

HOUSE BILL No. 5998

March 25, 2010, Introduced by Reps. Nathan, Byrnes, Liss, Donigan, Wayne Schmidt and Stanley and referred to the Committee on Intergovernmental and Regional Affairs.

A bill to amend 1974 PA 338, entitled
"Economic development corporations act,"
by amending section 3 (MCL 125.1603), as amended by 1985 PA 154.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Corporation" means a corporation organized pursuant to
3 this act.

4 (b) "Employee-owned corporation" means an employee-owned
5 corporation as defined by the employee-owned corporation act.

6 (c) "Governing body" means the body in which the legislative
7 powers of a municipality are vested.

8 (d) "Municipality" means a county, city, village, or township.

9 (e) "Local public agency" means the official body of a

1 municipality authorized to plan and implement the development and
2 redevelopment of the municipality.

3 (f) "Project" means land or an interest in land, existing or
4 planned improvements, machinery, furnishings, or equipment suitable
5 for use by any of the following:

6 (i) An industrial or commercial enterprise, including
7 agricultural and forestry enterprises and enterprises designed to
8 produce energy from renewable resources. Projects of ~~such an~~
9 enterprise may include any of the following:

10 (A) Necessary buildings, improvements, or structures suitable
11 for and intended for or incidental to use as an industrial or
12 commercial enterprise.

13 (B) Industrial park or industrial site improvements or port
14 improvements.

15 (C) A replacement housing project incidental to an industrial
16 or commercial enterprise.

17 (D) The machinery, furnishings, leasehold improvements, or
18 equipment necessary, suitable, intended for or incidental to a
19 commercial, industrial, or residential use in connection with the
20 buildings, improvements, or structures.

21 (E) Machinery, furnishings, leasehold improvements, or
22 equipment, including pollution control facilities, to be installed
23 or used primarily within a project area.

24 (ii) An enterprise in relation to a housing and neighborhood
25 improvement program, which program involves either the clearing of
26 land or the rehabilitation or construction of housing for the
27 immediate sale of ~~single family~~ **SINGLE-FAMILY** or ~~multi-family~~

MULTIFAMILY units at fair market value, or both. Housing and neighborhood improvement programs identified by this subparagraph shall constitute a project for purposes of this subparagraph if the area in which these improvement programs are to be undertaken are located in, or are eligible to be included in, blighted or redevelopment areas identified pursuant to ~~Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws 1945 PA 344, MCL 125.71 TO 125.84;~~ the urban redevelopment corporations law, ~~Act No. 250 of the Public Acts of 1941, as amended, being sections 125.901 to 125.922 of the Michigan Compiled Laws 1941 PA 250, MCL 125.901 TO 125.922; Act No. 197 of the Public Acts of 1975, as amended, being sections 125.1651 to 125.1680, of the Michigan Compiled Laws 1975 PA 197, MCL 125.1651 TO 125.1681,~~ or the tax increment finance authority act, ~~Act No. 450 of the Public Acts of 1980, being sections 125.1801 to 125.1828 of the Michigan Compiled Laws 1980 PA 450, MCL 125.1801 TO 125.1830.~~

(iii) A TRANSIT-ORIENTED DEVELOPMENT.

(iv) A TRANSIT-ORIENTED FACILITY.

(g) "Project area" means that land area or an interest in a land area within the municipality which will be acquired in the implementation of a project or which will be the permanent site of machinery, furnishings, or equipment constituting all or part of a project.

(h) "Project citizens district council" means a project citizens district council established pursuant to this act.

(i) "Project cost" or "costs" means the cost of purchasing,

1 acquiring, constructing, improving, enlarging, extending, or
2 repairing a project. Project cost or costs includes any
3 engineering, architectural, legal, accounting, financial, and other
4 expenses incidental to the purchasing, acquiring, constructing,
5 improving, enlarging, extending, or repairing of a project. Project
6 cost or costs also includes the interest on the bonds and other
7 obligations issued to pay project costs during the period of
8 construction and after the period of construction until sufficient
9 revenues have developed. Project cost or costs also includes a
10 reserve or addition to a reserve for payment of principal and
11 interest on the bonds and the amount required for operation and
12 maintenance until sufficient revenues have developed.

13 (j) "Project district area" means that portion of a
14 municipality and any area adjacent to a municipality, as determined
15 by its governing body, which contains a project area and the
16 surrounding territory that will be significantly affected by a
17 project.

18 (k) "Project plan" means that information and those
19 requirements for a project set forth in section 8.

20 (l) "Pollution control facilities" means water or air pollution
21 control equipment or solid waste disposal facilities located within
22 or without the limits of the municipality.

23 (m) "Solid waste disposal facilities" means buildings, plants,
24 structures, equipment, or facilities and their appurtenances,
25 together with land or an interest in land or a portion of land, for
26 the purpose of treating, shredding, compression, high temperature
27 incineration, pyrolization, separation, or any other technology for

1 recovery, transporting, storing, or the final placement and
2 disposal of solid wastes resulting from any process of industry,
3 manufacture, trade, or business, from the development, processing,
4 or recovery of any natural resources, or from the operation of any
5 public utility. Solid waste disposal facilities includes buildings,
6 plants, structures, equipment, or facilities and their
7 appurtenances, together with land or an interest in land or a
8 portion of land, which qualify as solid waste disposal facilities
9 under section 103(b)(4) of the internal revenue code.

10 (N) "TRANSIT-ORIENTED DEVELOPMENT" MEANS INFRASTRUCTURE
11 IMPROVEMENTS THAT ARE LOCATED WITHIN 1/2 MILE OF A TRANSIT STATION
12 OR TRANSIT-ORIENTED FACILITY THAT PROMOTES TRANSIT RIDERSHIP OR
13 PASSENGER RAIL USE.

14 (O) "TRANSIT-ORIENTED FACILITY" MEANS A FACILITY THAT HOUSES A
15 TRANSIT STATION IN A MANNER THAT PROMOTES TRANSIT RIDERSHIP OR
16 PASSENGER RAIL USE.

17 (P) ~~(n)~~—"Water and air pollution control equipment" means
18 buildings, plants, structures, equipment, or facilities and their
19 appurtenances, together with land or an interest in land or a
20 portion of land, for the purpose of controlling, eliminating,
21 recovering, removing, reducing, dispersing, treating, or
22 neutralizing atmospheric or water pollutants, including liquid,
23 gaseous, or solid substances or discharges or radiation, or cooling
24 the temperature of atmospheric or water pollutants, or any liquid,
25 gas, or solid, resulting from any process of industry, manufacture,
26 trade, or business; the development, processing, or recovery of any
27 natural resources; or the operation of any public utility, any of

1 which may pollute or may tend to pollute or affect the water or air
2 of this state or adjacent to this state. Water and air pollution
3 control equipment includes buildings, plants, structures,
4 facilities, and equipment and their appurtenances, together with
5 land or an interest in land or a portion of land, used or to be
6 used as a change in a manufacturing, production, generation,
7 transmission, or distribution process to prevent, reduce, recover,
8 remove, disperse, neutralize, control, or eliminate air or water
9 pollution. Water and air pollution control equipment includes
10 buildings, plants, structures, equipment, or facilities and their
11 appurtenances, together with land or an interest in land or a
12 portion of land, which qualify as air or water pollution control
13 facilities under section 103(b)(4) of the internal revenue code.