12 the municipality and the adoption of a resolution over his or her
13 veto. This resolution shall be filed with the secretary of state
14 promptly after its adoption.

15 (4) The proceedings establishing an authority shall be
16 presumptively valid unless contested in a court of competent
17 jurisdiction within 60 days after the filing of the resolution with
18 the secretary of state.

19 (5) The exercise by an authority of the powers conferred by
20 this act shall be considered to be an essential governmental
21 function and benefit to, and a legitimate public purpose of, the
22 state, the authority, and the municipality or units.

23 ~~——(6) If the board implements or modifies a brownfield plan that~~
24 ~~contains a qualified facility, the governing body shall mail notice~~
25 ~~of that implementation or modification to each taxing jurisdiction~~
26 ~~that levies ad valorem property taxes in the municipality. Not more~~
27 ~~than 60 days after receipt of that notice, the governing body of a~~

1 ~~taxing jurisdiction levying ad valorem property taxes that would~~
2 ~~otherwise be subject to capture may exempt its taxes from capture~~
3 ~~by adopting a resolution to that effect and filing a copy with the~~
4 ~~clerk of the municipality in which the qualified facility is~~
5 ~~located. The resolution takes effect when filed with that clerk and~~
6 ~~remains effective until a copy of a resolution rescinding that~~
7 ~~resolution is filed with that clerk.~~

8 Sec. 7. (1) An authority may do 1 or more of the following:

9 (a) Adopt, amend, and repeal bylaws for the regulation of its
10 affairs and the conduct of its business.

11 (b) Incur and expend funds to pay or reimburse a public or
12 private person for costs of eligible activities attributable to an
13 eligible property.

14 (c) As approved by the ~~municipality,~~ **AUTHORITY**, incur costs
15 and expend funds from the local ~~site remediation~~ **BROWNFIELD**
16 revolving fund created under section 8 for purposes authorized in
17 that section.

18 (d) Make and enter into contracts necessary or incidental to
19 the exercise of its powers and the performance of its duties,
20 including, but not limited to, lease purchase agreements, land
21 contracts, installment sales agreements, and loan agreements.

22 (e) On terms and conditions and in a manner and for
23 consideration the authority considers proper or for no monetary
24 consideration, own, mortgage, convey, or otherwise dispose of, or
25 lease as lessor or lessee, land and other property, real or
26 personal, or rights or interests in the property, that the
27 authority determines are reasonably necessary to achieve the

1 purposes of this act, and grant or acquire licenses, easements, and
2 options with respect to the property.

3 (f) Acquire, maintain, repair, or operate all devices
4 necessary to ensure continued eligible activities on eligible
5 property.

6 (g) Accept grants and donations of property, labor, or other
7 things of value from a public or private source.

8 (h) Incur costs in connection with the performance of its
9 authorized functions, including, but not limited to, administrative
10 costs and architect, engineer, legal, or accounting fees.

11 (i) Study, develop, and prepare the reports or plans the
12 authority considers necessary to assist it in the exercise of its
13 powers under this act and to monitor and evaluate the progress
14 under this act.

15 (j) Procure insurance against loss in connection with the
16 authority's property, assets, or activities.

17 (k) Invest the money of the authority at the authority's
18 discretion in obligations determined proper by the authority, and
19 name and use depositories for its money.

20 (l) Make loans, participate in the making of loans, undertake
21 commitments to make loans and mortgages, buy and sell loans and
22 mortgages at public or private sale, rewrite loans and mortgages,
23 discharge loans and mortgages, foreclose on a mortgage, commence an
24 action to protect or enforce a right conferred upon the authority
25 by a law, mortgage, loan, contract, or other agreement, bid for and
26 purchase property that was the subject of the mortgage at a
27 foreclosure or other sale, acquire and take possession of the

1 property and in that event compute, administer, pay the principal
 2 and interest on obligations incurred in connection with that
 3 property, and dispose of and otherwise deal with the property, in a
 4 manner necessary or desirable to protect the interests of the
 5 authority.

6 (m) Borrow money and issue its bonds and notes under the
 7 revised municipal finance act, 2001 PA 34, MCL 141.2101 to
 8 141.2821, in anticipation of collection of tax increment revenues.

9 (n) Do all other things necessary or convenient to achieve the
 10 objectives and purposes of the authority, this act, or other laws
 11 that relate to the purposes and responsibilities of the authority.

12 (2) The authority shall determine the captured taxable value
 13 of each parcel of eligible property. The captured taxable value of
 14 a parcel shall not be less than zero.

15 (3) A municipality may transfer the funds of the municipality
 16 to an authority or to another person on behalf of the authority in
 17 anticipation of repayment by the authority.

18 Sec. 8. (1) An authority may establish a local ~~site~~
 19 ~~remediation~~ **BROWNFIELD** revolving fund. A local ~~site remediation~~
 20 **BROWNFIELD** revolving fund shall consist of ~~money available under~~
 21 ~~section 13(5) and may also consist of money~~ **FUNDS DEPOSITED FROM**
 22 **THE FOLLOWING SOURCES:**

23 (A) **FUNDS** appropriated or otherwise made available from public
 24 or private sources.

25 (B) **LOCAL TAX AND SCHOOL OPERATING TAX INCREMENT REVENUE**
 26 **CAPTURED IN EXCESS OF THE AMOUNT AUTHORIZED FOR ELIGIBLE EXPENSES**
 27 **UNDER SECTION 13(4) ONLY WHEN ALL OF THE FOLLOWING CONDITIONS ARE**

1 MET:

2 (i) THE EXCESS CAPTURE OCCURS DURING THE TIME OF CAPTURE FOR
3 THE PURPOSE OF PAYING THE COSTS PERMITTED UNDER SECTION 13(4), OR
4 FOR NOT MORE THAN 5 YEARS AFTER THE TIME THAT CAPTURE IS REQUIRED
5 FOR THE PURPOSE OF PAYING THE COSTS PERMITTED UNDER SECTION 13(4),
6 OR BOTH.

7 (ii) THE EXCESS LOCAL TAX EXCESS CAPTURE SHALL NOT EXCEED THE
8 TOTAL OF THE COST OF ELIGIBLE ACTIVITIES APPROVED IN THE BROWNFIELD
9 PLAN.

10 (iii) THE EXCESS CAPTURE OF TAXES FOR SCHOOL OPERATING
11 PURPOSES SHALL NOT EXCEED THE TOTAL OF THE COST OF ELIGIBLE
12 DEPARTMENT SPECIFIC ACTIVITIES APPROVED IN THE APPLICABLE
13 BROWNFIELD PLAN, COMBINED BROWNFIELD PLAN, OR WORK PLAN.

14 (iv) EXCESS TAX INCREMENT REVENUES FROM TAXES LEVIED FOR
15 SCHOOL OPERATING PURPOSES FOR ELIGIBLE ACTIVITIES AUTHORIZED UNDER
16 SECTION 13B(4) BY THE MICHIGAN STRATEGIC FUND SHALL NOT BE CAPTURED
17 FOR DEPOSIT IN THE LOCAL BROWNFIELD REVOLVING FUND.

18 (2) THE CAPTURE OF SCHOOL OPERATING TAX INCREMENT REVENUE
19 DESCRIBED IN SUBSECTION (1)(B) IS SUBJECT TO THE 50% CAPTURE
20 SPECIFIED IN SECTION 13B(14).

21 (3) THE TAX INCREMENT REVENUES FROM ELIGIBLE PROPERTY FOR
22 DEPOSIT IN THE LOCAL BROWNFIELD REVOLVING FUND MAY INCLUDE TAX
23 INCREMENT REVENUES ATTRIBUTABLE TO TAXES LEVIED FOR SCHOOL
24 OPERATING PURPOSES IN AN AMOUNT NOT GREATER THAN THE TAX INCREMENT
25 REVENUES LEVIED FOR SCHOOL OPERATING PURPOSES CAPTURED FROM THE
26 ELIGIBLE PROPERTY PURSUANT TO SECTION 13(4).

27 (4) ~~(2)~~—The local ~~site remediation~~ BROWNFIELD revolving fund

1 may be used only to pay the costs of eligible activities on
2 eligible property that is located within the municipality.

3 (5) ~~(3)~~—An authority or a municipality on behalf of an
4 authority may incur an obligation for the purpose of funding a
5 local ~~site remediation~~ **BROWNFIELD** revolving fund.

6 Sec. 8a. (1) The state brownfield redevelopment fund is
7 created as a revolving fund within the department of treasury to be
8 administered as provided in this section. The state treasurer shall
9 direct the investment of the state brownfield redevelopment fund.
10 Money in the state brownfield redevelopment fund at the close of
11 the fiscal year shall remain in the state brownfield redevelopment
12 fund and shall not lapse to the general fund.

13 (2) The state treasurer shall credit to the fund money from
14 the following sources:

15 (a) All amounts deposited into the state brownfield
16 redevelopment fund under section ~~13(21)~~ **13B(14)**.

17 (b) The proceeds from repayment of a loan, including interest
18 on those repayments, under subsection ~~(5)(f)~~ **(3)(C)(vi)**.

19 (c) Interest on funds deposited into the state brownfield
20 redevelopment fund.

21 (d) Money obtained from any other source authorized by law.

22 (3) The state brownfield redevelopment fund may be used only
23 for the following purposes:

24 ~~¶~~ **UP TO 15% OF THE AMOUNTS DEPOSITED ANNUALLY INTO THE**
25 **STATE BROWNFIELD REDEVELOPMENT FUND MAY BE USED TO** pay
26 administrative costs of all of the following:

27 (i) The Michigan strategic fund to implement this act.

1 (ii) The department to implement this act.

2 (iii) The department to implement part 196 of the natural
3 resources and environmental protection act, 1994 PA 451, MCL
4 324.19601 to 324.19616.

5 ~~—— (b) To fund a grant and loan program for the costs of eligible~~
6 ~~activities described in section 13(15) on eligible property as~~
7 ~~provided in subsection (5).~~

8 **(B)** ~~(e)~~ To make deposits into the clean Michigan initiative
9 bond fund under section 19606(2)(d) of the natural resources and
10 environmental protection act, 1994 PA 451, MCL 324.19606, for use
11 in providing grants and loans under ~~part 196~~ **SECTION**
12 **19608(1)(A)(iv)** of the natural resources and environmental
13 protection act, 1994 PA 451, MCL ~~324.19601 to 324.19616~~ **324.19608**.

14 ~~—— (4) Not more than 15% of the amounts deposited annually into~~
15 ~~the state brownfield redevelopment fund may be used for purposes of~~
16 ~~subsection (3)(a).~~

17 **(C)** ~~(5) The state brownfield redevelopment fund may be used to~~
18 **TO** fund a grant and loan program **CREATED AND OPERATED BY THE**
19 **MICHIGAN STRATEGIC FUND** for the costs of eligible activities
20 described in section ~~13(15)~~ **13B(4)** on eligible ~~property under this~~
21 ~~subsection.~~ **PROPERTIES**. The grant and loan program shall provide
22 for all of the following:

23 **(i)** ~~(a)~~ The Michigan strategic fund shall create and operate a
24 grant and loan program to provide grants and loans to fund eligible
25 activities described in section ~~13(15)~~ **13B(4)** on eligible property.
26 The Michigan strategic fund shall develop and use a detailed
27 application, approval, and compliance process adopted by resolution

1 of the board of the Michigan strategic fund. This process shall be
2 published and available on the Michigan strategic fund website.
3 Program standards, guidelines, templates, or any other forms to
4 implement the grant and loan program shall be approved by the board
5 of the Michigan strategic fund. The Michigan strategic fund may
6 delegate its approval authority under this subsection to a
7 designee.

8 (ii) ~~(b)~~—A person may apply to the Michigan strategic fund for
9 approval of a grant or loan to fund eligible activities described
10 in section ~~13(15)~~ **13B(4)** on eligible property.

11 (iii) ~~(c)~~—The Michigan strategic fund shall approve or deny an
12 application not more than ~~90~~ **60** days after receipt of an
13 administratively complete application. If the application is
14 neither approved nor denied within ~~90~~ **60** days, it shall be
15 considered by the board of the Michigan strategic fund, or its
16 designee if delegated, for action at, or by, the next regularly
17 scheduled board meeting. The Michigan strategic fund may delegate
18 the approval or denial of an application to the chairperson of the
19 Michigan strategic fund or other designees determined by the board.

20 (iv) ~~(d)~~—When an application is approved under this
21 subsection, the Michigan strategic fund shall enter into a written
22 agreement with the applicant. The written agreement shall provide
23 all the conditions imposed on the applicant and the terms of the
24 grant or loan. The written agreement shall also provide for
25 penalties if the applicant fails to comply with the provisions of
26 the written agreement.

27 (v) ~~(e)~~—After the Michigan strategic fund and the applicant

1 have entered into a written agreement under ~~subdivision (d)~~,
2 **SUBPARAGRAPH (iv)**, the Michigan strategic fund shall distribute the
3 proceeds to the applicant according to the terms of the written
4 agreement.

5 (vi) ~~(f)~~—Any proceeds from repayment of a loan, including
6 interest on those repayments, under this subsection shall be paid
7 into the state brownfield redevelopment fund **OR TO THE FUND FROM**
8 **WHICH THE LOAN WAS GENERATED, AS DEFINED IN SUBSECTION (3) (B) AND**
9 **(C)**.

10 Sec. 11. The activities of the authority shall be financed
11 from 1 or more of the following sources:

12 (a) Contributions, contractual payments, or appropriations to
13 the authority for the performance of its functions or to pay the
14 costs of a brownfield plan of the authority.

15 (b) Revenues from a property, building, or facility owned,
16 leased, licensed, or operated by the authority or under its
17 control, subject to the limitations imposed upon the authority by
18 trusts or other agreements.

19 (c) Subject to the limitations imposed under sections 8, 13,
20 **13B**, and 15, 1 or both of the following:

21 (i) Tax increment revenues received under a brownfield plan
22 established under sections 13 and 14.

23 (ii) Proceeds of tax increment bonds and notes issued under
24 section 17.

25 (d) Proceeds of revenue bonds and notes issued under section
26 12.

27 (e) Revenue available in the local ~~site remediation~~ **BROWNFIELD**

1 revolving fund for the costs described in section 8.

2 (f) Money obtained from all other sources approved by the
3 governing body of the municipality or otherwise authorized by law
4 for use by the authority or the municipality to finance activities
5 authorized under this act.

6 Sec. 13. (1) **WHEN ADOPTING A BROWNFIELD PLAN, THE BOARD SHALL**
7 **COMPLY WITH THE NOTICE AND APPROVAL PROVISIONS OF SECTION 14.**

8 (2) ~~(1)~~—Subject to section 15, the board may implement a
9 brownfield plan. The brownfield plan may apply to 1 or more parcels
10 of eligible property whether or not those parcels of eligible
11 property are contiguous and may be amended to apply to additional
12 parcels of eligible property. Except as otherwise authorized by
13 this act, if more than 1 eligible property is included within the
14 plan, the tax increment revenues under the plan shall be determined
15 individually for each eligible property. Each plan or an amendment
16 to a plan shall be approved by the governing body of the
17 municipality and shall contain all of the following:

18 (a) A description of the costs of the plan intended to be paid
19 for with the tax increment revenues or, for a plan for eligible
20 properties qualified on the basis that the property is owned **BY** or
21 under the control of a land bank fast track authority, a listing of
22 all eligible activities that may be conducted for 1 or more of the
23 eligible properties subject to the plan.

24 (b) A brief summary of the eligible activities that are
25 proposed for each eligible property or, for a plan for eligible
26 properties qualified on the basis that the property is owned **BY** or
27 under the control of a land bank fast track authority, a brief

1 summary of eligible activities conducted for 1 or more of the
2 eligible properties subject to the plan.

3 (c) An estimate of the captured taxable value and tax
4 increment revenues for each year of the plan from the eligible
5 property. The plan may provide for the use of part or all of the
6 captured taxable value, including deposits in the local ~~site~~
7 ~~remediation~~ **BROWNFIELD** revolving fund, but the portion intended to
8 be used shall be clearly stated in the plan. The plan shall not
9 provide either for an exclusion from captured taxable value of a
10 portion of the captured taxable value or for an exclusion of the
11 tax levy of 1 or more taxing jurisdictions unless the tax levy is
12 excluded from tax increment revenues in section ~~2(ii)~~, **2 (MM)**, or
13 unless the tax levy is excluded from capture under section 15.

14 (d) The method by which the costs of the plan will be
15 financed, including a description of any advances made or
16 anticipated to be made for the costs of the plan from the
17 municipality.

18 (e) The maximum amount of note or bonded indebtedness to be
19 incurred, if any.

20 (f) The **PROPOSED** beginning date and duration of capture of tax
21 increment revenues for each eligible property as determined under
22 ~~subsection (22)~~ **SECTION 13B(16)**.

23 (g) An estimate of the ~~impact of tax increment financing on~~
24 ~~the~~ **FUTURE TAX** revenues of all taxing jurisdictions in which the
25 eligible property is located **TO BE GENERATED DURING THE TERM OF THE**
26 **PLAN**.

27 (h) A legal description of the eligible property to which the

1 plan applies, a map showing the location and dimensions of each
2 eligible property, a statement of the characteristics that qualify
3 the property as eligible property, and a statement of whether
4 personal property is included as part of the eligible property. If
5 the project is on property that is functionally obsolete, the
6 taxpayer shall include, with the application, an affidavit signed
7 by a level 3 or level 4 assessor, that states that it is the
8 assessor's expert opinion that the property is functionally
9 obsolete and the underlying basis for that opinion.

10 (i) Estimates of the number of persons residing on each
11 eligible property to which the plan applies and the number of
12 families and individuals to be displaced. If occupied residences
13 are designated for acquisition and clearance by the authority, the
14 plan shall include a demographic survey of the persons to be
15 displaced, a statistical description of the housing supply in the
16 community, including the number of private and public units in
17 existence or under construction, the condition of those in
18 existence, the number of owner-occupied and renter-occupied units,
19 the annual rate of turnover of the various types of housing and the
20 range of rents and sale prices, an estimate of the total demand for
21 housing in the community, and the estimated capacity of private and
22 public housing available to displaced families and individuals.

23 (j) A plan for establishing priority for the relocation of
24 persons displaced by implementation of the plan.

25 (k) Provision for the costs of relocating persons displaced by
26 implementation of the plan, and financial assistance and
27 reimbursement of expenses, including litigation expenses and

1 expenses incident to the transfer of title, in accordance with the
2 standards and provisions of the uniform relocation assistance and
3 real property acquisition policies act of 1970, Public Law 91-646.

4 (l) A strategy for compliance with 1972 PA 227, MCL 213.321 to
5 213.332.

6 ~~—— (m) A description of proposed use of the local site
7 remediation revolving fund.~~

8 (M) ~~(n)~~ Other material that the authority or governing body
9 considers pertinent **TO THE BROWNFIELD PLAN.**

10 (3) ~~(2) The percentage of all taxes levied on a parcel of
11 eligible property for school operating expenses that is captured
12 and used~~ **WHEN TAXES LEVIED FOR SCHOOL OPERATING PURPOSES ARE
13 SUBJECT TO CAPTURE UNDER SECTION 15, THE PERCENTAGE OF SCHOOL
14 OPERATING TAX INCREMENT REVENUES CAPTURED RELATING TO A PARCEL OF
15 ELIGIBLE PROPERTY** under a brownfield plan and all tax increment
16 finance plans under 1975 PA 197, MCL 125.1651 to 125.1681, the tax
17 increment finance authority act, 1980 PA 450, MCL 125.1801 to
18 125.1830, or the local development financing act, 1986 PA 281, MCL
19 125.2151 to 125.2174, shall not be greater than the combination of
20 the plans' percentage capture and use of all local taxes levied for
21 purposes other than for the payment of principal of and interest on
22 either obligations approved by the electors or obligations pledging
23 the unlimited taxing power of the local unit of government. This
24 subsection shall apply only when taxes levied for school operating
25 purposes are subject to capture under section 15. **PERCENTAGE OF
26 LOCAL TAX INCREMENT REVENUES THAT ARE CAPTURED UNDER THE BROWNFIELD
27 PLAN RELATING TO THAT PARCEL OF ELIGIBLE PROPERTY.**

1 (4) ~~(3)~~ Except as provided in ~~this~~ subsection (5) and
 2 subsections ~~(5), (15), and (16)~~, **SECTIONS 8 AND 13B(4) AND (5)**, tax
 3 increment revenues related to a brownfield plan shall be used only
 4 for ~~costs~~ **1 OR MORE OF THE FOLLOWING:**

5 **(A) COSTS** of eligible activities attributable to the eligible
 6 property, ~~the captured taxable value of which~~ **THAT** produces the
 7 tax increment revenues. ~~, including the cost of principal of and~~
 8 ~~interest on any obligation issued by the authority to pay the costs~~
 9 ~~of eligible~~

10 **(B) ELIGIBLE** activities attributable to ~~the~~ **ANY** eligible
 11 property, ~~and the reasonable costs of preparing a brownfield plan,~~
 12 ~~combined brownfield plan, or a work plan for the eligible property.~~
 13 ~~For~~ **FOR** property **THAT IS** owned **BY** or under the control of a land
 14 bank fast track authority, ~~tax increment revenues related to a~~
 15 ~~brownfield plan may be used for eligible activities attributable to~~
 16 ~~any eligible property owned or under the control of the land bank~~
 17 ~~fast track authority, the cost of principal of and interest on any~~
 18 ~~obligation issued by the authority to pay the costs of eligible~~
 19 ~~activities, the reasonable costs of preparing a combined brownfield~~
 20 ~~plan or work plan. Except as provided in subsection (18), tax~~
 21 ~~increment revenues captured from taxes levied by this state under~~
 22 ~~the state education tax act, 1993 PA 331, MCL 211.901 to 211.906,~~
 23 ~~or taxes levied by a local school district shall not be used for~~
 24 ~~eligible activities described in section 2(n)(iv)(E).~~ **OR A QUALIFIED**
 25 **LOCAL UNIT OF GOVERNMENT.**

26 (5) ~~(4)~~ Except as provided in subsection (5), a **A** brownfield
 27 plan shall not authorize the capture of tax increment revenue from

1 eligible property after the year in which the total amount of tax
2 increment revenues captured is equal to the sum of the costs
3 permitted to be funded with tax increment revenues under this act
4 ~~-OR 30 YEARS FROM THE BEGINNING DATE OF THE CAPTURE OF THE TAX~~
5 ~~INCREMENT REVENUES FOR THAT ELIGIBLE PROPERTY, WHICHEVER OCCURS~~
6 ~~FIRST, EXCEPT THAT A BROWNFIELD PLAN MAY AUTHORIZE THE CAPTURE OF~~
7 ~~ADDITIONAL LOCAL AND SCHOOL OPERATING TAX INCREMENT REVENUE FROM AN~~
8 ~~ELIGIBLE PROPERTY IF 1 OR MORE OF THE FOLLOWING APPLY:~~

9 (A) ~~(5) A brownfield plan may authorize the capture of~~
10 ~~additional tax increment revenue from an eligible property in~~
11 ~~excess of the amount authorized under subsection (4) during DURING~~
12 ~~the time of capture DESCRIBED IN THIS SUBSECTION for the purpose of~~
13 ~~paying the costs permitted under subsection (3), (4) or for SECTION~~
14 ~~13B(4).~~

15 (B) ~~FOR~~ not more than 5 years after the ~~time that capture is~~
16 ~~required for the purpose of paying the costs permitted under~~
17 ~~subsection (3), or both. Excess revenues captured under this~~
18 ~~subsection shall be deposited DATE SPECIFIED in SUBDIVISION (A),~~
19 ~~FOR PAYMENT TO~~ the local site remediation ~~BROWNFIELD~~ revolving fund
20 created under section 8. ~~and used for the purposes authorized in~~
21 ~~section 8. If tax increment revenues attributable to taxes levied~~
22 ~~for school operating purposes from eligible property are captured~~
23 ~~by the authority for purposes authorized under subsection (3), the~~
24 ~~tax increment revenues captured for deposit in the local site~~
25 ~~remediation revolving fund also may include tax increment revenues~~
26 ~~attributable to taxes levied for school operating purposes in an~~
27 ~~amount not greater than the tax increment revenues levied for~~

~~1 school operating purposes captured from the eligible property by
2 the authority for the purposes authorized under subsection (3).
3 Excess tax increment revenues from taxes levied for school
4 operating purposes for eligible activities authorized under
5 subsection (15) by the Michigan strategic fund shall not be
6 captured for deposit in the local site remediation revolving fund.~~

~~7 — (6) An authority shall not expend tax increment revenues to
8 acquire or prepare eligible property, unless the acquisition or
9 preparation is an eligible activity.~~

~~10 — (7) Costs of eligible activities attributable to eligible
11 property include all costs that are necessary or related to a
12 release from the eligible property, including eligible activities
13 on properties affected by a release from the eligible property. For
14 purposes of this subsection, "release" means that term as defined
15 in section 20101 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.20101.~~

~~17 — (8) Costs of a response activity paid with tax increment
18 revenues that are captured pursuant to subsection (3) may be
19 recovered from a person who is liable for the costs of eligible
20 activities at an eligible property. This state or an authority may
21 undertake cost recovery for tax increment revenue captured. Before
22 an authority or this state may institute a cost recovery action, it
23 must provide the other with 120 days' notice. This state or an
24 authority that recovers costs under this subsection shall apply
25 those recovered costs to the following, in the following order of
26 priority:~~

~~27 — (a) The reasonable attorney fees and costs incurred by this~~

1 ~~state or an authority in obtaining the cost recovery.~~

2 ~~—— (b) One of the following:~~

3 ~~—— (i) If an authority undertakes the cost recovery action, the~~
4 ~~authority shall deposit the remaining recovered funds into the~~
5 ~~local site remediation fund created pursuant to section 8, if such~~
6 ~~a fund has been established by the authority. If a local site~~
7 ~~remediation fund has not been established, the authority shall~~
8 ~~disburse the remaining recovered funds to the local taxing~~
9 ~~jurisdictions in the proportion that the local taxing~~
10 ~~jurisdictions' taxes were captured.~~

11 ~~—— (ii) If this state undertakes a cost recovery action, this~~
12 ~~state shall deposit the remaining recovered funds into the~~
13 ~~revitalization revolving loan fund established under section 20108a~~
14 ~~of the natural resources and environmental protection act, 1994 PA~~
15 ~~451, MCL 324.20108a.~~

16 ~~—— (iii) If this state and an authority each undertake a cost~~
17 ~~recovery action, undertake a cost recovery action jointly, or 1 on~~
18 ~~behalf of the other, the amount of any remaining recovered funds~~
19 ~~shall be deposited pursuant to subparagraphs (i) and (ii) in the~~
20 ~~proportion that the tax increment revenues being recovered~~
21 ~~represent local taxes and taxes levied for school operating~~
22 ~~purposes, respectively.~~

23 ~~—— (9) Approval of the brownfield plan or an amendment to a~~
24 ~~brownfield plan shall be in accordance with the notice and approval~~
25 ~~provisions of this section and section 14.~~

26 ~~—— (10) Before approving a brownfield plan for an eligible~~
27 ~~property, the governing body shall hold a public hearing on the~~

1 ~~brownfield plan. By resolution, the governing body may delegate the~~
2 ~~public hearing process to the authority or to a subcommittee of the~~
3 ~~governing body subject to final approval by the governing body.~~

4 ~~—— (11) Notice of the time and place of the hearing on a~~
5 ~~brownfield plan shall contain all of the following:~~

6 ~~—— (a) A description of the property to which the plan applies in~~
7 ~~relation to existing or proposed highways, streets, streams, or~~
8 ~~otherwise.~~

9 ~~—— (b) A statement that maps, plats, and a description of the~~
10 ~~brownfield plan are available for public inspection at a place~~
11 ~~designated in the notice and that all aspects of the brownfield~~
12 ~~plan are open for discussion at the public hearing required by this~~
13 ~~section.~~

14 ~~—— (c) Any other information that the governing body considers~~
15 ~~appropriate.~~

16 ~~—— (12) At the time set for the hearing on the brownfield plan~~
17 ~~required under subsection (10), the governing body shall ensure~~
18 ~~that interested persons have an opportunity to be heard and that~~
19 ~~written communications with reference to the brownfield plan are~~
20 ~~received and considered. The governing body shall ensure that a~~
21 ~~record of the public hearing is made and preserved, including all~~
22 ~~data presented at the hearing.~~

23 ~~—— (13) Not less than 10 days before the hearing on the~~
24 ~~brownfield plan, the governing body shall provide notice of the~~
25 ~~hearing to the taxing jurisdictions that levy taxes subject to~~
26 ~~capture under this act. The authority shall fully inform the taxing~~
27 ~~jurisdictions about the fiscal and economic implications of the~~

~~1 proposed brownfield plan. At that hearing, an official from a
2 taxing jurisdiction with millage that would be subject to capture
3 under this act has the right to be heard in regard to the adoption
4 of the brownfield plan. Not less than 10 days before the hearing on
5 the brownfield plan, the governing body shall provide notice of the
6 hearing to the department if the brownfield plan involves the use
7 of taxes levied for school operating purposes to pay for eligible
8 activities that require the approval of a combined brownfield plan
9 or a work plan by the department under section 15(1)(a) and the
10 Michigan strategic fund, or its designee, if the brownfield plan
11 involves the use of taxes levied for school operating purposes to
12 pay for eligible activities subject to subsection (15) or (18).~~

~~13 ——— (14) The authority shall not enter into agreements with the
14 taxing jurisdictions and the governing body of the municipality to
15 share a portion of the captured taxable value of an eligible
16 property. Upon adoption of the plan, the collection and
17 transmission of the amount of tax increment revenues as specified
18 in this act shall be binding on all taxing units levying ad valorem
19 property taxes or specific taxes against property located in the
20 zone.~~

~~21 ——— (15) Except as provided by subsection (18), if a brownfield
22 plan includes the capture of taxes levied for school operating
23 purposes approval of a combined brownfield plan or a work plan by
24 the Michigan strategic fund to use taxes levied for school
25 operating purposes and a development agreement or reimbursement
26 agreement between the municipality or authority and an owner or
27 developer of eligible property are required if the taxes levied for~~

1 ~~school operating purposes will be used for infrastructure~~
2 ~~improvements that directly benefit eligible property, demolition of~~
3 ~~structures that is not response activity under part 201 of the~~
4 ~~natural resources and environmental protection act, 1994 PA 451,~~
5 ~~MCL 324.20101 to 324.20142, lead or asbestos abatement, site~~
6 ~~preparation that is not response activity under section 20101 of~~
7 ~~the natural resources and environmental protection act, 1994 PA~~
8 ~~451, MCL 324.20101, relocation of public buildings or operations~~
9 ~~for economic development purposes, or acquisition of property by a~~
10 ~~land bank fast track authority if acquisition of the property is~~
11 ~~for economic development purposes. The eligible activities to be~~
12 ~~conducted described in this subsection shall be consistent with the~~
13 ~~work plan submitted by the authority to the Michigan strategic~~
14 ~~fund. The department's approval is not required for the capture of~~
15 ~~taxes levied for school operating purposes for eligible activities~~
16 ~~described in this subsection.~~

17 ~~—— (16) The limitations of section 15(1) upon use of tax~~
18 ~~increment revenues by an authority shall apply except as follows:~~

19 ~~—— (a) The limitations of section 15(1) upon use of tax increment~~
20 ~~revenues by an authority shall not apply to the following costs and~~
21 ~~expenses:~~

22 ~~—— (i) In each fiscal year of the authority, the amount described~~
23 ~~in subsection (19) for the following purposes for tax increment~~
24 ~~revenues attributable to local taxes:~~

25 ~~—— (A) Reasonable and actual administrative and operating~~
26 ~~expenses of the authority.~~

27 ~~—— (B) Baseline environmental assessments, due care activities,~~

~~1 and additional response activities conducted by or on behalf of the
2 authority related directly to work conducted on prospective
3 eligible properties prior to approval of the brownfield plan.~~

~~4 ——— (ii) Reasonable costs of preparing a work plan for which tax
5 increment revenues may be used under section 13(3).~~

~~6 ——— (b) The limitations of section 15(1)(a), (b), and (c) upon the
7 use of taxes levied for school operating purposes by an authority
8 shall not apply to the costs of 1 or more of the following incurred
9 by a person other than the authority:~~

~~10 ——— (i) Site investigation activities required to conduct a
11 baseline environmental assessment and to evaluate compliance with
12 section 20107a of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.20107a.~~

~~14 ——— (ii) Completing a baseline environmental assessment report.~~

~~15 ——— (iii) Preparing a plan for compliance with section 20107a of
16 the natural resources and environmental protection act, 1994 PA
17 451, MCL 324.20107a.~~

~~18 ——— (c) The limitations of section 15(1)(b) upon use of tax
19 increment revenues by an authority shall not apply to the following
20 costs and expenses:~~

~~21 ——— (i) For tax increment revenues attributable to taxes levied
22 for school operating purposes, eligible activities associated with
23 unanticipated response activities conducted on eligible property if
24 that eligible property has been included in a brownfield plan, if
25 the department is consulted on the unanticipated response
26 activities before they are conducted and the costs of those
27 activities are subsequently included in a brownfield plan approved~~

1 ~~by the authority and a combined brownfield plan or a work plan~~
2 ~~approved by the department.~~

3 ~~—— (ii) For tax increment revenues attributable to local taxes,~~
4 ~~any eligible activities conducted on eligible property or~~
5 ~~prospective eligible properties prior to approval of the brownfield~~
6 ~~plan, if those costs and the eligible property are subsequently~~
7 ~~included in a brownfield plan approved by the authority.~~

8 ~~—— (iii) For tax increment revenues attributable to taxes levied~~
9 ~~for school operating purposes, eligible activities described in~~
10 ~~section 13(15) and conducted on eligible property or prospective~~
11 ~~eligible properties prior to approval of the brownfield plan, if~~
12 ~~those costs and the eligible property are subsequently included in~~
13 ~~a brownfield plan approved by the authority and a combined~~
14 ~~brownfield plan or work plan approved by the Michigan strategic~~
15 ~~fund.~~

16 ~~—— (17) A brownfield authority may reimburse advances, with or~~
17 ~~without interest, made by a municipality under section 7(3), a land~~
18 ~~bank fast track authority, or any other person or entity for costs~~
19 ~~of eligible activities with any source of revenue available for use~~
20 ~~of the brownfield authority under this act. If an authority~~
21 ~~reimburses a person or entity under this section for an advance for~~
22 ~~the payment or reimbursement of the cost of eligible activities and~~
23 ~~interest thereon, the authority may capture local taxes for the~~
24 ~~payment of that interest. If an authority reimburses a person or~~
25 ~~entity under this section for an advance for the payment or~~
26 ~~reimbursement of the cost of baseline environmental assessments,~~
27 ~~due care, and additional response activities and interest thereon~~

~~1 included in a combined brownfield plan or a work plan approved by
2 the department, the authority may capture taxes levied for school
3 operating purposes and local taxes for the payment of that
4 interest. If an authority reimburses a person or entity under this
5 section for an advance for the payment or reimbursement of the cost
6 of eligible activities that are not baseline environmental
7 assessments, due care, and additional response activities and
8 interest thereon included in a combined brownfield plan or a work
9 plan approved by the Michigan strategic fund, the authority may
10 capture taxes levied for school operating purposes and local taxes
11 for the payment of that interest provided that the Michigan
12 strategic fund grants an approval for the capture of taxes levied
13 for school operating purposes to pay such interest. An authority
14 may enter into agreements related to these reimbursements and
15 payments. A reimbursement agreement for these purposes and the
16 obligations under that reimbursement agreement shall not be subject
17 to section 12 or the revised municipal finance act, 2001 PA 34, MCL
18 141.2101 to 141.2821.~~

~~19 (18) If a brownfield plan includes the capture of taxes levied
20 for school operating purposes, approval of a combined brownfield
21 plan or a work plan by the Michigan strategic fund in the manner
22 required under section 15(14) to (16) or (25) is required in order
23 to use tax increment revenues attributable to taxes levied for
24 school operating purposes for purposes of eligible activities
25 described in section 2(n)(iv)(E) for 1 or more parcels of eligible
26 property. The combined brownfield plan or work plan to be submitted
27 to the Michigan strategic fund under this subsection shall be in a~~

1 ~~form prescribed by the Michigan strategic fund. The eligible~~
2 ~~activities to be conducted and described in this subsection shall~~
3 ~~be consistent with the combined brownfield plan or work plan~~
4 ~~submitted by the authority to the Michigan strategic fund. The~~
5 ~~department's approval is not required for the capture of taxes~~
6 ~~levied for school operating purposes for eligible activities~~
7 ~~described in this section.~~

8 ~~—— (19) In each fiscal year of the authority, the amount of tax~~
9 ~~increment revenues attributable to local taxes that an authority~~
10 ~~can use for the purposes described in subsection (16) (a) shall be~~
11 ~~determined as follows:~~

12 ~~—— (a) For authorities that have 5 or fewer active projects,~~
13 ~~\$100,000.00.~~

14 ~~—— (b) For authorities that have 6 or more but fewer than 11~~
15 ~~active projects, \$125,000.00.~~

16 ~~—— (c) For authorities that have 11 or more but fewer than 16~~
17 ~~active projects, \$150,000.00.~~

18 ~~—— (d) For authorities that have 16 or more but fewer than 21~~
19 ~~active projects, \$175,000.00.~~

20 ~~—— (e) For authorities that have 21 or more but fewer than 26~~
21 ~~active projects, \$200,000.00.~~

22 ~~—— (f) For authorities that have 26 or more but fewer than 31~~
23 ~~active projects, \$300,000.00.~~

24 ~~—— (g) For authorities that have 31 or more active projects,~~
25 ~~\$500,000.00.~~

26 ~~—— (20) As used in subsection (19), "active project" means a~~
27 ~~project in which the authority is currently capturing taxes under~~

~~1 this act. The amounts of tax increment revenues attributable to
2 local taxes listed in subsection (19) that an authority can use for
3 the purposes described in subsection (16)(a) may be increased by 2%
4 for each written agreement entered into by an authority in either
5 of the following situations up to a total maximum increase of 10%:
6 — (a) The authority is an authority established by a county and
7 that authority enters into a written agreement with 1 or more
8 municipalities within that county to serve as the only authority
9 for those other municipalities.
10 — (b) The authority enters into a written agreement with 1 or
11 more other authorities to administer 1 or more administrative
12 operations of those other authorities.
13 — (21) Notwithstanding anything to the contrary in this act, for
14 a brownfield plan that includes the capture of taxes levied for
15 school operating purposes from eligible property included in a
16 brownfield plan after January 1, 2013, an authority shall pay to
17 the department of treasury at least once annually an amount equal
18 to 3 mills of the taxes levied under the state education tax, 1993
19 PA 331, MCL 211.901 to 211.906, that are captured under the
20 brownfield plan for up to the first 25 years of the duration of
21 capture of tax increment revenues for each eligible property
22 included in the brownfield plan. The department of treasury shall
23 deposit these amounts into the state brownfield redevelopment fund.
24 If an authority pays an amount equal to 3 mills of the taxes levied
25 under the state education tax, 1993 PA 331, MCL 211.901 to 211.906,
26 on a parcel of eligible property to the department of treasury
27 under this subsection, the percentage of local taxes levied on that~~

1 ~~parcel and used to reimburse eligible activities for a project~~
2 ~~under a brownfield plan shall not exceed the percentage of local~~
3 ~~taxes levied on that parcel that would have been used to reimburse~~
4 ~~eligible activities for the project under a brownfield plan if the~~
5 ~~3 mills of the taxes levied under the state education tax, 1993 PA~~
6 ~~331, MCL 211.901 to 211.906, on that parcel were not paid to the~~
7 ~~department of treasury under this subsection. If, due to an appeal~~
8 ~~of any tax assessment, an authority is required to reimburse a~~
9 ~~taxpayer for any portion of the 3 mills that are paid to the~~
10 ~~department of treasury under this subsection, the department of~~
11 ~~treasury shall reimburse that amount to the authority within 30~~
12 ~~days after receiving a request from the authority for~~
13 ~~reimbursement.~~

14 ~~—— (22) The duration of capture of tax increment revenues under a~~
15 ~~brownfield plan for a particular eligible property shall not exceed~~
16 ~~the lesser of the period authorized under subsections (4) and (5)~~
17 ~~or 30 years from the beginning date of the capture of tax increment~~
18 ~~revenues for that eligible property. The beginning date of capture~~
19 ~~of tax increment revenues for an eligible property shall not be~~
20 ~~later than 5 years following the date of the resolution including~~
21 ~~the eligible property in the brownfield plan. The authority may~~
22 ~~amend the beginning date of capture of tax increment revenues for a~~
23 ~~particular eligible property to a date not later than 5 years~~
24 ~~following the date of the resolution including the eligible~~
25 ~~property in the brownfield plan. The authority may not amend the~~
26 ~~beginning date of capture of tax increment revenues for a~~
27 ~~particular eligible property if the authority has begun to~~

1 ~~reimburse eligible activities from the capture of tax increment~~
2 ~~revenues from that eligible property. Any tax increment revenues~~
3 ~~captured from an eligible property before the beginning date of~~
4 ~~capture of tax increment revenues for that eligible property shall~~
5 ~~revert proportionately to the respective tax bodies. If an~~
6 ~~authority amends the beginning date for capture of tax increment~~
7 ~~revenues that includes the capture of tax increment revenues for~~
8 ~~school operating purposes, then the authority shall notify the~~
9 ~~department or the Michigan strategic fund, as applicable, within 30~~
10 ~~days after amending the beginning date.~~

11 **SEC. 13A. COSTS OF A RESPONSE ACTIVITY PAID WITH TAX INCREMENT**
12 **REVENUES THAT ARE CAPTURED PURSUANT TO SECTION 13(4) MAY BE**
13 **RECOVERED FROM A PARTY THAT IS RESPONSIBLE FOR AN ACTIVITY CAUSING**
14 **A RELEASE. THIS STATE OR AN AUTHORITY MAY UNDERTAKE COST RECOVERY**
15 **FOR TAX INCREMENT REVENUE CAPTURED. BEFORE AN AUTHORITY OR THIS**
16 **STATE MAY INSTITUTE A COST RECOVERY ACTION, IT MUST PROVIDE THE**
17 **OTHER WITH 60 DAYS' NOTICE. THIS STATE OR AN AUTHORITY THAT**
18 **RECOVERS COSTS UNDER THIS SECTION SHALL APPLY THOSE RECOVERED COSTS**
19 **TO THE FOLLOWING, IN THE FOLLOWING ORDER OF PRIORITY:**

20 **(A) THE REASONABLE ATTORNEY FEES AND COSTS INCURRED BY THIS**
21 **STATE OR AN AUTHORITY IN OBTAINING THE COST RECOVERY.**

22 **(B) ONE OF THE FOLLOWING:**

23 **(i) IF AN AUTHORITY UNDERTAKES THE COST RECOVERY ACTION, THE**
24 **AUTHORITY SHALL DEPOSIT THE REMAINING RECOVERED FUNDS INTO THE**
25 **LOCAL BROWNFIELD REVOLVING FUND CREATED PURSUANT TO SECTION 8, IF**
26 **SUCH A FUND HAS BEEN ESTABLISHED BY THE AUTHORITY. IF A LOCAL**
27 **BROWNFIELD REVOLVING FUND HAS NOT BEEN ESTABLISHED, THE AUTHORITY**

1 SHALL DISBURSE THE REMAINING RECOVERED FUNDS TO THE LOCAL TAXING
2 JURISDICTIONS IN THE PROPORTION THAT THE LOCAL TAXING
3 JURISDICTIONS' TAXES WERE CAPTURED.

4 (ii) IF THIS STATE UNDERTAKES A COST RECOVERY ACTION, THIS
5 STATE SHALL DEPOSIT THE REMAINING RECOVERED FUNDS INTO THE
6 REVITALIZATION REVOLVING LOAN FUND ESTABLISHED UNDER SECTION 20108A
7 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
8 451, MCL 324.20108A.

9 (iii) IF THIS STATE AND AN AUTHORITY EACH UNDERTAKE A COST
10 RECOVERY ACTION, UNDERTAKE A COST RECOVERY ACTION JOINTLY, OR ONE
11 ON BEHALF OF THE OTHER, THE AMOUNT OF ANY REMAINING RECOVERED FUNDS
12 SHALL BE DEPOSITED PURSUANT TO SUBPARAGRAPHS (i) AND (ii) IN THE
13 PROPORTION THAT THE TAX INCREMENT REVENUES BEING RECOVERED
14 REPRESENT LOCAL TAXES AND TAXES LEVIED FOR SCHOOL OPERATING
15 PURPOSES, RESPECTIVELY.

16 SEC. 13B. (1) AN AUTHORITY SHALL NOT EXPEND TAX INCREMENT
17 REVENUES TO ACQUIRE OR PREPARE ELIGIBLE PROPERTY UNLESS THE
18 ACQUISITION OR PREPARATION IS AN ELIGIBLE ACTIVITY.

19 (2) AN AUTHORITY SHALL NOT ENTER INTO AGREEMENTS WITH THE
20 TAXING JURISDICTIONS AND THE GOVERNING BODY OF THE MUNICIPALITY TO
21 SHARE A PORTION OF THE TAXES CAPTURED FROM AN ELIGIBLE PROPERTY
22 UNDER THIS ACT. UPON ADOPTION OF THE PLAN, THE COLLECTION AND
23 TRANSMISSION OF THE AMOUNT OF TAX INCREMENT REVENUES AS SPECIFIED
24 IN THIS ACT SHALL BE BINDING ON ALL TAXING UNITS LEVYING AD VALOREM
25 PROPERTY TAXES OR SPECIFIC TAXES AGAINST PROPERTY LOCATED IN THE
26 ZONE.

27 (3) TAX INCREMENT REVENUES CAPTURED FROM TAXES LEVIED BY THIS

1 STATE UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901
2 TO 211.906, OR TAXES LEVIED BY A LOCAL SCHOOL DISTRICT SHALL NOT BE
3 USED TO ASSIST A LAND BANK FAST TRACK AUTHORITY WITH CLEARING OR
4 QUIETING TITLE, ACQUIRING, SELLING, OR CONVEYING PROPERTY, EXCEPT
5 AS PROVIDED IN SUBSECTION (4).

6 (4) IF A BROWNFIELD PLAN INCLUDES THE USE OF TAXES LEVIED FOR
7 SCHOOL OPERATING PURPOSES CAPTURED FROM AN ELIGIBLE PROPERTY FOR
8 ELIGIBLE ACTIVITIES THAT ARE NOT DEPARTMENT SPECIFIC ACTIVITIES,
9 THEN 1 OR MORE OF THE FOLLOWING APPLY:

10 (A) A COMBINED BROWNFIELD PLAN OR A WORK PLAN SHALL BE
11 APPROVED BY THE MICHIGAN STRATEGIC FUND AND A DEVELOPMENT AGREEMENT
12 OR REIMBURSEMENT AGREEMENT BETWEEN THE MUNICIPALITY OR AUTHORITY
13 AND AN OWNER OR DEVELOPER OF ELIGIBLE PROPERTY IS REQUIRED BEFORE
14 SUCH TAX INCREMENT MAY BE USED FOR INFRASTRUCTURE IMPROVEMENTS THAT
15 DIRECTLY BENEFIT ELIGIBLE PROPERTY, DEMOLITION OF STRUCTURES THAT
16 IS NOT RESPONSE ACTIVITY, LEAD, MOLD, OR ASBESTOS ABATEMENT THAT IS
17 NOT A DEPARTMENT SPECIFIC ACTIVITY, SITE PREPARATION THAT IS NOT
18 RESPONSE ACTIVITY, RELOCATION OF PUBLIC BUILDINGS OR OPERATIONS FOR
19 ECONOMIC DEVELOPMENT PURPOSES, OR ACQUISITION OF PROPERTY BY A LAND
20 BANK FAST TRACK AUTHORITY IF ACQUISITION OF THE PROPERTY IS FOR
21 ECONOMIC DEVELOPMENT PURPOSES.

22 (B) APPROVAL OF A COMBINED BROWNFIELD PLAN OR A WORK PLAN BY
23 THE MICHIGAN STRATEGIC FUND IN THE MANNER REQUIRED UNDER SECTION
24 15(12) THROUGH (14) OR (20) IS REQUIRED IN ORDER TO USE THE TAX
25 INCREMENT REVENUES TO ASSIST A LAND BANK FAST TRACK AUTHORITY OR
26 QUALIFIED LOCAL GOVERNMENTAL UNIT WITH CLEARING OR QUIETING TITLE,
27 ACQUIRING, SELLING, OR CONVEYING PROPERTY.

1 (C) THE COMBINED BROWNFIELD PLAN OR WORK PLAN TO BE SUBMITTED
2 TO THE MICHIGAN STRATEGIC FUND UNDER THIS SUBSECTION SHALL BE IN A
3 FORM PRESCRIBED BY THE MICHIGAN STRATEGIC FUND.

4 (D) THE ELIGIBLE ACTIVITIES TO BE CONDUCTED AND DESCRIBED IN
5 THIS SUBSECTION SHALL BE CONSISTENT WITH THE COMBINED BROWNFIELD
6 PLAN OR WORK PLAN SUBMITTED BY THE AUTHORITY TO THE MICHIGAN
7 STRATEGIC FUND.

8 (E) THE DEPARTMENT'S APPROVAL IS NOT REQUIRED FOR THE CAPTURE
9 OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES FOR ELIGIBLE
10 ACTIVITIES DESCRIBED IN THIS SECTION.

11 (5) IF A BROWNFIELD PLAN INCLUDES THE USE OF TAXES LEVIED FOR
12 SCHOOL OPERATING PURPOSES CAPTURED FROM ELIGIBLE PROPERTY FOR
13 DEPARTMENT SPECIFIC ACTIVITIES, A COMBINED BROWNFIELD PLAN OR A
14 WORK PLAN MUST BE APPROVED BY THE DEPARTMENT WITH THE EXCEPTION OF
15 THOSE ACTIVITIES IDENTIFIED IN SUBSECTIONS (8) AND (9).

16 (6) AN AUTHORITY SHALL NOT DO ANY OF THE FOLLOWING:

17 (A) USE TAXES CAPTURED FROM ELIGIBLE PROPERTY TO PAY FOR
18 ELIGIBLE ACTIVITIES CONDUCTED BEFORE APPROVAL OF THE BROWNFIELD
19 PLAN.

20 (B) USE TAXES CAPTURED FROM ELIGIBLE PROPERTY TO PAY FOR
21 ADMINISTRATIVE AND OPERATING ACTIVITIES OF THE AUTHORITY OR THE
22 MUNICIPALITY ON BEHALF OF THE AUTHORITY FOR ACTIVITIES, OTHER THAN
23 THOSE IDENTIFIED IN SUBSECTION (7).

24 (C) FOR ELIGIBLE ACTIVITIES NOT DESCRIBED IN SUBSECTION (4),
25 AN AUTHORITY SHALL NOT USE TAXES LEVIED FOR SCHOOL OPERATING
26 PURPOSES CAPTURED FROM ELIGIBLE PROPERTY UNLESS THE ELIGIBLE
27 ACTIVITIES TO BE CONDUCTED ON THE ELIGIBLE PROPERTY ARE ELIGIBLE

1 DEPARTMENT SPECIFIC ACTIVITIES, CONSISTENT WITH A COMBINED
2 BROWNFIELD PLAN OR A WORK PLAN APPROVED BY THE DEPARTMENT AFTER
3 JULY 24, 1996.

4 (7) AN AUTHORITY MAY USE TAXES CAPTURED FROM ELIGIBLE PROPERTY
5 TO PAY FOR THE ADMINISTRATIVE AND OPERATING COSTS UNDER 1 OR MORE
6 OF THE FOLLOWING:

7 (A) LOCAL TAXES CAPTURED MAY BE USED FOR 1 OR MORE OF THE
8 FOLLOWING ADMINISTRATIVE AND OPERATING PURPOSES:

9 (i) REASONABLE AND ACTUAL ADMINISTRATIVE AND OPERATING
10 EXPENSES OF THE AUTHORITY.

11 (ii) DEPARTMENT SPECIFIC ACTIVITIES CONDUCTED BY OR ON BEHALF
12 OF THE AUTHORITY RELATED DIRECTLY TO WORK CONDUCTED ON PROSPECTIVE
13 ELIGIBLE PROPERTIES PRIOR TO APPROVAL OF THE BROWNFIELD PLAN.

14 (iii) REASONABLE COSTS OF DEVELOPING AND PREPARING BROWNFIELD
15 PLANS, COMBINED PLANS, OR WORK PLANS FOR WHICH TAX INCREMENT
16 REVENUES MAY BE USED UNDER SUBSECTION (4), INCLUDING, BUT NOT
17 LIMITED TO, LEGAL AND CONSULTING FEES THAT ARE NOT IN THE ORDINARY
18 COURSE OF ACQUIRING AND DEVELOPING REAL ESTATE.

19 (B) TAXES LEVIED FOR SCHOOL OPERATING PURPOSES MAY BE USED FOR
20 1 OR MORE OF THE FOLLOWING ADMINISTRATIVE AND OPERATING PURPOSES:

21 (i) REASONABLE COSTS OF DEVELOPING AND PREPARING BROWNFIELD
22 PLANS, COMBINED BROWNFIELD PLANS, OR WORK PLANS FOR WHICH TAX
23 INCREMENT REVENUES MAY BE USED UNDER SECTION 13(4), INCLUDING, BUT
24 NOT LIMITED TO, LEGAL AND CONSULTING FEES THAT ARE NOT IN THE
25 ORDINARY COURSE OF ACQUIRING AND DEVELOPING REAL ESTATE, NOT TO
26 EXCEED \$30,000.00.

27 (ii) REASONABLE COSTS OF BROWNFIELD PLAN OR WORK PLAN

1 IMPLEMENTATION, INCLUDING, BUT NOT LIMITED TO, TRACKING AND
2 REPORTING OF DATA AND PLAN COMPLIANCE, NOT TO EXCEED \$30,000.00.

3 (C) IN EACH FISCAL YEAR OF THE AUTHORITY, THE AMOUNT OF TAX
4 INCREMENT REVENUES ATTRIBUTABLE TO LOCAL TAXES THAT AN AUTHORITY
5 CAN USE FOR THE PURPOSES DESCRIBED IN SUBDIVISIONS (A) AND (B)
6 SHALL BE DETERMINED AS FOLLOWS:

7 (i) FOR AUTHORITIES THAT HAVE 5 OR FEWER ACTIVE PROJECTS,
8 \$100,000.00.

9 (ii) FOR AUTHORITIES THAT HAVE 6 OR MORE BUT FEWER THAN 11
10 ACTIVE PROJECTS, \$125,000.00.

11 (iii) FOR AUTHORITIES THAT HAVE 11 OR MORE BUT FEWER THAN 16
12 ACTIVE PROJECTS, \$150,000.00.

13 (iv) FOR AUTHORITIES THAT HAVE 16 OR MORE BUT FEWER THAN 21
14 ACTIVE PROJECTS, \$175,000.00.

15 (v) FOR AUTHORITIES THAT HAVE 21 OR MORE BUT FEWER THAN 26
16 ACTIVE PROJECTS, \$200,000.00.

17 (vi) FOR AUTHORITIES THAT HAVE 26 OR MORE BUT FEWER THAN 31
18 ACTIVE PROJECTS, \$300,000.00.

19 (vii) FOR AUTHORITIES THAT HAVE 31 OR MORE ACTIVE PROJECTS,
20 \$500,000.00.

21 (D) NOTHING CONTAINED IN THIS SUBSECTION SHALL LIMIT THE
22 AMOUNT OF FUNDS THAT MAY BE GRANTED, LOANED, OR EXPENDED BY A LOCAL
23 BROWNFIELD REVOLVING FUND FOR ELIGIBLE ACTIVITIES.

24 (E) AS USED IN THIS SUBSECTION, "ACTIVE PROJECT" MEANS A
25 PROJECT IN WHICH THE AUTHORITY IS CURRENTLY CAPTURING TAXES UNDER
26 THIS ACT. THE AMOUNTS OF TAX INCREMENT REVENUES ATTRIBUTABLE TO
27 LOCAL TAXES LISTED IN THIS SUBSECTION THAT AN AUTHORITY CAN USE FOR

1 THE PURPOSES DESCRIBED IN THIS SUBSECTION MAY BE INCREASED BY 2%
2 FOR EACH WRITTEN AGREEMENT ENTERED INTO BY AN AUTHORITY IN EITHER
3 OF THE FOLLOWING SITUATIONS UP TO A TOTAL MAXIMUM INCREASE OF 10%:

4 (i) THE AUTHORITY IS AN AUTHORITY ESTABLISHED BY A COUNTY AND
5 THAT AUTHORITY ENTERS INTO A WRITTEN AGREEMENT WITH 1 OR MORE
6 MUNICIPALITIES WITHIN THAT COUNTY TO SERVE AS THE ONLY AUTHORITY
7 FOR THOSE OTHER MUNICIPALITIES.

8 (ii) THE AUTHORITY ENTERS INTO A WRITTEN AGREEMENT WITH 1 OR
9 MORE OTHER AUTHORITIES TO ADMINISTER 1 OR MORE ADMINISTRATIVE
10 OPERATIONS OF THOSE OTHER AUTHORITIES.

11 (8) THE LIMITATIONS OF SUBSECTIONS (4), (5), AND (6) UPON THE
12 USE OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES SHALL NOT APPLY
13 TO THE COSTS OF 1 OR MORE OF THE FOLLOWING INCURRED BY A PERSON
14 OTHER THAN THE AUTHORITY:

15 (A) SITE INVESTIGATION ACTIVITIES REQUIRED TO CONDUCT A
16 BASELINE ENVIRONMENTAL ASSESSMENT AND TO EVALUATE COMPLIANCE WITH
17 SECTIONS 20107A AND 21304C OF THE NATURAL RESOURCES AND
18 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20107A AND
19 324.21304C.

20 (B) COMPLETING A BASELINE ENVIRONMENTAL ASSESSMENT.

21 (C) PREPARING A PLAN FOR COMPLIANCE WITH SECTIONS 20107A AND
22 21304C OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
23 1994 PA 451, MCL 324.20107A AND 324.21304C.

24 (D) PERFORMING PRE-DEMOLITION AND BUILDING HAZARDOUS MATERIALS
25 SURVEYS.

26 (E) ASBESTOS, MOLD, AND LEAD SURVEYS.

27 (9) THE LIMITATIONS OF SUBSECTIONS (4), (5), AND (6) UPON THE

1 USE OF LOCAL TAXES AND TAXES LEVIED FOR SCHOOL OPERATING PURPOSES
2 SHALL NOT APPLY TO THE FOLLOWING COSTS AND EXPENSES:

3 (A) FOR TAX INCREMENT REVENUES ATTRIBUTABLE TO TAXES LEVIED
4 FOR SCHOOL OPERATING PURPOSES, ELIGIBLE ACTIVITIES ASSOCIATED WITH
5 UNANTICIPATED RESPONSE ACTIVITIES CONDUCTED ON ELIGIBLE PROPERTY IF
6 THAT ELIGIBLE PROPERTY HAS BEEN INCLUDED IN A BROWNFIELD PLAN, IF
7 THE DEPARTMENT IS CONSULTED IN WRITING ON THE UNANTICIPATED
8 RESPONSE ACTIVITIES BEFORE THEY ARE CONDUCTED AND THE COSTS OF
9 THOSE ACTIVITIES ARE SUBSEQUENTLY INCLUDED IN A BROWNFIELD PLAN,
10 COMBINED BROWNFIELD PLAN OR A WORK PLAN OR AMENDMENT APPROVED BY
11 THE AUTHORITY AND APPROVED BY THE DEPARTMENT.

12 (B) FOR TAX INCREMENT REVENUES ATTRIBUTABLE TO LOCAL TAXES,
13 ANY ELIGIBLE ACTIVITIES CONDUCTED ON ELIGIBLE PROPERTY OR
14 PROSPECTIVE ELIGIBLE PROPERTIES PRIOR TO APPROVAL OF THE BROWNFIELD
15 PLAN, IF THOSE COSTS AND THE ELIGIBLE PROPERTY ARE SUBSEQUENTLY
16 INCLUDED IN A BROWNFIELD PLAN APPROVED BY THE AUTHORITY.

17 (C) FOR TAX INCREMENT REVENUES ATTRIBUTABLE TO TAXES LEVIED
18 FOR SCHOOL OPERATING PURPOSES, ELIGIBLE ACTIVITIES DESCRIBED IN
19 SUBSECTION (4) AND CONDUCTED ON ELIGIBLE PROPERTY OR PROSPECTIVE
20 ELIGIBLE PROPERTIES PRIOR TO APPROVAL OF THE BROWNFIELD PLAN, IF
21 THOSE COSTS AND THE ELIGIBLE PROPERTY ARE SUBSEQUENTLY INCLUDED IN
22 A BROWNFIELD PLAN APPROVED BY THE AUTHORITY AND A COMBINED
23 BROWNFIELD PLAN OR WORK PLAN APPROVED BY THE MICHIGAN STRATEGIC
24 FUND.

25 (10) AN AUTHORITY SHALL NOT USE TAXES LEVIED FOR SCHOOL
26 OPERATING PURPOSES CAPTURED FROM ELIGIBLE PROPERTY FOR RESPONSE
27 ACTIVITIES THAT BENEFIT A PARTY RESPONSIBLE FOR AN ACTIVITY CAUSING

1 A RELEASE UNDER SECTION 20126 OR 21323A OF THE NATURAL RESOURCES
2 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20126 AND
3 324.21323A, EXCEPT THAT A MUNICIPALITY THAT ESTABLISHED THE
4 AUTHORITY MAY USE TAXES LEVIED FOR SCHOOL OPERATING PURPOSES
5 CAPTURED FROM ELIGIBLE PROPERTY FOR RESPONSE ACTIVITIES ASSOCIATED
6 WITH A LANDFILL.

7 (11) A BROWNFIELD AUTHORITY MAY REIMBURSE ADVANCES, WITH OR
8 WITHOUT INTEREST, MADE BY A MUNICIPALITY UNDER SECTION 7(3), A LAND
9 BANK FAST TRACK AUTHORITY, OR ANY OTHER PERSON OR ENTITY FOR COSTS
10 OF ELIGIBLE ACTIVITIES WITH ANY SOURCE OF REVENUE AVAILABLE FOR USE
11 OF THE BROWNFIELD AUTHORITY UNDER THIS ACT.

12 (12) A BROWNFIELD AUTHORITY MAY CAPTURE TAXES FOR THE PAYMENT
13 OF INTEREST, AS FOLLOWS:

14 (A) IF AN AUTHORITY REIMBURSES A PERSON OR ENTITY UNDER THIS
15 SECTION FOR AN ADVANCE FOR THE PAYMENT OR REIMBURSEMENT OF THE COST
16 OF ELIGIBLE ACTIVITIES AND INTEREST THEREON, THE AUTHORITY MAY
17 CAPTURE LOCAL TAXES FOR THE PAYMENT OF THAT INTEREST.

18 (B) IF AN AUTHORITY REIMBURSES A PERSON OR ENTITY UNDER THIS
19 SECTION FOR AN ADVANCE FOR THE PAYMENT OR REIMBURSEMENT OF THE COST
20 OF DEPARTMENT SPECIFIC ACTIVITIES AND INTEREST THEREON INCLUDED IN
21 A COMBINED BROWNFIELD PLAN OR A WORK PLAN APPROVED BY THE
22 DEPARTMENT, THE AUTHORITY MAY CAPTURE TAXES LEVIED FOR SCHOOL
23 OPERATING PURPOSES AND LOCAL TAXES FOR THE PAYMENT OF THAT
24 INTEREST.

25 (C) IF AN AUTHORITY REIMBURSES A PERSON OR ENTITY UNDER THIS
26 SECTION FOR AN ADVANCE FOR THE PAYMENT OR REIMBURSEMENT OF THE COST
27 OF ELIGIBLE ACTIVITIES THAT ARE NOT DEPARTMENT SPECIFIC ACTIVITIES

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1 AND INTEREST THEREON INCLUDED IN A COMBINED BROWNFIELD PLAN OR A
2 WORK PLAN APPROVED BY THE MICHIGAN STRATEGIC FUND, THE AUTHORITY
3 MAY CAPTURE TAXES LEVIED FOR SCHOOL OPERATING PURPOSES AND LOCAL
4 TAXES FOR THE PAYMENT OF THAT INTEREST PROVIDED THAT THE MICHIGAN
5 STRATEGIC FUND GRANTS AN APPROVAL FOR THE CAPTURE OF TAXES LEVIED
6 FOR SCHOOL OPERATING PURPOSES TO PAY SUCH INTEREST.

7 (13) AN AUTHORITY MAY ENTER INTO AGREEMENTS RELATED TO THESE
8 REIMBURSEMENTS AND PAYMENTS DESCRIBED IN THIS SECTION. A
9 REIMBURSEMENT AGREEMENT FOR THESE PURPOSES AND THE OBLIGATIONS
10 UNDER THAT REIMBURSEMENT AGREEMENT SHALL NOT BE SUBJECT TO SECTION
11 13 OR THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101
12 TO 141.2821.

13 (14) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS ACT, FOR
14 A BROWNFIELD PLAN THAT INCLUDES THE CAPTURE OF TAXES LEVIED FOR
15 SCHOOL OPERATING PURPOSES FROM EACH ELIGIBLE PROPERTY INCLUDED IN A
16 BROWNFIELD PLAN AFTER JANUARY 1, 2013, AN AUTHORITY SHALL PAY TO
17 THE DEPARTMENT OF TREASURY AT LEAST ONCE ANNUALLY AN AMOUNT EQUAL
18 TO 50% OF THE TAXES LEVIED UNDER THE STATE EDUCATION TAX ACT, 1993
19 PA 331, MCL 211.901 TO 211.906, [INCLUDING 50% OF THAT PORTION OF
SPECIFIC TAXES ATTRIBUTABLE TO, BUT NOT LEVIED UNDER, THE STATE
EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO 211.906,] THAT ARE
CAPTURED UNDER THE

20 BROWNFIELD PLAN UNTIL THE EXPIRATION OF THE EARLIER OF THE
21 FOLLOWING:

22 (A) TWENTY-FIVE YEARS OF CAPTURE OF TAX INCREMENT REVENUES
23 FROM SUCH ELIGIBLE PROPERTY INCLUDED IN THE BROWNFIELD PLAN.

24 (B) THE LATER OF:

25 (i) THE DATE OF REPAYMENT OF ALL ELIGIBLE EXPENSES RELATIVE TO
26 SUCH ELIGIBLE PROPERTY.

27 (ii) THE DATE EXCESS CAPTURE IS TERMINATED UNDER SUBSECTION

Senate Bill No. 908 as amended December 14, 2016
1 (16).

2 (15) THE DEPARTMENT OF TREASURY SHALL DEPOSIT THE AMOUNTS
3 DESCRIBED IN SUBSECTION (14) INTO THE STATE BROWNFIELD
4 REDEVELOPMENT FUND. IF AN AUTHORITY MAKES A PAYMENT AS REQUIRED
5 UNDER SUBSECTION (14) TO THE DEPARTMENT OF TREASURY, THE LOCAL
6 TAXES LEVIED ON THAT PARCEL AND USED TO REIMBURSE ELIGIBLE
7 ACTIVITIES UNDER A BROWNFIELD PLAN SHALL NOT BE INCREASED OR
8 DECREASED DUE TO THAT PAYMENT. IF, DUE TO AN APPEAL OF ANY TAX
9 ASSESSMENT, AN AUTHORITY IS REQUIRED TO REIMBURSE A TAXPAYER FOR
10 ANY PORTION OF THE [AMOUNT] PAID TO THE DEPARTMENT OF
11 TREASURY UNDER THIS SUBSECTION, THE DEPARTMENT OF TREASURY SHALL
12 REIMBURSE THAT AMOUNT TO THE AUTHORITY WITHIN 30 DAYS AFTER
13 RECEIVING A REQUEST FROM THE AUTHORITY FOR REIMBURSEMENT.

14 (16) THE BROWNFIELD PLAN SHALL INCLUDE A PROPOSED BEGINNING
15 DATE OF CAPTURE. THE BEGINNING DATE OF CAPTURE OF TAX INCREMENT
16 REVENUES SHALL NOT BE LATER THAN 5 YEARS FOLLOWING THE DATE OF THE
17 RESOLUTION INCLUDING THE ELIGIBLE PROPERTY IN THE BROWNFIELD PLAN.
18 THE AUTHORITY MAY AMEND THE BEGINNING DATE OF CAPTURE OF TAX
19 INCREMENT REVENUES FOR A PARTICULAR ELIGIBLE PROPERTY TO A DATE NOT
20 LATER THAN 5 YEARS FOLLOWING THE DATE OF THE RESOLUTION INCLUDING
21 THE ELIGIBLE PROPERTY IN THE BROWNFIELD PLAN. THE AUTHORITY MAY NOT
22 AMEND THE BEGINNING DATE OF CAPTURE OF TAX INCREMENT REVENUES FOR A
23 PARTICULAR ELIGIBLE PROPERTY IF THE AUTHORITY HAS BEGUN TO
24 REIMBURSE ELIGIBLE ACTIVITIES FROM THE CAPTURE OF TAX INCREMENT
25 REVENUES FROM THAT ELIGIBLE PROPERTY. ANY TAX INCREMENT REVENUES
26 CAPTURED FROM AN ELIGIBLE PROPERTY BEFORE THE BEGINNING DATE OF
27 CAPTURE OF TAX INCREMENT REVENUES FOR THAT ELIGIBLE PROPERTY SHALL

1 REVERT PROPORTIONATELY TO THE RESPECTIVE TAX BODIES. IF AN
2 AUTHORITY AMENDS THE BEGINNING DATE FOR CAPTURE OF TAX INCREMENT
3 REVENUES THAT INCLUDES THE CAPTURE OF TAX INCREMENT REVENUES FOR
4 SCHOOL OPERATING PURPOSES, THEN THE AUTHORITY SHALL NOTIFY THE
5 DEPARTMENT OR THE MICHIGAN STRATEGIC FUND, AS APPLICABLE, WITHIN 30
6 DAYS AFTER AMENDING THE BEGINNING DATE.

7 Sec. 14. (1) BEFORE APPROVING A BROWNFIELD PLAN FOR AN
8 ELIGIBLE PROPERTY, THE GOVERNING BODY SHALL HOLD A PUBLIC HEARING
9 ON THE BROWNFIELD PLAN. BY RESOLUTION, THE GOVERNING BODY MAY
10 DELEGATE THE PUBLIC HEARING PROCESS TO THE AUTHORITY OR TO A
11 SUBCOMMITTEE OF THE GOVERNING BODY SUBJECT TO FINAL APPROVAL BY THE
12 GOVERNING BODY.

13 (2) NOTICE OF THE TIME AND PLACE OF THE HEARING ON A
14 BROWNFIELD PLAN SHALL CONTAIN ALL OF THE FOLLOWING:

15 (A) A DESCRIPTION OF THE PROPERTY TO WHICH THE PLAN APPLIES IN
16 RELATION TO EXISTING OR PROPOSED HIGHWAYS, STREETS, STREAMS, OR
17 OTHERWISE.

18 (B) A STATEMENT THAT MAPS, PLATS, AND A DESCRIPTION OF THE
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 THIS
22 SECTION.

23 (C) ANY OTHER INFORMATION THAT THE GOVERNING BODY CONSIDERS
24 APPROPRIATE.

25 (3) AT THE TIME SET FOR THE HEARING ON THE BROWNFIELD PLAN
26 REQUIRED UNDER SUBSECTION (1), THE GOVERNING BODY SHALL ENSURE THAT
27 INTERESTED PERSONS HAVE AN OPPORTUNITY TO BE HEARD AND THAT WRITTEN

1 COMMUNICATIONS WITH REFERENCE TO THE BROWNFIELD PLAN ARE RECEIVED
2 AND CONSIDERED. THE GOVERNING BODY SHALL ENSURE THAT A RECORD OF
3 THE PUBLIC HEARING IS MADE AND PRESERVED, INCLUDING ALL DATA
4 PRESENTED AT THE HEARING.

5 (4) NOT LESS THAN 10 DAYS BEFORE THE HEARING ON THE BROWNFIELD
6 PLAN, THE GOVERNING BODY SHALL PROVIDE NOTICE OF THE HEARING TO THE
7 TAXING JURISDICTIONS THAT LEVY TAXES SUBJECT TO CAPTURE UNDER THIS
8 ACT. THE AUTHORITY SHALL NOTIFY THE TAXING JURISDICTIONS OF THE
9 PROPOSED BROWNFIELD PLAN. AT THAT HEARING, AN OFFICIAL FROM A
10 TAXING JURISDICTION WITH MILLAGE THAT WOULD BE SUBJECT TO CAPTURE
11 UNDER THIS ACT HAS THE RIGHT TO BE HEARD IN REGARD TO THE ADOPTION
12 OF THE BROWNFIELD PLAN. NOT LESS THAN 10 DAYS BEFORE THE HEARING ON
13 THE BROWNFIELD PLAN, THE GOVERNING BODY SHALL PROVIDE NOTICE OF THE
14 HEARING TO THE DEPARTMENT IF THE BROWNFIELD PLAN INVOLVES THE USE
15 OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES TO PAY FOR ELIGIBLE
16 ACTIVITIES THAT REQUIRE THE APPROVAL OF A COMBINED BROWNFIELD PLAN
17 OR A WORK PLAN BY THE DEPARTMENT UNDER SECTION 13B(6)(C) AND THE
18 MICHIGAN STRATEGIC FUND, OR ITS DESIGNEE, IF THE BROWNFIELD PLAN
19 INVOLVES THE USE OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES TO
20 PAY FOR ELIGIBLE ACTIVITIES SUBJECT TO SECTION 13B(4).

21 (5) ~~(1)~~—Not less than 10 days after notice of the proposed
22 brownfield plan is provided to the taxing jurisdictions, the
23 governing body shall determine whether the plan constitutes a
24 public purpose. If the governing body determines that the plan does
25 not constitute a public purpose, the governing body shall reject
26 the plan. If the governing body determines that the plan
27 constitutes a public purpose, the governing body may then approve

1 or reject the plan, or approve it with modification, by resolution,
2 based on the following considerations:

3 (a) Whether the plan meets the requirements of ~~section~~
4 **SECTIONS 13 AND 13B.**

5 (b) Whether the proposed method of financing the costs of
6 eligible activities is feasible and the authority has the ability
7 to arrange the financing.

8 (c) Whether the costs of eligible activities proposed are
9 reasonable and necessary to carry out the purposes of this act.

10 (d) Whether the amount of captured taxable value estimated to
11 result from adoption of the plan is reasonable.

12 (6) ~~(2)~~—Except as provided in this subsection, amendments to
13 an approved brownfield plan must be submitted by the authority to
14 the governing body for approval or rejection following the same
15 notice necessary for approval or rejection of the original plan.
16 Notice is not required for revisions in the estimates of captured
17 taxable value or tax increment revenues.

18 (7) ~~(3)~~—The procedure, adequacy of notice, and findings with
19 respect to purpose and captured taxable value shall be
20 presumptively valid unless contested in a court of competent
21 jurisdiction within 60 days after adoption of the resolution
22 adopting the brownfield plan. An amendment, adopted by resolution,
23 to a conclusive plan shall likewise be conclusive unless contested
24 within 60 days after adoption of the resolution adopting the
25 amendment. If a resolution adopting an amendment to the plan is
26 contested, the original resolution adopting the plan is not
27 therefore open to contest.

1 (8) A BROWNFIELD PLAN OR PLAN AMENDMENT MAY BE ABOLISHED OR
2 TERMINATED ACCORDING TO THIS SUBSECTION SUBJECT TO ALL OF THE
3 FOLLOWING:

4 (A) THE GOVERNING BODY MAY ABOLISH A BROWNFIELD PLAN WHEN IT
5 FINDS THAT THE PURPOSES FOR WHICH THE PLAN WAS ESTABLISHED ARE
6 ACCOMPLISHED.

7 (B) THE GOVERNING BODY MAY TERMINATE A BROWNFIELD PLAN OR PLAN
8 AMENDMENT FOR AN ELIGIBLE PROPERTY IF THE PROJECT FOR WHICH
9 ELIGIBLE ACTIVITIES WERE IDENTIFIED IN THE BROWNFIELD PLAN OR PLAN
10 AMENDMENT FAILS TO OCCUR WITH RESPECT TO THE ELIGIBLE PROPERTY FOR
11 AT LEAST 2 YEARS FOLLOWING THE DATE OF THE RESOLUTION APPROVING THE
12 BROWNFIELD PLAN OR PLAN AMENDMENT, PROVIDED THAT THE GOVERNING BODY
13 FIRST DOES BOTH OF THE FOLLOWING:

14 (i) GIVES 30 DAYS' PRIOR WRITTEN NOTICE TO THE DEVELOPER AT
15 ITS LAST KNOWN ADDRESS BY CERTIFIED MAIL OR OTHER METHOD THAT
16 DOCUMENTS PROOF OF DELIVERY ATTEMPTED.

17 (ii) PROVIDES THE DEVELOPER AN OPPORTUNITY TO BE HEARD AT A
18 PUBLIC MEETING.

19 (C) IF A BROWNFIELD PLAN OR PLAN AMENDMENT IS TERMINATED UNDER
20 SUBDIVISION (B), THE GOVERNING BODY MAY APPROVE A NEW BROWNFIELD
21 PLAN OR PLAN AMENDMENT FOR THE ELIGIBLE PROPERTY UNDER WHICH TAX
22 INCREMENT REVENUES MAY BE CAPTURED FOR UP TO THE PERIOD OF TIME
23 PROVIDED UNDER SECTION 13(5).

24 (D) NOTWITHSTANDING ANYTHING IN THIS SUBSECTION TO THE
25 CONTRARY, A BROWNFIELD PLAN OR PLAN AMENDMENT SHALL NOT BE
26 ABOLISHED OR TERMINATED UNTIL THE PRINCIPAL AND INTEREST ON BONDS
27 ISSUED UNDER SECTION 17 AND ALL OTHER OBLIGATIONS TO WHICH THE TAX

1 INCREMENT REVENUES ARE PLEDGED HAVE BEEN PAID OR FUNDS SUFFICIENT
2 TO MAKE THE PAYMENT HAVE BEEN IDENTIFIED OR SEGREGATED.

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

4 ~~—— (a) For eligible activities not described in section 13(15),~~
5 ~~use taxes levied for school operating purposes captured from~~
6 ~~eligible property unless the eligible activities to be conducted on~~
7 ~~the eligible property are eligible activities under part 201 of the~~
8 ~~natural resources and environmental protection act, 1994 PA 451,~~
9 ~~MCL 324.20101 to 324.20142, consistent with a combined brownfield~~
10 ~~plan or a work plan approved by the department after July 24, 1996.~~

11 ~~—— (b) Use taxes captured from eligible property to pay for~~
12 ~~eligible activities conducted before approval of the brownfield~~
13 ~~plan except for costs described in section 13(16).~~

14 ~~—— (c) Use taxes levied for school operating purposes captured~~
15 ~~from eligible property for response activities that benefit a party~~
16 ~~liable under section 20126 of the natural resources and~~
17 ~~environmental protection act, 1994 PA 451, MCL 324.20126, except~~
18 ~~that a municipality that established the authority may use taxes~~
19 ~~levied for school operating purposes captured from eligible~~
20 ~~property for response activities associated with a landfill.~~

21 ~~—— (d) Use taxes captured from eligible property to pay for~~
22 ~~administrative and operating activities of the authority or the~~
23 ~~municipality on behalf of the authority except for costs described~~
24 ~~in section 13(16) and for the reasonable costs for preparing a~~
25 ~~combined brownfield plan or a work plan for the eligible property.~~

26 (1) ~~(2)~~ To seek department approval of a work plan under
27 subsection ~~(1)(a)~~, **SECTION 13B(6)(C)**, the authority shall submit

1 all of the following for each eligible property:

2 (a) A copy of the brownfield plan.

3 (b) Current ownership information for each eligible property
4 and a summary of available information on proposed future
5 ownership, including the amount of any delinquent taxes, interest,
6 and penalties that may be due.

7 (c) A summary of available information on the historical and
8 current use of each eligible property, including a brief summary of
9 site conditions and what is known about environmental contamination
10 as that term is defined in section 20101 of the natural resources
11 and environmental protection act, 1994 PA 451, MCL 324.20101.

12 (d) Existing and proposed future zoning for each eligible
13 property.

14 (e) A brief summary of the proposed redevelopment and future
15 use for each eligible property.

16 (2) ~~(3)~~ Upon receipt of a request for approval of a work plan
17 under subsection ~~(2)~~ (1) or a portion of a work plan that pertains
18 to only ~~baseline environmental assessment~~ **DEPARTMENT SPECIFIC**
19 ~~activities, or due care activities, or both,~~ the department shall
20 review the work plan according to subsection ~~(4)~~ (3) and provide 1
21 of the following written responses to the requesting authority
22 within 60 days:

23 (a) An unconditional approval.

24 (b) A conditional approval that delineates specific necessary
25 modifications to the work plan to meet the criteria of subsection
26 ~~(4)~~ (3), including, but not limited to, individual activities to
27 be **MODIFIED**, added, or deleted from the work plan and revision of

1 costs. THE DEPARTMENT MAY NOT CONDITION ITS APPROVAL ON DELETIONS
2 FROM OR MODIFICATIONS OF THE WORK PLAN RELATING TO ACTIVITIES TO BE
3 FUNDED SOLELY BY TAX INCREMENT REVENUES NOT ATTRIBUTABLE TO TAXES
4 LEVIED FOR SCHOOL OPERATING PURPOSES.

5 (c) If the work plan lacks sufficient information for the
6 department to respond under subdivision (a), (b), or (d) for any
7 specific activity, a letter stating with specificity the necessary
8 additions or changes to the work plan to be submitted before that
9 activity will be considered by the department. The department shall
10 respond under subdivision (a), (b), or (d) according to this
11 section for the other activities in the work plan.

12 (d) A denial if the property is not an eligible property under
13 this act, if the work plan contemplates the use of taxes levied for
14 school operating purposes prohibited by ~~subsection (1)(c)~~, **SECTION**
15 **13B(10)**, or for any specific activity if the activity is prohibited
16 by ~~subsection (1)(b)~~. **SECTION 13B(6)(A)**. The department may also
17 deny any activity in a work plan that does not meet the conditions
18 in subsection ~~(4)~~ **(3)** only if the department cannot respond under
19 ~~subdivision (b) or (c)~~. **SUBSECTION (2)(B) OR (C)**. The department
20 shall accompany the denial with a letter that states with
21 specificity the reason for the denial. The department shall respond
22 under ~~subdivision (a), (b), or (c)~~ **SUBSECTION (2)(A), (B), OR (C)**
23 according to this section for any activities in the work plan that
24 are not denied under this subdivision. If the department denies all
25 or a portion of a work plan under this subdivision, the authority
26 may subsequently resubmit the work plan.

27 **(3)** ~~(4)~~—The department may approve a work plan if the

1 following conditions have been met:

2 (a) Whether some or all of the activities constitute ~~due care~~
 3 **DEPARTMENT SPECIFIC** activities ~~or additional response activities~~
 4 other than activities that are exempt from the work plan approval
 5 process under ~~subsection (1)(a)~~. **SECTION 13B(8)**.

6 (b) The ~~due care~~ **DEPARTMENT SPECIFIC** activities, and ~~response~~
 7 ~~activities~~, other than the activities that are exempt from the work
 8 plan approval process under ~~subsection (1)(a)~~, **SECTION 13B(8)**, are
 9 protective of the public health, safety, and welfare and the
 10 environment. The department may approve ~~additional response~~
 11 **DEPARTMENT SPECIFIC** activities that are more protective of the
 12 public health, safety, and welfare and the environment than
 13 required by section 20107a of the natural resources and
 14 environmental protection act, 1994 PA 451, MCL 324.20107a, if those
 15 activities provide public health or environmental benefit. In
 16 review of a work plan that includes **DEPARTMENT SPECIFIC** activities
 17 that are more protective of the public health, safety, and welfare
 18 and the environment, the department's considerations may include,
 19 but are not limited to, all of the following:

20 (i) Proposed new land use and reliability of restrictions to
 21 prevent exposure to contamination.

22 (ii) ~~Cost of implementation~~ **THE COST TO IMPLEMENT** activities
 23 minimally necessary to achieve due care compliance, the ~~incremental~~
 24 ~~cost of all additional response activities relative to the cost of~~
 25 ~~all~~ **TOTAL COST OF** response activities, and the ~~total cost of all~~
 26 ~~response~~ **INCREMENTAL COST OF DEPARTMENT SPECIFIC ACTIVITIES IN**
 27 **EXCESS OF THOSE** activities **MINIMALLY NECESSARY TO ACHIEVE DUE CARE**

1 **COMPLIANCE.**

2 (iii) Long-term obligations associated with leaving
3 contamination in place and the value of reducing or eliminating
4 these obligations.

5 (c) The estimated costs for the activities as a whole are
6 reasonable for the stated purpose. Except as provided in
7 subdivision (b), the department shall make the determination in
8 this subdivision only after the department determines that the
9 conditions in subdivisions (a) and (b) have been met.

10 (4) ~~(5)~~—If the department fails to provide a written response
11 under subsection ~~(3)~~—(2) within 60 days after receipt of a request
12 for approval of a work plan, the authority may proceed with the
13 activities as outlined in the work plan as submitted for approval.
14 Except as provided in subsection ~~(6)~~—(5), activities conducted
15 pursuant to a work plan that was submitted to the department for
16 approval but for which the department failed to provide a written
17 response under subsection ~~(3)~~—(2) shall be considered approved for
18 the purposes of subsection (1). Within 45 days after receiving
19 additional information requested from the authority under
20 subsection ~~(3)(e)~~—(2)(C), the department shall review the
21 additional information according to subsection ~~(4)~~—(3) and provide
22 1 of the responses described in subsection ~~(3)~~—(2) to the
23 requesting authority for the specific activity. If the department
24 does not provide a response to the requesting authority within 45
25 days after receiving the additional information requested under
26 subsection ~~(3)(e)~~—(2)(C), the activity is approved under
27 ~~subsection (1)~~. **SECTION 13B.**

1 (5) ~~(6)~~—The department may issue a written response to a work
2 plan more than 60 days but less than 6 months after receipt of a
3 request for approval. If the department issues a written response
4 under this subsection, the authority is not required to conduct
5 individual activities that are in addition to the individual
6 activities included in the work plan as it was submitted for
7 approval and failure to conduct these additional activities shall
8 not affect the authority's ability to capture taxes under
9 ~~subsection (1)~~—**SECTION 13B** for the eligible activities described in
10 the work plan initially submitted under subsection ~~(5)~~—**(4)**. In
11 addition, at the option of the authority, these additional
12 individual activities shall be considered part of the work plan of
13 the authority and approved for purposes of ~~subsection (1)~~—**SECTION**
14 **13B**. However, any response by the department under this subsection
15 that identifies additional individual activities that must be
16 carried out to satisfy part 201 ~~of the natural resources and~~
17 ~~environmental protection act, 1994 PA 451, MCL 324.20101 to~~
18 ~~324.20142, OR PART 213~~ must be satisfactorily completed for the
19 activities to be considered acceptable for the purposes of
20 compliance with part 201 ~~of the natural resources and environmental~~
21 ~~protection act, 1994 PA 451, MCL 324.20101 to 324.20142. OR PART~~
22 **213**.

23 (6) ~~(7)~~—If the department issues a written response under
24 subsection ~~(6)~~—**(5)** to a work plan and if the department's written
25 response modifies an individual activity proposed by the work plan
26 of the authority in a manner that reduces or eliminates a proposed
27 response activity, the authority must complete those individual

1 activities in accordance with the department's response in order
2 for that portion of the work plan to be considered approved for
3 purposes of ~~subsection (1)~~, **SECTION 13B**, unless 1 or more of the
4 following conditions apply:

5 (a) Obligations for the individual activity have been issued
6 by the authority, or by a municipality on behalf of the authority,
7 to fund the individual activity prior to issuance of the
8 department's response.

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

12 (7) ~~(8)~~—It shall be in the sole discretion of an authority to
13 propose to undertake ~~additional response~~ **DEPARTMENT SPECIFIC**
14 activities **UNDER SUBSECTION (3) (B)** at an eligible property under a
15 brownfield plan. The department shall not require a work plan to
16 include ~~additional response~~ **DEPARTMENT SPECIFIC** activities **THAT ARE**
17 **MORE PROTECTIVE OF PUBLIC HEALTH, SAFETY, WELFARE, AND THE**
18 **ENVIRONMENT.**

19 (8) ~~(9)~~—The department shall review the portion of a work plan
20 that includes ~~additional response~~ **DEPARTMENT SPECIFIC** activities in
21 accordance with subsection ~~(4)~~. **(3)**.

22 (9) ~~(10)~~—The department's approval or denial of a work plan
23 submitted under this section constitutes a final decision in regard
24 to the use of taxes levied for school operating purposes but does
25 not restrict an authority's use of tax increment revenues
26 attributable to local taxes to pay for eligible activities under a
27 brownfield plan. If a person is aggrieved by the final decision,

1 the person may appeal under section 631 of the revised judicature
2 act of 1961, 1961 PA 236, MCL 600.631.

3 ~~—— (11) Through December 31, 2012, the authority shall reimburse~~
4 ~~the department for the actual cost incurred by the department or a~~
5 ~~contractor of the department to review a work plan under subsection~~
6 ~~(1)(a) under this section. Funds paid to the department under this~~
7 ~~subsection shall be deposited in the cost recovery subaccount of~~
8 ~~the cleanup and redevelopment fund created under section 20108 of~~
9 ~~the natural resources and environmental protection act, 1994 PA~~
10 ~~451, MCL 324.20108.~~

11 ~~—— (12) The department shall submit a report each year to each~~
12 ~~member of the legislature as provided in section 16(4).~~

13 (10) ~~(13)~~To seek Michigan strategic fund approval of a work
14 plan under section ~~13(15)~~, **13B(4)**, the authority shall submit all
15 of the following for each eligible property:

16 (a) A copy of the brownfield plan.

17 (b) Current ownership information for each eligible property
18 and a summary of available information on proposed future
19 ownership, including the amount of any delinquent taxes, interest,
20 and penalties that may be due.

21 (c) A summary of available information on the historical and
22 current use of each eligible property.

23 (d) Existing and proposed future zoning for each eligible
24 property.

25 (e) A brief summary of the proposed redevelopment and future
26 use for each eligible property.

27 (f) A separate work plan, or part of a work plan, for each

1 eligible activity described in section ~~13(15)~~**13B(4)** to be
2 undertaken.

3 (g) A copy of the development agreement or reimbursement
4 agreement required under section ~~13(15)~~**13B(4)**, which shall
5 include, but is not limited to, a detailed summary of any and all
6 ownership interests, monetary considerations, fees, revenue and
7 cost sharing, charges, or other financial arrangements or other
8 consideration between the parties.

9 (11) ~~(14)~~ Upon receipt of a request for approval of a work
10 plan, the Michigan strategic fund shall provide 1 of the following
11 written responses to the requesting authority within ~~65~~**60** days:

12 (a) An unconditional approval that includes an enumeration of
13 eligible activities and a maximum allowable capture amount.

14 (b) A conditional approval that delineates specific necessary
15 modifications to the work plan, including, but not limited to,
16 individual activities to be added or deleted from the work plan and
17 revision of costs.

18 (c) A denial and a letter stating with specificity the reason
19 for the denial. If a work plan is denied under this subsection, the
20 work plan may be subsequently resubmitted.

21 (12) ~~(15)~~ In its review of a work plan under section ~~13(15)~~**,**
22 **13B(4)**, the Michigan strategic fund shall consider the following
23 criteria to the extent reasonably applicable to the type of
24 activities proposed as part of that work plan when approving or
25 denying a work plan:

26 (a) Whether the individual activities included in the work
27 plan are sufficient to complete the eligible activity.

1 (b) Whether each individual activity included in the work plan
2 is required to complete the eligible activity.

3 (c) Whether the cost for each individual activity is
4 reasonable.

5 (d) The overall benefit to the public.

6 (e) The extent of reuse of vacant buildings and redevelopment
7 of blighted property.

8 (f) Creation of jobs.

9 (g) Whether the eligible property is in an area of high
10 unemployment.

11 (h) The level and extent of contamination alleviated by or in
12 connection with the eligible activities.

13 (i) The level of private sector contribution.

14 ~~—— (j) The cost gap that exists between the site and a similar
15 greenfield site as determined by the Michigan strategic fund.~~

16 (J) ~~(k)~~ If the developer or projected occupant of the new
17 development is moving from another location in this state, whether
18 the move will create a brownfield.

19 (K) ~~(l)~~ Whether the project of the developer, landowner, or
20 corporate entity that is included in the work plan is financially
21 and economically sound.

22 (L) ~~(m)~~ Other state and local incentives available to the
23 developer, landowner, or corporate entity for the project of the
24 developer, landowner, or corporate entity that is included in the
25 work plan.

26 (M) ~~(n)~~ Any other criteria that the Michigan strategic fund
27 considers appropriate for the determination of eligibility or for

1 approval of the work plan.

2 (13) ~~(16)~~—If the Michigan strategic fund fails to provide a
3 written response under subsection ~~(14)~~—(11) within ~~65~~—60 days after
4 receipt of a request for approval of a work plan, the eligible
5 activities shall be considered approved and the authority may
6 proceed with the eligible activities described in section ~~13(15)~~
7 **13B(4)** as outlined in the work plan as submitted for approval.

8 (14) ~~(17)~~—The Michigan strategic fund approval of a work plan
9 under section ~~13(15)~~—**13B(4)** is final.

10 ~~—(18) Through December 31, 2012, the authority shall reimburse~~
11 ~~the Michigan strategic fund for the actual cost incurred by the~~
12 ~~Michigan strategic fund or a contractor of the Michigan strategic~~
13 ~~fund to review a work plan under this section.~~

14 (15) ~~(19)~~—The Michigan strategic fund shall submit a report
15 each year to each member of the legislature as provided in section
16 16(4).

17 (16) ~~(20)~~—All taxes levied for school operating purposes that
18 are not used for eligible activities consistent with a combined
19 brownfield plan or a work plan approved by the department or the
20 Michigan strategic fund or for the payment of interest under
21 ~~section~~—**SECTIONS 13 AND 13B** and that are not deposited in a local
22 ~~site remediation~~—**BROWNFIELD** revolving fund shall be distributed
23 proportionately between the local school district and the school
24 aid fund.

25 ~~—(21) An authority shall not use taxes levied for school~~
26 ~~operating purposes captured from eligible property for eligible~~
27 ~~activities for a qualified facility or for eligible activities for~~

1 ~~property located in an economic opportunity zone.~~

2 (17) ~~(22)~~ The department's approval of a work plan under
3 subsection ~~(3)(a) or (b)~~ **(2) (A) OR (B)** does not imply an
4 entitlement to reimbursement of the costs of the eligible
5 activities if the work plan is not implemented as approved.

6 (18) ~~(23)~~ The ~~applicant~~ **PARTY SEEKING WORK PLAN APPROVAL** and
7 the department can, by mutual agreement, extend the time period for
8 any review described in this section. An agreement described in
9 this subsection shall be documented in writing.

10 (19) ~~(24)~~ If a brownfield plan includes the capture of taxes
11 levied for school operating purposes, the chairperson of the
12 Michigan strategic fund may approve, **WITHOUT A MEETING OF THE FUND**
13 **BOARD**, combined brownfield plans and work plans that address
14 eligible activities described in section ~~13(15)~~ **13B(4)** totaling an
15 amount of ~~\$500,000.00~~ **\$1,000,000.00** or less according to
16 subsections **(10), (11), (12), (13), AND (14)**. ~~, (15), (16), (17),~~
17 ~~and (18).~~

18 (20) ~~(25)~~ In lieu of seeking approval of a work plan under
19 section ~~13(15) or subsection (1)(a)~~, **13B(4) OR (6) (C)**, an authority
20 may seek approval of a combined brownfield plan from the department
21 or Michigan strategic fund under this subsection as follows:

22 (a) To seek approval of a combined brownfield plan under this
23 subsection, the authority shall, at least 30 days before the
24 hearing on the combined brownfield plan to allow for consultation
25 between the authority and the department or the Michigan strategic
26 fund, provide notice that the authority will be seeking approval of
27 a combined brownfield plan in lieu of a work plan to 1 or more of

1 the following:

2 (i) The department, if the combined brownfield plan involves
3 the use of taxes levied for school operating purposes to pay for
4 eligible activities that require approval by the department under
5 ~~subsection (1) (a)~~. **SECTION 13B(6)(C)** .

6 (ii) The Michigan strategic fund, if the combined brownfield
7 plan involves the use of taxes levied for school operating purposes
8 to pay for eligible activities subject to subsection ~~(15)~~. **(12)** .

9 (b) After the governing body approves a combined brownfield
10 plan, the authority shall submit the combined brownfield plan to
11 the department under the circumstances described in subdivision
12 (a) (i) or Michigan strategic fund under the circumstances described
13 in subdivision (a) (ii) .

14 (c) The department shall review a combined brownfield plan
15 according to subdivision (e) . The Michigan strategic fund shall
16 review a combined brownfield plan according to subdivision (f) .

17 (d) Upon receipt of a combined brownfield plan under
18 subdivision (b) , the department or Michigan strategic fund shall
19 provide 1 of the following written responses to the requesting
20 authority within ~~65~~ **60** days:

21 (i) An unconditional approval that includes an enumeration of
22 eligible activities and a maximum allowable capture amount.

23 (ii) A conditional approval that delineates specific necessary
24 modifications to the combined brownfield plan, including, but not
25 limited to, individual activities to be added to or deleted from
26 the combined brownfield plan and revision of costs.

27 (iii) A denial and a letter stating with specificity the

1 reason for the denial. If a combined brownfield plan is denied
2 under this subdivision, the combined brownfield plan may be
3 subsequently resubmitted.

4 (e) The department may approve a combined brownfield plan if
5 the authority submits the information identified in subsection
6 ~~(2)(b) to (e)~~ **(1)** and if the conditions identified in subsection
7 ~~(4)~~ **(3)** are met.

8 (f) The Michigan strategic fund shall consider the criteria
9 identified in subsection ~~(15)(a) to (n)~~ **(12)** to the extent
10 reasonably applicable to the type of activities proposed as part of
11 a combined brownfield plan when approving or denying the combined
12 brownfield plan.

13 (g) If the department or Michigan strategic fund issues a
14 written response to a requesting authority under subdivision (d) *(i)*
15 or *(ii)*, the governing body or its designee may administratively
16 approve any modifications to a combined brownfield plan required by
17 the written response without the need to follow the notice and
18 approval process required by section ~~14(2)~~ **14(6)** unless the
19 modifications add 1 or more parcels of eligible property or
20 increase the maximum amount of tax increment revenues approved for
21 the project.

22 (h) If the department or Michigan strategic fund fails to
23 provide a written response under subdivision (d) within ~~65~~ **60** days
24 after receipt of a **COMPLETE** combined brownfield plan, the eligible
25 activities shall be considered approved as submitted.

26 (i) The approval of a combined brownfield plan by the
27 department or Michigan strategic fund under this subsection is

1 final.

2 Sec. 15a. (1) If the amount of tax increment revenues lost as
3 a result of the personal property tax exemptions provided by
4 section 1211(4) of the revised school code, 1976 PA 451, MCL
5 380.1211, section 3 of the state education tax act, 1993 PA 331,
6 MCL 211.903, section 14(4) of 1974 PA 198, MCL 207.564, and section
7 9k of the general property tax act, 1893 PA 206, MCL 211.9k, will
8 reduce the allowable school tax capture received in a fiscal year,
9 then, notwithstanding any other provision of this act, the
10 authority, with approval of the department of treasury under
11 subsection (3), may request the local tax collecting treasurer to
12 retain and pay to the authority taxes levied within the
13 municipality under the state education tax act, 1993 PA 331, MCL
14 211.901 to 211.906, to be used for the following:

15 (a) To repay an advance made ~~not later than 1 year after the~~
16 ~~effective date of the amendatory act that added this section.~~**BEFORE**
17 **JUNE 5, 2008.**

18 (b) To repay an obligation issued or incurred ~~not later than 1~~
19 ~~year after the effective date of the amendatory act that added this~~
20 ~~section.~~**BEFORE JUNE 5, 2008.**

21 (c) To pay or reimburse a developer or owner of eligible
22 property or a municipality that created the authority for eligible
23 activities pursuant to a development and reimbursement agreement
24 entered into ~~not later than 1 year after the effective date of the~~
25 ~~amendatory act that added this section.~~**BEFORE JUNE 5, 2008.**

26 (d) To pay for eligible activities identified in a brownfield
27 plan, or an amendment to that plan approved by board of the

1 authority ~~not later than 90 days after the effective date of the~~
2 ~~amendatory act that added this section~~ **BEFORE SEPTEMBER 3, 2008** if
3 the plan contains all of the following and the work plan for the
4 capture of school taxes has been approved ~~within 1 year after the~~
5 ~~effective date of the amendatory act that added this section~~:**BEFORE**
6 **JUNE 5, 2009:**

7 (i) A detailed description of the project.

8 (ii) A statement of the estimated cost of the project.

9 (iii) The specific location of the project.

10 (iv) The name of any developer of the project.

11 (2) Not later than June 15 of each year, or for 2013 only, ~~not~~
12 ~~later than 30 days after the effective date of the amendatory act~~
13 ~~that amended this sentence~~, **BEFORE MARCH 28, 2014**, an authority
14 eligible under subsection (1) to have taxes levied under the state
15 education tax act, 1993 PA 331, MCL 211.901 to 211.906, retained
16 and paid to the authority under this section, shall apply for
17 approval with the department of treasury. The application for
18 approval shall include the following information:

19 (a) The property tax millage rates expected to be levied by
20 local school districts within the jurisdictional area of the
21 authority for school operating purposes for that fiscal year.

22 (b) The tax increment revenues estimated to be received by the
23 authority for that fiscal year based upon actual property tax
24 levies of all taxing jurisdictions within the jurisdictional area
25 of the authority.

26 (c) The tax increment revenues the authority estimates it
27 would have received for that fiscal year if the personal property

1 tax exemptions described in subsection (1) were not in effect.

2 (d) A list of advances, obligations, development and
3 reimbursement agreements, and projects included in brownfield plans
4 described in subsection (1), and shall separately identify the
5 payments due on each of those advances, obligations, development
6 agreements, and eligible activities in that fiscal year, and the
7 total amount of all the payments due on all of those in that fiscal
8 year.

9 (e) The amount of money, other than tax increment revenues,
10 estimated to be received in that fiscal year by the authority that
11 is primarily pledged to, or would be used for, the repayment of an
12 advance, the payment of an obligation, the payment of eligible
13 activities pursuant to a development and reimbursement agreement,
14 or the payment of eligible activities identified in a brownfield
15 plan described in subsection (1). That amount shall not include
16 excess tax increment revenues of the authority that are permitted
17 by law to be retained by the authority for purposes that further
18 the development program. However, that amount shall include money
19 to be obtained from sources authorized by law, which law is enacted
20 on or after December 1, 1993, for use by the municipality or
21 authority to finance a development plan.

22 (f) The amount of a distribution received pursuant to this act
23 for a fiscal year in excess of or less than the distribution that
24 would have been required if calculated upon actual tax increment
25 revenues received for that fiscal year.

26 (3) Not later than August 15 **OF EACH YEAR**, based on the
27 calculations under subsection (5), the department of treasury shall

1 approve, modify, or deny the application for approval to have taxes
2 levied under the state education tax act, 1993 PA 331, MCL 211.901
3 to 211.906, retained and paid to the authority under this section.
4 If the application for approval contains the information required
5 under subsection (2) (a) through (f) and appears to be in
6 substantial compliance with the provisions of this section, then
7 the department of treasury shall approve the application. If the
8 application is denied by the department of treasury, then the
9 department of treasury shall provide the opportunity for a
10 representative of the authority to discuss the denial within 21
11 days after the denial occurs and shall sustain or modify its
12 decision within 30 days after receiving information from the
13 authority. If the application for approval is approved or modified
14 by the department of treasury, the local tax collecting treasurer
15 shall retain and pay to the authority the amount described in
16 subsection (5) as approved by the department of treasury. If the
17 department of treasury denies the authority's application for
18 approval, the local tax collecting treasurer shall not retain or
19 pay to the authority the taxes levied under the state education tax
20 act, 1993 PA 331, MCL 211.901 to 211.906. An approval by the
21 department does not prohibit a subsequent audit of taxes retained
22 in accordance with the procedures currently authorized by law.

23 (4) Each year the legislature shall appropriate and distribute
24 an amount sufficient to pay each authority the following:

25 (a) If the amount to be retained and paid under subsection (3)
26 is less than the amount calculated under subsection (5), the
27 difference between those amounts.

1 (b) If the application for approval is denied by the
2 department of treasury, an amount verified by the department equal
3 to the amount calculated under subsection (5).

4 (5) Subject to subsection (6), the aggregate amount under this
5 section shall be the sum of the amounts determined under
6 subdivisions (a) and (b) minus the amount determined under
7 subdivision (c), as follows:

8 (a) The amount by which the tax increment revenues the
9 authority would have received and retained for the fiscal year,
10 excluding taxes exempt under section 7ff of the general property
11 tax act, 1893 PA 206, MCL 211.7ff, if the personal property tax
12 exemptions described in subsection (1) were not in effect, exceed
13 the tax increment revenues the authority actually received for the
14 fiscal year.

15 (b) A shortfall required to be reported under subsection
16 (2)(f) that had not previously increased a distribution.

17 (c) An excess amount required to be reported under subsection
18 (2)(f) that had not previously decreased a distribution.

19 (6) A distribution or taxes retained under this section
20 replacing tax increment revenues pledged by an authority or a
21 municipality are subject to any lien of the pledge described in
22 subsection (1), whether or not there has been physical delivery of
23 the distribution.

24 (7) Obligations for which distributions are made under this
25 section are not a debt or liability of this state; do not create or
26 constitute an indebtedness, liability, or obligation of this state;
27 and are not and do not constitute a pledge of the faith and credit

1 of this state.

2 (8) Not later than September 15 of each year, the authority
3 shall provide a copy of the application for approval approved by
4 the department of treasury to the local tax collecting treasurer
5 and provide the amount of the taxes retained and paid to the
6 authority under subsection (5).

7 (9) Calculations of amounts retained and paid and
8 appropriations to be distributed under this section shall be made
9 on the basis of each development area of the authority.

10 (10) The state tax commission may provide that the
11 calculations under this section and the calculation of allowable
12 capture of school taxes shall be made for each calendar year's tax
13 increment revenues using a 12-month debt payment period used by the
14 authority and approved by the state tax commission.

15 (11) It is the intent of the legislature that, to the extent
16 that the total amount of taxes levied under the state education tax
17 act, 1993 PA 331, MCL 211.901 to 211.906, that are allowed to be
18 retained under this section and section 11b of the local
19 development financing act, 1986 PA 281, MCL 125.2161b, section 12b
20 of the tax increment finance authority act, 1980 PA 450, MCL
21 125.1812b, and section 13c of 1975 PA 197, MCL 125.1663c, exceeds
22 the difference of the total school aid fund revenue for the tax
23 year minus the estimated amount of revenue the school aid fund
24 would have received for the tax year had the tax exemptions
25 described in subsection (1) and the earmark created by section 515
26 of the Michigan business tax act, 2007 PA 36, MCL 208.1515, not
27 taken effect, the general fund shall reimburse the school aid fund

1 the difference.

2 (12) As used in this section:

3 (a) "Advance" means that term as defined in section 1 of 1975
4 PA 197, MCL 125.1651.

5 (b) "Obligation" means that term as defined in section 1 of
6 1975 PA 197, MCL 125.1651.

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

10 (2) The authority shall expend the tax increment revenues
11 received only in accordance with the brownfield plan. All surplus
12 funds not deposited in the local ~~site remediation~~ **BROWNFIELD**
13 revolving fund of the authority under section ~~13(5)-8~~ shall revert
14 proportionately to the respective taxing bodies, except as provided
15 in section ~~15(20)-15(16)~~.

16 (3) The authority shall submit annually to the governing body,
17 the department, and the Michigan strategic fund a financial report
18 on the status of the activities of the authority for each calendar
19 year. The report shall include all of the following:

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

21 (b) The amount and purpose of expenditures of tax increment
22 revenues.

23 (c) The amount of principal and interest on all outstanding
24 indebtedness.

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

27 (e) The captured taxable value realized by the authority for

1 each eligible property subject to the brownfield plan.

2 (f) The amount of actual capital investment made for each
3 project.

4 (g) The amount of tax increment revenues attributable to taxes
5 levied for school operating purposes used for activities described
6 in section ~~15(1)(a) and 13B(6)(C)~~, section ~~2(n)(vi)~~. **2(N)(i)(H)**,
7 **AND SECTION 2(N)(ii)(B) AND (C)**.

8 (h) The number of residential units constructed or
9 rehabilitated for each project.

10 (i) The amount, by square foot, of new or rehabilitated
11 residential, retail, commercial, or industrial space for each
12 project.

13 (j) The number of new jobs created at the project.

14 (k) All additional information that the governing body, the
15 department, or the Michigan strategic fund considers necessary.

16 (4) The department and the Michigan strategic fund shall
17 collect the financial reports submitted under subsection (3),
18 compile a combined report, which includes the use of local taxes,
19 taxes levied for school operating purposes, and the state
20 brownfield redevelopment fund, based on the information contained
21 in those reports and any additional information considered
22 necessary, and submit annually a report based on that information
23 to each member of the legislature.

24 (5) Beginning on January 1, 2013, all of the following
25 reporting obligations apply:

26 (a) The department shall on a quarterly basis post on its
27 website the name, location, and amount of tax increment revenues,

1 including taxes levied for school operating purposes, for each
2 project approved by the department under this act during the
3 immediately preceding quarter.

4 (b) The Michigan strategic fund shall on a quarterly basis
5 post on its website the name, location, and amount of tax increment
6 revenues, including taxes levied for school operating purposes, for
7 each project approved by the Michigan strategic fund under this act
8 during the immediately preceding quarter.

9 (6) In addition to any other requirements under this act, not
10 less than once every 3 years beginning not later than June 30,
11 2008, the auditor general shall conduct and report a performance
12 postaudit on the effectiveness of the program established under
13 this act. As part of the performance postaudit, the auditor general
14 shall assess the extent to which the implementation of the program
15 by the department and the Michigan strategic fund facilitate and
16 affect the redevelopment or reuse of eligible property and identify
17 any factors that inhibit the program's effectiveness. The
18 performance postaudit shall also assess the extent to which the
19 interpretation of statutory language, the development of guidance
20 or administrative rules, and the implementation of the program by
21 the department and the Michigan strategic fund is consistent with
22 the fundamental objective of facilitating and supporting timely and
23 efficient brownfield redevelopment of eligible properties.

24 (7) The owner or developer for an active project included
25 within a brownfield plan must annually submit to the authority a
26 report on the status of the project. The report shall be in a form
27 developed by the authority and must contain information necessary

1 for the authority to report under subsection (3)(f), (h), (i), (j),
2 and (k). The authority may waive the requirement to submit a report
3 under this subsection. As used in this subsection, "active project"
4 means a project for which the authority is currently capturing
5 taxes under this act.

6 ~~—— (8) A brownfield plan or plan amendment may be abolished or~~
7 ~~terminated according to this subsection subject to all of the~~
8 ~~following:~~

9 ~~—— (a) The governing body may abolish a brownfield plan when it~~
10 ~~finds that the purposes for which the plan was established are~~
11 ~~accomplished.~~

12 ~~—— (b) The governing body may terminate a brownfield plan or plan~~
13 ~~amendment for an eligible property if the project for which~~
14 ~~eligible activities were identified in the brownfield plan or plan~~
15 ~~amendment fails to occur with respect to the eligible property for~~
16 ~~at least 5 years following the date of the resolution approving the~~
17 ~~brownfield plan or plan amendment.~~

18 ~~—— (c) If a brownfield plan or plan amendment is terminated under~~
19 ~~subdivision (b), the governing body may approve a new brownfield~~
20 ~~plan or plan amendment for the eligible property under which tax~~
21 ~~increment revenues may be captured for up to 30 years as provided~~
22 ~~in section 13(22).~~

23 ~~—— (d) Notwithstanding anything in this subsection to the~~
24 ~~contrary, a brownfield plan or plan amendment shall not be~~
25 ~~abolished or terminated until the principal and interest on bonds~~
26 ~~issued under section 17 and all other obligations to which the tax~~
27 ~~increment revenues are pledged have been paid or funds sufficient~~

1 ~~to make the payment have been identified or segregated.~~

2 Enacting section 1. Sections 21 and 22 of the brownfield
3 redevelopment financing act, 1996 PA 381, MCL 125.2671 and
4 125.2672, are repealed.

5 Enacting section 2. This amendatory act takes effect 90 days
6 after the date it is enacted into law.