

SENATE BILL No. 621

November 10, 2015, Introduced by Senators MACGREGOR, BRANDENBURG, KOWALL, STAMAS and MARLEAU and referred to the Committee on Finance.

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 3 and 18 (MCL 125.2873 and 125.2888), section 3 as amended by 2013 PA 68 and section 18 as amended by 2008 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Operations" means office maintenance, including salaries
3 and expenses of employees, office supplies, consultation fees,
4 design costs, and other expenses incurred in the daily management
5 of the authority and planning of its activities.

6 (b) "Parcel" means an identifiable unit of land that is
7 treated as separate for valuation or zoning purposes.

8 (c) "Public facility" means a street, plaza, pedestrian mall,
9 and any improvements to a street, plaza, or pedestrian mall
10 including street furniture and beautification, sidewalk, trail,

1 lighting, traffic flow modification, park, parking facility,
2 recreational facility, right-of-way, structure, waterway, bridge,
3 lake, pond, canal, utility line or pipe, transit-oriented
4 development, transit-oriented facility, or building, including
5 access routes, that are either designed and dedicated to use by the
6 public generally or used by a public agency, or that are located in
7 a qualified development area and are 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 1 or more business entities,
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 designed to accommodate
13 foreseeable development of public facilities in adjoining areas.
14 Public facility includes an improvement to a facility used by the
15 public or a public facility as those terms are defined in section 1
16 of 1966 PA 1, MCL 125.1351, if the improvement complies with the
17 barrier-free design requirements of the state construction code
18 promulgated under the Stille-DeRossett-Hale single state
19 construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

20 (d) "Qualified development area" means a development area that
21 meets 1 of the following:

22 (i) All of the following:

23 (A) Is located within a city with a population of 700,000 or
24 more.

25 (B) Contains at least 30 contiguous acres.

26 (C) Was owned by this state on December 31, 2003 and was
27 conveyed to a private owner before June 30, 2004.

1 (D) Is zoned to allow for mixed use that includes commercial
2 use and that may include residential use.

3 (E) Otherwise complies with the requirements of section 5(a),
4 (d), (e), and (g).

5 (F) Construction within the qualified development area begins
6 on or before the date 2 years after the effective date of the
7 amendatory act that added this subdivision.

8 (G) Is located in a distressed area.

9 (ii) Contains transit-oriented development or a transit-
10 oriented facility.

11 (e) "Specific local tax" means a tax levied under 1974 PA 198,
12 MCL 207.551 to 207.572, the commercial redevelopment act, 1978 PA
13 255, MCL 207.651 to 207.668, the technology park development act,
14 1984 PA 385, MCL 207.701 to 207.718, or 1953 PA 189, MCL 211.181 to
15 211.182. The initial assessed value or current assessed value of
16 property subject to a specific local tax shall be the quotient of
17 the specific local tax paid divided by the ad valorem millage rate.
18 The state tax commission shall prescribe the method for calculating
19 the initial assessed value and current assessed value of property
20 for which a specific local tax was paid in lieu of a property tax.

21 (f) "State fiscal year" means the annual period commencing
22 October 1 of each year.

23 (g) "Tax increment revenues" means the amount of ad valorem
24 property taxes and specific local taxes attributable to the
25 application of the levy of all taxing jurisdictions upon the
26 captured assessed value of real and personal property in the
27 development area. Except as otherwise provided in section 29, tax

1 increment revenues do not include any of the following:

2 (i) Taxes under the state education tax act, 1993 PA 331, MCL
3 211.901 to 211.906.

4 (ii) Taxes levied by local or intermediate school districts.

5 (iii) Ad valorem property taxes attributable either to a
6 portion of the captured assessed value shared with taxing
7 jurisdictions within the jurisdictional area of the authority or to
8 a portion of value of property that may be excluded from captured
9 assessed value or specific local taxes attributable to the ad
10 valorem property taxes.

11 (iv) Ad valorem property taxes excluded by the tax increment
12 financing plan of the authority from the determination of the
13 amount of tax increment revenues to be transmitted to the authority
14 or specific local taxes attributable to the ad valorem property
15 taxes.

16 (v) Ad valorem property taxes exempted from capture under
17 section 18(5) or specific local taxes attributable to the ad
18 valorem property taxes.

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

24 (vii) Ad valorem property taxes levied under 1 or more of the
25 following or specific local taxes attributable to those ad valorem
26 property taxes:

27 (A) The zoological authorities act, 2008 PA 49, MCL 123.1161

1 to 123.1183.

2 (B) The art institute authorities act, 2010 PA 296, MCL
3 123.1201 to 123.1229.

4 (C) EXCEPT AS OTHERWISE PROVIDED IN SECTION 18(5), AD VALOREM
5 PROPERTY TAXES OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THOSE AD
6 VALOREM PROPERTY TAXES LEVIED FOR A SEPARATE MILLAGE FOR PUBLIC
7 LIBRARY PURPOSES APPROVED BY THE ELECTORS AFTER DECEMBER 31, 2015.

8 (h) "Transit-oriented development" means infrastructural
9 improvements that are located within 1/2 mile of a transit station
10 or transit-oriented facility that promotes transit ridership or
11 passenger rail use as determined by the board and approved by the
12 municipality in which it is located.

13 (i) "Transit-oriented facility" means a facility that houses a
14 transit station in a manner that promotes transit ridership or
15 passenger rail use.

16 (j) "Distressed area" means a local governmental unit that
17 meets all of the following:

18 (i) Has a population of 700,000 or more.

19 (ii) Shows a negative population change from 1970 to the date
20 of the most recent federal decennial census.

21 (iii) Shows an overall increase in the state equalized value
22 of real and personal property of less than the statewide average
23 increase since 1972.

24 (iv) Has a poverty rate, as defined by the most recent federal
25 decennial census, greater than the statewide average.

26 (v) Has had an unemployment rate higher than the statewide
27 average.

1 Sec. 18. (1) If the authority determines that it is necessary
2 for the achievement of the purposes of this act, the authority
3 shall prepare and submit a tax increment financing plan to the
4 governing body of the municipality. The plan shall include a
5 development plan as provided in section 21, a detailed explanation
6 of the tax increment procedure, the maximum amount of bonded
7 indebtedness to be incurred, and the duration of the program, and
8 shall be in compliance with section 19. The plan shall contain a
9 statement of the estimated impact of tax increment financing on the
10 assessed values of all taxing jurisdictions in which the
11 development area is located. The plan may provide for the use of
12 part or all of the captured assessed value, but the portion
13 intended to be used by the authority shall be clearly stated in the
14 tax increment financing plan. The authority or municipality may
15 exclude from captured assessed value growth in property value
16 resulting solely from inflation. The plan shall set forth the
17 method for excluding growth in property value resulting solely from
18 inflation.

19 (2) Approval of the tax increment financing plan shall comply
20 with the notice, hearing, and disclosure provisions of section 22.
21 If the development plan is part of the tax increment financing
22 plan, only 1 hearing and approval procedure is required for the 2
23 plans together.

24 (3) Before the public hearing on the tax increment financing
25 plan, the governing body shall provide a reasonable opportunity to
26 the taxing jurisdictions levying taxes subject to capture to meet
27 with the governing body. The authority shall fully inform the

1 taxing jurisdictions of the fiscal and economic implications of the
2 proposed development area. The taxing jurisdictions may present
3 their recommendations at the public hearing on the tax increment
4 financing plan. The authority may enter into agreements with the
5 taxing jurisdictions and the governing body of the municipality in
6 which the development area is located to share a portion of the
7 captured assessed value of the development area.

8 (4) A tax increment financing plan may be modified if the
9 modification is approved by the governing body upon notice and
10 after public hearings and agreements as are required for approval
11 of the original plan.

12 (5) Except for a development area located in a qualified
13 development area, not more than 60 days after the public hearing on
14 the tax increment financing plan, the governing body in a taxing
15 jurisdiction levying ad valorem property taxes that would otherwise
16 be subject to capture may exempt its taxes from capture by adopting
17 a resolution to that effect and filing a copy with the clerk of the
18 municipality proposing to create the authority. The resolution
19 shall take effect when filed with the clerk and remains effective
20 until a copy of a resolution rescinding that resolution is filed
21 with that clerk. **IF A LIBRARY BOARD OR COMMISSION LEVIES A SEPARATE**
22 **MILLAGE FOR PUBLIC LIBRARY PURPOSES THAT WAS LEVIED BEFORE JANUARY**
23 **1, 2016, AND ALL OBLIGATIONS OF THE AUTHORITY ARE PAID OR DEFEASED,**
24 **THEN THE LEVY IS EXEMPT FROM CAPTURE UNDER THIS ACT, UNLESS THE**
25 **LIBRARY BOARD OR COMMISSION ALLOWS ALL OR A PORTION OF ITS TAXES**
26 **LEVIED TO BE INCLUDED AS TAX INCREMENT REVENUES AND SUBJECT TO**
27 **CAPTURE UNDER THIS ACT UNDER THE TERMS OF A WRITTEN AGREEMENT**

1 BETWEEN THE LIBRARY BOARD OR COMMISSION AND THE AUTHORITY. THE
2 WRITTEN AGREEMENT SHALL BE FILED WITH THE CLERK OF THE
3 MUNICIPALITY. HOWEVER, IF A LIBRARY BOARD OR COMMISSION LEVIES A
4 SEPARATE MILLAGE FOR PUBLIC LIBRARY PURPOSES THAT WAS LEVIED BEFORE
5 JANUARY 1, 2016, AND THE AUTHORITY ALTERS OR AMENDS THE BOUNDARIES
6 OF THE DEVELOPMENT AREA OR EXTENDS THE DURATION OF THE EXISTING
7 FINANCE PLAN, THEN THE LIBRARY BOARD OR COMMISSION MAY, NOT LATER
8 THAN 60 DAYS AFTER A PUBLIC HEARING IS HELD UNDER THIS SUBSECTION,
9 EXEMPT ALL OR A PORTION OF ITS TAXES FROM CAPTURE BY ADOPTING A
10 RESOLUTION TO THAT EFFECT AND FILING A COPY WITH THE CLERK OF THE
11 MUNICIPALITY THAT CREATED THE AUTHORITY. FOR AD VALOREM PROPERTY
12 TAXES OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THOSE AD VALOREM
13 PROPERTY TAXES LEVIED FOR A SEPARATE MILLAGE FOR PUBLIC LIBRARY
14 PURPOSES APPROVED BY THE ELECTORS AFTER DECEMBER 31, 2015, A
15 LIBRARY BOARD OR COMMISSION MAY ALLOW ALL OR A PORTION OF ITS TAXES
16 LEVIED TO BE INCLUDED AS TAX INCREMENT REVENUES AND SUBJECT TO
17 CAPTURE UNDER THIS ACT UNDER THE TERMS OF A WRITTEN AGREEMENT
18 BETWEEN THE LIBRARY BOARD OR COMMISSION AND THE AUTHORITY. THE
19 WRITTEN AGREEMENT SHALL BE FILED WITH THE CLERK OF THE
20 MUNICIPALITY.