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House Bill 6036 as introduced
First Analysis (9-26-90)

Sponsor: Rep. Donald Van Singel
Committee: Towns and Counties

THE APPARENT PROBLEM:

The downtown development authority act (Public Act 197 of 1975) requires public notice of hearings on ordinances establishing a downtown development authority, creating a district, or approving a development plan or tax increment financing plan as well as on actions taken under such ordinances, including issuing bonds. The act requires 20 days' public notice in newspapers, by mailings to property owners, and by posting in "at least 20 conspicuous places." Earlier in this session, the legislature enacted Public Act 242 (enrolled House Bill 4131) in order to allow Muskegon, which had failed to meet the act's notification requirements by one day (local officials apparently miscounted the number of days by counting the day of the hearing as one of the days of notice), to comply with the act's requirements. Public Act 242 allowed an exemption to the notification requirements for ordinances adopted before August 1, 1989.

In the spring of this year, Stanton adopted an ordinance establishing a downtown development authority. Although the city did advertise in the newspapers and send out the required mailings, it failed to post notices in the required 20 "conspicuous" places. The city has requested legislation that would help it to meet the act's requirements retroactively.

THE CONTENT OF THE BILL:

The bill would amend the downtown development authority act, which was amended last year to exempt from the 20-day notification requirements certain ordinances adopted before August 1, 1990. The bill would change the date from August 1, 1989, to June 1, 1990.

MCL 15.1653b

FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:

For:

The public hearing on Stanton's proposal to establish a downtown development authority reportedly was well publicized and well attended, and the city met all of the downtown development authority act's notification requirements except for the "conspicuous posting" requirement. A simple amendment to an amendment made last year to the act in order to accommodate a similar kind of problem encountered by the city of Muskegon would spare Stanton the time and expense of repeating the public notification and hearing process.

POSITIONS:

There are no positions at present.

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