

**§5263. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 671, §2 (NEW).]

**1. Captured assessed value.** "Captured assessed value" means the valuation amount by which the current assessed value of a pulp and paper tax increment financing district exceeds the original assessed value of the district. If the current assessed value is equal to or less than the original, there is no captured assessed value.

[PL 1993, c. 671, §2 (NEW).]

**2. Commissioner.** "Commissioner" means the Commissioner of Economic and Community Development.

[PL 1993, c. 671, §2 (NEW).]

**3. Designee.** "Designee" means a business engaged in the pulp and paper industry that is selected by a municipality as a partner in a development district.

[PL 1993, c. 671, §2 (NEW).]

**4. Development district.** "Development district" means a specified area within the corporate limits of a municipality that has been designated as provided under section 5264 and that is to be developed by the municipality or its designee under a development program.

[PL 1993, c. 671, §2 (NEW).]

**5. Development program.** "Development program" means a statement of means and objectives designed to improve and modernize the manufacturing facilities and related structures and equipment within the development district. The statement must include:

A. A financial plan; [PL 1993, c. 671, §2 (NEW).]

B. A complete list of public and private facilities to be constructed; [PL 1993, c. 671, §2 (NEW).]

C. The uses of private property within the development district; [PL 1993, c. 671, §2 (NEW).]

D. The environmental controls to be applied; [PL 1993, c. 671, §2 (NEW).]

E. An estimate of the number of jobs to be created, stabilized, retained or eliminated; [PL 1993, c. 671, §2 (NEW).]

F. The proposed operation of the development district after the planned capital improvements are completed; and [PL 1993, c. 671, §2 (NEW).]

G. The duration of the program, which may not exceed 20 years from the date of designation of the development district. [PL 1993, c. 671, §2 (NEW).]

[PL 1993, c. 671, §2 (NEW).]

**6. Environmental improvement project.** "Environmental improvement project" means a capital investment necessary to comply with the requirements of federal regulation finally adopted by the United States Environmental Protection Agency pursuant to its rulemaking initiated on December 17, 1993; Federal Register, Vol. 58, No. 241, pages 66078 to 66216; or otherwise required under the United States Clean Air Act or the United States Clean Water Act or under any state law or regulation enacted or adopted to implement the requirements of these federal laws and regulations.

[PL 1993, c. 671, §2 (NEW).]

**7. Financial plan.** "Financial plan" means a statement of the costs and sources of revenue required to accomplish the development program. The statement must include:

A. Cost estimates for the development program; [PL 1993, c. 671, §2 (NEW).]

B. The amount of any indebtedness to be incurred; [PL 1993, c. 671, §2 (NEW).]

- C. Sources of anticipated revenues; [PL 1993, c. 671, §2 (NEW).]
  - D. Estimates of captured assessed values of the development district; [PL 1993, c. 671, §2 (NEW).]
  - E. The portion of the captured assessed values to be applied to the development program and resulting tax increments in each year of the development program; and [PL 1993, c. 671, §2 (NEW).]
  - F. A statement of the estimated impact of tax increment financing on all taxing jurisdictions in which the development district is located. [PL 1993, c. 671, §2 (NEW).]
- [PL 1993, c. 671, §2 (NEW).]

**8. Original assessed value.** "Original assessed value" means the assessed value of the development district as of March 31st of the preceding tax year.  
[PL 1993, c. 671, §2 (NEW).]

**9. Project costs.** "Project costs" means expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the municipality or, for environmental improvement projects, by its designee under the development program after July 1, 1994 that are listed in a project plan as costs of improvements, including public works, acquisition, construction or rehabilitation of land or improvements for sale or use by industrial users, within a development district plus costs incidental to those improvements, reduced by income, special assessments or other revenues, other than tax increments, received or reasonably expected to be received by the municipality in connection with the implementation of this plan.

A. The term "project costs" does not include the cost of buildings, or portions of buildings, used predominantly for the general conduct of government. These buildings include, but are not limited to, city halls and other headquarters of government where the governing body meets regularly, courthouses, jails, police stations and other State Government and local government office buildings. [PL 1993, c. 671, §2 (NEW).]

B. The term "project costs" includes, but is not limited to:

(1) Capital costs, including, but not limited to:

- (a) The actual costs of the construction of public works or improvements, new buildings, structures and fixtures;
- (b) The demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures;
- (c) The acquisition of equipment; and
- (d) The clearing and grading of land;

(2) Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;

(3) Real property assembly costs, meaning a deficit incurred resulting from the sale or lease as lessor by the municipality of real or personal property within a development district for consideration that is less than its cost to the municipality;

(4) Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering and legal advice and services;

(5) Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;

(6) Relocation costs, including, but not limited to, those relocation payments made following condemnation;

(7) Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of development districts and the implementation of project plans;

(8) Payments made, in the discretion of the local legislative body, that are found to be necessary or convenient to the creation of development districts or the implementation of project plans;

(9) That portion of the costs related to the construction or alteration of sewage treatment plants, water treatment plants or other environmental protection devices, storm or sanitary sewer lines or water lines, the rebuilding or expansion of which is required by the project plan for a development district, whether or not the construction, alteration, rebuilding or expansion is within the development district;

(10) Training costs, including, but not limited to, those costs associated with providing skills development and training for employees of businesses within the development district. These costs may not exceed 20% of the total project costs and must be designated as training funds within 3 years of the designation of the development district;

(11) Improvements, meaning costs associated with developing new employment opportunities; establishing and maintaining administrative and management support; and such other services as are necessary or appropriate to carry out the development program; and

(12) Notwithstanding subparagraphs (1) to (11), the cost of acquisition, design, engineering, construction, building, alteration, enlargement, reconstruction, renovation, improvement, equipping, remodeling and installation of an environmental improvement project including the cost of all labor, materials, building systems, machinery and equipment; the cost of all lands, structures, real or personal property, rights, easements and franchises acquired; the cost of all utility extensions, access roads, site development, financing charges, premiums for insurance, interest prior to and during construction and for 6 months after construction; and the cost of working capital for the environmental improvement project, whether or not that environmental improvement project is owned by private parties engaged in the pulp and paper industry. [PL 1993, c. 671, §2 (NEW).]

[PL 1993, c. 671, §2 (NEW).]

**10. Pulp and paper industry.** "Pulp and paper industry" means any industrial activity currently described by the United States Office of Management and Budget under Standard Industrial Classification 261, 262 or 263 or those activities classified under classification 2679 that press or mold wood pulp or recycled fiber to make products, including, without limitation, any activity regarding the treatment, recycling or disposal of wastewater, air emissions, solid residues or other related manufacturing by-products. This term does not include activity relating to, associated with or otherwise involving the growth, harvesting, transportation or preparation of timber, pulpwood or other wood products prior to the manufacture of pulp, paper or paperboard.

[PL 1995, c. 462, Pt. A, §53 (AMD).]

**11. Pulp and paper tax increment financing district.** "Pulp and paper tax increment financing district" means a type of development district, or portion of a district, that uses tax increment financing under section 5265. For the purposes of this chapter, "tax increment financing district" means a pulp and paper tax increment financing district.

[PL 1993, c. 671, §2 (NEW).]

**12. Tax increment.** "Tax increment" means that portion of all real and personal property taxes assessed by a municipality in excess of any state, county or special district tax upon the captured assessed value of property in the development district.

[PL 1993, c. 671, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 671, §2 (NEW). PL 1995, c. 462, §A53 (AMD).

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