

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4711

A bill to amend 1996 PA 381, entitled  
"Brownfield redevelopment financing act,"  
by amending section 15 (MCL 125.2665), as amended by 2006 PA 32.

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

1       Sec. 15. (1) An authority shall not do any of the following:  
2       (a) For eligible activities not described in section 13(15),  
3       use taxes levied for school operating purposes captured from  
4       eligible property unless the eligible activities to be conducted on  
5       the eligible property are eligible activities under part 201 of the  
6       natural resources and environmental protection act, 1994 PA 451,  
7       MCL 324.20101 to 324.20142, consistent with a work plan ~~or remedial~~  
8       ~~action plan~~ approved by the department after July 24, 1996 and  
9       before January 1, ~~2008~~ 2013. **HOWEVER, EXCEPT AS PROVIDED IN**

SUBDIVISION (E), AN AUTHORITY MAY USE TAXES LEVIED FOR SCHOOL OPERATING PURPOSES CAPTURED FROM ELIGIBLE PROPERTY WITHOUT THE APPROVAL OF A WORK PLAN BY THE DEPARTMENT FOR THE REASONABLE COSTS OF 1 OR MORE OF THE FOLLOWING:

(i) SITE INVESTIGATION ACTIVITIES REQUIRED TO CONDUCT A BASELINE ENVIRONMENTAL ASSESSMENT AND TO EVALUATE COMPLIANCE WITH SECTION 20107A OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20107A.

(ii) COMPLETING A BASELINE ENVIRONMENTAL ASSESSMENT REPORT.

(iii) PREPARING A PLAN FOR COMPLIANCE WITH SECTION 20107A OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20107A.

(b) For eligible activities not described in section 13(15), OTHER THAN ACTIVITIES THAT ARE EXEMPT FROM THE WORK PLAN APPROVAL PROCESS UNDER SUBSECTION (1)(A), use funds from a local site remediation revolving fund that are derived from taxes levied for school operating purposes unless the eligible activities to be conducted are eligible activities under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, consistent with a work plan ~~or remedial action plan~~ that has been approved by the department after July 24, 1996.

(c) Use funds from a local site remediation revolving fund created pursuant to section 8 that are derived from taxes levied for school operating purposes for the eligible activities described in section 13(15) unless the eligible activities to be conducted are consistent with a work plan approved by the Michigan economic

1 growth authority.

2 (d) Use taxes captured from eligible property to pay for  
3 eligible activities conducted before approval of the brownfield  
4 plan except for costs described in section 13(16).

5 (e) Use taxes levied for school operating purposes captured  
6 from eligible property for response activities that benefit a party  
7 liable under section 20126 of the natural resources and  
8 environmental protection act, 1994 PA 451, MCL 324.20126, except  
9 that a municipality that established the authority ~~, for taxes~~  
10 ~~levied after 2004,~~ may use taxes levied for school operating  
11 purposes captured from eligible property for response activities  
12 associated with a landfill.

13 (f) Use taxes captured from eligible property to pay for  
14 administrative and operating activities of the authority or the  
15 municipality on behalf of the authority except for costs described  
16 in section 13(16) and for the reasonable costs for preparing a work  
17 plan ~~or remedial action plan~~ for the eligible property, including  
18 the actual cost of the review of the work plan ~~or remedial action~~  
19 ~~plan~~ under this section.

20 (2) To seek department approval of a work plan under  
21 subsection (1)(a) or (b), ~~or remedial action plan,~~ the authority  
22 shall submit all of the following for each eligible property:

23 (a) A copy of the brownfield plan.

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

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

6 (d) Existing and proposed future zoning for each eligible  
7 property.

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

10 (f) A separate work plan, ~~or remedial action plan~~, or part of  
11 a work plan, ~~or remedial action plan~~, for each eligible activity to  
12 be undertaken.

13 (3) Upon receipt of a request for approval of a work plan ~~or~~  
14 ~~remedial action plan~~ under subsection (2) ~~that pertains to baseline~~  
15 ~~environmental assessment activities or due care activities, or~~  
16 ~~both~~, or a portion of a work plan ~~or remedial action plan~~ that  
17 pertains to only baseline environmental assessment activities or  
18 due care activities, or both, the department shall **REVIEW THE WORK**  
19 **PLAN ACCORDING TO SUBSECTION (4) AND** provide 1 of the following  
20 written responses to the requesting authority within 60 days:

21 (a) An unconditional approval.

22 (b) A conditional approval that delineates specific necessary  
23 modifications to the work plan ~~or remedial action plan~~ **TO MEET THE**  
24 **CRITERIA OF SUBSECTION (4)**, including, but not limited to,  
25 individual activities to be added or deleted from the work plan ~~or~~  
26 ~~remedial action plan~~ and revision of costs.

27 (c) If the work plan ~~or remedial action plan~~ lacks sufficient

1 information for the department to respond under subdivision (a), ~~or~~  
2 (b), **OR (D) FOR ANY SPECIFIC ACTIVITY**, a letter stating with  
3 specificity the necessary additions or changes to the work plan ~~or~~  
4 ~~remedial action plan~~ to be submitted before a ~~plan~~ **THAT ACTIVITY**  
5 will be considered by the department. **THE DEPARTMENT SHALL RESPOND**  
6 **UNDER SUBDIVISION (A), (B), OR (D) ACCORDING TO THIS SECTION FOR**  
7 **THE OTHER ACTIVITIES IN THE WORK PLAN.**

8 ~~—— (4) In its review of a work plan or remedial action plan, the~~  
9 ~~department shall consider all of the following:~~

10 ~~—— (a) Whether the individual activities included in the work~~  
11 ~~plan or remedial action plan are sufficient to complete the~~  
12 ~~eligible activity.~~

13 ~~—— (b) Whether each individual activity included in the work plan~~  
14 ~~or remedial action plan is required to complete the eligible~~  
15 ~~activity.~~

16 ~~—— (c) Whether the cost for each individual activity is~~  
17 ~~reasonable.~~

18 (D) A DENIAL IF THE PROPERTY IS NOT AN ELIGIBLE PROPERTY UNDER  
19 THIS ACT, IF THE WORK PLAN CONTEMPLATES THE USE OF TAXES LEVIED FOR  
20 SCHOOL OPERATING PURPOSES PROHIBITED BY SUBSECTION (1) (E), OR FOR  
21 ANY SPECIFIC ACTIVITY IF THE ACTIVITY IS PROHIBITED BY SUBSECTION  
22 (1) (D). THE DEPARTMENT MAY ALSO DENY ANY ACTIVITY IN A WORK PLAN  
23 THAT DOES NOT MEET THE CONDITIONS IN SUBSECTION (4) ONLY IF THE  
24 DEPARTMENT CANNOT RESPOND UNDER SUBDIVISION (B) OR (C). THE  
25 DEPARTMENT SHALL ACCOMPANY THE DENIAL WITH A LETTER THAT STATES  
26 WITH SPECIFICITY THE REASON FOR THE DENIAL. THE DEPARTMENT SHALL  
27 RESPOND UNDER SUBDIVISION (A), (B), OR (C) ACCORDING TO THIS

1 SECTION FOR ANY ACTIVITIES IN THE WORK PLAN THAT ARE NOT DENIED  
2 UNDER THIS SUBDIVISION. IF THE DEPARTMENT DENIES ALL OR A PORTION  
3 OF A WORK PLAN UNDER THIS SUBDIVISION, THE AUTHORITY MAY  
4 SUBSEQUENTLY RESUBMIT THE WORK PLAN.

5 (4) THE DEPARTMENT MAY APPROVE A WORK PLAN IF THE FOLLOWING  
6 CONDITIONS HAVE BEEN MET:

7 (A) WHETHER SOME OR ALL OF THE ACTIVITIES CONSTITUTE DUE CARE  
8 ACTIVITIES OR ADDITIONAL RESPONSE ACTIVITIES OTHER THAN ACTIVITIES  
9 THAT ARE EXEMPT FROM THE WORK PLAN APPROVAL PROCESS UNDER  
10 SUBSECTION (1) (A) .

11 (B) THE DUE CARE ACTIVITIES AND RESPONSE ACTIVITIES, OTHER  
12 THAN THE ACTIVITIES THAT ARE EXEMPT FROM THE WORK PLAN APPROVAL  
13 PROCESS UNDER SUBSECTION (1) (A) , ARE PROTECTIVE OF THE PUBLIC  
14 HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT. THE DEPARTMENT MAY  
15 APPROVE ADDITIONAL RESPONSE ACTIVITIES THAT ARE MORE PROTECTIVE OF  
16 THE PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT THAN  
17 REQUIRED BY SECTION 20107A OF THE NATURAL RESOURCES AND  
18 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.20107A, IF THOSE  
19 ACTIVITIES PROVIDE PUBLIC HEALTH OR ENVIRONMENTAL BENEFIT. IN  
20 REVIEW OF A WORK PLAN THAT INCLUDES ACTIVITIES THAT ARE MORE  
21 PROTECTIVE OF THE PUBLIC HEALTH, SAFETY, AND WELFARE AND THE  
22 ENVIRONMENT, THE DEPARTMENT'S CONSIDERATIONS MAY INCLUDE, BUT ARE  
23 NOT LIMITED TO, ALL OF THE FOLLOWING:

24 (i) PROPOSED NEW LAND USE AND RELIABILITY OF RESTRICTIONS TO  
25 PREVENT EXPOSURE TO CONTAMINATION.

26 (ii) COST OF IMPLEMENTATION ACTIVITIES MINIMALLY NECESSARY TO  
27 ACHIEVE DUE CARE COMPLIANCE, THE INCREMENTAL COST OF ALL ADDITIONAL

1 RESPONSE ACTIVITIES RELATIVE TO THE COST OF ALL RESPONSE  
2 ACTIVITIES, AND THE TOTAL COST OF ALL RESPONSE ACTIVITIES.

3 (iii) LONG-TERM OBLIGATIONS ASSOCIATED WITH LEAVING  
4 CONTAMINATION IN PLACE AND THE VALUE OF REDUCING OR ELIMINATING  
5 THESE OBLIGATIONS.

6 (C) THE ESTIMATED COSTS FOR THE ACTIVITIES AS A WHOLE ARE  
7 REASONABLE FOR THE STATED PURPOSE. EXCEPT AS PROVIDED IN  
8 SUBDIVISION (B), THE DEPARTMENT SHALL MAKE THE DETERMINATION IN  
9 THIS SUBDIVISION ONLY AFTER THE DEPARTMENT DETERMINES THAT THE  
10 CONDITIONS IN SUBDIVISIONS (A) AND (B) HAVE BEEN MET.

11 (5) If the department fails to provide a written response  
12 under subsection (3) within 60 days after receipt of a request for  
13 approval of a work plan, ~~or remedial action plan that pertains to~~  
14 ~~baseline environmental assessment activities or due care~~  
15 ~~activities, or both,~~ the authority may proceed with the baseline  
16 ~~environmental assessment activities or due care activities, or~~  
17 ~~both,~~ **ACTIVITIES** as outlined in the work plan ~~or remedial action~~  
18 ~~plan as submitted for approval.~~ Except as provided in subsection  
19 (6), ~~baseline environmental assessment activities or due care~~  
20 ~~activities, or both,~~ **ACTIVITIES** conducted pursuant to a work plan  
21 ~~or remedial action plan that was submitted to the department for~~  
22 approval but for which the department failed to provide a written  
23 response under subsection (3) shall be considered approved for the  
24 purposes of subsection (1). **WITHIN 45 DAYS AFTER RECEIVING**  
25 **ADDITIONAL INFORMATION REQUESTED FROM THE AUTHORITY UNDER**  
26 **SUBSECTION (3) (C), THE DEPARTMENT SHALL REVIEW THE ADDITIONAL**  
27 **INFORMATION ACCORDING TO SUBSECTION (4) AND PROVIDE 1 OF THE**

1   RESPONSES DESCRIBED IN SUBSECTION (3) TO THE REQUESTING AUTHORITY  
2   FOR THE SPECIFIC ACTIVITY. IF THE DEPARTMENT DOES NOT PROVIDE A  
3   RESPONSE TO THE REQUESTING AUTHORITY WITHIN 45 DAYS AFTER RECEIVING  
4   THE ADDITIONAL INFORMATION REQUESTED UNDER SUBSECTION (3)(C), THE  
5   ACTIVITY IS APPROVED UNDER SUBSECTION (1).

6       (6) The department may issue a written response to a work plan  
7   ~~or remedial action plan that pertains to baseline environmental~~  
8   ~~assessment activities or due care activities, or both,~~ more than 60  
9   days but less than 6 months after receipt of a request for  
10   approval. If the department issues a written response under this  
11   subsection, the authority is not required to conduct individual  
12   activities that are in addition to the individual activities  
13   included in the work plan ~~or remedial action plan~~ as it was  
14   submitted for approval and failure to conduct these additional  
15   activities shall not affect the authority's ability to capture  
16   taxes under subsection (1) for the eligible activities described in  
17   the work plan ~~or remedial action plan~~ initially submitted under  
18   subsection (5). In addition, at the option of the authority, these  
19   additional individual activities shall be considered part of the  
20   work plan ~~or remedial action plan~~ of the authority and approved for  
21   purposes of subsection (1). However, any response by the department  
22   under this subsection that identifies additional individual  
23   activities that must be carried out to satisfy ~~the baseline~~  
24   ~~environmental assessment or due care requirements, or both, of part~~  
25   201 of the natural resources and environmental protection act, 1994  
26   PA 451, MCL 324.20101 to 324.20142, must be satisfactorily  
27   completed for the ~~baseline environmental assessment or due care~~



1 ~~activities, or both,~~ **ACTIVITIES** to be considered acceptable for the  
2 purposes of compliance with part 201 of the natural resources and  
3 environmental protection act, 1994 PA 451, MCL 324.20101 to  
4 324.20142.

5 (7) If the department issues a written response under  
6 subsection (6) to a work plan ~~or remedial action plan that pertains~~  
7 ~~to baseline environmental assessment activities or due care~~  
8 ~~activities, or both,~~ and if the department's written response  
9 modifies an individual activity proposed by the work plan ~~or~~  
10 ~~remedial action plan~~ of the authority in a manner that reduces or  
11 eliminates a proposed response activity, the authority must  
12 complete those individual activities ~~included in the baseline~~  
13 ~~environmental assessment or due care activities, or both,~~ in  
14 accordance with the department's response in order for that portion  
15 of the work plan ~~or remedial action plan~~ to be considered approved  
16 for purposes of subsection (1), unless 1 or more of the following  
17 conditions apply:

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

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

25 (8) It shall be in the sole discretion of an authority to  
26 propose to undertake additional response activities at an eligible  
27 property under a brownfield plan. The department shall not require

1 a work plan ~~or remedial action plan for either baseline~~  
2 ~~environmental assessment activities or due care activities, or~~  
3 ~~both,~~ to include additional response activities.

4 (9) ~~The department may reject the portion of a work plan or~~  
5 ~~remedial action plan that includes additional response activities~~  
6 ~~and may consider the level of risk reduction that will be~~  
7 ~~accomplished by the additional response activities in determining~~  
8 ~~whether to approve or reject the work plan or remedial action plan~~  
9 ~~or a portion of a plan.~~ **THE DEPARTMENT SHALL REVIEW THE PORTION OF**  
10 **A WORK PLAN THAT INCLUDES ADDITIONAL RESPONSE ACTIVITIES IN**  
11 **ACCORDANCE WITH SUBSECTION (4) .**

12 (10) The department's approval or ~~rejection~~ **DENIAL** of a work  
13 plan ~~under subsection (1) (a) or (b) or remedial action plan for~~  
14 ~~additional response activities is final.~~ **SUBMITTED UNDER THIS**  
15 **SECTION CONSTITUTES A FINAL DECISION IN REGARD TO THE USE OF TAXES**  
16 **LEVIED FOR SCHOOL OPERATING PURPOSES BUT DOES NOT RESTRICT AN**  
17 **AUTHORITY'S USE OF TAX INCREMENT REVENUES ATTRIBUTABLE TO LOCAL**  
18 **TAXES TO PAY FOR ELIGIBLE ACTIVITIES UNDER A BROWNFIELD PLAN. IF A**  
19 **PERSON IS AGGRIEVED BY THE FINAL DECISION, THE PERSON MAY APPEAL**  
20 **UNDER SECTION 631 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**  
21 **236, MCL 600.631.**

22 (11) The authority shall reimburse the department for the  
23 actual cost incurred by the department or a contractor of the  
24 department to review a work plan under subsection (1) (a) or (b) ~~or~~  
25 ~~remedial action plan~~ under this section. Funds paid to the  
26 department under this subsection shall be deposited in the cost  
27 recovery subaccount of the cleanup and redevelopment fund created

1 under section 20108 of the natural resources and environmental  
2 protection act, 1994 PA 451, MCL 324.20108.

3 (12) The department shall submit a report each year on or  
4 before March 1 to each member of the legislature that contains all  
5 of the following:

6 (a) A compilation and summary of all the information submitted  
7 under subsection (2).

8 ~~(b) The amount of revenue this state would have received if~~  
9 ~~taxes levied for school operating purposes had not been captured~~  
10 ~~under this section for the previous calendar year. THE AMOUNT OF~~  
11 ~~TAX INCREMENT REVENUES APPROVED BY THE DEPARTMENT IN THE~~  
12 ~~IMMEDIATELY PRECEDING CALENDAR YEAR, INCLUDING TAXES LEVIED FOR~~  
13 ~~SCHOOL OPERATING PURPOSES, TO CONDUCT ELIGIBLE ACTIVITIES.~~

14 ~~—— (c) The amount of revenue each local governmental unit would~~  
15 ~~have received if taxes levied for school operating purposes had not~~  
16 ~~been captured under this section for the previous calendar year.~~

17 (13) To seek Michigan economic growth authority approval of a  
18 work plan under subsection (1)(c) or section 13(15), the authority  
19 shall submit all of the following for each eligible property:

20 (a) A copy of the brownfield plan.

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

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

27 (d) Existing and proposed future zoning for each eligible

1 property.

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

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

6 (g) A copy of the development agreement **OR REIMBURSEMENT**  
7 **AGREEMENT** required under section 13(15), which shall include, but  
8 is not limited to, a detailed summary of any and all ownership  
9 interests, monetary considerations, fees, revenue and cost sharing,  
10 charges, or other financial arrangements or other consideration  
11 between the parties.

12 (14) Upon receipt of a request for approval of a work plan,  
13 the Michigan economic growth authority shall provide 1 of the  
14 following written responses to the requesting authority within 65  
15 days:

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

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

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

25 (15) In its review of a work plan under subsection (1)(c) or  
26 section 13(15), the Michigan economic growth authority shall  
27 consider the following criteria to the extent reasonably applicable

1 to the type of activities proposed as part of that work plan when  
2 approving or denying a work plan:

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

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

7 (c) Whether the cost for each individual activity is  
8 reasonable.

9 (d) The overall benefit to the public.

10 (e) The extent of reuse of vacant buildings and redevelopment  
11 of blighted property.

12 (f) Creation of jobs.

13 (g) Whether the eligible property is in an area of high  
14 unemployment.

15 (h) The level and extent of contamination alleviated by or in  
16 connection with the eligible activities.

17 (i) The level of private sector contribution.

18 (j) The cost gap that exists between the site and a similar  
19 greenfield site as determined by the Michigan economic growth  
20 authority.

21 (k) If the developer or projected occupant of the new  
22 development is moving from another location in this state, whether  
23 the move will create a brownfield.

24 ~~(l) Whether the financial statements of the developer,~~  
25 ~~landowner, or corporate entity indicate that the developer,~~  
26 ~~landowner, or corporate entity is financially sound and that the~~  
27 ~~project of the developer, landowner, or corporate entity that is~~

1 included in the work plan is **FINANCIALLY AND** economically sound.

2 (m) Other state and local incentives available to the  
3 developer, landowner, or corporate entity for the project of the  
4 developer, landowner, or corporate entity that is included in the  
5 work plan.

6 (n) Any other criteria that the Michigan economic growth  
7 authority considers appropriate for the determination of  
8 eligibility or for approval of the work plan.

9 (16) If the Michigan economic growth authority fails to  
10 provide a written response under subsection (14) within 65 days  
11 after receipt of a request for approval of a work plan, the  
12 eligible activities shall be considered approved and the authority  
13 may proceed with the eligible activities described in section  
14 13(15) as outlined in the work plan as submitted for approval.

15 (17) The Michigan economic growth authority's approval of a  
16 work plan under section 13(15) is final.

17 (18) The authority shall reimburse the Michigan economic  
18 growth authority for the actual cost incurred by the Michigan  
19 economic growth authority or a contractor of the Michigan economic  
20 growth authority to review a work plan under this section.

21 (19) The Michigan economic growth authority shall submit a  
22 report each year on or before March 1 to each member of the  
23 legislature that contains all of the following:

24 (a) A compilation and summary of all the information submitted  
25 under subsection (13).

26 (b) ~~The amount of revenue this state would have received if~~  
27 ~~taxes levied for school operating purposes had not been captured~~

1 ~~under this section for the previous calendar year. THE AMOUNT OF~~  
2 ~~TAX INCREMENT REVENUES APPROVED BY THE MICHIGAN ECONOMIC GROWTH~~  
3 ~~AUTHORITY IN THE IMMEDIATELY PRECEDING CALENDAR YEAR, INCLUDING~~  
4 ~~TAXES LEVIED FOR SCHOOL OPERATING PURPOSES, TO CONDUCT ELIGIBLE~~  
5 ~~ACTIVITIES.~~

6 ~~—— (c) The amount of revenue each local governmental unit would~~  
7 ~~have received if taxes levied for school operating purposes had not~~  
8 ~~been captured under this section for the previous calendar year.~~

9 (20) All taxes levied for school operating purposes that are  
10 not used for eligible activities consistent with a work plan  
11 approved by the department or the Michigan economic growth  
12 authority or for the payment of interest under section 13 and that  
13 are not deposited in a local site remediation revolving fund shall  
14 be distributed proportionately between the local school district  
15 and the school aid fund.

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

20 (22) THE DEPARTMENT'S APPROVAL OF A WORK PLAN UNDER SUBSECTION  
21 (3) (A) OR (B) DOES NOT IMPLY AN ENTITLEMENT TO REIMBURSEMENT OF THE  
22 COSTS OF THE ELIGIBLE ACTIVITIES IF THE WORK PLAN IS NOT  
23 IMPLEMENTED AS APPROVED.

24 (23) THE APPLICANT AND THE DEPARTMENT CAN, BY MUTUAL  
25 AGREEMENT, EXTEND THE TIME PERIOD FOR ANY REVIEW DESCRIBED IN THIS  
26 SECTION. AN AGREEMENT DESCRIBED IN THIS SUBSECTION SHALL BE  
27 DOCUMENTED IN WRITING.

1       Enacting section 1. This amendatory act does not take effect  
2 unless all of the following bills of the 94th Legislature are  
3 enacted into law:

4       (a) Senate Bill No. 534.

5       (b) Senate Bill No. 539.

6       (c) House Bill No. 4712.