

HOUSE BILL NO. 6352

November 12, 2020, Introduced by Reps. Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 2018 PA 57, entitled
"Recodified tax increment financing act,"
by amending sections 705 and 719 (MCL 125.4705 and 125.4719).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 705. (1) If the governing body of a municipality
- 2 determines that it is necessary for the best interests of the
- 3 public to promote water resource improvement or access to inland

1 lakes, or both, in a water resource improvement district, the
2 governing body may, by resolution, declare its intention to create
3 and provide for the operation of an authority within the boundaries
4 of a water resource improvement district.

5 (2) In the resolution of intent, the governing body shall set
6 a date for a public hearing on the adoption of a proposed ordinance
7 creating the authority and designating the boundaries of the
8 development area. ~~Notice—Through December 31, 2021, notice~~ of the
9 public hearing shall be published twice in a newspaper of general
10 circulation in the municipality, not less than 20 or more than 40
11 days before the date of the hearing. **Beginning January 1, 2022, the**
12 **governing body shall post notice as provided in the local**
13 **government public notice act not less than 20 or more than 40 days**
14 **before the date of the hearing.** Not less than 20 days before the
15 hearing, the governing body proposing to create the authority shall
16 also mail notice of the hearing to the property taxpayers of record
17 in the proposed development area and to the governing body of each
18 taxing jurisdiction levying taxes that would be subject to capture
19 if the authority is established and a tax increment financing plan
20 is approved. Failure of a property taxpayer to receive the notice
21 does not invalidate these proceedings. ~~Notice—Through December 31,~~
22 **2021, notice** of the hearing shall be posted in at least 20
23 conspicuous and public places in the proposed development area not
24 less than 20 days before the hearing. The notice shall state the
25 date, time, and place of the hearing and shall describe the
26 boundaries of the proposed development area. A citizen, taxpayer,
27 or property owner of the municipality or an official from a taxing
28 jurisdiction with millage that would be subject to capture has the
29 right to be heard in regard to the establishment of the authority

1 and the boundaries of the proposed development area. The governing
2 body of the municipality shall not incorporate land into the
3 development area not included in the description contained in the
4 notice of public hearing, but it may eliminate described lands from
5 the development area in the final determination of the boundaries.

6 (3) Not less than 60 days after the public hearing, if the
7 governing body of the municipality intends to proceed with the
8 establishment of the authority it shall adopt, by majority vote of
9 its members, an ordinance establishing the authority and
10 designating the boundaries of the development area within which the
11 authority shall exercise its powers. The adoption of the ordinance
12 is subject to any applicable statutory or charter provisions in
13 respect to the approval or disapproval by the chief executive or
14 other officer of the municipality and the adoption of an ordinance
15 over his or her veto. This ordinance shall be filed with the
16 secretary of state promptly after its adoption and shall be
17 published at least once in a newspaper of general circulation in
18 the municipality.

19 (4) The governing body of the municipality may alter or amend
20 the boundaries of the development area to include or exclude lands
21 from the development area in the same manner as adopting the
22 ordinance creating the authority.

23 (5) A municipality that has created an authority may enter
24 into an agreement with an adjoining municipality that has created
25 an authority to jointly operate and administer those authorities
26 under an interlocal agreement under the urban cooperation act of
27 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

28 Sec. 719. (1) The governing body, before adoption of an
29 ordinance approving a development plan or tax increment financing

plan, shall hold a public hearing on the development plan. ~~Notice~~
Through December 31, 2021, notice of the time and place of the
hearing shall be given by publication twice in a newspaper of
general circulation designated by the municipality, the first of
which shall be not less than 20 days before the date set for the
hearing. ~~Notice~~ **Beginning January 1, 2022, the governing body shall**
post notice as provided in the local government public notice act
of the time and place of the hearing, which shall be not less than
20 days before the date set for the hearing. Through December 31,
2021, notice of the hearing shall be posted in at least 20
conspicuous and public places in the development area not less than
20 days before the hearing. Notice shall also be mailed to all
property taxpayers of record in the development area and to the
governing body of each taxing jurisdiction levying taxes that would
be subject to capture if the tax increment financing plan is
approved not less than 20 days before the hearing.

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

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

(b) A statement that maps, plats, and a description of the
development plan, including the method of relocating families and
individuals who may be displaced from the area, are available for
public inspection at a place designated in the notice.

(c) A statement that all aspects of the development plan will
be open for discussion at the public hearing.

(d) Other information that the governing body considers
appropriate.

(3) At the time set for the hearing, the governing body shall

1 provide an opportunity for interested persons to speak and shall
2 receive and consider communications in writing. The hearing shall
3 provide the fullest opportunity for expression of opinion, for
4 argument on the merits, and for consideration of documentary
5 evidence pertinent to the development plan. The governing body
6 shall make and preserve a record of the public hearing, including
7 all data presented at the hearing.

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No.____ or House Bill No. 6440 (request no.
10 02449'19) of the 100th Legislature is enacted into law.