

SENATE BILL No. 622

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

A bill to amend 2008 PA 94, entitled
"Water resource improvement tax increment finance authority act,"
by amending sections 3 and 15 (MCL 125.1773 and 125.1785), section
3 as amended by 2013 PA 25.

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, and any improvements to
9 a street, including street furniture and beautification, park,
10 parking facility, recreational facility, right-of-way, structure,

1 waterway, bridge, lake, pond, canal, utility line or pipe, or
2 building, including access routes designed and dedicated to use by
3 the public generally, or used by a public agency, that is related
4 to access to inland lakes or a water resource improvement, or means
5 a water resource improvement. Public facility includes an
6 improvement to a facility used by the public or a public facility
7 as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351,
8 if the improvement complies with the barrier free design
9 requirements of the state construction code promulgated under the
10 Stille-DeRossett-Hale single state construction code act, 1972 PA
11 230, MCL 125.1501 to 125.1531.

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

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

24 (f) "Tax increment revenues" means the amount of ad valorem
25 property taxes and specific local taxes attributable to the
26 application of the levy of all taxing jurisdictions upon the
27 captured assessed value of real and personal property in the

1 development area. Tax increment revenues do not include any of the
2 following:

3 (i) Taxes under the state education tax act, 1993 PA 331, MCL
4 211.901 to 211.906.

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

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

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

17 (v) Ad valorem property taxes exempted from capture under
18 section 15(5) or specific local taxes attributable to the ad
19 valorem property taxes.

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

25 (vii) **AD VALOREM PROPERTY TAXES LEVIED UNDER 1 OR MORE OF THE**
26 **FOLLOWING OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THOSE AD VALOREM**
27 **PROPERTY TAXES:**

1 (A) THE ZOOLOGICAL AUTHORITIES ACT, 2008 PA 49, MCL 123.1161
2 TO 123.1183.

3 (B) THE ART INSTITUTE AUTHORITIES ACT, 2010 PA 296, MCL
4 123.1201 TO 123.1229.

5 (C) EXCEPT AS OTHERWISE PROVIDED IN SECTION 15(5), AD VALOREM
6 PROPERTY TAXES OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THOSE AD
7 VALOREM PROPERTY TAXES LEVIED FOR A SEPARATE MILLAGE FOR PUBLIC
8 LIBRARY PURPOSES APPROVED BY THE ELECTORS AFTER DECEMBER 31, 2015.

9 (g) "Water resource improvement" means enhancement of water
10 quality and water dependent natural resources, including, but not
11 limited to, the following:

12 (i) The elimination of the causes and the proliferation of
13 aquatic nuisance species, as defined in section 3101 of the natural
14 resources and environmental protection act, 1994 PA 451, MCL
15 324.3101.

16 (ii) Sewer systems that service existing structures that have
17 failing on-site disposal systems.

18 (iii) Storm water systems that service existing
19 infrastructure.

20 (iv) Dredging, removal of spoils, or other improvements or
21 maintenance activities that enhance navigability of a waterway.

22 (h) "Water resource improvement district" or "district" means
23 1 or more of the following:

24 (i) An inland body of water and land that is up to 1 mile from
25 the shoreline of an inland lake that contains 1 or more public
26 access points.

27 (ii) An inland body of water and parcels of land that are

1 contiguous to the shoreline of an inland lake that does not contain
2 a public access point.

3 (iii) The shoreline of a harbor on a Great Lake and 1 or more
4 of the following:

5 (A) Land up to 1 mile from the shoreline of the harbor.

6 (B) A tributary to that Great Lake harbor up to 5 miles
7 upstream from the shoreline of the Great Lake harbor.

8 (C) Land up to 1 mile from each bank of the tributary
9 described in sub-subparagraph (B).

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

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

6 (3) Before the public hearing on the tax increment financing
7 plan, the governing body shall provide a reasonable opportunity to
8 the taxing jurisdictions levying taxes subject to capture to meet
9 with the governing body. The authority shall fully inform the
10 taxing jurisdictions of the fiscal and economic implications of the
11 proposed development area. The taxing jurisdictions may present
12 their recommendations at the public hearing on the tax increment
13 financing plan. The authority may enter into agreements with the
14 taxing jurisdictions and the governing body of the municipality in
15 which the development area is located to share a portion of the
16 captured assessed value of the development area.

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

21 (5) Not more than 60 days after the public hearing, the
22 governing body in a taxing jurisdiction levying ad valorem property
23 taxes that would otherwise be subject to capture may exempt its
24 taxes from capture by adopting a resolution to that effect and
25 filing a copy with the clerk of the municipality proposing to
26 create the authority. In the event that the governing body levies a
27 separate millage for public library purposes, at the request of the

1 public library board, that separate millage shall be exempt from
2 the capture. The resolution shall take effect when filed with the
3 clerk and remains effective until a copy of a resolution rescinding
4 that resolution is filed with that clerk. IF A LIBRARY BOARD OR
5 COMMISSION LEVIES A SEPARATE MILLAGE FOR PUBLIC LIBRARY PURPOSES
6 THAT WAS LEVIED BEFORE JANUARY 1, 2016, AND ALL OBLIGATIONS OF THE
7 AUTHORITY ARE PAID OR DEFEASED, THEN THE LEVY IS EXEMPT FROM
8 CAPTURE UNDER THIS ACT, UNLESS THE LIBRARY BOARD OR COMMISSION
9 ALLOWS ALL OR A PORTION OF ITS TAXES LEVIED TO BE INCLUDED AS TAX
10 INCREMENT REVENUES AND SUBJECT TO CAPTURE UNDER THIS ACT UNDER THE
11 TERMS OF A WRITTEN AGREEMENT BETWEEN THE LIBRARY BOARD OR
12 COMMISSION AND THE AUTHORITY. THE WRITTEN AGREEMENT SHALL BE FILED
13 WITH THE CLERK OF THE MUNICIPALITY. HOWEVER, IF A LIBRARY BOARD OR
14 COMMISSION LEVIES A SEPARATE MILLAGE FOR PUBLIC LIBRARY PURPOSES
15 THAT WAS LEVIED BEFORE JANUARY 1, 2016, AND THE AUTHORITY ALTERS OR
16 AMENDS THE BOUNDARIES OF THE DISTRICT OR EXTENDS THE DURATION OF
17 THE EXISTING FINANCE PLAN, THEN THE LIBRARY BOARD OR COMMISSION
18 MAY, NOT LATER THAN 60 DAYS AFTER A PUBLIC HEARING IS HELD UNDER
19 THIS SUBSECTION, EXEMPT ALL OR A PORTION OF ITS TAXES FROM CAPTURE
20 BY ADOPTING A RESOLUTION TO THAT EFFECT AND FILING A COPY WITH THE
21 CLERK OF THE MUNICIPALITY THAT CREATED THE AUTHORITY. FOR AD
22 VALOREM PROPERTY TAXES OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO
23 THOSE AD VALOREM PROPERTY TAXES LEVIED FOR A SEPARATE MILLAGE FOR
24 PUBLIC LIBRARY PURPOSES APPROVED BY THE ELECTORS AFTER DECEMBER 31,
25 2015, A LIBRARY BOARD OR COMMISSION MAY ALLOW ALL OR A PORTION OF
26 ITS TAXES LEVIED TO BE INCLUDED AS TAX INCREMENT REVENUES AND
27 SUBJECT TO CAPTURE UNDER THIS ACT UNDER THE TERMS OF A WRITTEN

1 AGREEMENT BETWEEN THE LIBRARY BOARD OR COMMISSION AND THE
2 AUTHORITY. THE WRITTEN AGREEMENT SHALL BE FILED WITH THE CLERK OF
3 THE MUNICIPALITY.