

# SENATE BILL No. 536

May 24, 2007, Introduced by Senators THOMAS, RICHARDVILLE, PATTERSON, SANBORN, GILBERT, PAPPAGEORGE, JANSEN, BIRKHOLZ, ALLEN, BROWN, GARCIA, JACOBS and HUNTER and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1996 PA 381, entitled  
"Brownfield redevelopment financing act,"  
by amending section 4 (MCL 125.2654), as amended by 2005 PA 101.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 4. (1) A governing body may declare by resolution adopted  
2 by a majority of its members elected and serving its intention to  
3 create and provide for the operation of an authority.

4           (2) In the resolution of intent, the governing body shall set  
5 a date for holding a public hearing on the adoption of a proposed  
6 resolution creating the authority. Notice of the public hearing  
7 shall be published twice in a newspaper of general circulation in  
8 the municipality, not less than 20 nor more than 40 days before the  
9 date of the hearing. The notice shall state the date, time, and  
10 place of the hearing. At that hearing, a citizen, taxpayer,

1 official from a taxing jurisdiction whose millage may be subject to  
2 capture under a brownfield plan, or property owner of the  
3 municipality has the right to be heard in regard to the  
4 establishment of the authority.

5 (3) Not more than 30 days after the public hearing, if the  
6 governing body intends to proceed with the establishment of the  
7 authority, the governing body shall adopt, by majority vote of its  
8 members elected and serving, a resolution establishing the  
9 authority. The adoption of the resolution is subject to all  
10 applicable statutory or charter provisions with respect to the  
11 approval or disapproval by the chief executive or other officer of  
12 the municipality and the adoption of a resolution over his or her  
13 veto. This resolution shall be filed with the secretary of state  
14 promptly after its adoption, **AND A COPY OF THAT RESOLUTION SHALL BE**  
15 **MAILED TO EACH TAXING JURISDICTION WHOSE MILLAGE WILL BE CAPTURED**  
16 **BY THE AUTHORITY.**

17 (4) The proceedings establishing an authority shall be  
18 presumptively valid unless contested in a court of competent  
19 jurisdiction within 60 days after the filing of the resolution with  
20 the secretary of state.

21 (5) The exercise by an authority of the powers conferred by  
22 this act shall be considered to be an essential governmental  
23 function and benefit to, and a legitimate public purpose of, the  
24 state, the authority, and the municipality or units.

25 (6) If the board implements or modifies a brownfield plan that  
26 contains a qualified facility, the governing body shall mail notice  
27 of that implementation or modification to each taxing jurisdiction

1 that levies ad valorem property taxes in the municipality. Not more  
2 than 60 days after receipt of that notice, the governing body of a  
3 taxing jurisdiction levying ad valorem property taxes that would  
4 otherwise be subject to capture may exempt its taxes from capture  
5 by adopting a resolution to that effect and filing a copy with the  
6 clerk of the municipality in which the qualified facility is  
7 located. The resolution takes effect when filed with that clerk and  
8 remains effective until a copy of a resolution rescinding that  
9 resolution is filed with that clerk.