

HOUSE BILL No. 5393

December 11, 1991, Introduced by Reps. Bartnik, Alley, Middaugh, Van Singel, Byrum, Niederstadt, DeMars, Weeks, Munsell, Brackenridge, Shugars, Goss, Hoffman, Nye, Trim, Martin, Hoekman, Dobb, Allen and Ostling and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 1 and 7 of Act No. 450 of the Public Acts of 1980, entitled as amended

"The tax increment finance authority act,"

as amended by Act No. 193 of the Public Acts of 1985, being sections 125.1801 and 125.1807 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 7 of Act No. 450 of the Public
2 Acts of 1980, as amended by Act No. 193 of the Public Acts of
3 1985, being sections 125.1801 and 125.1807 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 1. As used in this act:

6 (a) "Authority" means a tax increment finance authority cre-
7 ated pursuant to this act.

1 (b) "Authority district" means that area within which an
2 authority shall exercise its powers and within which 1 or more
3 development areas may exist.

4 (c) "Board" means the governing body of an authority.

5 (d) "Chief executive officer" means the mayor or city man-
6 ager of a city, the president of a village, or the supervisor of
7 a township.

8 (e) "Development area" means that area to which a develop-
9 ment plan is applicable.

10 (f) "Development area citizens council" or "council" means
11 that advisory body established pursuant to section 20.

12 (g) "Development plan" means that information and those
13 requirements for a development set forth in section 16.

14 (h) "Development program" means the implementation of the
15 development plan.

16 (i) "Governing body" means the elected body of a municipal-
17 ity having legislative powers.

18 (J) "HAZARDOUS SUBSTANCE" MEANS THAT TERM AS DEFINED IN THE
19 ENVIRONMENTAL RESPONSE ACT, ACT NO. 307 OF THE PUBLIC ACTS OF
20 1982, BEING SECTIONS 299.601 TO 299.618 OF THE MICHIGAN COMPILED
21 LAWS.

22 (K) ~~(j)~~ "Municipality" means a city.

23 (L) ~~(k)~~ "Public facility" means 1 or more of the
24 following:

25 (i) A street, plaza, or pedestrian mall, and any improve-
26 ments to a street, plaza, boulevard, alley, or pedestrian mall,
27 including street furniture and beautification; ~~—~~ park; ~~—~~

1 parking facility; ~~—~~ recreation facility; ~~—~~ playground; ~~—~~
 2 school; ~~—~~ library; ~~—~~ public institution or administration
 3 building; ~~—~~ right of way; ~~—~~ structure; ~~—~~ waterway; ~~—~~
 4 bridge; ~~—~~ lake; ~~—~~ pond; ~~—~~ canal; ~~—~~ utility line or pipe-
 5 line; ~~—~~ and other similar facilities and necessary easements of
 6 these facilities designed and dedicated to use by the public gen-
 7 erally or used by a public agency.

8 (ii) The acquisition and disposal of real and personal prop-
 9 erty or interests ~~therein~~ IN THAT PROPERTY, demolition of
 10 structures, site preparation, relocation costs, building rehabil-
 11 itation, and all administrative costs related to the above,
 12 including, but not limited to, architect's, engineer's, legal,
 13 and accounting fees as contained in the resolution establishing
 14 the district's development plan.

15 (iii) An improvement to a facility used by the public or a
 16 public facility as those terms are defined in section 1 of Act
 17 No. 1 of the Public Acts of 1966, being section 125.1351 of the
 18 Michigan Compiled Laws, which improvement is made to comply with
 19 the barrier free design requirements of the state construction
 20 code promulgated under the state construction code act of 1972,
 21 Act No. 230 of the Public Acts of 1972, being sections 125.1501
 22 to 125.1531 of the Michigan Compiled Laws.

23 (M) "RELEASE" MEANS THAT TERM AS DEFINED IN ACT NO. 307 OF
 24 THE PUBLIC ACTS OF 1982.

25 (N) ~~(L)~~ "Tax increment district" or "district" means that
 26 area to which the tax increment finance plan pertains.

1 (O) ~~(m)~~ "Tax increment financing plan" means that
2 information and those requirements set forth in sections 13 to
3 15.

4 Sec. 7. The board may DO ANY OF THE FOLLOWING:

5 (a) Prepare an analysis of economic changes taking place in
6 the municipality and its environs as those changes relate to
7 urban deterioration in the development areas.

8 (b) Study and analyze the impact of growth upon development
9 areas.

10 (c) Plan and propose the construction, renovation, repair,
11 remodeling, rehabilitation, restoration, preservation, or recon-
12 struction of a public facility, an existing building, or a multi-
13 ple family dwelling unit ~~which~~ THAT may be necessary or appro-
14 priate to the execution of a plan ~~which~~ THAT, in the opinion of
15 the board, aids in the revitalization and growth of the develop-
16 ment area.

17 (d) Plan, propose, and implement an improvement to a public
18 facility within the development area to comply with the barrier
19 free design requirements of the state construction code promul-
20 gated under the state construction code act of 1972, Act No. 230
21 of the Public Acts of 1972, being sections 125.1501 to 125.1531
22 of the Michigan Compiled Laws.

23 (e) Develop long-range plans, in cooperation with the agency
24 ~~which~~ THAT is chiefly responsible for planning in the munici-
25 pality, designed to halt the decline of property values and to
26 promote the growth of the development area, and take ~~such~~ steps

1 ~~as may be~~ necessary to implement the plans to the fullest
2 extent possible.

3 (f) Implement ~~any~~ A plan of development in a development
4 area necessary to achieve the purposes of this act, in accordance
5 with the powers of the authority ~~as~~ granted by this act.

6 (g) Make and enter into contracts necessary or incidental to
7 the exercise of ~~its~~ THE BOARD'S powers and the performance of
8 its duties.

9 (h) Acquire by purchase or otherwise, on terms and condi-
10 tions and in a manner the authority considers proper, own,
11 convey, demolish, relocate, rehabilitate, or otherwise dispose
12 of, or lease as lessor or lessee, ~~land and other property,~~ real
13 or personal PROPERTY, or rights or interests ~~therein, which~~ IN
14 REAL OR PERSONAL PROPERTY, THAT the authority determines is rea-
15 sonably necessary to achieve the purposes of this act, and ~~to~~
16 grant or acquire licenses, easements, and options with respect
17 ~~thereto~~ TO THE PROPERTY.

18 (i) Improve land, prepare sites for buildings, including the
19 demolition of existing structures, and construct, reconstruct,
20 rehabilitate, restore, and preserve, equip, improve, maintain,
21 repair, and operate ~~any~~ A building, including any type of hous-
22 ing, and ~~any~~ necessary or desirable appurtenances ~~thereto~~ TO
23 THE BUILDING, within the development area for the use, in whole
24 or in part, of any public or private person or corporation, or a
25 combination thereof.

26 (j) Fix, charge, and collect fees, rents, and charges for
27 the use of ~~any building or property or any~~ ALL OR part of a

1 building or property under ~~its~~ THE BOARD'S control, or a
2 facility in the building or on the property, and pledge the fees,
3 rents, and charges for the payment of revenue bonds issued by the
4 authority.

5 (k) Lease ~~any~~ ALL OR PART OF A building or property ~~or~~
6 ~~part of a building or property~~ under ~~its~~ THE BOARD'S control.

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

9 (m) Acquire and construct public facilities.

10 (n) Incur costs in connection with the performance of ~~its~~
11 THE BOARD'S authorized functions, including but not limited to,
12 administrative costs, and ~~architects, engineers,~~ ARCHITECT'S,
13 ENGINEER'S, legal, and accounting fees.

14 (o) CLEAN UP, REMOVE, CONTAIN, ISOLATE, DESTROY, OR TREAT A
15 HAZARDOUS SUBSTANCE AFTER A RELEASE.