

HOUSE BILL No. 6052

December 2, 2014, Introduced by Rep. Knezek and referred to the Committee on Local Government.

A bill to amend 1980 PA 450, entitled
"The tax increment finance authority act,"
by amending sections 3 and 17 (MCL 125.1803 and 125.1817), as
amended by 2005 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) If the governing body of a municipality determines
2 that it is in the best interests of the public to halt a decline in
3 property values, increase property tax valuation, eliminate the
4 causes of the decline in property values, and to promote growth in
5 an area in the municipality, the governing body of that
6 municipality may declare by resolution its intention to create and
7 provide for the operation of an authority.

8 (2) In the resolution of intent, the governing body shall set
9 a date for the holding of a public hearing on the adoption of a

1 proposed resolution creating the authority and designating the
2 boundaries of the authority district. ~~Notice~~**THROUGH DECEMBER 31,**
3 **2014, NOTICE** of the public hearing shall be published twice in a
4 newspaper of general circulation in the municipality, not less than
5 20 nor more than 40 days before the date of the hearing. **BEGINNING**
6 **JANUARY 1, 2015, THE GOVERNING BODY SHALL PROVIDE TIER A PUBLIC**
7 **NOTICE AS PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT NOT**
8 **LESS THAN 20 OR MORE THAN 40 DAYS BEFORE THE DATE OF THE HEARING.**

9 Notice shall also be mailed to the property taxpayers of record in
10 the proposed authority district not less than 20 days before the
11 hearing. Beginning June 1, 2005, the notice of hearing within the
12 time frame described in this subsection shall be mailed by
13 certified mail to the governing body of each taxing jurisdiction
14 levying taxes that would be subject to capture if the authority is
15 established and a tax increment financing plan is approved. Failure
16 to receive the notice shall not invalidate these proceedings. The
17 notice shall state the date, time, and place of the hearing, and
18 shall describe the boundaries of the proposed authority district.
19 At that hearing, a citizen, taxpayer, or property owner of the
20 municipality has the right to be heard in regard to the
21 establishment of the authority and the boundaries of the proposed
22 authority district. The governing body of the municipality shall
23 not incorporate land into the authority district not included in
24 the description contained in the notice of public hearing, but it
25 may eliminate described lands from the authority district in the
26 final determination of the boundaries.

27 (3) After the public hearing, if the governing body intends to

1 proceed with the establishment of the authority, it shall adopt, by
2 majority vote of its members, a resolution establishing the
3 authority and designating the boundaries of the authority district
4 within which the authority shall exercise its powers. The adoption
5 of the resolution is subject to any applicable statutory or charter
6 provisions with respect to the approval or disapproval by the chief
7 executive or other officer of the municipality and the adoption of
8 a resolution over his or her veto. This resolution shall be filed
9 with the secretary of state promptly after its adoption and shall
10 be published at least once in a newspaper of general circulation in
11 the municipality.

12 (4) The governing body may alter or amend the boundaries of
13 the authority district to include or exclude lands from the
14 authority district in accordance with the same requirements
15 prescribed for adopting the resolution creating the authority.

16 (5) The validity of the proceedings establishing an authority
17 shall be conclusive unless contested in a court of competent
18 jurisdiction within 60 days after the last of the following takes
19 place:

20 (a) Publication of the resolution as adopted.

21 (b) Filing of the resolution with the secretary of state.

22 Sec. 17. (1) The governing body, before adoption of a
23 resolution approving or amending a development plan or approving or
24 amending a tax increment financing plan, shall hold a public
25 hearing on the development plan. ~~Notice~~ **THROUGH DECEMBER 31, 2014,**
26 **NOTICE** of the time and place of the hearing shall be given by
27 publication twice in a newspaper of general circulation designated

1 by the municipality, the first of which shall not be less than 20
2 days before the date set for the hearing. **BEGINNING JANUARY 1,**
3 **2015, THE GOVERNING BODY SHALL PROVIDE TIER A PUBLIC NOTICE AS**
4 **PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT OF THE TIME AND**
5 **PLACE OF THE HEARING NOT LESS THAN 20 DAYS BEFORE THE DATE OF THE**
6 **HEARING.** Notice shall also be mailed to all property taxpayers of
7 record in the development area not less than 20 days before the
8 hearing. Beginning June 1, 2005, the notice of hearing within the
9 time frame described in this subsection shall be mailed by
10 certified mail to the governing body of each taxing jurisdiction
11 levying taxes that would be subject to capture if the development
12 plan or the tax increment financing plan is approved or amended.

13 (2) Notice of the time and place of hearing on a development
14 plan shall contain the following:

15 (a) A description of the proposed development area in relation
16 to highways, streets, streams, or otherwise.

17 (b) A statement that maps, plats, and a description of the
18 development plan, including the method of relocating families and
19 individuals who may be displaced from the area, are available for
20 public inspection at a place designated in the notice, and that all
21 aspects of the development plan will be open for discussion at the
22 public hearing.

23 (c) Other information that the governing body considers
24 appropriate.

25 (3) At the time set for hearing, the governing body shall
26 provide an opportunity for interested persons to be heard and shall
27 receive and consider communications in writing with reference

1 thereto. The hearing shall provide the fullest opportunity for
2 expression of opinion, for argument on the merits, and for
3 introduction of documentary evidence pertinent to the development
4 plan. The governing body shall make and preserve a record of the
5 public hearing, including all data presented at that time.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No.____ or House Bill No. 5560 (request no.
8 03796'13) of the 97th Legislature is enacted into law.