



HOUSE BILL No. 4504

March 17, 1993, Introduced by Reps. Hoffman, Hammerstrom, Griffin, Shugars, Pitoniak and Owen and referred to the Committee on Economic Development.

A bill to amend section 30 of Act No. 197 of the Public Acts of 1975, entitled as amended

"An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; and to prescribe the powers and duties of certain state officials,"

being section 125.1680 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30 of Act No. 197 of the Public Acts of
2 1975, being section 125.1680 of the Michigan Compiled Laws, is
3 amended to read as follows:

1 Sec. 30. (1) An authority ~~which~~ THAT has completed the
2 purposes for which it was organized shall be dissolved by
3 ordinance of the governing body. The property and assets of the
4 authority remaining after the satisfaction of the obligations of
5 the authority ~~shall~~ belong to the municipality.

6 (2) WITHIN 28 MONTHS AFTER THE EFFECTIVE DATE OF AN ORDI-
7 NANCE DISSOLVING AN AUTHORITY ESTABLISHED UNDER THIS ACT BEFORE
8 DECEMBER 31, 1988, THE GOVERNING BODY OF A MUNICIPALITY MAY BY
9 ORDINANCE DECLARE ITS ACTIONS IN ERROR, MAKE A FINDING THAT THE
10 PURPOSES FOR WHICH THE AUTHORITY WAS CREATED WERE NOT COMPLETED,
11 AND DECLARE ITS INTENT TO REINSTATE THE AUTHORITY AS IT EXISTED
12 ON THE DAY IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE ORDI-
13 NANCE DISSOLVING THE AUTHORITY.

14 (3) IN THE RESOLUTION OF INTENT, THE MUNICIPALITY SHALL SET
15 A DATE FOR THE HOLDING OF A PUBLIC HEARING ON THE ADOPTION OF A
16 PROPOSED ORDINANCE REINSTATING THE AUTHORITY. THE PROCEDURE FOR
17 PUBLISHING THE NOTICE OF HEARING, HOLDING THE HEARING, AND ADOPT-
18 ING THE ORDINANCE REINSTATING THE AUTHORITY SHALL BE AS PROVIDED
19 IN SECTION 3(2), (3), AND (4).

20 (4) AN AUTHORITY ESTABLISHED UNDER THIS ACT BEFORE
21 DECEMBER 31, 1988 THAT IS REINSTATED AS PROVIDED IN THIS SECTION
22 SHALL NOT BE INVALIDATED PURSUANT TO A CLAIM THAT BASED UPON THE
23 STANDARDS SET FORTH IN SECTION 3(1) OF THIS ACT A GOVERNING BODY
24 IMPROPERLY DETERMINED THAT THE NECESSARY CONDITIONS EXISTED FOR
25 THE REINSTATEMENT OF AN AUTHORITY UNDER THE ACT IF AT THE TIME
26 THE GOVERNING BODY ESTABLISHED THE AUTHORITY, THE GOVERNING BODY
27 DETERMINED OR COULD HAVE DETERMINED THAT THE NECESSARY CONDITIONS

1 EXISTED FOR THE ESTABLISHMENT OF AN AUTHORITY UNDER THIS ACT OR
2 COULD HAVE DETERMINED THAT ESTABLISHMENT OF AN AUTHORITY UNDER
3 THIS ACT WOULD PROMOTE ECONOMIC GROWTH.

4 (5) THE VALIDITY OF THE PROCEEDINGS, FINDINGS, AND DETERMI-
5 NATIONS REINSTATING AN AUTHORITY SHALL BE CONCLUSIVE UNLESS CON-
6 TESTED IN A COURT OF COMPETENT JURISDICTION WITHIN 60 DAYS AFTER
7 THE LAST OF THE FOLLOWING OCCURS:

8 (A) PUBLICATION OF THE ORDINANCE REINSTATING THE AUTHORITY
9 AS ADOPTED.

10 (B) FILING OF THE ORDINANCE REINSTATING THE AUTHORITY WITH
11 THE SECRETARY OF STATE.

12 (C) THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
13 SUBSECTION.