HOUSE BILL NO. 6391

September 24, 2026, Introduced by Reps. Miller, Foreman and MacDonell and referred to Committee on Government Operations.

A bill to impose site requirements on certain data centers; to require the submission of certain materials by the developers or operators of certain data centers; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe civil sanctions; to provide remedies; and to provide for the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act may be cited as the "data center siting and community protection act".

Sec. 3. As used in this act:

(a) "Acoustic impact assessment" means an independent assessment by an acoustic engineer or other qualified expert of any low-frequency sound, vibration, tonal noise, resonance, or transformer hum emitted by a project on residential receptors and adjacent properties.

(b) "Affected local unit" means a local unit of government in which all or part of a project is located.

(c) "Agricultural impact assessment" means an independent assessment by a qualified expert of the impact of a project on surrounding soil moisture, groundwater, drainage, crop yield, and long-term farmland viability.

(d) "Common control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management, operations, development, financing, construction, ownership, leasing, or use of a facility, parcel, project, phase, affiliate, subsidiary, contractor-controlled site, special purpose entity, or related development, whether through ownership, contract, lease, management agreement, development agreement, option agreement, power purchase arrangement, interconnection request, financing arrangement, or other means.

(e) "Construction impact assessment" means an independent assessment by a qualified expert on traffic, road damage, dust, and noise related to the construction of a project.

(f) "Cumulative impact assessment" means an independent assessment by a qualified expert of the total combined impacts of a project on the water, wetlands, farmland, heat, residential areas, and existing development in an affected local unit.

(g) "Data center" means a facility, campus, group of buildings, or commonly controlled development that is primarily

used to house, operate, or support servers, data storage systems, networking equipment, cooling systems, power infrastructure, or other information technology equipment for the purpose of processing, storing, managing, or transmitting digital data, including, but not limited to, cloud computing, artificial intelligence computing, high-performance computing, cryptocurrency mining, or collocation services.

(h) "Department" means the department of environment, Great Lakes, and energy.

(i) "Emergency services impact assessment" means an independent assessment by a qualified expert of the impact of a project on fire, emergency medical, police, hazardous material, battery storage, generator, fuel storage, and electrical emergency response capabilities of an affected local unit.

(j) "High-impact component" means equipment or infrastructure associated with a project that is reasonably likely to create noise, vibration, light, heat, emissions, safety, emergency response, or visual impacts or to discharge liquid that contains known pollutants into groundwater or surface water.

(k) "Large-scale data center" means a data center that meets 1 or more of the following:

(*i*) Has, is designed to have, is approved for, or is reasonably projected to have an aggregate critical information technology load of 25 megawatts or more.

(*ii*) Has, is designed to have, is approved for, or is reasonably projected to have a total electrical demand of 50 megawatts or more.

(*iii*) Is constructed or developed in phases that collectively meet or are reasonably anticipated to meet a threshold described in

subparagraph (*i*) or (*ii*).

(*iv*) Is subject to an expansion or material modification that causes or is reasonably anticipated to cause the data center to meet a threshold described in subparagraph (*i*) or (*ii*).

(*v*) Is classified as a hyperscale data center, mega-hyperscale data center, or major digital infrastructure development under another law of this state.

(*l*) "Local unit of government" means a county, township, city, or village.

(m) "Person" means an individual or a partnership, corporation, limited liability company, association, governmental entity, or other legal entity.

(n) "Project" means a proposal to construct, expand, or materially modify a large-scale data center.

(o) "Residential receptor" means any of the following:

(*i*) An occupied dwelling, hotel, school, child care facility, senior housing facility, nursing home, or hospital.

(*ii*) A site in a residential zoning district.

(*iii*) A sensitive site established by a local unit of government.

(p) "Site certificate" means a certificate issued for a large-scale data center under section 5.

(q) "Thermal impact analysis" means an independent analysis by a qualified expert of the anticipated energy demand, cooling systems, heat rejection methods, thermal management practices, energy efficiency approaches, infrastructure impacts, and practicable alternatives for a project.

Sec. 5. (1) A local unit of government shall not issue, grant, or approve a site plan, permit, land use or activity, variance,

easement, certificate, or other authorization for a large-scale data center unless the local unit of government has issued a site certificate for the large-scale data center under this section.

(2) A local unit of government may issue a site certificate for a large-scale data center if all of the following conditions are met:

(a) The developer or operator submits a completed application in accordance with section 7(2)(a).

(b) The completed application described in subdivision (a) is reviewed by an independent qualified expert selected or approved by the affected local unit.

(c) The affected local unit makes a written finding that the project will not have a material adverse effect on the affected local unit due to any of the impacts described in section 9(1).

(d) The affected local unit makes a written finding that the project is consistent with the public health, safety, and welfare of the affected local unit and will not create unacceptable impacts on residents, farmland, wetlands, local infrastructure, or emergency services.

(e) The developer or operator pays the application fee and all costs required under section 7(2)(b).

(f) The developer or operator enters into an ongoing monitoring agreement with the affected local unit in accordance with section 11.

(3) A local unit of government may modify, suspend, or revoke a site certificate issued under this section if, after providing notice to the developer or operator and holding 1 or more public hearings, the local unit of government determines that the developer or operator has materially violated this act or the terms

of an ongoing minoring agreement.

Sec. 7. (1) In addition to any other requirement provided by law, a person shall not begin construction or an expansion or material modification of a large-scale data center unless each affected local unit issues a site certificate for the large-scale data center under section 5.

(2) In order to obtain a site certificate under section 5, the developer or operator of a large-scale data center must do all of the following:

(a) Submit a completed application for the site certificate to each affected local unit on a form and in a manner prescribed by the affected local unit. The application must include or attach all of the following for the project:

(*i*) An acoustic impact assessment.

(*ii*) An agricultural impact assessment.

(*iii*) An emergency services impact assessment.

(*iv*) A thermal impact analysis.

(*v*) A cumulative impact assessment.

(*vi*) A disclosure of any high-impact components to be used in the construction of the project.

(*vii*) If the project is reasonably expected to generate substantial traffic, road damage, dust, or noise related to the construction, a construction impact assessment.

(*viii*) If the project is on or may impact farmland or wetlands, clear and convincing evidence that demonstrates that there is no feasible alternative site for the project on brownfield or vacant industrial property.

(*ix*) If the project is on or may impact wetlands, a wetland protection proposal. A wetland protection proposal under this

subparagraph must prioritize avoidance of wetlands if feasible, minimization of impacts to wetlands if avoidance is not feasible, and a mitigation plan if avoidance and minimization are not feasible. A mitigation plan under this subparagraph must provide for mitigation in the same watershed as the impacted site, must consider both acreage and function lost at the impacted site, must be supported by financial assurance of not less than 3 times the anticipated cost of mitigation, and must comply with any other requirement provided by law.

(*x*) Evidence that demonstrates that the project will not have a material adverse effect on the affected local unit due to any of the impacts described in section 9(1).

(b) Pay for all of the following:

(*i*) An application fee to the affected local unit in an amount established by the affected local unit not to exceed the affected local unit's reasonably anticipated cost to review applications under this section.

(*ii*) The costs of each assessment and analysis required under subdivision (a).

(*iii*) The costs to mitigate any impact of a project as required under this act.

(*iv*) All costs of the affected local unit to review the application, including, but not limited to, the cost of the independent qualified expert selected or approved by the affected local unit under section 5(2)(b).

(c) Enter into an ongoing monitoring agreement with the affected local unit in accordance with section 11.

Sec. 9. (1) A local unit of government shall not approve a site certificate under section 5 unless the developer or operator

demonstrates that the project will not have a material adverse effect on the local unit of government due to any of the following impacts:

(a) Sound levels in excess of any level established by the affected local unit or by rule at any residential receptor or adjacent property line.

(b) Low-frequency sound, vibration, tonal noise, resonance, or transformer hum in excess of any level established by the affected local unit or by rule at any residential receptor or adjacent property line.

(c) Generator testing or backup generation activities conducted in violation of any requirement established by the affected local unit or by rule, including, but not limited to, requirements related to hours of operation, frequency, duration, and notice.

(d) Light trespass or glare in excess of any level established by the affected local unit or by rule at any residential receptor, adjacent property line, or agricultural operation.

(e) Thermal impacts in excess of any level established by the affected local unit or by rule.

(f) A material reduction in local agricultural productivity, including, but not limited to, impacts caused by changes in soil moisture, groundwater, drainage, thermal conditions, or microclimate.

(g) A material interference with the use, enjoyment, safety, or livability of a residential receptor.

(2) A local unit of government may establish by ordinance 1 or more of the limits and requirements described in subsection (1).

(3) After a large-scale data center is issued a site

certificate under section 5, the developer or operator shall not allow the large-scale data center to cause any of the impacts described in subsection (1) at any point during the operation of the large-scale data center.

Sec. 11. A local unit of government shall not approve a site certificate under section 5 unless the developer or operator enters into an ongoing monitoring agreement with the local unit of government on a form and in a manner prescribed by the local unit of government. The ongoing monitoring agreement must require all of the following:

(a) That the developer or operator allow the local unit of government and its agents to conduct site visits and inspections at the large-scale data center.

(b) That the developer or operator comply with any thermal impact mitigation proposal or wetland protection proposal made in connection with the issuance of the site certificate.

(c) That the developer or operator promptly take corrective action if the large-scale data center exceeds a projection, level, or limitation imposed or contemplated in connection with the issuance of the site certificate.

(d) That the large-scale data center cease operation if the developer or operator does not promptly take corrective action as required under subdivision (c).

(e) That the developer or operator pay for all costs of the local unit of government incurred in connection with the ongoing monitoring agreement.

Sec. 13. (1) A person may submit a complaint to a local unit of government regarding an alleged violation of this act on a form and in a manner prescribed by the local unit of government. The

submission must include any available documentation on the basis of the complaint.

(2) A local unit of government shall review any complaint submitted under subsection (1) and may do any of the following:

(a) Impose a reasonable deadline for the developer or operator to submit a written response to the complaint.

(b) Subject the large-scale data center to supplemental monitoring requirements while the complaint is under review.

(c) Require the developer or operator to promptly take corrective action regarding the alleged violation.

(d) Refer the alleged violation to the county prosecutor or attorney general to bring an action under section 15.

(3) The developer or operator of a large-scale data center shall promptly comply with any response deadline, supplemental monitoring requirement, or corrective action requirement imposed by a local unit of government under subsection (2).

Sec. 15. A person that violates this act is subject to a civil fine of not more than $10,000.00 for each day of violation. The prosecutor of the county in which a violation of this act occurred or the attorney general may bring an action to collect a civil fine imposed under this section, to obtain an injunction against a person, or to enforce an ongoing monitoring agreement entered into under section 11. A civil fine collected under this section must be deposited in the general fund.

Sec. 17. The department may promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 19. This act preempts a local ordinance, regulation, or resolution that imposes conflicting or less restrictive

requirements on large-scale data centers than those specified in this act. This act does not preempt a local ordinance, regulation, or resolution that imposes additional or more restrictive requirements on large-scale data centers than those specified in this act.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This act does not take effect unless House Bill No. 6388 (request no. H07691'26 a) of the 103rd Legislature is enacted into law.