

# HOUSE BILL No. 4480

March 27, 2003, Introduced by Reps. Robertson and DeRossett and referred to the Committee on Land Use and Environment.

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending the title and sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2002 PA 254 and section 13 as amended by 2002 PA 727.

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

1 TITLE

2 An act to authorize municipalities to create a brownfield

3 redevelopment authority to facilitate the implementation of

4 brownfield plans; ~~relating to the designation and treatment of~~

5 **to create** brownfield redevelopment zones; to promote the

6 revitalization, ~~of environmentally distressed areas~~

7 **redevelopment, and reuse of certain property;** to prescribe the

8 powers and duties of brownfield redevelopment authorities; to

9 permit the issuance of bonds and other evidences of indebtedness

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1 by an authority; to authorize the acquisition and disposal of  
2 certain property; to authorize certain funds; to prescribe  
3 certain powers and duties of certain state officers and agencies;  
4 and to authorize and permit the use of certain tax increment  
5 financing.

6 Sec. 2. As used in this act:

7 (a) "Additional response activities" means response  
8 activities identified as part of a brownfield plan that are in  
9 addition to baseline environmental assessment activities and due  
10 care activities for an eligible property.

11 (b) "Authority" means a brownfield redevelopment authority  
12 created under this act.

13 (c) "Baseline environmental assessment" means that term as  
14 defined in section 20101 of the natural resources and  
15 environmental protection act, 1994 PA 451, MCL 324.20101.

16 (d) "Baseline environmental assessment activities" means  
17 those response activities identified as part of a brownfield plan  
18 that are necessary to complete a baseline environmental  
19 assessment for an eligible property in the brownfield plan.

20 (e) "Blighted" means property that meets any of the following  
21 criteria:

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

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

27 (iii) Is a fire hazard or is otherwise dangerous to the

1 safety of persons or property.

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

5 (v) Is tax reverted property owned by a qualified local  
6 governmental unit, by a county, or by this state. The sale,  
7 lease, or transfer of tax reverted property by a qualified local  
8 governmental unit, county, or this state after the property's  
9 inclusion in a brownfield plan shall not result in the loss to  
10 the property of the status as blighted property for purposes of  
11 this act.

12 (vi) Is property owned or under the control of a land bank  
13 under the Michigan land bank and community development authority  
14 act or is property over which the land bank may exercise its  
15 authority. The sale, lease, or transfer of the property by a  
16 land bank after the property's inclusion in a brownfield plan  
17 shall not result in the loss to the property of the status as  
18 blighted property for purposes of this act.

19 (f) "Board" means the governing body of an authority.

20 (g) "Brownfield plan" means a plan that meets the  
21 requirements of section 13 and is adopted under section 14.

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

1 prescribe the method for calculating captured taxable value.

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

7 (j) "Department" means the department of environmental  
8 quality.

9 (k) "Due care activities" means those response activities  
10 identified as part of a brownfield plan that are necessary to  
11 allow the owner or operator of an eligible property in the plan  
12 to comply with the requirements of section 20107a of the natural  
13 resources and environmental protection act, 1994 PA 451,  
14 MCL 324.20107a.

15 (l) "Eligible activities" or "eligible activity" does not  
16 include activities related to multisource commercial hazardous  
17 waste disposal wells as that term is defined in section 62506a of  
18 the natural resources and environmental protection act, 1994  
19 PA 451, MCL 324.62506a, but means 1 or more of the following:

20 (i) Baseline environmental assessment activities.

21 (ii) Due care activities.

22 (iii) Additional response activities.

23 (iv) For eligible activities on eligible property that was  
24 used or is currently used for commercial, industrial, or  
25 residential purposes that is in a qualified local governmental  
26 unit and is a facility, functionally obsolete, or blighted, and  
27 except for purposes of section 38d of the single business tax

1 act, 1975 PA 228, MCL 208.38d, the following additional  
2 activities:

3 (A) Infrastructure improvements that directly benefit  
4 eligible property.

5 (B) Demolition of structures that is not response activity  
6 under section ~~201~~ 20101 of the natural resources and  
7 environmental protection act, 1994 PA 451, MCL 324.20101.

8 (C) Lead or asbestos abatement.

9 (D) Site preparation that is not response activity under  
10 section ~~201~~ 20101 of the natural resources and environmental  
11 protection act, 1994 PA 451, MCL 324.20101.

12 (E) Assistance to a land bank in clearing or quieting title  
13 to and disposing of property owned or held by a land bank or  
14 property over which the land bank may exercise its authority and  
15 related activities of the land bank under the Michigan land bank  
16 and community development authority act.

17 (v) Relocation of public buildings or operations for economic  
18 development purposes with prior approval of the Michigan economic  
19 development authority.

20 (m) "Eligible property" means property for which eligible  
21 activities are identified under a brownfield plan that was used  
22 or is currently used for commercial, industrial, or residential  
23 purposes that is either in a qualified local governmental unit  
24 and is a facility, functionally obsolete, or blighted or is not  
25 in a qualified local governmental unit and is a facility, 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  
2 property. Eligible property includes, to the extent included in  
3 the brownfield plan, personal property located on the property.  
4 Eligible property does not include qualified agricultural  
5 property exempt under section 7ee of the general property tax  
6 act, 1893 PA 206, MCL 211.7ee, from the tax levied by a local  
7 school district for school operating purposes to the extent  
8 provided under section 1211 of the revised school code, 1976  
9 PA 451, MCL 380.1211.

10 (n) "Facility" means that term as defined in section 20101 of  
11 the natural resources and environmental protection act, 1994  
12 PA 451, MCL 324.20101.

13 (o) "Fiscal year" means the fiscal year of the authority.

14 (p) "Functionally obsolete" means that the property is unable  
15 to be used to adequately perform the function for which it was  
16 intended due to a substantial loss in value resulting from  
17 factors such as overcapacity, changes in technology, deficiencies  
18 or superadequacies in design, or other similar factors that  
19 affect the property itself or the property's relationship with  
20 other surrounding property.

21 (q) "Governing body" means the elected body having  
22 legislative powers of a municipality creating an authority under  
23 this act.

24 (r) "Infrastructure improvements" means a street, road,  
25 sidewalk, parking facility, pedestrian mall, alley, bridge,  
26 sewer, sewage treatment plant, property designed to reduce,  
27 eliminate, or prevent the spread of identified soil or

1 groundwater contamination, drainage system, waterway, waterline,  
2 water storage facility, rail line, utility line or pipeline, or  
3 other similar or related structure or improvement, together with  
4 necessary easements for the structure or improvement, owned or  
5 used by a public agency or functionally connected to similar or  
6 supporting property owned or used by a public agency, or designed  
7 and dedicated to use by, for the benefit of, or for the  
8 protection of the health, welfare, or safety of the public  
9 generally, whether or not used by a single business entity,  
10 provided that any road, street, or bridge shall be continuously  
11 open to public access and that other property shall be located in  
12 public easements or rights-of-way and sized to accommodate  
13 reasonably foreseeable development of eligible property in  
14 adjoining areas.

15 (s) "Initial taxable value" means the taxable value of an  
16 eligible property identified in and subject to a brownfield plan  
17 at the time the resolution adding that eligible property in the  
18 brownfield plan is adopted, as shown by the most recent  
19 assessment roll for which equalization has been completed at the  
20 time the resolution is adopted. Property exempt from taxation at  
21 the time the initial taxable value is determined shall be  
22 included with the initial taxable value of zero. Property for  
23 which a specific tax is paid in lieu of property tax shall not be  
24 considered exempt from taxation. The state tax commission shall  
25 prescribe the method for calculating the initial taxable value of  
26 property for which a specific tax was paid in lieu of property  
27 tax.

1           **(t) "Land bank" means that term as defined in the Michigan**  
2 **land bank and community development authority act.**

3           **(u) ~~(t)~~ "Local taxes" means all taxes levied other than**  
4 **taxes levied for school operating purposes.**

5           **(v) ~~(u)~~ "Municipality" means all of the following:**

6           **(i) A city.**

7           **(ii) A village.**

8           **(iii) A township in those areas of the township that are**  
9 **outside of a village.**

10           **(iv) A township in those areas of the township that are in a**  
11 **village upon the concurrence by resolution of the village in**  
12 **which the zone would be located.**

13           **(v) A county.**

14           **(w) ~~(v)~~ "Qualified local governmental unit" means that term**  
15 **as defined in the obsolete property rehabilitation act, 2000**  
16 **PA 146, MCL 125.2781 to 125.2797.**

17           **(x) ~~(w)~~ "Qualified taxpayer" means that term as defined in**  
18 **sections 38d and 38g of the single business tax act, 1975 PA 228,**  
19 **MCL 208.38d and 208.38g.**

20           **(y) ~~(x)~~ "Remedial action plan" means a plan that meets both**  
21 **of the following requirements:**

22           **(i) Is a remedial action plan as that term is defined in**  
23 **section 20101 of the natural resources and environmental**  
24 **protection act, 1994 PA 451, MCL 324.20101.**

25           **(ii) Describes each individual activity to be conducted to**  
26 **complete eligible activities and the associated costs of each**  
27 **individual activity.**



1           **(z)** ~~-(y)-~~ "Response activity" means that term as defined in  
2 section 20101 of the natural resources and environmental  
3 protection act, 1994 PA 451, MCL 324.20101.

4           **(aa)** ~~-(z)-~~ "Specific taxes" means a tax levied under 1974  
5 PA 198, MCL 207.551 to 207.572; the commercial redevelopment act,  
6 1978 PA 255, MCL 207.651 to 207.668; the enterprise zone act,  
7 1985 PA 224, MCL 125.2101 to 125.2123; 1953 PA 189, MCL 211.181  
8 to 211.182; the technology park development act, 1984 PA 385,  
9 MCL 207.701 to 207.718; the obsolete property rehabilitation act,  
10 2000 PA 146, MCL 125.2781 to 125.2797; ~~or~~ the neighborhood  
11 enterprise zone act, 1992 PA 147, MCL 207.771 to ~~207.787~~  
12 **207.786; or that portion of the tax levied under the tax reverted**  
13 **property clean title act that is not required to be distributed**  
14 **to a land bank.**

15           **(bb)** ~~-(aa)-~~ "Tax increment revenues" means the amount of ad  
16 valorem property taxes and specific taxes attributable to the  
17 application of the levy of all taxing jurisdictions upon the  
18 captured taxable value of each parcel of eligible property  
19 subject to a brownfield plan and personal property located on  
20 that property. Tax increment revenues exclude ad valorem  
21 property taxes specifically levied for the payment of principal  
22 of and interest on either obligations approved by the electors or  
23 obligations pledging the unlimited taxing power of the local  
24 governmental unit, and specific taxes attributable to those ad  
25 valorem property taxes. Tax increment revenues attributable to  
26 eligible property also exclude the amount of ad valorem property  
27 taxes or specific taxes captured by a downtown development

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

5 **(cc)** ~~-(bb)-~~ "Taxable value" means the value determined under  
 6 section 27a of the general property tax act, 1893 PA 206,  
 7 MCL 211.27a.

8 **(dd)** ~~-(ee)-~~ "Taxes levied for school operating purposes"  
 9 means all of the following:

10 (i) The taxes levied by a local school district for operating  
 11 purposes.

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

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

16 **(ee)** ~~-(dd)-~~ "Work plan" means a plan that describes each  
 17 individual activity to be conducted to complete eligible  
 18 activities and the associated costs of each individual activity.

19 **(ff)** ~~-(ee)-~~ "Zone" means, for an authority established before  
 20 ~~the effective date of the amendatory act that added~~  
 21 ~~subdivision (r)~~ **June 6, 2000**, a brownfield redevelopment zone  
 22 designated under this act.

23 Sec. 13. (1) Subject to section 15, the board may implement  
 24 a brownfield plan. The brownfield plan may apply to 1 or more  
 25 parcels of eligible property whether or not those parcels of  
 26 eligible property are contiguous and may be amended to apply to  
 27 additional parcels of eligible property. ~~If~~ **Except as**

1 **otherwise authorized by this act, if** more than 1 parcel of  
2 eligible property is included within the plan, the tax increment  
3 revenues under the plan shall be determined individually for each  
4 parcel of eligible property. Each plan or an amendment to a plan  
5 shall be approved by the governing body of the municipality and  
6 shall contain all of the following:

7 (a) A description of the costs of the plan intended to be  
8 paid for with the tax increment revenues.

9 (b) A brief summary of the eligible activities that are  
10 proposed for each eligible property **or, for a plan for eligible**  
11 **properties qualified on the basis that the property is owned or**  
12 **held by a land bank or that the land bank may exercise its**  
13 **authority over the property, a listing of all eligible activities**  
14 **that may be conducted for 1 or more of the eligible properties**  
15 **subject to the plan.**

16 (c) An estimate of the captured taxable value and tax  
17 increment revenues for each year of the plan from each parcel of  
18 eligible property, **or from all eligible properties qualified on**  
19 **the basis that the property is owned or held by a land bank or**  
20 **that the land bank may exercise its authority over the property,**  
21 and in the aggregate. The plan may provide for the use of part  
22 or all of the captured taxable value, including deposits in the  
23 local site remediation revolving fund, but the portion intended  
24 to be used shall be clearly stated in the plan. The plan shall  
25 not provide either for an exclusion from captured taxable value  
26 of a portion of the captured taxable value or for an exclusion of  
27 the tax levy of 1 or more taxing jurisdictions unless the tax

1 levy is excluded from tax increment revenues in section ~~2(aa)~~  
2 **2(bb)**, or unless the tax levy is excluded from capture under  
3 section 15.

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

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

10 (f) The duration of the brownfield plan, which shall not  
11 exceed the lesser of the period authorized under subsections (4)  
12 and (5) or 30 years.

13 (g) An estimate of the impact of tax increment financing on  
14 the revenues of all taxing jurisdictions in which the eligible  
15 property is located.

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

27 (i) Estimates of the number of persons residing on each

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

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

16 (k) Provision for the costs of relocating persons displaced  
17 by implementation of the plan, and financial assistance and  
18 reimbursement of expenses, including litigation expenses and  
19 expenses incident to the transfer of title, in accordance with  
20 the standards and provisions of the uniform relocation assistance  
21 and real property acquisition policies act of 1970, Public Law  
22 91-646, 84 Stat. 1894.

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

25 (m) A description of proposed use of the local site  
26 remediation revolving fund.

27 (n) Other material that the authority or governing body

1 considers pertinent.

2 (2) The percentage of all taxes levied on a parcel of  
3 eligible property for school operating expenses that is captured  
4 and used under a brownfield plan and all tax increment finance  
5 plans under 1975 PA 197, MCL 125.1651 to 125.1681, the tax  
6 increment finance authority act, 1980 PA 450, MCL 125.1801 to  
7 125.1830, or the local development financing act, 1986 PA 281,  
8 MCL 125.2151 to 125.2174, shall not be greater than the  
9 combination of the plans' percentage capture and use of all local  
10 taxes levied for purposes other than for the payment of principal  
11 of and interest on either obligations approved by the electors or  
12 obligations pledging the unlimited taxing power of the local unit  
13 of government. This subsection shall apply only when taxes  
14 levied for school operating purposes are subject to capture under  
15 section 15.

16 (3) Except as provided in **this subsection and**  
17 subsections (5), (15), and (16), tax increment revenues related  
18 to a brownfield plan shall be used only for costs of eligible  
19 activities attributable to the eligible property, the captured  
20 taxable value of which produces the tax increment revenues,  
21 including the cost of principal of and interest on any obligation  
22 issued by the authority to pay the costs of eligible activities  
23 attributable to the eligible property, and the reasonable costs  
24 of preparing a work plan or remedial action plan for the eligible  
25 property, including the actual cost of the review of the work  
26 plan or remedial action plan under section 15. **For property**  
27 **owned or under the control of a land bank or property over which**

1 the land bank may exercise its authority, tax increment revenues  
2 related to a brownfield plan may be used for eligible activities  
3 attributable to any eligible property owned or under the control  
4 of the land bank or property over which the land bank may  
5 exercise its authority, the cost of principal of and interest on  
6 any obligation issued by the authority to pay the costs of  
7 eligible activities, the reasonable costs of preparing a work  
8 plan or remedial action plan, and the actual cost of the review  
9 of the work plan or remedial action plan under section 15.

10 (4) Except as provided in subsection (5), a brownfield plan  
11 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 ~~of~~  
14 ~~eligible activities attributable to the eligible property~~  
15 ~~including the cost of principal of and interest on any obligation~~  
16 ~~issued by the authority to pay the costs of eligible activities~~  
17 ~~on the eligible property, and the reasonable cost of preparing a~~  
18 ~~work plan or remedial action plan for eligible property, and the~~  
19 ~~actual cost of the department's review of the work plan or~~  
20 ~~remedial action plan~~ **permitted to be funded with tax increment**  
21 **revenues under this act.**

22 (5) A brownfield plan may authorize the capture of additional  
23 tax increment revenue from an eligible property in excess of the  
24 amount authorized under subsection (4) during the time of capture  
25 for the purpose of paying the costs ~~of eligible activities~~  
26 **permitted** under subsection (3), or for not more than 5 years  
27 after the time that capture is required for the purpose of paying

1 the costs ~~of eligible activities~~ **permitted** under  
2 subsection (3), or both. Excess revenues captured under this  
3 subsection shall be deposited in the local site remediation  
4 revolving fund created under section 8 and used for the purposes  
5 authorized in section 8. If tax increment revenues **attributable**  
6 **to taxes** levied for school operating purposes from eligible  
7 property are captured by the authority for purposes authorized  
8 under subsection (3), the tax increment revenues captured for  
9 deposit in the local site remediation revolving fund also may  
10 include tax increment revenues **attributable to taxes** levied for  
11 school operating purposes in an amount not greater than the tax  
12 increment revenues levied for school operating purposes captured  
13 from the eligible property by the authority for the purposes  
14 authorized under subsection (3). Excess **tax increment** revenues  
15 from taxes levied for school operating purposes for eligible  
16 activities authorized under subsection (15) by the Michigan  
17 economic growth authority shall not be captured for deposit in  
18 the local site remediation revolving fund.

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

22 (7) Costs of eligible activities attributable to eligible  
23 property include all costs that are necessary or related to a  
24 release from the eligible property, including eligible activities  
25 on properties affected by a release from the eligible property.  
26 For purposes of this subsection, "release" means that term as  
27 defined in section 20101 of the natural resources and



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

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

12 (a) The reasonable attorney fees and costs incurred by this  
13 state or an authority in obtaining the cost recovery.

14 (b) One of the following:

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

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

1           (iii) If this state and an authority each undertake a cost  
2 recovery action, undertake a cost recovery action jointly, or 1  
3 on behalf of the other, the amount of any remaining recovered  
4 funds shall be deposited pursuant to subparagraphs (i) and (ii)  
5 in the proportion that the tax increment revenues being recovered  
6 represent local taxes and taxes levied for school operating  
7 purposes, respectively.

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

11           (10) Before approving a brownfield plan for an eligible  
12 property, the governing body shall hold a public hearing on the  
13 brownfield plan. Notice of the time and place of the hearing  
14 shall be given by publication twice in a newspaper of general  
15 circulation designated by the municipality, the first of which  
16 shall be not less than 20 or more than 40 days before the date  
17 set for the hearing.

18           (11) Notice of the time and place of the hearing on a  
19 brownfield plan shall contain all of the following:

20           (a) A description of the property to which the plan applies  
21 in relation to existing or proposed highways, streets, streams,  
22 or otherwise.

23           (b) A statement that maps, plats, and a description of the  
24 brownfield plan are available for public inspection at a place  
25 designated in the notice and that all aspects of the brownfield  
26 plan are open for discussion at the public hearing required by  
27 this ~~subsection~~ **section**.

1 (c) Any other information that the governing body considers  
2 appropriate.

3 (12) At the time set for the hearing on the brownfield plan  
4 required under subsection (10), the governing body shall provide  
5 an opportunity for interested persons to be heard and shall  
6 receive and consider communications in writing with reference to  
7 the brownfield plan. The governing body shall make and preserve  
8 a record of the public hearing, including all data presented at  
9 the hearing.

10 (13) Not less than 20 days before the hearing on the  
11 brownfield plan, the governing body shall provide notice of the  
12 hearing to the taxing jurisdictions that levy taxes subject to  
13 capture under this act. The authority shall fully inform the  
14 taxing jurisdictions about the fiscal and economic implications  
15 of the proposed brownfield plan. At that hearing, an official  
16 from a taxing jurisdiction with millage that would be subject to  
17 capture under this act has the right to be heard in regard to the  
18 adoption of the brownfield plan.

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

27 (15) If a brownfield plan includes the capture of taxes

1 levied for school operating purposes or the use of tax increment  
2 revenues related to a brownfield plan for the cost of eligible  
3 activities attributable to more than 1 eligible property that is  
4 adjacent and contiguous to all other eligible properties covered  
5 by the development agreement, whether or not the captured taxes  
6 are levied for school operating purposes, approval of a work plan  
7 by the Michigan economic growth authority before January 1, 2008  
8 to use school operating taxes and a development agreement between  
9 the municipality and an owner or developer of eligible property  
10 are required if the revenues will be used for infrastructure  
11 improvements that directly benefit eligible property, demolition  
12 of structures that is not response activity under part 201 of the  
13 natural resources and environmental protection act, 1994 PA 451,  
14 MCL 324.20101 to 324.20142, lead or asbestos abatement, or site  
15 preparation that is not response activity under section ~~201~~  
16 **20101** of the natural resources and environmental protection act,  
17 1994 PA 451, MCL 324.20101. The eligible activities to be  
18 conducted described in this subsection shall be consistent with  
19 the work plan submitted by the authority to the Michigan economic  
20 growth authority. The department's approval is not required for  
21 the capture of taxes levied for school operating purposes for  
22 eligible activities described in this subsection.

23 (16) A brownfield authority may reimburse reasonable and  
24 actual administrative and operating expenses that include, but  
25 are not limited to, baseline environmental assessments, due care  
26 activities, and additional response activities, related directly  
27 to work conducted by the authority on prospective eligible

1 properties prior to approval of the brownfield plan and on  
2 eligible properties and for eligible activities after the  
3 approval of the brownfield plan, only from captured local taxes  
4 not to exceed \$75,000.00 for each authority in each fiscal year.  
5 Reasonable and actual administrative and operating expenses do  
6 not include reasonable costs of preparing a work plan or remedial  
7 action plan or the cost of the review of a work plan for which  
8 taxes may be used under ~~section 13(3)~~ **subsection (3)**.

9 **(17) A brownfield authority may reimburse advances made by a**  
10 **municipality under section 7(3), a land bank, or any other person**  
11 **or entity for costs of eligible activities with any source of**  
12 **revenue available for use of the brownfield authority under this**  
13 **act and may enter into agreements related to those**  
14 **reimbursements.**

15 Enacting section 1. This amendatory act does not take  
16 effect unless all of the following bills of the 92nd Legislature  
17 are enacted into law:

18 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4481 (request  
19 no. 00033'03).

20 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4482 (request  
21 no. 00033'03 a).

22 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4488 (request  
23 no. 00034'03).

24 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4483 (request  
25 no. 00035'03).