

# SENATE BILL No. 908

April 21, 2016, Introduced by Senator SCHMIDT and referred to the Committee on Commerce.

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:**

Sec. 2. As used in this act:

~~(a) "Additional response activities" means response activities identified as part of a brownfield plan that are in addition to baseline environmental assessment activities and due care~~

1 ~~activities for an eligible property.~~

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

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

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

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

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

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

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

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

23 (v) Is tax reverted property owned by a qualified local  
24 governmental unit, by a county, or by this state. The sale, lease,  
25 or transfer of tax reverted property by a qualified local  
26 governmental unit, county, or this state after the property's  
27 inclusion in a brownfield plan shall not result in the loss to the

1 property of the status as blighted property for purposes of this  
2 act.

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

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

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

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

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

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

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

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

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

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

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

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

27           (iii) DISPOSAL OF SOLID WASTE, AS DEFINED IN PART 115 OF THE

1 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,  
2 MCL 324.11501 TO 324.11554, FROM THE ELIGIBLE PROPERTY, PROVIDED IT  
3 WAS NOT GENERATED OR ACCUMULATED BY THE AUTHORITY OR THE DEVELOPER.

4 (iv) DUST CONTROL RELATED TO CONSTRUCTION ACTIVITIES.

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

9 (vi) INDUSTRIAL CLEANING.

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

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

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

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

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

27 (ii) That contain or contained a manufacturing facility

1 **OPERATION** that consists or consisted of 500,000 or more square  
2 feet.

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

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

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

11 ~~(ii) Due care activities.~~

12 ~~(iii) Additional response activities.~~

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

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

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

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

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

27 (D) **REASONABLE COSTS INCURRED TO DEVELOP AND PREPARE**

1 BROWNFIELD PLANS, COMBINED BROWNFIELD PLANS, OR WORK PLANS FOR THE  
2 ELIGIBLE PROPERTY, INCLUDING LEGAL AND CONSULTING FEES THAT ARE NOT  
3 IN THE ORDINARY COURSE OF ACQUIRING AND DEVELOPING REAL ESTATE.

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

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

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

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

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

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

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

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

26 (iii) FOR ELIGIBLE PROPERTIES THAT ARE OWNED OR UNDER THE  
27 CONTROL OF A LAND BANK FAST TRACK AUTHORITY, OR A QUALIFIED LOCAL

1 UNIT OF GOVERNMENT OR AUTHORITY, ELIGIBLE ACTIVITIES INCLUDE:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

1 estimated to increase the captured taxable value of that property.

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

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

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

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

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

24 (vi) ~~(vii) Is located north of the 45th parallel, is a~~  
 25 ~~facility, functionally obsolete, or blighted, and the owner or~~  
 26 ~~operator makes new capital investment of \$250,000,000.00 or more in~~  
 27 ~~this state. Eligible property does not include qualified~~

1 agricultural property exempt under section 7ee of the general  
2 property tax act, 1893 PA 206, MCL 211.7ee, from the tax levied by  
3 a local school district for school operating purposes to the extent  
4 provided under section 1211 of the revised school code, 1976 PA  
5 451, MCL 380.1211.

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

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

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

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

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

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

24 (S) "FORMER MILL" MEANS A FORMER MILL THAT HAS NOT BEEN USED  
25 FOR INDUSTRIAL PURPOSES FOR THE IMMEDIATELY PRECEDING 2 YEARS, THAT  
26 IS NOT LOCATED IN A QUALIFIED LOCAL GOVERNMENTAL UNIT, THAT IS A  
27 FACILITY OR IS A SITE OR A PROPERTY AS THOSE TERMS ARE DEFINED IN

1 PART 213, FUNCTIONALLY OBSOLETE, OR BLIGHTED, AND THAT IS LOCATED  
2 ALONG A RIVER THAT IS A FEDERAL SUPERFUND SITE LISTED UNDER THE  
3 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY  
4 ACT OF 1980, 42 USC 9601 TO 9675, AND THAT IS LOCATED IN A CITY  
5 WITH A POPULATION OF LESS THAN 10,000.

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

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

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

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

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

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

15 (i) Underground parking.

16 (ii) Multilevel parking structures.

17 (iii) Urban storm water management systems.

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

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

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

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

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

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

20 (i) A city.

21 (ii) A village.

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

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

27 (v) A county.

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

4           (i) An ownership interest in the property.

5           (ii) A tax lien on the property.

6           (iii) A tax deed to the property.

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

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

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

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

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

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

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

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

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

26           (FF) ~~(dd)~~ "Qualified local governmental unit" means that term  
 27 as defined in the obsolete property rehabilitation act, 2000 PA



1 146, MCL 125.2781 to 125.2797.

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

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

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

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

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

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

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

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

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

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

26           (ii) For tax increment revenues attributable to eligible  
27 property also exclude the amount of ad valorem property taxes or

1 specific taxes captured by a downtown development authority, tax  
 2 increment finance authority, or local development finance authority  
 3 if those taxes were captured by these other authorities on the date  
 4 that eligible property became subject to a brownfield plan under  
 5 this act.

6 (iii) Ad valorem property taxes levied under 1 or more of the  
 7 following or specific taxes attributable to those ad valorem  
 8 property taxes:

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

11 (B) The art institute authorities act, 2010 PA 296, MCL  
 12 123.1201 to 123.1229.

13 **(NN)** ~~(jj)~~ "Taxable value" means the value determined under  
 14 section 27a of the general property tax act, 1893 PA 206, MCL  
 15 211.27a.

16 **(OO)** ~~(kk)~~ "Taxes levied for school operating purposes" means  
 17 all of the following:

18 (i) The taxes levied by a local school district for operating  
 19 purposes.

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

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

24 **(PP)** ~~(ll)~~ "Transit-oriented development" means infrastructure  
 25 improvements that are located within 1/2 mile of a transit station  
 26 or transit-oriented ~~facility~~ **PROPERTY** that promotes transit  
 27 ridership or passenger rail use as determined by the board and

1 approved by the municipality in which it is located.

2 (QQ) ~~(mm)~~ "Transit-oriented ~~facility~~ **PROPERTY**" means a  
3 ~~facility~~ **PROPERTY** that houses a transit station in a manner that  
4 promotes transit ridership or passenger rail use.

5 (RR) ~~(nn)~~ "Work plan" means a plan that describes each  
6 individual activity to be conducted to complete eligible activities  
7 and the associated costs of each individual activity.

8 (SS) ~~(oo)~~ "Zone" means, for an authority established before  
9 June 6, 2000, a brownfield redevelopment zone designated under this  
10 act.

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

20 (2) An authority with zones established before ~~the effective~~  
21 ~~date of the amendatory act that added this subsection JUNE 6, 2000~~  
22 may alter or amend the boundaries of those zones if the authority  
23 holds a public hearing on the alteration or amendment using the  
24 procedures under section 4(2), (3), and (4).

25 (3) The authority shall be a public body corporate that may  
26 sue and be sued in a court of competent jurisdiction. The authority  
27 possesses all the powers necessary to carry out the purpose of its

1 incorporation. The enumeration of a power in this act is not a  
2 limitation upon the general powers of the authority. The powers  
3 granted in this act to an authority may be exercised whether or not  
4 bonds are issued by the authority.

5 (4) An authority established by a county shall exercise its  
6 powers with respect to eligible property within a city, village, or  
7 township within the county only if that city, village, or township  
8 has concurred with the provisions of a brownfield plan that apply  
9 to that eligible property within the city, village, or township.

10 (5) A city, village, or township including a city, village, or  
11 township that is a qualified local governmental unit may enter into  
12 a written agreement with the county in which that city, village, or  
13 township is located to exercise the powers granted to that specific  
14 city, village, or township under this act.

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

18 (2) In the resolution of intent, the governing body shall set  
19 a date for holding a public hearing on the adoption of a proposed  
20 resolution creating the authority. The notice of the public hearing  
21 shall state the date, time, and place of the hearing. At that  
22 hearing, a citizen, taxpayer, official from a taxing jurisdiction  
23 whose millage may be subject to capture under a brownfield plan, or  
24 property owner of the municipality has the right to be heard in  
25 regard to the establishment of the authority.

26 (3) Not more than 30 days after the public hearing, if the  
27 governing body intends to proceed with the establishment of the

1 authority, the governing body shall adopt, by majority vote of its  
2 members elected and serving, a resolution establishing the  
3 authority. The adoption of the resolution is subject to all  
4 applicable statutory or charter provisions with respect to the  
5 approval or disapproval by the chief executive or other officer of  
6 the municipality and the adoption of a resolution over his or her  
7 veto. This resolution shall be filed with the secretary of state  
8 promptly after its adoption.

9 (4) The proceedings establishing an authority shall be  
10 presumptively valid unless contested in a court of competent  
11 jurisdiction within 60 days after the filing of the resolution with  
12 the secretary of state.

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

17 ~~—— (6) If the board implements or modifies a brownfield plan that~~  
18 ~~contains a qualified facility, the governing body shall mail notice~~  
19 ~~of that implementation or modification to each taxing jurisdiction~~  
20 ~~that levies ad valorem property taxes in the municipality. Not more~~  
21 ~~than 60 days after receipt of that notice, the governing body of a~~  
22 ~~taxing jurisdiction levying ad valorem property taxes that would~~  
23 ~~otherwise be subject to capture may exempt its taxes from capture~~  
24 ~~by adopting a resolution to that effect and filing a copy with the~~  
25 ~~clerk of the municipality in which the qualified facility is~~  
26 ~~located. The resolution takes effect when filed with that clerk and~~  
27 ~~remains effective until a copy of a resolution rescinding that~~

1 ~~resolution is filed with that clerk.~~

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

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

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

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

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

16 (e) On terms and conditions and in a manner and for  
17 consideration the authority considers proper or for no monetary  
18 consideration, own, mortgage, convey, or otherwise dispose of, or  
19 lease as lessor or lessee, land and other property, real or  
20 personal, or rights or interests in the property, that the  
21 authority determines are reasonably necessary to achieve the  
22 purposes of this act, and grant or acquire licenses, easements, and  
23 options with respect to the property.

24 (f) Acquire, maintain, repair, or operate all devices  
25 necessary to ensure continued eligible activities on eligible  
26 property.

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

1 things of value from a public or private source.

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

5 (i) Study, develop, and prepare the reports or plans the  
6 authority considers necessary to assist it in the exercise of its  
7 powers under this act and to monitor and evaluate the progress  
8 under this act.

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

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

14 (l) Make loans, participate in the making of loans, undertake  
15 commitments to make loans and mortgages, buy and sell loans and  
16 mortgages at public or private sale, rewrite loans and mortgages,  
17 discharge loans and mortgages, foreclose on a mortgage, commence an  
18 action to protect or enforce a right conferred upon the authority  
19 by a law, mortgage, loan, contract, or other agreement, bid for and  
20 purchase property that was the subject of the mortgage at a  
21 foreclosure or other sale, acquire and take possession of the  
22 property and in that event compute, administer, pay the principal  
23 and interest on obligations incurred in connection with that  
24 property, and dispose of and otherwise deal with the property, in a  
25 manner necessary or desirable to protect the interests of the  
26 authority.

27 (m) Borrow money and issue its bonds and notes under the



1 revised municipal finance act, 2001 PA 34, MCL 141.2101 to  
2 141.2821, in anticipation of collection of tax increment revenues.

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

6 (2) The authority shall determine the captured taxable value  
7 of each parcel of eligible property. The captured taxable value of  
8 a parcel shall not be less than zero.

9 (3) A municipality may transfer the funds of the municipality  
10 to an authority or to another person on behalf of the authority in  
11 anticipation of repayment by the authority.

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

17 (A) **FUNDS** appropriated or otherwise made available from public  
18 or private sources.

19 (B) **ADDITIONAL LOCAL TAX AND SCHOOL OPERATING TAX INCREMENT**  
20 **REVENUE CAPTURED UNDER AN APPROVED BROWNFIELD PLAN FROM AN ELIGIBLE**  
21 **PROPERTY IN EXCESS OF THE AMOUNT AUTHORIZED FOR ELIGIBLE EXPENSES**  
22 **UNDER SECTIONS 13(4) AND 13B(4) ONLY WHEN ALL OF THE FOLLOWING**  
23 **CONDITIONS ARE MET:**

24 (i) **THE EXCESS CAPTURE OCCURS DURING THE TIME OF CAPTURE FOR**  
25 **THE PURPOSE OF PAYING THE COSTS PERMITTED UNDER SECTION 13(4) .**

26 (ii) **THE EXCESS CAPTURE OCCURS FOR NOT MORE THAN 5 YEARS AFTER**  
27 **THE TIME THAT CAPTURE IS REQUIRED FOR THE PURPOSE OF PAYING THE**

1 COSTS PERMITTED UNDER SECTION 13(4).

2 (iii) THE EXCESS CAPTURE SHALL NOT EXCEED THE TOTAL OF THE  
3 COST OF ELIGIBLE ACTIVITIES APPROVED IN THE BROWNFIELD PLAN.

4 (2) WHEN THE EXCESS CAPTURE OCCURS AFTER THE TIME THAT CAPTURE  
5 IS REQUIRED FOR THE PURPOSE OF PAYING THE COSTS PERMITTED UNDER  
6 SECTIONS 13(4) AND 13B(4) AS DESCRIBED IN SUBDIVISION (B) (ii), IT  
7 REMAINS SUBJECT TO THE 3-MILL CAPTURE SPECIFIED IN SECTION 13B(12).

8 (3) THE TAX INCREMENT REVENUES FROM ELIGIBLE PROPERTY FOR  
9 DEPOSIT IN THE LOCAL BROWNFIELD REVOLVING FUND MAY INCLUDE TAX  
10 INCREMENT REVENUES ATTRIBUTABLE TO TAXES LEVIED FOR SCHOOL  
11 OPERATING PURPOSES IN AN AMOUNT NOT GREATER THAN THE TAX INCREMENT  
12 REVENUES LEVIED FOR SCHOOL OPERATING PURPOSES CAPTURED FROM THE  
13 ELIGIBLE PROPERTY PURSUANT TO SECTION 13(4).

14 (4) ~~(2)~~—The local ~~site remediation~~ BROWNFIELD revolving fund  
15 may be used only to pay the costs of eligible activities on  
16 eligible property that is located within the municipality.

17 (5) ~~(3)~~—An authority or a municipality on behalf of an  
18 authority may incur an obligation for the purpose of funding a  
19 local ~~site remediation~~ BROWNFIELD revolving fund.

20 Sec. 8a. (1) The state brownfield redevelopment fund is  
21 created as a revolving fund within the department of treasury to be  
22 administered as provided in this section. The state treasurer shall  
23 direct the investment of the state brownfield redevelopment fund.  
24 Money in the state brownfield redevelopment fund at the close of  
25 the fiscal year shall remain in the state brownfield redevelopment  
26 fund and shall not lapse to the general fund.

27 (2) The state treasurer shall credit to the fund money from

1 the following sources:

2 (a) All amounts deposited into the state brownfield  
3 redevelopment fund under section ~~13(21)~~-**13B(12)**.

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

6 (c) Interest on funds deposited into the state brownfield  
7 redevelopment fund.

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

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

11 (a) ~~TO~~ **UP TO 15% OF THE AMOUNTS DEPOSITED ANNUALLY INTO THE**  
12 **STATE BROWNFIELD REDEVELOPMENT FUND MAY BE USED TO** pay  
13 administrative costs of all of the following:

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

15 (ii) The department to implement this act.

16 (iii) The department to implement part 196 of the natural  
17 resources and environmental protection act, 1994 PA 451, MCL  
18 324.19601 to 324.19616.

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

22 **(B)** ~~(e)~~ To make deposits into the clean Michigan initiative  
23 bond fund under section 19606(2)(d) of the natural resources and  
24 environmental protection act, 1994 PA 451, MCL 324.19606, for use  
25 in providing grants and loans under ~~part 196~~ **SECTION**  
26 **19608(1)(A)(iv)** of the natural resources and environmental  
27 protection act, 1994 PA 451, MCL ~~324.19601 to 324.19616~~-**324.19608**.

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

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

10 (i) ~~(a)~~ The Michigan strategic fund shall create and operate a  
11 grant and loan program to provide grants and loans to fund eligible  
12 activities described in section ~~13(15)~~-**13B(4)** on eligible property.  
13 The Michigan strategic fund shall develop and use a detailed  
14 application, approval, and compliance process adopted by resolution  
15 of the board of the Michigan strategic fund. This process shall be  
16 published and available on the Michigan strategic fund website.  
17 Program standards, guidelines, templates, or any other forms to  
18 implement the grant and loan program shall be approved by the board  
19 of the Michigan strategic fund. The Michigan strategic fund may  
20 delegate its approval authority under this subsection to a  
21 designee.

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

25 (iii) ~~(c)~~ The Michigan strategic fund shall approve or deny an  
26 application not more than ~~90~~-**60** days after receipt of an  
27 administratively complete application. If the application is

1 neither approved nor denied within ~~90~~60 days, it shall be  
2 considered by the board of the Michigan strategic fund, or its  
3 designee if delegated, for action at, or by, the next regularly  
4 scheduled board meeting. The Michigan strategic fund may delegate  
5 the approval or denial of an application to the chairperson of the  
6 Michigan strategic fund or other designees determined by the board.

7 (iv) ~~(d)~~—When an application is approved under this  
8 subsection, the Michigan strategic fund shall enter into a written  
9 agreement with the applicant. The written agreement shall provide  
10 all the conditions imposed on the applicant and the terms of the  
11 grant or loan. The written agreement shall also provide for  
12 penalties if the applicant fails to comply with the provisions of  
13 the written agreement.

14 (v) ~~(e)~~—After the Michigan strategic fund and the applicant  
15 have entered into a written agreement under ~~subdivision (d)~~,  
16 **SUBPARAGRAPH (iv)**, the Michigan strategic fund shall distribute the  
17 proceeds to the applicant according to the terms of the written  
18 agreement.

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

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

26 (a) Contributions, contractual payments, or appropriations to  
27 the authority for the performance of its functions or to pay the

1 costs of a brownfield plan of the authority.

2 (b) Revenues from a property, building, or facility owned,  
3 leased, licensed, or operated by the authority or under its  
4 control, subject to the limitations imposed upon the authority by  
5 trusts or other agreements.

6 (c) Subject to the limitations imposed under sections 8, 13,  
7 **13B**, and 15, 1 or both of the following:

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

10 (ii) Proceeds of tax increment bonds and notes issued under  
11 section 17.

12 (d) Proceeds of revenue bonds and notes issued under section  
13 12.

14 (e) Revenue available in the local ~~site remediation~~ **BROWNFIELD**  
15 revolving fund for the costs described in section 8.

16 (f) Money obtained from all other sources approved by the  
17 governing body of the municipality or otherwise authorized by law  
18 for use by the authority or the municipality to finance activities  
19 authorized under this act.

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

22 **(2) ~~(1)~~** Subject to section 15, the board may implement a  
23 brownfield plan. The brownfield plan may apply to 1 or more parcels  
24 of eligible property whether or not those parcels of eligible  
25 property are contiguous and may be amended to apply to additional  
26 parcels of eligible property. Except as otherwise authorized by  
27 this act, if more than 1 eligible property is included within the

1 plan, the tax increment revenues under the plan shall be determined  
2 individually for each eligible property. Each plan or an amendment  
3 to a plan shall be approved by the governing body of the  
4 municipality and shall contain all of the following:

5 (a) A description of the costs of the plan intended to be paid  
6 for with the tax increment revenues or, for a plan for eligible  
7 properties qualified on the basis that the property is owned or  
8 under the control of a land bank fast track authority, a listing of  
9 all eligible activities that may be conducted for 1 or more of the  
10 eligible properties subject to the plan.

11 (b) A brief summary of the eligible activities that are  
12 proposed for each eligible property or, for a plan for eligible  
13 properties qualified on the basis that the property is owned **BY** or  
14 under the control of a land bank fast track authority, a brief  
15 summary of eligible activities conducted for 1 or more of the  
16 eligible properties subject to the plan.

17 (c) An estimate of the captured taxable value and tax  
18 increment revenues for each year of the plan from the eligible  
19 property. The plan may provide for the use of part or all of the  
20 captured taxable value, including deposits in the local ~~site~~  
21 ~~remediation~~-**BROWNFIELD** revolving fund, but the portion intended to  
22 be used shall be clearly stated in the plan. The plan shall not  
23 provide either for an exclusion from captured taxable value of a  
24 portion of the captured taxable value or for an exclusion of the  
25 tax levy of 1 or more taxing jurisdictions unless the tax levy is  
26 excluded from tax increment revenues in section ~~2(ii)~~, **2(MM)**, or  
27 unless the tax levy is excluded from capture under section 15.

1 (d) The method by which the costs of the plan will be  
2 financed, including a description of any advances made or  
3 anticipated to be made for the costs of the plan from the  
4 municipality.

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

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

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

14 (h) A legal description of the eligible property to which the  
15 plan applies, a map showing the location and dimensions of each  
16 eligible property, a statement of the characteristics that qualify  
17 the property as eligible property, and a statement of whether  
18 personal property is included as part of the eligible property. If  
19 the project is on property that is functionally obsolete, the  
20 taxpayer shall include, with the application, an affidavit signed  
21 by a level 3 or level 4 assessor, that states that it is the  
22 assessor's expert opinion that the property is functionally  
23 obsolete and the underlying basis for that opinion.

24 (i) Estimates of the number of persons residing on each  
25 eligible property to which the plan applies and the number of  
26 families and individuals to be displaced. If occupied residences  
27 are designated for acquisition and clearance by the authority, the



1 plan shall include a demographic survey of the persons to be  
 2 displaced, a statistical description of the housing supply in the  
 3 community, including the number of private and public units in  
 4 existence or under construction, the condition of those in  
 5 existence, the number of owner-occupied and renter-occupied units,  
 6 the annual rate of turnover of the various types of housing and the  
 7 range of rents and sale prices, an estimate of the total demand for  
 8 housing in the community, and the estimated capacity of private and  
 9 public housing available to displaced families and individuals.

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

12 (k) Provision for the costs of relocating persons displaced by  
 13 implementation of the plan, and financial assistance and  
 14 reimbursement of expenses, including litigation expenses and  
 15 expenses incident to the transfer of title, in accordance with the  
 16 standards and provisions of the uniform relocation assistance and  
 17 real property acquisition policies act of 1970, Public Law 91-646.

18 (l) A strategy for compliance with 1972 PA 227, MCL 213.321 to  
 19 213.332.

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

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

24 (3) ~~(2)~~ **The WHEN TAXES LEVIED FOR SCHOOL OPERATING PURPOSES**  
 25 **ARE SUBJECT TO CAPTURE UNDER SECTION 15, THE** percentage of all  
 26 taxes levied on a parcel of eligible property for school operating  
 27 expenses that is captured and used under a brownfield plan ~~and all~~

1 ~~tax increment finance plans under 1975 PA 197, MCL 125.1651 to~~  
 2 ~~125.1681, the tax increment finance authority act, 1980 PA 450, MCL~~  
 3 ~~125.1801 to 125.1830, or the local development financing act, 1986~~  
 4 ~~PA 281, MCL 125.2151 to 125.2174,~~ shall not be greater than the  
 5 ~~combination of the plans' percentage capture and use of all local~~  
 6 ~~taxes levied for purposes~~ **UNDER THE BROWNFIELD PLAN** other than for  
 7 the payment of principal of and interest on either obligations  
 8 approved by the electors or obligations pledging the unlimited  
 9 taxing power of the local unit of government. ~~This subsection shall~~  
 10 ~~apply only when taxes levied for school operating purposes are~~  
 11 ~~subject to capture under section 15.~~

12 (4) ~~(3)~~ Except as provided in ~~this subsection (5) and~~  
 13 ~~subsections (5), (15), and (16),~~ **SECTIONS 8 AND 13B(4) AND (5),** tax  
 14 increment revenues related to a brownfield plan shall be used only  
 15 for ~~costs~~ **1 OR MORE OF THE FOLLOWING:**

16 (A) **COSTS** of eligible activities attributable to the eligible  
 17 property, ~~the captured taxable value of which~~ **THAT** produces the  
 18 tax increment revenues. ~~, including the cost of principal of and~~  
 19 ~~interest on any obligation issued by the authority to pay the costs~~  
 20 ~~of eligible~~

21 (B) **ELIGIBLE** activities attributable to ~~the~~ **ANY** eligible  
 22 property, ~~and the reasonable costs of preparing a brownfield plan,~~  
 23 ~~combined brownfield plan, or a work plan for the eligible property.~~  
 24 ~~For~~ **FOR** property **THAT IS** owned **BY** or under the control of a land  
 25 bank fast track authority, ~~tax increment revenues related to a~~  
 26 ~~brownfield plan may be used for eligible activities attributable to~~  
 27 ~~any eligible property owned or under the control of the land bank~~

1 ~~fast track authority, the cost of principal of and interest on any~~  
 2 ~~obligation issued by the authority to pay the costs of eligible~~  
 3 ~~activities, the reasonable costs of preparing a combined brownfield~~  
 4 ~~plan or work plan. Except as provided in subsection (18), tax~~  
 5 ~~increment revenues captured from taxes levied by this state under~~  
 6 ~~the state education tax act, 1993 PA 331, MCL 211.901 to 211.906,~~  
 7 ~~or taxes levied by a local school district shall not be used for~~  
 8 ~~eligible activities described in section 2(n)(iv)(E).~~ **OR A QUALIFIED**  
 9 **LOCAL UNIT OF GOVERNMENT.**

10 (5) ~~(4) Except as provided in subsection (5), a~~ **A** brownfield  
 11 plan shall not authorize the capture of tax increment revenue from  
 12 eligible property after the year in which the total amount of tax  
 13 increment revenues captured is equal to the sum of the costs  
 14 permitted to be funded with tax increment revenues under this act,  
 15 ~~EXCEPT THAT A BROWNFIELD PLAN MAY AUTHORIZE THE CAPTURE OF~~  
 16 **ADDITIONAL LOCAL AND SCHOOL OPERATING TAX INCREMENT REVENUE FROM AN**  
 17 **ELIGIBLE PROPERTY IF 1 OR MORE OF THE FOLLOWING APPLY:**

18 (A) ~~(5) A brownfield plan may authorize the capture of~~  
 19 ~~additional tax increment revenue from an eligible property in~~  
 20 ~~excess of the amount authorized under subsection (4) during~~ **DURING**  
 21 the time of capture **DESCRIBED IN THIS SUBSECTION** for the purpose of  
 22 paying the costs permitted under subsection ~~(3), (4)~~ or ~~for~~ **SECTION**  
 23 **13B(4).**

24 (B) **FOR** not more than 5 years after the ~~time that capture is~~  
 25 ~~required for the purpose of paying the costs permitted under~~  
 26 ~~subsection (3), or both. Excess revenues captured under this~~  
 27 ~~subsection shall be deposited~~ **DATE SPECIFIED** in **SUBDIVISION (A),**

1 **FOR PAYMENT TO** the local ~~site remediation~~ **BROWNFIELD** revolving fund  
2 created under section 8. and used for the purposes authorized in  
3 section 8. If tax increment revenues attributable to taxes levied  
4 for school operating purposes from eligible property are captured  
5 by the authority for purposes authorized under subsection (3), the  
6 tax increment revenues captured for deposit in the local site  
7 remediation revolving fund also may include tax increment revenues  
8 attributable to taxes levied for school operating purposes in an  
9 amount not greater than the tax increment revenues levied for  
10 school operating purposes captured from the eligible property by  
11 the authority for the purposes authorized under subsection (3).

12 (6) Excess tax increment revenues from taxes levied for school  
13 operating purposes for eligible activities authorized under  
14 subsection (15) **SECTION 13B(4)** by the Michigan strategic fund shall  
15 not be captured for deposit in the local ~~site remediation~~  
16 **BROWNFIELD** revolving fund.

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

20 ~~—— (7) Costs of eligible activities attributable to eligible~~  
21 ~~property include all costs that are necessary or related to a~~  
22 ~~release from the eligible property, including eligible activities~~  
23 ~~on properties affected by a release from the eligible property. For~~  
24 ~~purposes of this subsection, "release" means that term as defined~~  
25 ~~in section 20101 of the natural resources and environmental~~  
26 ~~protection act, 1994 PA 451, MCL 324.20101.~~

27 ~~—— (8) Costs of a response activity paid with tax increment~~

~~1 revenues that are captured pursuant to subsection (3) may be  
2 recovered from a person who is liable for the costs of eligible  
3 activities at an eligible property. This state or an authority may  
4 undertake cost recovery for tax increment revenue captured. Before  
5 an authority or this state may institute a cost recovery action, it  
6 must provide the other with 120 days' notice. This state or an  
7 authority that recovers costs under this subsection shall apply  
8 those recovered costs to the following, in the following order of  
9 priority:~~

~~10 — (a) The reasonable attorney fees and costs incurred by this  
11 state or an authority in obtaining the cost recovery.~~

~~12 — (b) One of the following:~~

~~13 — (i) If an authority undertakes the cost recovery action, the  
14 authority shall deposit the remaining recovered funds into the  
15 local site remediation fund created pursuant to section 8, if such  
16 a fund has been established by the authority. If a local site  
17 remediation fund has not been established, the authority shall  
18 disburse the remaining recovered funds to the local taxing  
19 jurisdictions in the proportion that the local taxing  
20 jurisdictions' taxes were captured.~~

~~21 — (ii) If this state undertakes a cost recovery action, this  
22 state shall deposit the remaining recovered funds into the  
23 revitalization revolving loan fund established under section 20108a  
24 of the natural resources and environmental protection act, 1994 PA  
25 451, MCL 324.20108a.~~

~~26 — (iii) If this state and an authority each undertake a cost  
27 recovery action, undertake a cost recovery action jointly, or 1 on~~

~~1 behalf of the other, the amount of any remaining recovered funds  
2 shall be deposited pursuant to subparagraphs (i) and (ii) in the  
3 proportion that the tax increment revenues being recovered  
4 represent local taxes and taxes levied for school operating  
5 purposes, respectively.~~

~~6 — (9) Approval of the brownfield plan or an amendment to a  
7 brownfield plan shall be in accordance with the notice and approval  
8 provisions of this section and section 14.~~

~~9 — (10) Before approving a brownfield plan for an eligible  
10 property, the governing body shall hold a public hearing on the  
11 brownfield plan. By resolution, the governing body may delegate the  
12 public hearing process to the authority or to a subcommittee of the  
13 governing body subject to final approval by the governing body.~~

~~14 — (11) Notice of the time and place of the hearing on a  
15 brownfield plan shall contain all of the following:~~

~~16 — (a) A description of the property to which the plan applies in  
17 relation to existing or proposed highways, streets, streams, or  
18 otherwise.~~

~~19 — (b) A statement that maps, plats, and a description of the  
20 brownfield plan are available for public inspection at a place  
21 designated in the notice and that all aspects of the brownfield  
22 plan are open for discussion at the public hearing required by this  
23 section.~~

~~24 — (c) Any other information that the governing body considers  
25 appropriate.~~

~~26 — (12) At the time set for the hearing on the brownfield plan  
27 required under subsection (10), the governing body shall ensure~~

1 ~~that interested persons have an opportunity to be heard and that~~  
2 ~~written communications with reference to the brownfield plan are~~  
3 ~~received and considered. The governing body shall ensure that a~~  
4 ~~record of the public hearing is made and preserved, including all~~  
5 ~~data presented at the hearing.~~

6 ~~—— (13) Not less than 10 days before the hearing on the~~  
7 ~~brownfield plan, the governing body shall provide notice of the~~  
8 ~~hearing to the taxing jurisdictions that levy taxes subject to~~  
9 ~~capture under this act. The authority shall fully inform the taxing~~  
10 ~~jurisdictions about the fiscal and economic implications of the~~  
11 ~~proposed brownfield plan. At that hearing, an official from a~~  
12 ~~taxing jurisdiction with millage that would be subject to capture~~  
13 ~~under this act has the right to be heard in regard to the adoption~~  
14 ~~of the brownfield plan. Not less than 10 days before the hearing on~~  
15 ~~the brownfield plan, the governing body shall provide notice of the~~  
16 ~~hearing to the department if the brownfield plan involves the use~~  
17 ~~of taxes levied for school operating purposes to pay for eligible~~  
18 ~~activities that require the approval of a combined brownfield plan~~  
19 ~~or a work plan by the department under section 15(1)(a) and the~~  
20 ~~Michigan strategic fund, or its designee, if the brownfield plan~~  
21 ~~involves the use of taxes levied for school operating purposes to~~  
22 ~~pay for eligible activities subject to subsection (15) or (18).~~

23 ~~—— (14) The authority shall not enter into agreements with the~~  
24 ~~taxing jurisdictions and the governing body of the municipality to~~  
25 ~~share a portion of the captured taxable value of an eligible~~  
26 ~~property. Upon adoption of the plan, the collection and~~  
27 ~~transmission of the amount of tax increment revenues as specified~~

1 ~~in this act shall be binding on all taxing units levying ad valorem~~  
2 ~~property taxes or specific taxes against property located in the~~  
3 ~~zone.~~

4 ~~—— (15) Except as provided by subsection (18), if a brownfield~~  
5 ~~plan includes the capture of taxes levied for school operating~~  
6 ~~purposes approval of a combined brownfield plan or a work plan by~~  
7 ~~the Michigan strategic fund to use taxes levied for school~~  
8 ~~operating purposes and a development agreement or reimbursement~~  
9 ~~agreement between the municipality or authority and an owner or~~  
10 ~~developer of eligible property are required if the taxes levied for~~  
11 ~~school operating purposes will be used for infrastructure~~  
12 ~~improvements that directly benefit eligible property, demolition of~~  
13 ~~structures that is not response activity under part 201 of the~~  
14 ~~natural resources and environmental protection act, 1994 PA 451,~~  
15 ~~MCL 324.20101 to 324.20142, lead or asbestos abatement, site~~  
16 ~~preparation that is not response activity under section 20101 of~~  
17 ~~the natural resources and environmental protection act, 1994 PA~~  
18 ~~451, MCL 324.20101, relocation of public buildings or operations~~  
19 ~~for economic development purposes, or acquisition of property by a~~  
20 ~~land bank fast track authority if acquisition of the property is~~  
21 ~~for economic development purposes. The eligible activities to be~~  
22 ~~conducted described in this subsection shall be consistent with the~~  
23 ~~work plan submitted by the authority to the Michigan strategic~~  
24 ~~fund. The department's approval is not required for the capture of~~  
25 ~~taxes levied for school operating purposes for eligible activities~~  
26 ~~described in this subsection.~~

27 ~~—— (16) The limitations of section 15(1) upon use of tax~~



1 ~~increment revenues by an authority shall apply except as follows:~~

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

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

8 ~~—— (A) Reasonable and actual administrative and operating~~  
9 ~~expenses of the authority.~~

10 ~~—— (B) Baseline environmental assessments, due care activities,~~  
11 ~~and additional response activities conducted by or on behalf of the~~  
12 ~~authority related directly to work conducted on prospective~~  
13 ~~eligible properties prior to approval of the brownfield plan.~~

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

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

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

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

25 ~~—— (iii) Preparing a plan for compliance with section 20107a of~~  
26 ~~the natural resources and environmental protection act, 1994 PA~~  
27 ~~451, MCL 324.20107a.~~

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

4 ~~—— (i) For tax increment revenues attributable to taxes levied~~  
5 ~~for school operating purposes, eligible activities associated with~~  
6 ~~unanticipated response activities conducted on eligible property if~~  
7 ~~that eligible property has been included in a brownfield plan, if~~  
8 ~~the department is consulted on the unanticipated response~~  
9 ~~activities before they are conducted and the costs of those~~  
10 ~~activities are subsequently included in a brownfield plan approved~~  
11 ~~by the authority and a combined brownfield plan or a work plan~~  
12 ~~approved by the department.~~

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

18 ~~—— (iii) For tax increment revenues attributable to taxes levied~~  
19 ~~for school operating purposes, eligible activities described in~~  
20 ~~section 13(15) and conducted on eligible property or prospective~~  
21 ~~eligible properties prior to approval of the brownfield plan, if~~  
22 ~~those costs and the eligible property are subsequently included in~~  
23 ~~a brownfield plan approved by the authority and a combined~~  
24 ~~brownfield plan or work plan approved by the Michigan strategic~~  
25 ~~fund.~~

26 ~~—— (17) A brownfield authority may reimburse advances, with or~~  
27 ~~without interest, made by a municipality under section 7(3), a land~~

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

1 ~~141.2101 to 141.2821.~~

2 ~~—— (18) If a brownfield plan includes the capture of taxes levied~~  
3 ~~for school operating purposes, approval of a combined brownfield~~  
4 ~~plan or a work plan by the Michigan strategic fund in the manner~~  
5 ~~required under section 15(14) to (16) or (25) is required in order~~  
6 ~~to use tax increment revenues attributable to taxes levied for~~  
7 ~~school operating purposes for purposes of eligible activities~~  
8 ~~described in section 2(n)(iv)(E) for 1 or more parcels of eligible~~  
9 ~~property. The combined brownfield plan or work plan to be submitted~~  
10 ~~to the Michigan strategic fund under this subsection shall be in a~~  
11 ~~form prescribed by the Michigan strategic fund. The eligible~~  
12 ~~activities to be conducted and described in this subsection shall~~  
13 ~~be consistent with the combined brownfield plan or work plan~~  
14 ~~submitted by the authority to the Michigan strategic fund. The~~  
15 ~~department's approval is not required for the capture of taxes~~  
16 ~~levied for school operating purposes for eligible activities~~  
17 ~~described in this section.~~

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

22 ~~—— (a) For authorities that have 5 or fewer active projects,~~  
23 ~~\$100,000.00.~~

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

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

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

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

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

7 ~~—— (g) For authorities that have 31 or more active projects,~~  
8 ~~\$500,000.00.~~

9 ~~—— (20) As used in subsection (19), "active project" means a~~  
10 ~~project in which the authority is currently capturing taxes under~~  
11 ~~this act. The amounts of tax increment revenues attributable to~~  
12 ~~local taxes listed in subsection (19) that an authority can use for~~  
13 ~~the purposes described in subsection (16) (a) may be increased by 2%~~  
14 ~~for each written agreement entered into by an authority in either~~  
15 ~~of the following situations up to a total maximum increase of 10%:~~

16 ~~—— (a) The authority is an authority established by a county and~~  
17 ~~that authority enters into a written agreement with 1 or more~~  
18 ~~municipalities within that county to serve as the only authority~~  
19 ~~for those other municipalities.~~

20 ~~—— (b) The authority enters into a written agreement with 1 or~~  
21 ~~more other authorities to administer 1 or more administrative~~  
22 ~~operations of those other authorities.~~

23 ~~—— (21) Notwithstanding anything to the contrary in this act, for~~  
24 ~~a brownfield plan that includes the capture of taxes levied for~~  
25 ~~school operating purposes from eligible property included in a~~  
26 ~~brownfield plan after January 1, 2013, an authority shall pay to~~  
27 ~~the department of treasury at least once annually an amount equal~~

1 ~~to 3 mills of the taxes levied under the state education tax, 1993~~  
2 ~~PA 331, MCL 211.901 to 211.906, that are captured under the~~  
3 ~~brownfield plan for up to the first 25 years of the duration of~~  
4 ~~capture of tax increment revenues for each eligible property~~  
5 ~~included in the brownfield plan. The department of treasury shall~~  
6 ~~deposit these amounts into the state brownfield redevelopment fund.~~  
7 ~~If an authority pays an amount equal to 3 mills of the taxes levied~~  
8 ~~under the state education tax, 1993 PA 331, MCL 211.901 to 211.906,~~  
9 ~~on a parcel of eligible property to the department of treasury~~  
10 ~~under this subsection, the percentage of local taxes levied on that~~  
11 ~~parcel and used to reimburse eligible activities for a project~~  
12 ~~under a brownfield plan shall not exceed the percentage of local~~  
13 ~~taxes levied on that parcel that would have been used to reimburse~~  
14 ~~eligible activities for the project under a brownfield plan if the~~  
15 ~~3 mills of the taxes levied under the state education tax, 1993 PA~~  
16 ~~331, MCL 211.901 to 211.906, on that parcel were not paid to the~~  
17 ~~department of treasury under this subsection. If, due to an appeal~~  
18 ~~of any tax assessment, an authority is required to reimburse a~~  
19 ~~taxpayer for any portion of the 3 mills that are paid to the~~  
20 ~~department of treasury under this subsection, the department of~~  
21 ~~treasury shall reimburse that amount to the authority within 30~~  
22 ~~days after receiving a request from the authority for~~  
23 ~~reimbursement.~~

24 ~~—— (22) The duration of capture of tax increment revenues under a~~  
25 ~~brownfield plan for a particular eligible property shall not exceed~~  
26 ~~the lesser of the period authorized under subsections (4) and (5)~~  
27 ~~or 30 years from the beginning date of the capture of tax increment~~

1 ~~revenues for that eligible property. The beginning date of capture~~  
2 ~~of tax increment revenues for an eligible property shall not be~~  
3 ~~later than 5 years following the date of the resolution including~~  
4 ~~the eligible property in the brownfield plan. The authority may~~  
5 ~~amend the beginning date of capture of tax increment revenues for a~~  
6 ~~particular eligible property to a date not later than 5 years~~  
7 ~~following the date of the resolution including the eligible~~  
8 ~~property in the brownfield plan. The authority may not amend the~~  
9 ~~beginning date of capture of tax increment revenues for a~~  
10 ~~particular eligible property if the authority has begun to~~  
11 ~~reimburse eligible activities from the capture of tax increment~~  
12 ~~revenues from that eligible property. Any tax increment revenues~~  
13 ~~captured from an eligible property before the beginning date of~~  
14 ~~capture of tax increment revenues for that eligible property shall~~  
15 ~~revert proportionately to the respective tax bodies. If an~~  
16 ~~authority amends the beginning date for capture of tax increment~~  
17 ~~revenues that includes the capture of tax increment revenues for~~  
18 ~~school operating purposes, then the authority shall notify the~~  
19 ~~department or the Michigan strategic fund, as applicable, within 30~~  
20 ~~days after amending the beginning date.~~

21 **SEC. 13A. COSTS OF A RESPONSE ACTIVITY PAID WITH TAX INCREMENT**  
22 **REVENUES THAT ARE CAPTURED PURSUANT TO SECTION 13(4) MAY BE**  
23 **RECOVERED FROM A PARTY THAT IS RESPONSIBLE FOR AN ACTIVITY CAUSING**  
24 **A RELEASE. THIS STATE OR AN AUTHORITY MAY UNDERTAKE COST RECOVERY**  
25 **FOR TAX INCREMENT REVENUE CAPTURED. BEFORE AN AUTHORITY OR THIS**  
26 **STATE MAY INSTITUTE A COST RECOVERY ACTION, IT MUST PROVIDE THE**  
27 **OTHER WITH 60 DAYS' NOTICE. THIS STATE OR AN AUTHORITY THAT**

1 RECOVERS COSTS UNDER THIS SECTION SHALL APPLY THOSE RECOVERED COSTS  
2 TO THE FOLLOWING, IN THE FOLLOWING ORDER OF PRIORITY:

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

5 (B) ONE OF THE FOLLOWING:

6 (i) IF AN AUTHORITY UNDERTAKES THE COST RECOVERY ACTION, THE  
7 AUTHORITY SHALL DEPOSIT THE REMAINING RECOVERED FUNDS INTO THE  
8 LOCAL BROWNFIELD REVOLVING FUND CREATED PURSUANT TO SECTION 8, IF  
9 SUCH A FUND HAS BEEN ESTABLISHED BY THE AUTHORITY. IF A LOCAL  
10 BROWNFIELD REVOLVING FUND HAS NOT BEEN ESTABLISHED, THE AUTHORITY  
11 SHALL DISBURSE THE REMAINING RECOVERED FUNDS TO THE LOCAL TAXING  
12 JURISDICTIONS IN THE PROPORTION THAT THE LOCAL TAXING  
13 JURISDICTIONS' TAXES WERE CAPTURED.

14 (ii) IF THIS STATE UNDERTAKES A COST RECOVERY ACTION, THIS  
15 STATE SHALL DEPOSIT THE REMAINING RECOVERED FUNDS INTO THE  
16 REVITALIZATION REVOLVING LOAN FUND ESTABLISHED UNDER SECTION 20108A  
17 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
18 451, MCL 324.20108A.

19 (iii) IF THIS STATE AND AN AUTHORITY EACH UNDERTAKE A COST  
20 RECOVERY ACTION, UNDERTAKE A COST RECOVERY ACTION JOINTLY, OR ONE  
21 ON BEHALF OF THE OTHER, THE AMOUNT OF ANY REMAINING RECOVERED FUNDS  
22 SHALL BE DEPOSITED PURSUANT TO SUBPARAGRAPHS (i) AND (ii) IN THE  
23 PROPORTION THAT THE TAX INCREMENT REVENUES BEING RECOVERED  
24 REPRESENT LOCAL TAXES AND TAXES LEVIED FOR SCHOOL OPERATING  
25 PURPOSES, RESPECTIVELY.

26 SEC. 13B. (1) AN AUTHORITY SHALL NOT EXPEND TAX INCREMENT  
27 REVENUES TO ACQUIRE OR PREPARE ELIGIBLE PROPERTY UNLESS THE



1 ACQUISITION OR PREPARATION IS AN ELIGIBLE ACTIVITY.

2 (2) AN AUTHORITY SHALL NOT ENTER INTO AGREEMENTS WITH THE  
3 TAXING JURISDICTIONS AND THE GOVERNING BODY OF THE MUNICIPALITY TO  
4 SHARE A PORTION OF THE TAXES CAPTURED FROM AN ELIGIBLE PROPERTY  
5 UNDER THIS ACT. UPON ADOPTION OF THE PLAN, THE COLLECTION AND  
6 TRANSMISSION OF THE AMOUNT OF TAX INCREMENT REVENUES AS SPECIFIED  
7 IN THIS ACT SHALL BE BINDING ON ALL TAXING UNITS LEVYING AD VALOREM  
8 PROPERTY TAXES OR SPECIFIC TAXES AGAINST PROPERTY LOCATED IN THE  
9 ZONE.

10 (3) TAX INCREMENT REVENUES CAPTURED FROM TAXES LEVIED BY THIS  
11 STATE UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901  
12 TO 211.906, OR TAXES LEVIED BY A LOCAL SCHOOL DISTRICT SHALL NOT BE  
13 USED TO ASSIST A LAND BANK AUTHORITY WITH CLEARING OR QUIETING  
14 TITLE, ACQUIRING, SELLING, OR CONVEYING PROPERTY, EXCEPT AS  
15 PROVIDED IN SUBSECTION (4).

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

20 (A) A COMBINED BROWNFIELD PLAN OR A WORK PLAN SHALL BE  
21 APPROVED BY THE MICHIGAN STRATEGIC FUND AND A DEVELOPMENT AGREEMENT  
22 OR REIMBURSEMENT AGREEMENT BETWEEN THE MUNICIPALITY OR AUTHORITY  
23 AND AN OWNER OR DEVELOPER OF ELIGIBLE PROPERTY IS REQUIRED BEFORE  
24 SUCH TAX INCREMENT MAY BE USED FOR INFRASTRUCTURE IMPROVEMENTS THAT  
25 DIRECTLY BENEFIT ELIGIBLE PROPERTY, DEMOLITION OF STRUCTURES THAT  
26 IS NOT RESPONSE ACTIVITY, SITE PREPARATION THAT IS NOT RESPONSE  
27 ACTIVITY, RELOCATION OF PUBLIC BUILDINGS OR OPERATIONS FOR ECONOMIC

1 DEVELOPMENT PURPOSES, OR ACQUISITION OF PROPERTY BY A LAND BANK  
2 FAST TRACK AUTHORITY IF ACQUISITION OF THE PROPERTY IS FOR ECONOMIC  
3 DEVELOPMENT PURPOSES.

4 (B) APPROVAL OF A COMBINED BROWNFIELD PLAN OR A WORK PLAN BY  
5 THE MICHIGAN STRATEGIC FUND IN THE MANNER REQUIRED UNDER SECTION  
6 15(12) THROUGH (14) OR (20) IS REQUIRED IN ORDER TO USE THE TAX  
7 INCREMENT REVENUES TO ASSIST A LAND BANK AUTHORITY OR QUALIFIED  
8 LOCAL GOVERNMENTAL UNIT WITH CLEARING OR QUIETING TITLE, ACQUIRING,  
9 SELLING, OR CONVEYING PROPERTY.

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

13 (D) THE ELIGIBLE ACTIVITIES TO BE CONDUCTED AND DESCRIBED IN  
14 THIS SUBSECTION SHALL BE CONSISTENT WITH THE COMBINED BROWNFIELD  
15 PLAN OR WORK PLAN SUBMITTED BY THE AUTHORITY TO THE MICHIGAN  
16 STRATEGIC FUND.

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

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

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

26 (A) USE TAXES CAPTURED FROM ELIGIBLE PROPERTY TO PAY FOR  
27 ELIGIBLE ACTIVITIES CONDUCTED BEFORE APPROVAL OF THE BROWNFIELD

1 PLAN.

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

6 (C) FOR ELIGIBLE ACTIVITIES NOT DESCRIBED IN SUBSECTION (4),  
7 AN AUTHORITY SHALL NOT USE TAXES LEVIED FOR SCHOOL OPERATING  
8 PURPOSES CAPTURED FROM ELIGIBLE PROPERTY UNLESS THE ELIGIBLE  
9 ACTIVITIES TO BE CONDUCTED ON THE ELIGIBLE PROPERTY ARE ELIGIBLE  
10 DEPARTMENT SPECIFIC ACTIVITIES, CONSISTENT WITH A COMBINED  
11 BROWNFIELD PLAN OR A WORK PLAN APPROVED BY THE DEPARTMENT AFTER  
12 JULY 24, 1996.

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

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

18 (i) REASONABLE AND ACTUAL ADMINISTRATIVE AND OPERATING  
19 EXPENSES OF THE AUTHORITY.

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

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

1 (B) TAXES LEVIED FOR SCHOOL OPERATING PURPOSES MAY BE USED FOR  
2 1 OR MORE OF THE FOLLOWING ADMINISTRATIVE AND OPERATING PURPOSES:

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

9 (ii) REASONABLE COSTS OF BROWNFIELD PLAN OR WORK PLAN  
10 IMPLEMENTATION, INCLUDING, BUT NOT LIMITED TO, TRACKING AND  
11 REPORTING OF DATA AND PLAN COMPLIANCE, NOT TO EXCEED \$30,000.00.

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

16 (i) FOR AUTHORITIES THAT HAVE 5 OR FEWER ACTIVE PROJECTS,  
17 \$100,000.00.

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

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

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

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

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

1           (vii) FOR AUTHORITIES THAT HAVE 31 OR MORE ACTIVE PROJECTS,  
2 \$500,000.00.

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

6           (E) AS USED IN THIS SUBSECTION, "ACTIVE PROJECT" MEANS A  
7 PROJECT IN WHICH THE AUTHORITY IS CURRENTLY CAPTURING TAXES UNDER  
8 THIS ACT. THE AMOUNTS OF TAX INCREMENT REVENUES ATTRIBUTABLE TO  
9 LOCAL TAXES LISTED IN THIS SUBSECTION THAT AN AUTHORITY CAN USE FOR  
10 THE PURPOSES DESCRIBED IN THIS SUBSECTION MAY BE INCREASED BY 2%  
11 FOR EACH WRITTEN AGREEMENT ENTERED INTO BY AN AUTHORITY IN EITHER  
12 OF THE FOLLOWING SITUATIONS UP TO A TOTAL MAXIMUM INCREASE OF 10%:

13           (i) THE AUTHORITY IS AN AUTHORITY ESTABLISHED BY A COUNTY AND  
14 THAT AUTHORITY ENTERS INTO A WRITTEN AGREEMENT WITH 1 OR MORE  
15 MUNICIPALITIES WITHIN THAT COUNTY TO SERVE AS THE ONLY AUTHORITY  
16 FOR THOSE OTHER MUNICIPALITIES.

17           (ii) THE AUTHORITY ENTERS INTO A WRITTEN AGREEMENT WITH 1 OR  
18 MORE OTHER AUTHORITIES TO ADMINISTER 1 OR MORE ADMINISTRATIVE  
19 OPERATIONS OF THOSE OTHER AUTHORITIES.

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

24           (A) SITE INVESTIGATION ACTIVITIES REQUIRED TO CONDUCT A  
25 BASELINE ENVIRONMENTAL ASSESSMENT AND TO EVALUATE COMPLIANCE WITH  
26 SECTIONS 20107A AND 21304C OF THE NATURAL RESOURCES AND  
27 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20107A AND

1 324.21304C.

2 (B) COMPLETING A BASELINE ENVIRONMENTAL ASSESSMENT.

3 (C) PREPARING A PLAN FOR COMPLIANCE WITH SECTIONS 20107A AND  
4 21304C OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,  
5 1994 PA 451, MCL 324.20107A AND 324.21304C.

6 (D) PERFORMING PRE-DEMOLITION AND BUILDING HAZARDOUS MATERIALS  
7 SURVEYS.

8 (E) ASBESTOS, MOLD, AND LEAD SURVEYS AND ABATEMENT.

9 (9) THE LIMITATIONS OF SUBSECTIONS (4), (5), AND (6) UPON THE  
10 USE OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES SHALL NOT APPLY  
11 TO THE FOLLOWING COSTS AND EXPENSES:

12 (A) FOR TAX INCREMENT REVENUES ATTRIBUTABLE TO TAXES LEVIED  
13 FOR SCHOOL OPERATING PURPOSES, ELIGIBLE ACTIVITIES ASSOCIATED WITH  
14 UNANTICIPATED RESPONSE ACTIVITIES CONDUCTED ON ELIGIBLE PROPERTY IF  
15 THAT ELIGIBLE PROPERTY HAS BEEN INCLUDED IN A BROWNFIELD PLAN, IF  
16 THE DEPARTMENT IS CONSULTED IN WRITING ON THE UNANTICIPATED  
17 RESPONSE ACTIVITIES BEFORE THEY ARE CONDUCTED AND THE COSTS OF  
18 THOSE ACTIVITIES ARE SUBSEQUENTLY INCLUDED IN A BROWNFIELD PLAN,  
19 COMBINED BROWNFIELD PLAN OR A WORK PLAN OR AMENDMENT APPROVED BY  
20 THE AUTHORITY AND APPROVED BY THE DEPARTMENT.

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

26 (C) FOR TAX INCREMENT REVENUES ATTRIBUTABLE TO TAXES LEVIED  
27 FOR SCHOOL OPERATING PURPOSES, ELIGIBLE ACTIVITIES DESCRIBED IN

1 SUBSECTION (4) AND CONDUCTED ON ELIGIBLE PROPERTY OR PROSPECTIVE  
2 ELIGIBLE PROPERTIES PRIOR TO APPROVAL OF THE BROWNFIELD PLAN, IF  
3 THOSE COSTS AND THE ELIGIBLE PROPERTY ARE SUBSEQUENTLY INCLUDED IN  
4 A BROWNFIELD PLAN APPROVED BY THE AUTHORITY AND A COMBINED  
5 BROWNFIELD PLAN OR WORK PLAN APPROVED BY THE MICHIGAN STRATEGIC  
6 FUND.

7 (10) AN AUTHORITY SHALL NOT USE TAXES LEVIED FOR SCHOOL  
8 OPERATING PURPOSES CAPTURED FROM ELIGIBLE PROPERTY FOR RESPONSE  
9 ACTIVITIES THAT BENEFIT A PARTY RESPONSIBLE FOR AN ACTIVITY CAUSING  
10 A RELEASE UNDER SECTION 20126 OR 21323A OF THE NATURAL RESOURCES  
11 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20126 AND  
12 324.21323A, EXCEPT THAT A MUNICIPALITY THAT ESTABLISHED THE  
13 AUTHORITY MAY USE TAXES LEVIED FOR SCHOOL OPERATING PURPOSES  
14 CAPTURED FROM ELIGIBLE PROPERTY FOR RESPONSE ACTIVITIES ASSOCIATED  
15 WITH A LANDFILL.

16 (11) 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.

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

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

27 (B) IF AN AUTHORITY REIMBURSES A PERSON OR ENTITY UNDER THIS

1 SECTION FOR AN ADVANCE FOR THE PAYMENT OR REIMBURSEMENT OF THE COST  
2 OF DEPARTMENT SPECIFIC ACTIVITIES AND INTEREST THEREON INCLUDED IN  
3 A COMBINED BROWNFIELD PLAN OR A WORK PLAN APPROVED BY THE  
4 DEPARTMENT, THE AUTHORITY MAY CAPTURE TAXES LEVIED FOR SCHOOL  
5 OPERATING PURPOSES AND LOCAL TAXES FOR THE PAYMENT OF THAT  
6 INTEREST.

7 (C) IF AN AUTHORITY REIMBURSES A PERSON OR ENTITY UNDER THIS  
8 SECTION FOR AN ADVANCE FOR THE PAYMENT OR REIMBURSEMENT OF THE COST  
9 OF ELIGIBLE ACTIVITIES THAT ARE NOT DEPARTMENT SPECIFIC ACTIVITIES  
10 AND INTEREST THEREON INCLUDED IN A COMBINED BROWNFIELD PLAN OR A  
11 WORK PLAN APPROVED BY THE MICHIGAN STRATEGIC FUND, THE AUTHORITY  
12 MAY CAPTURE TAXES LEVIED FOR SCHOOL OPERATING PURPOSES AND LOCAL  
13 TAXES FOR THE PAYMENT OF THAT INTEREST PROVIDED THAT THE MICHIGAN  
14 STRATEGIC FUND GRANTS AN APPROVAL FOR THE CAPTURE OF TAXES LEVIED  
15 FOR SCHOOL OPERATING PURPOSES TO PAY SUCH INTEREST.

16 (13) AN AUTHORITY MAY ENTER INTO AGREEMENTS RELATED TO THESE  
17 REIMBURSEMENTS AND PAYMENTS DESCRIBED IN THIS SECTION. A  
18 REIMBURSEMENT AGREEMENT FOR THESE PURPOSES AND THE OBLIGATIONS  
19 UNDER THAT REIMBURSEMENT AGREEMENT SHALL NOT BE SUBJECT TO SECTION  
20 13 OR THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101  
21 TO 141.2821.

22 (14) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS ACT, FOR  
23 A BROWNFIELD PLAN THAT INCLUDES THE CAPTURE OF TAXES LEVIED FOR  
24 SCHOOL OPERATING PURPOSES FROM EACH ELIGIBLE PROPERTY INCLUDED IN A  
25 BROWNFIELD PLAN AFTER JANUARY 1, 2013, AN AUTHORITY SHALL PAY TO  
26 THE DEPARTMENT OF TREASURY AT LEAST ONCE ANNUALLY AN AMOUNT EQUAL  
27 TO 3 MILLS OF THE TAXES LEVIED UNDER THE STATE EDUCATION TAX ACT,



1 1993 PA 331, MCL 211.901 TO 211.906, THAT ARE CAPTURED UNDER THE  
2 BROWNFIELD PLAN UNTIL THE EXPIRATION OF THE EARLIER OF THE  
3 FOLLOWING:

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

6 (B) THE LATER OF:

7 (i) THE DATE OF REPAYMENT OF ALL ELIGIBLE EXPENSES RELATIVE TO  
8 SUCH ELIGIBLE PROPERTY.

9 (ii) THE DATE EXCESS CAPTURE IS TERMINATED UNDER SUBSECTION  
10 (13).

11 (15) THE DEPARTMENT OF TREASURY SHALL DEPOSIT THE AMOUNTS  
12 DESCRIBED IN SUBSECTION (14) INTO THE STATE BROWNFIELD  
13 REDEVELOPMENT FUND. IF AN AUTHORITY MAKES A PAYMENT AS REQUIRED  
14 UNDER SUBSECTION (14) TO THE DEPARTMENT OF TREASURY, THE LOCAL  
15 TAXES LEVIED ON THAT PARCEL AND USED TO REIMBURSE ELIGIBLE  
16 ACTIVITIES UNDER A BROWNFIELD PLAN SHALL NOT BE INCREASED OR  
17 DECREASED DUE TO THAT PAYMENT. IF, DUE TO AN APPEAL OF ANY TAX  
18 ASSESSMENT, AN AUTHORITY IS REQUIRED TO REIMBURSE A TAXPAYER FOR  
19 ANY PORTION OF THE 3 MILLS THAT ARE PAID TO THE DEPARTMENT OF  
20 TREASURY UNDER THIS SUBSECTION, THE DEPARTMENT OF TREASURY SHALL  
21 REIMBURSE THAT AMOUNT TO THE AUTHORITY WITHIN 30 DAYS AFTER  
22 RECEIVING A REQUEST FROM THE AUTHORITY FOR REIMBURSEMENT.

23 (16) THE DURATION OF CAPTURE OF TAX INCREMENT REVENUES UNDER A  
24 BROWNFIELD PLAN FOR A PARTICULAR ELIGIBLE PROPERTY SHALL NOT EXCEED  
25 THE EARLIER OF THE PERIOD AUTHORIZED UNDER SECTIONS 8 AND 13(5) OR  
26 30 YEARS FROM THE BEGINNING DATE OF THE CAPTURE OF TAX INCREMENT  
27 REVENUES FOR THAT ELIGIBLE PROPERTY. THE BROWNFIELD PLAN SHALL

1 INCLUDE A PROPOSED BEGINNING DATE OF CAPTURE. THE BEGINNING DATE OF  
2 CAPTURE OF TAX INCREMENT REVENUES SHALL BE THE EARLIER OF THE YEAR  
3 FOLLOWING THE DATE DEVELOPMENT WORK IS COMPLETED AT THE ELIGIBLE  
4 PROPERTY OR 5 YEARS FOLLOWING THE DATE OF THE RESOLUTION INCLUDING  
5 THE ELIGIBLE PROPERTY IN THE BROWNFIELD PLAN. THE AUTHORITY MAY  
6 AMEND THE BEGINNING DATE OF CAPTURE OF TAX INCREMENT REVENUES FOR A  
7 PARTICULAR ELIGIBLE PROPERTY TO A DATE NOT LATER THAN 5 YEARS  
8 FOLLOWING THE DATE OF THE RESOLUTION INCLUDING THE ELIGIBLE  
9 PROPERTY IN THE BROWNFIELD PLAN. THE AUTHORITY MAY NOT AMEND THE  
10 BEGINNING DATE OF CAPTURE OF TAX INCREMENT REVENUES FOR A  
11 PARTICULAR ELIGIBLE PROPERTY IF THE AUTHORITY HAS BEGUN TO  
12 REIMBURSE ELIGIBLE ACTIVITIES FROM THE CAPTURE OF TAX INCREMENT  
13 REVENUES FROM THAT ELIGIBLE PROPERTY. ANY TAX INCREMENT REVENUES  
14 CAPTURED FROM AN ELIGIBLE PROPERTY BEFORE THE BEGINNING DATE OF  
15 CAPTURE OF TAX INCREMENT REVENUES FOR THAT ELIGIBLE PROPERTY SHALL  
16 REVERT PROPORTIONATELY TO THE RESPECTIVE TAX BODIES. IF AN  
17 AUTHORITY AMENDS THE BEGINNING DATE FOR CAPTURE OF TAX INCREMENT  
18 REVENUES THAT INCLUDES THE CAPTURE OF TAX INCREMENT REVENUES FOR  
19 SCHOOL OPERATING PURPOSES, THEN THE AUTHORITY SHALL NOTIFY THE  
20 DEPARTMENT OR THE MICHIGAN STRATEGIC FUND, AS APPLICABLE, WITHIN 30  
21 DAYS AFTER AMENDING THE BEGINNING DATE.

22       Sec. 14. (1) BEFORE APPROVING A BROWNFIELD PLAN FOR AN  
23 ELIGIBLE PROPERTY, THE GOVERNING BODY SHALL HOLD A PUBLIC HEARING  
24 ON THE BROWNFIELD PLAN. BY RESOLUTION, THE GOVERNING BODY MAY  
25 DELEGATE THE PUBLIC HEARING PROCESS TO THE AUTHORITY OR TO A  
26 SUBCOMMITTEE OF THE GOVERNING BODY SUBJECT TO FINAL APPROVAL BY THE  
27 GOVERNING BODY.

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

3           (A) A DESCRIPTION OF THE PROPERTY TO WHICH THE PLAN APPLIES IN  
4 RELATION TO EXISTING OR PROPOSED HIGHWAYS, STREETS, STREAMS, OR  
5 OTHERWISE.

6           (B) A STATEMENT THAT MAPS, PLATS, AND A DESCRIPTION OF THE  
7 BROWNFIELD PLAN ARE AVAILABLE FOR PUBLIC INSPECTION AT A PLACE  
8 DESIGNATED IN THE NOTICE AND THAT ALL ASPECTS OF THE BROWNFIELD  
9 PLAN ARE OPEN FOR DISCUSSION AT THE PUBLIC HEARING REQUIRED BY THIS  
10 SECTION.

11           (C) ANY OTHER INFORMATION THAT THE GOVERNING BODY CONSIDERS  
12 APPROPRIATE.

13           (3) AT THE TIME SET FOR THE HEARING ON THE BROWNFIELD PLAN  
14 REQUIRED UNDER SUBSECTION (1), THE GOVERNING BODY SHALL ENSURE THAT  
15 INTERESTED PERSONS HAVE AN OPPORTUNITY TO BE HEARD AND THAT WRITTEN  
16 COMMUNICATIONS WITH REFERENCE TO THE BROWNFIELD PLAN ARE RECEIVED  
17 AND CONSIDERED. THE GOVERNING BODY SHALL ENSURE THAT A RECORD OF  
18 THE PUBLIC HEARING IS MADE AND PRESERVED, INCLUDING ALL DATA  
19 PRESENTED AT THE HEARING.

20           (4) NOT LESS THAN 10 DAYS BEFORE THE HEARING ON THE BROWNFIELD  
21 PLAN, THE GOVERNING BODY SHALL PROVIDE NOTICE OF THE HEARING TO THE  
22 TAXING JURISDICTIONS THAT LEVY TAXES SUBJECT TO CAPTURE UNDER THIS  
23 ACT. THE AUTHORITY SHALL FULLY INFORM THE TAXING JURISDICTIONS  
24 ABOUT THE FISCAL AND ECONOMIC IMPLICATIONS OF THE PROPOSED  
25 BROWNFIELD PLAN. AT THAT HEARING, AN OFFICIAL FROM A TAXING  
26 JURISDICTION WITH MILLAGE THAT WOULD BE SUBJECT TO CAPTURE UNDER  
27 THIS ACT HAS THE RIGHT TO BE HEARD IN REGARD TO THE ADOPTION OF THE

1 BROWNFIELD PLAN. NOT LESS THAN 10 DAYS BEFORE THE HEARING ON THE  
2 BROWNFIELD PLAN, THE GOVERNING BODY SHALL PROVIDE NOTICE OF THE  
3 HEARING TO THE DEPARTMENT IF THE BROWNFIELD PLAN INVOLVES THE USE  
4 OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES TO PAY FOR ELIGIBLE  
5 ACTIVITIES THAT REQUIRE THE APPROVAL OF A COMBINED BROWNFIELD PLAN  
6 OR A WORK PLAN BY THE DEPARTMENT UNDER SECTION 13B(6)(C) AND THE  
7 MICHIGAN STRATEGIC FUND, OR ITS DESIGNEE, IF THE BROWNFIELD PLAN  
8 INVOLVES THE USE OF TAXES LEVIED FOR SCHOOL OPERATING PURPOSES TO  
9 PAY FOR ELIGIBLE ACTIVITIES SUBJECT TO SECTION 13B(4).

10 (5) ~~(1)~~ Not less than 10 days after notice of the proposed  
11 brownfield plan is provided to the taxing jurisdictions, the  
12 governing body shall determine whether the plan constitutes a  
13 public purpose. If the governing body determines that the plan does  
14 not constitute a public purpose, the governing body shall reject  
15 the plan. If the governing body determines that the plan  
16 constitutes a public purpose, the governing body may then approve  
17 or reject the plan, or approve it with modification, by resolution,  
18 based on the following considerations:

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

21 (b) Whether the proposed method of financing the costs of  
22 eligible activities is feasible and the authority has the ability  
23 to arrange the financing.

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

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

1           (6) ~~(2)~~—Except as provided in this subsection, amendments to  
2 an approved brownfield plan must be submitted by the authority to  
3 the governing body for approval or rejection following the same  
4 notice necessary for approval or rejection of the original plan.  
5 Notice is not required for revisions in the estimates of captured  
6 taxable value or tax increment revenues.

7           (7) ~~(3)~~—The procedure, adequacy of notice, and findings with  
8 respect to purpose and captured taxable value shall be  
9 presumptively valid unless contested in a court of competent  
10 jurisdiction within 60 days after adoption of the resolution  
11 adopting the brownfield plan. An amendment, adopted by resolution,  
12 to a conclusive plan shall likewise be conclusive unless contested  
13 within 60 days after adoption of the resolution adopting the  
14 amendment. If a resolution adopting an amendment to the plan is  
15 contested, the original resolution adopting the plan is not  
16 therefore open to contest.

17           **(8) A BROWNFIELD PLAN OR PLAN AMENDMENT MAY BE ABOLISHED OR**  
18 **TERMINATED ACCORDING TO THIS SUBSECTION SUBJECT TO ALL OF THE**  
19 **FOLLOWING:**

20           **(A) THE GOVERNING BODY MAY ABOLISH A BROWNFIELD PLAN WHEN IT**  
21 **FINDS THAT THE PURPOSES FOR WHICH THE PLAN WAS ESTABLISHED ARE**  
22 **ACCOMPLISHED.**

23           **(B) THE GOVERNING BODY MAY TERMINATE A BROWNFIELD PLAN OR PLAN**  
24 **AMENDMENT FOR AN ELIGIBLE PROPERTY IF THE PROJECT FOR WHICH**  
25 **ELIGIBLE ACTIVITIES WERE IDENTIFIED IN THE BROWNFIELD PLAN OR PLAN**  
26 **AMENDMENT FAILS TO OCCUR WITH RESPECT TO THE ELIGIBLE PROPERTY FOR**  
27 **AT LEAST 2 YEARS FOLLOWING THE DATE OF THE RESOLUTION APPROVING THE**

1 BROWNFIELD PLAN OR PLAN AMENDMENT, PROVIDED THAT THE GOVERNING BODY  
2 FIRST DOES BOTH OF THE FOLLOWING:

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

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

8 (C) IF A BROWNFIELD PLAN OR PLAN AMENDMENT IS TERMINATED UNDER  
9 SUBDIVISION (B), THE GOVERNING BODY MAY APPROVE A NEW BROWNFIELD  
10 PLAN OR PLAN AMENDMENT FOR THE ELIGIBLE PROPERTY UNDER WHICH TAX  
11 INCREMENT REVENUES MAY BE CAPTURED FOR UP TO 30 YEARS AS PROVIDED  
12 IN SECTION 13B(13).

13 (D) NOTWITHSTANDING ANYTHING IN THIS SUBSECTION TO THE  
14 CONTRARY, A BROWNFIELD PLAN OR PLAN AMENDMENT SHALL NOT BE  
15 ABOLISHED OR TERMINATED UNTIL THE PRINCIPAL AND INTEREST ON BONDS  
16 ISSUED UNDER SECTION 17 AND ALL OTHER OBLIGATIONS TO WHICH THE TAX  
17 INCREMENT REVENUES ARE PLEDGED HAVE BEEN PAID OR FUNDS SUFFICIENT  
18 TO MAKE THE PAYMENT HAVE BEEN IDENTIFIED OR SEGREGATED.

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

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

27 ~~—— (b) Use taxes captured from eligible property to pay for~~

1 ~~eligible activities conducted before approval of the brownfield~~  
2 ~~plan except for costs described in section 13(16).~~

3 ~~—— (c) Use taxes levied for school operating purposes captured~~  
4 ~~from eligible property for response activities that benefit a party~~  
5 ~~liable under section 20126 of the natural resources and~~  
6 ~~environmental protection act, 1994 PA 451, MCL 324.20126, except~~  
7 ~~that a municipality that established the authority may use taxes~~  
8 ~~levied for school operating purposes captured from eligible~~  
9 ~~property for response activities associated with a landfill.~~

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

15 (1) ~~(2)~~—To seek department approval of a work plan under  
16 ~~subsection (1)(a),~~ **SECTION 13B(6)(C)**, the authority shall submit  
17 all of the following for each eligible property:

18 (a) A copy of the brownfield plan.

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

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

1 (d) Existing and proposed future zoning for each eligible  
2 property.

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

5 (2) ~~(3)~~—Upon receipt of a request for approval of a work plan  
6 under subsection ~~(2)~~—(1) or a portion of a work plan that pertains  
7 to only ~~baseline environmental assessment~~ **DEPARTMENT SPECIFIC**  
8 activities, ~~or due care activities, or both,~~ the department shall  
9 review the work plan according to subsection ~~(4)~~—(3) and provide 1  
10 of the following written responses to the requesting authority  
11 within 60 days:

12 (a) An unconditional approval.

13 (b) A conditional approval that delineates specific necessary  
14 modifications to the work plan to meet the criteria of subsection  
15 ~~(4)~~—(3), including, but not limited to, individual activities to  
16 be **MODIFIED**, added, or deleted from the work plan and revision of  
17 costs. **THE DEPARTMENT MAY NOT CONDITION ITS APPROVAL ON DELETIONS**  
18 **FROM OR MODIFICATIONS OF THE WORK PLAN RELATING TO ACTIVITIES TO BE**  
19 **FUNDED SOLELY BY TAX INCREMENT REVENUES NOT ATTRIBUTABLE TO TAXES**  
20 **LEVIED FOR SCHOOL OPERATING PURPOSES.**

21 (c) If the work plan lacks sufficient information for the  
22 department to respond under subdivision (a), (b), or (d) for any  
23 specific activity, a letter stating with specificity the necessary  
24 additions or changes to the work plan to be submitted before that  
25 activity will be considered by the department. The department shall  
26 respond under subdivision (a), (b), or (d) according to this  
27 section for the other activities in the work plan.



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

16 (3) ~~(4)~~ The department may approve a work plan if the  
17 following conditions have been met:

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

22 (b) The ~~due care~~ **DEPARTMENT SPECIFIC** activities, ~~and response~~  
23 ~~activities~~, other than the activities that are exempt from the work  
24 plan approval process under ~~subsection (1)(a)~~, **SECTION 13B(8)**, are  
25 protective of the public health, safety, and welfare and the  
26 environment. The department may approve ~~additional response~~  
27 **DEPARTMENT SPECIFIC** activities that are more protective of the

1 public health, safety, and welfare and the environment than  
2 required by section 20107a of the natural resources and  
3 environmental protection act, 1994 PA 451, MCL 324.20107a, if those  
4 activities provide public health or environmental benefit. In  
5 review of a work plan that includes **DEPARTMENT SPECIFIC** activities  
6 that are more protective of the public health, safety, and welfare  
7 and the environment, the department's considerations may include,  
8 but are not limited to, all of the following:

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

11 (ii) ~~Cost of implementation~~ **THE COST TO IMPLEMENT** activities  
12 minimally necessary to achieve due care compliance, the ~~incremental~~  
13 ~~cost of all additional response activities relative to the cost of~~  
14 ~~all~~ **TOTAL COST OF** response activities, and the ~~total cost of all~~  
15 ~~response~~ **INCREMENTAL COST OF DEPARTMENT SPECIFIC ACTIVITIES IN**  
16 **EXCESS OF THOSE** activities **MINIMALLY NECESSARY TO ACHIEVE DUE CARE**  
17 **COMPLIANCE.**

18 (iii) Long-term obligations associated with leaving  
19 contamination in place and the value of reducing or eliminating  
20 these obligations.

21 (c) The estimated costs for the activities as a whole are  
22 reasonable for the stated purpose. Except as provided in  
23 subdivision (b), the department shall make the determination in  
24 this subdivision only after the department determines that the  
25 conditions in subdivisions (a) and (b) have been met.

26 (4) ~~(5)~~ If the department fails to provide a written response  
27 under subsection ~~(3)~~ **(2)** within 60 days after receipt of a request

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

17 **(5)** ~~(6)~~—The department may issue a written response to a work  
18 plan more than 60 days but less than 6 months after receipt of a  
19 request for approval. If the department issues a written response  
20 under this subsection, the authority is not required to conduct  
21 individual activities that are in addition to the individual  
22 activities included in the work plan as it was submitted for  
23 approval and failure to conduct these additional activities shall  
24 not affect the authority's ability to capture taxes under  
25 ~~subsection (1)~~ **SECTION 13B** for the eligible activities described in  
26 the work plan initially submitted under subsection ~~(5)~~ **(4)**. In  
27 addition, at the option of the authority, these additional

1 individual activities shall be considered part of the work plan of  
2 the authority and approved for purposes of ~~subsection (1)~~. **SECTION**  
3 **13B**. However, any response by the department under this subsection  
4 that identifies additional individual activities that must be  
5 carried out to satisfy part 201 ~~of the natural resources and~~  
6 ~~environmental protection act, 1994 PA 451, MCL 324.20101 to~~  
7 ~~324.20142~~, **OR PART 213** must be satisfactorily completed for the  
8 activities to be considered acceptable for the purposes of  
9 compliance with part 201 ~~of the natural resources and environmental~~  
10 ~~protection act, 1994 PA 451, MCL 324.20101 to 324.20142~~. **OR PART**  
11 **213**.

12 (6) ~~(7)~~—If the department issues a written response under  
13 subsection ~~(6)~~ **(5)** to a work plan and if the department's written  
14 response modifies an individual activity proposed by the work plan  
15 of the authority in a manner that reduces or eliminates a proposed  
16 response activity, the authority must complete those individual  
17 activities in accordance with the department's response in order  
18 for that portion of the work plan to be considered approved for  
19 purposes of ~~subsection (1)~~, **SECTION 13B**, unless 1 or more of the  
20 following conditions apply:

21 (a) Obligations for the individual activity have been issued  
22 by the authority, or by a municipality on behalf of the authority,  
23 to fund the individual activity prior to issuance of the  
24 department's response.

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

1           (7) ~~(8)~~—It shall be in the sole discretion of an authority to  
2 propose to undertake ~~additional response~~ **DEPARTMENT SPECIFIC**  
3 activities **UNDER SUBSECTION (3) (B)** at an eligible property under a  
4 brownfield plan. The department shall not require a work plan to  
5 include ~~additional response~~ **DEPARTMENT SPECIFIC** activities **THAT ARE**  
6 **MORE PROTECTIVE OF PUBLIC HEALTH, SAFETY, WELFARE, AND THE**  
7 **ENVIRONMENT.**

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

11           (9) ~~(10)~~—The department's approval or denial of a work plan  
12 submitted under this section constitutes a final decision in regard  
13 to the use of taxes levied for school operating purposes but does  
14 not restrict an authority's use of tax increment revenues  
15 attributable to local taxes to pay for eligible activities under a  
16 brownfield plan. If a person is aggrieved by the final decision,  
17 the person may appeal under section 631 of the revised judicature  
18 act of 1961, 1961 PA 236, MCL 600.631.

19           ~~(11) Through December 31, 2012, the authority shall reimburse~~  
20 ~~the department for the actual cost incurred by the department or a~~  
21 ~~contractor of the department to review a work plan under subsection~~  
22 ~~(1)(a) under this section. Funds paid to the department under this~~  
23 ~~subsection shall be deposited in the cost recovery subaccount of~~  
24 ~~the cleanup and redevelopment fund created under section 20108 of~~  
25 ~~the natural resources and environmental protection act, 1994 PA~~  
26 ~~451, MCL 324.20108.~~

27           ~~(12) The department shall submit a report each year to each~~

1 ~~member of the legislature as provided in section 16(4).~~

2 (10) ~~(13)~~ To seek Michigan strategic fund approval of a work  
3 plan under section ~~13(15)~~, **13B(4)**, the authority shall submit all  
4 of the following for each eligible property:

5 (a) A copy of the brownfield plan.

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

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

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 (f) A separate work plan, or part of a work plan, for each  
17 eligible activity described in section ~~13(15)~~ **13B(4)** to be  
18 undertaken.

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

25 (11) ~~(14)~~ Upon receipt of a request for approval of a work  
26 plan, the Michigan strategic fund shall provide 1 of the following  
27 written responses to the requesting authority within ~~65~~ **60** days:

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

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

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

10 (12) ~~(15)~~In its review of a work plan under section ~~13(15)~~,  
11 **13B(4)**, the Michigan strategic fund shall consider the following  
12 criteria to the extent reasonably applicable to the type of  
13 activities proposed as part of that work plan when approving or  
14 denying a work plan:

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

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

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

21 (d) The overall benefit to the public.

22 (e) The extent of reuse of vacant buildings and redevelopment  
23 of blighted property.

24 (f) Creation of jobs.

25 (g) Whether the eligible property is in an area of high  
26 unemployment.

27 (h) The level and extent of contamination alleviated by or in

1 connection with the eligible activities.

2 (i) The level of private sector contribution.

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

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

8 (K) ~~(l)~~—Whether the project of the developer, landowner, or  
9 corporate entity that is included in the work plan is financially  
10 and economically sound.

11 (L) ~~(m)~~—Other state and local incentives available to the  
12 developer, landowner, or corporate entity for the project of the  
13 developer, landowner, or corporate entity that is included in the  
14 work plan.

15 (M) ~~(n)~~—Any other criteria that the Michigan strategic fund  
16 considers appropriate for the determination of eligibility or for  
17 approval of the work plan.

18 (13) ~~(16)~~—If the Michigan strategic fund fails to provide a  
19 written response under subsection ~~(14)~~ **(11)** within ~~65~~ **60** days after  
20 receipt of a request for approval of a work plan, the eligible  
21 activities shall be considered approved and the authority may  
22 proceed with the eligible activities described in section ~~13(15)~~  
23 **13B(4)** as outlined in the work plan as submitted for approval.

24 (14) ~~(17)~~—The Michigan strategic fund approval of a work plan  
25 under section ~~13(15)~~ **13B(4)** is final.

26 ~~—— (18) Through December 31, 2012, the authority shall reimburse~~  
27 ~~the Michigan strategic fund for the actual cost incurred by the~~



1 ~~Michigan strategic fund or a contractor of the Michigan strategic~~  
2 ~~fund to review a work plan under this section.~~

3 (15) ~~(19)~~—The Michigan strategic fund shall submit a report  
4 each year to each member of the legislature as provided in section  
5 16(4).

6 (16) ~~(20)~~—All taxes levied for school operating purposes that  
7 are not used for eligible activities consistent with a combined  
8 brownfield plan or a work plan approved by the department or the  
9 Michigan strategic fund or for the payment of interest under  
10 ~~section~~ **SECTIONS 13 AND 13B** and that are not deposited in a local  
11 ~~site remediation~~ **BROWNFIELD** revolving fund shall be distributed  
12 proportionately between the local school district and the school  
13 aid fund.

14 ~~—(21) An authority shall not use taxes levied for school~~  
15 ~~operating purposes captured from eligible property for eligible~~  
16 ~~activities for a qualified facility or for eligible activities for~~  
17 ~~property located in an economic opportunity zone.~~

18 (17) ~~(22)~~—The department's approval of a work plan under  
19 subsection ~~(3)(a) or (b)~~ **(2) (A) OR (B)** does not imply an  
20 entitlement to reimbursement of the costs of the eligible  
21 activities if the work plan is not implemented as approved.

22 (18) ~~(23)~~—The ~~applicant~~ **PARTY SEEKING WORK PLAN APPROVAL** and  
23 the department can, by mutual agreement, extend the time period for  
24 any review described in this section. An agreement described in  
25 this subsection shall be documented in writing.

26 (19) ~~(24)~~—If a brownfield plan includes the capture of taxes  
27 levied for school operating purposes, the chairperson of the

1 Michigan strategic fund may approve, **WITHOUT A MEETING OF THE FUND**  
 2 **BOARD**, combined brownfield plans and work plans that address  
 3 eligible activities described in section ~~13(15)~~**13B(4)** totaling an  
 4 amount of ~~\$500,000.00~~**\$1,000,000.00** or less according to  
 5 subsections **(10), (11), (12), (13), AND (14)**. ~~, (15), (16), (17),~~  
 6 ~~and (18).~~

7 **(20)** ~~(25)~~In lieu of seeking approval of a work plan under  
 8 section ~~13(15)~~ ~~or subsection (1)(a)~~, **13B(4) OR (6)(C)**, an authority  
 9 may seek approval of a combined brownfield plan from the department  
 10 or Michigan strategic fund under this subsection as follows:

11 (a) To seek approval of a combined brownfield plan under this  
 12 subsection, the authority shall, at least 30 days before the  
 13 hearing on the combined brownfield plan to allow for consultation  
 14 between the authority and the department or the Michigan strategic  
 15 fund, provide notice that the authority will be seeking approval of  
 16 a combined brownfield plan in lieu of a work plan to 1 or more of  
 17 the following:

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

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

25 (b) After the governing body approves a combined brownfield  
 26 plan, the authority shall submit the combined brownfield plan to  
 27 the department under the circumstances described in subdivision

1 (a) (i) or Michigan strategic fund under the circumstances described  
2 in subdivision (a) (ii).

3 (c) The department shall review a combined brownfield plan  
4 according to subdivision (e). The Michigan strategic fund shall  
5 review a combined brownfield plan according to subdivision (f).

6 (d) Upon receipt of a combined brownfield plan under  
7 subdivision (b), the department or Michigan strategic fund shall  
8 provide 1 of the following written responses to the requesting  
9 authority within ~~65~~60 days:

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

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

16 (iii) A denial and a letter stating with specificity the  
17 reason for the denial. If a combined brownfield plan is denied  
18 under this subdivision, the combined brownfield plan may be  
19 subsequently resubmitted.

20 (e) The department may approve a combined brownfield plan if  
21 the authority submits the information identified in subsection  
22 ~~(2)(b) to (e)~~(1) and if the conditions identified in subsection  
23 ~~(4)(3)~~ are met.

24 (f) The Michigan strategic fund shall consider the criteria  
25 identified in subsection ~~(15)(a) to (n)~~(12) to the extent  
26 reasonably applicable to the type of activities proposed as part of  
27 a combined brownfield plan when approving or denying the combined

1 brownfield plan.

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

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

15 (i) The approval of a combined brownfield plan by the  
16 department or Michigan strategic fund under this subsection is  
17 final.

18 Sec. 15a. (1) If the amount of tax increment revenues lost as  
19 a result of the personal property tax exemptions provided by  
20 section 1211(4) of the revised school code, 1976 PA 451, MCL  
21 380.1211, section 3 of the state education tax act, 1993 PA 331,  
22 MCL 211.903, section 14(4) of 1974 PA 198, MCL 207.564, and section  
23 9k of the general property tax act, 1893 PA 206, MCL 211.9k, will  
24 reduce the allowable school tax capture received in a fiscal year,  
25 then, notwithstanding any other provision of this act, the  
26 authority, with approval of the department of treasury under  
27 subsection (3), may request the local tax collecting treasurer to

1 retain and pay to the authority taxes levied within the  
2 municipality under the state education tax act, 1993 PA 331, MCL  
3 211.901 to 211.906, to be used for the following:

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

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

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

15 (d) To pay for eligible activities identified in a brownfield  
16 plan, or an amendment to that plan approved by board of the  
17 authority ~~not later than 90 days after the effective date of the~~  
18 ~~amendatory act that added this section.~~**BEFORE SEPTEMBER 3, 2008** if  
19 the plan contains all of the following and the work plan for the  
20 capture of school taxes has been approved ~~within 1 year after the~~  
21 ~~effective date of the amendatory act that added this section.~~**BEFORE**  
22 **JUNE 5, 2009:**

23 (i) A detailed description of the project.

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

25 (iii) The specific location of the project.

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

27 (2) Not later than June 15 of each year, or for 2013 only, ~~not~~

1 ~~later than 30 days after the effective date of the amendatory act~~  
2 ~~that amended this sentence, BEFORE MARCH 28, 2014,~~ an authority  
3 eligible under subsection (1) to have taxes levied under the state  
4 education tax act, 1993 PA 331, MCL 211.901 to 211.906, retained  
5 and paid to the authority under this section, shall apply for  
6 approval with the department of treasury. The application for  
7 approval shall include the following information:

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

11 (b) The tax increment revenues estimated to be received by the  
12 authority for that fiscal year based upon actual property tax  
13 levies of all taxing jurisdictions within the jurisdictional area  
14 of the authority.

15 (c) The tax increment revenues the authority estimates it  
16 would have received for that fiscal year if the personal property  
17 tax exemptions described in subsection (1) were not in effect.

18 (d) A list of advances, obligations, development and  
19 reimbursement agreements, and projects included in brownfield plans  
20 described in subsection (1), and shall separately identify the  
21 payments due on each of those advances, obligations, development  
22 agreements, and eligible activities in that fiscal year, and the  
23 total amount of all the payments due on all of those in that fiscal  
24 year.

25 (e) The amount of money, other than tax increment revenues,  
26 estimated to be received in that fiscal year by the authority that  
27 is primarily pledged to, or would be used for, the repayment of an

1 advance, the payment of an obligation, the payment of eligible  
2 activities pursuant to a development and reimbursement agreement,  
3 or the payment of eligible activities identified in a brownfield  
4 plan described in subsection (1). That amount shall not include  
5 excess tax increment revenues of the authority that are permitted  
6 by law to be retained by the authority for purposes that further  
7 the development program. However, that amount shall include money  
8 to be obtained from sources authorized by law, which law is enacted  
9 on or after December 1, 1993, for use by the municipality or  
10 authority to finance a development plan.

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

15 (3) Not later than August 15 **OF EACH YEAR**, based on the  
16 calculations under subsection (5), the department of treasury shall  
17 approve, modify, or deny the application for approval to have taxes  
18 levied under the state education tax act, 1993 PA 331, MCL 211.901  
19 to 211.906, retained and paid to the authority under this section.  
20 If the application for approval contains the information required  
21 under subsection (2)(a) through (f) and appears to be in  
22 substantial compliance with the provisions of this section, then  
23 the department of treasury shall approve the application. If the  
24 application is denied by the department of treasury, then the  
25 department of treasury shall provide the opportunity for a  
26 representative of the authority to discuss the denial within 21  
27 days after the denial occurs and shall sustain or modify its

1 decision within 30 days after receiving information from the  
2 authority. If the application for approval is approved or modified  
3 by the department of treasury, the local tax collecting treasurer  
4 shall retain and pay to the authority the amount described in  
5 subsection (5) as approved by the department of treasury. If the  
6 department of treasury denies the authority's application for  
7 approval, the local tax collecting treasurer shall not retain or  
8 pay to the authority the taxes levied under the state education tax  
9 act, 1993 PA 331, MCL 211.901 to 211.906. An approval by the  
10 department does not prohibit a subsequent audit of taxes retained  
11 in accordance with the procedures currently authorized by law.

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

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

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

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

24 (a) The amount by which the tax increment revenues the  
25 authority would have received and retained for the fiscal year,  
26 excluding taxes exempt under section 7ff of the general property  
27 tax act, 1893 PA 206, MCL 211.7ff, if the personal property tax



1 exemptions described in subsection (1) were not in effect, exceed  
2 the tax increment revenues the authority actually received for the  
3 fiscal year.

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

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

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

13 (7) Obligations for which distributions are made under this  
14 section are not a debt or liability of this state; do not create or  
15 constitute an indebtedness, liability, or obligation of this state;  
16 and are not and do not constitute a pledge of the faith and credit  
17 of this state.

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

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

26 (10) The state tax commission may provide that the  
27 calculations under this section and the calculation of allowable

1 capture of school taxes shall be made for each calendar year's tax  
2 increment revenues using a 12-month debt payment period used by the  
3 authority and approved by the state tax commission.

4 (11) It is the intent of the legislature that, to the extent  
5 that the total amount of taxes levied under the state education tax  
6 act, 1993 PA 331, MCL 211.901 to 211.906, that are allowed to be  
7 retained under this section and section 11b of the local  
8 development financing act, 1986 PA 281, MCL 125.2161b, section 12b  
9 of the tax increment finance authority act, 1980 PA 450, MCL  
10 125.1812b, and section 13c of 1975 PA 197, MCL 125.1663c, exceeds  
11 the difference of the total school aid fund revenue for the tax  
12 year minus the estimated amount of revenue the school aid fund  
13 would have received for the tax year had the tax exemptions  
14 described in subsection (1) and the earmark created by section 515  
15 of the Michigan business tax act, 2007 PA 36, MCL 208.1515, not  
16 taken effect, the general fund shall reimburse the school aid fund  
17 the difference.

18 (12) As used in this section:

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

21 (b) "Obligation" means that term as defined in section 1 of  
22 1975 PA 197, MCL 125.1651.

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

26 (2) The authority shall expend the tax increment revenues  
27 received only in accordance with the brownfield plan. All surplus

1 funds not deposited in the local ~~site remediation~~ **BROWNFIELD**  
2 revolving fund of the authority under section ~~13(5)-8~~ shall revert  
3 proportionately to the respective taxing bodies, except as provided  
4 in section ~~15(20)-15(16)~~.

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

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

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

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

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

16 (e) The captured taxable value realized by the authority for  
17 each eligible property subject to the brownfield plan.

18 (f) The amount of actual capital investment made for each  
19 project.

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

24 (h) The number of residential units constructed or  
25 rehabilitated for each project.

26 (i) The amount, by square foot, of new or rehabilitated  
27 residential, retail, commercial, or industrial space for each

1 project.

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

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

5 (4) The department and the Michigan strategic fund shall  
6 collect the financial reports submitted under subsection (3),  
7 compile a combined report, which includes the use of local taxes,  
8 taxes levied for school operating purposes, and the state  
9 brownfield redevelopment fund, based on the information contained  
10 in those reports and any additional information considered  
11 necessary, and submit annually a report based on that information  
12 to each member of the legislature.

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

15 (a) The department shall on a quarterly basis post on its  
16 website the name, location, and amount of tax increment revenues,  
17 including taxes levied for school operating purposes, for each  
18 project approved by the department under this act during the  
19 immediately preceding quarter.

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

25 (6) In addition to any other requirements under this act, not  
26 less than once every 3 years beginning not later than June 30,  
27 2008, the auditor general shall conduct and report a performance

1 postaudit on the effectiveness of the program established under  
2 this act. As part of the performance postaudit, the auditor general  
3 shall assess the extent to which the implementation of the program  
4 by the department and the Michigan strategic fund facilitate and  
5 affect the redevelopment or reuse of eligible property and identify  
6 any factors that inhibit the program's effectiveness. The  
7 performance postaudit shall also assess the extent to which the  
8 interpretation of statutory language, the development of guidance  
9 or administrative rules, and the implementation of the program by  
10 the department and the Michigan strategic fund is consistent with  
11 the fundamental objective of facilitating and supporting timely and  
12 efficient brownfield redevelopment of eligible properties.

13 (7) The owner or developer for an active project included  
14 within a brownfield plan must annually submit to the authority a  
15 report on the status of the project. The report shall be in a form  
16 developed by the authority and must contain information necessary  
17 for the authority to report under subsection (3) (f), (h), (i), (j),  
18 and (k). The authority may waive the requirement to submit a report  
19 under this subsection. As used in this subsection, "active project"  
20 means a project for which the authority is currently capturing  
21 taxes under this act.

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

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

1 ~~—— (b) The governing body may terminate a brownfield plan or plan~~  
2 ~~amendment for an eligible property if the project for which~~  
3 ~~eligible activities were identified in the brownfield plan or plan~~  
4 ~~amendment fails to occur with respect to the eligible property for~~  
5 ~~at least 5 years following the date of the resolution approving the~~  
6 ~~brownfield plan or plan amendment.~~

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

12 ~~—— (d) Notwithstanding anything in this subsection to the~~  
13 ~~contrary, a brownfield plan or plan amendment shall not be~~  
14 ~~abolished or terminated until the principal and interest on bonds~~  
15 ~~issued under section 17 and all other obligations to which the tax~~  
16 ~~increment revenues are pledged have been paid or funds sufficient~~  
17 ~~to make the payment have been identified or segregated.~~

18 Enacting section 1. Sections 21 and 22 of the brownfield  
19 redevelopment financing act, 1996 PA 381, MCL 125.2671 and  
20 125.2672, are repealed.

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