

HOUSE BILL No. 6043

May 9, 2002, Introduced by Rep. Meyer and referred to the Committee on Commerce.

A bill to amend 1975 PA 197, entitled

"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; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,"

(MCL 125.1651 to 125.1681) by adding sections 3d and 3e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3D. AN ORDINANCE ENACTED BY A MUNICIPALITY THAT HAS A
2 POPULATION OF GREATER THAN 1,000 AND LESS THAN 2,000 ESTABLISHING
3 AN AUTHORITY, CREATING A DISTRICT, OR APPROVING A DEVELOPMENT
4 PLAN OR TAX INCREMENT FINANCING PLAN, OR AN AMENDMENT TO AN
5 AUTHORITY, DISTRICT, OR PLAN, AND ALL ACTIONS TAKEN OR TO BE

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1 TAKEN UNDER THAT ORDINANCE, INCLUDING THE ISSUANCE OF BONDS, ARE
2 RATIFIED AND VALIDATED NOTWITHSTANDING THAT NOTICE FOR THE PUBLIC
3 HEARING ON THE ESTABLISHMENT OF THE AUTHORITY, CREATION OF THE
4 DISTRICT, OR APPROVAL OF THE DEVELOPMENT PLAN OR TAX INCREMENT
5 FINANCING PLAN, OR ON THE AMENDMENT, WAS NOT PUBLISHED, POSTED,
6 OR MAILED AT LEAST 20 DAYS BEFORE THE HEARING, PROVIDED THAT THE
7 NOTICE WAS EITHER PUBLISHED OR POSTED AT LEAST 10 DAYS BEFORE THE
8 HEARING OR THAT THE AUTHORITY WAS ESTABLISHED IN 1990 BY A MUNIC-
9 IPALITY THAT FILED THE ORDINANCE WITH THE SECRETARY OF STATE NOT
10 LATER THAN JULY 1991. THIS SECTION APPLIES ONLY TO AN ORDINANCE
11 OR AN AMENDMENT ADOPTED BY A MUNICIPALITY BEFORE JANUARY 1, 1999
12 AND SHALL INCLUDE ANY BONDS OR AMOUNTS TO BE USED BY THE AUTHOR-
13 ITY TO PAY THE PRINCIPAL OF AND INTEREST ON BONDS THAT HAVE BEEN
14 ISSUED OR THAT ARE TO BE ISSUED BY THE AUTHORITY OR THE INCOR-
15 PORATING MUNICIPALITY. AN AUTHORITY FOR WHICH AN ORDINANCE OR
16 AMENDMENT TO THE ORDINANCE ESTABLISHING THE AUTHORITY HAS BEEN
17 PUBLISHED BEFORE FEBRUARY 1, 1991 IS CONSIDERED FOR PURPOSES OF
18 SECTION 3(3) TO HAVE PROMPTLY FILED THE ORDINANCE OR AMENDMENT TO
19 THE ORDINANCE WITH THE SECRETARY OF STATE IF THE ORDINANCE OR
20 AMENDMENT TO THE ORDINANCE IS FILED WITH THE SECRETARY OF STATE
21 BEFORE DECEMBER 31, 2002. AS USED IN THIS SECTION, "NOTICE WAS
22 EITHER PUBLISHED OR POSTED" MEANS EITHER PUBLICATION OR POSTING
23 OF THE NOTICE OCCURRED AT LEAST ONCE.

24 SEC. 3E. THE VALIDITY OF THE PROCEEDINGS OR FINDINGS ESTAB-
25 LISHING AN AUTHORITY, OR OF THE PROCEDURE, ADEQUACY OF NOTICE, OR
26 FINDINGS WITH RESPECT TO THE APPROVAL OF A DEVELOPMENT PLAN OR
27 TAX INCREMENT FINANCING PLAN IS CONCLUSIVE WITH RESPECT TO THE

1 CAPTURE OF TAX INCREMENT REVENUES FOR A BOND ISSUED AFTER JUNE 1 ,
2 2002.