

HOUSE BILL No. 5856

September 23, 2014, Introduced by Rep. Kowall 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,"

by amending sections 1, 1a, 5, 7, 8, 15, 17, 18, and 31 (MCL 125.1651, 125.1651a, 125.1655, 125.1657, 125.1658, 125.1665, 125.1667, 125.1668, and 125.1681), section 1 as amended by 2013 PA 66, sections 1a and 31 as added by 1988 PA 425, section 7 as

amended by 2008 PA 226, section 8 as added by 1987 PA 66, section 15 as amended by 1993 PA 323, section 17 as amended by 1993 PA 122, and section 18 as amended by 2005 PA 13; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Advance" means a transfer of funds made by a municipality
3 to an authority or to another person on behalf of the authority in
4 anticipation of repayment by the authority. Evidence of the intent
5 to repay an advance may include, but is not limited to, an executed
6 agreement to repay, provisions contained in a tax increment
7 financing plan approved prior to the advance, or a resolution of
8 the authority or the municipality.

9 (b) "Assessed value" means 1 of the following:

10 (i) For valuations made before January 1, 1995, the state
11 equalized valuation as determined under the general property tax
12 act, 1893 PA 206, MCL 211.1 to 211.155.

13 (ii) For valuations made after December 31, 1994, the taxable
14 value as determined under section 27a of the general property tax
15 act, 1893 PA 206, MCL 211.27a.

16 (c) "Authority" means a downtown development authority created
17 pursuant to this act.

18 (d) "Board" means the governing body of an authority.

19 (e) "Business district" means an area in the downtown of a
20 municipality zoned and used principally for business.

21 (f) "Captured assessed value" means the amount in any 1 year
22 by which the current assessed value of the project area, including

1 the assessed value of property for which specific local taxes are
2 paid in lieu of property taxes as determined in subdivision (aa),
3 exceeds the initial assessed value. The state tax commission shall
4 prescribe the method for calculating captured assessed value.

5 (g) "Catalyst development project" means a project that is
6 located in a municipality with a population greater than 600,000,
7 is designated by the authority as a catalyst development project,
8 and is expected to result in at least \$300,000,000.00 of capital
9 investment. There shall be no more than 1 catalyst development
10 project designated within each authority.

11 (h) "Chief executive officer" means the mayor or city manager
12 of a city, the president or village manager of a village, or the
13 supervisor of a township or, if designated by the township board
14 for purposes of this act, the township superintendent or township
15 manager of a township.

16 (i) "Development area" means that area to which a development
17 plan is applicable.

18 (j) "Development plan" means that information and those
19 requirements for a development plan set forth in section 17.

20 (k) "Development program" means the implementation of the
21 development plan.

22 (l) "Downtown district" means that part of an area in a
23 business district that is specifically designated by ordinance of
24 the governing body of the municipality pursuant to this act. A
25 downtown district may include 1 or more separate and distinct
26 geographic areas in a business district as determined by the
27 municipality if the municipality enters into an agreement with a

1 qualified township under section 3(7) or if the municipality is a
2 city that surrounds another city and that other city lies between
3 the 2 separate and distinct geographic areas. If the downtown
4 district contains more than 1 separate and distinct geographic area
5 in the downtown district, the separate and distinct geographic
6 areas shall be considered 1 downtown district.

7 (m) "Eligible advance" means an advance made before August 19,
8 1993.

9 (n) "Eligible obligation" means an obligation issued or
10 incurred by an authority or by a municipality on behalf of an
11 authority before August 19, 1993 and its subsequent refunding by a
12 qualified refunding obligation. Eligible obligation includes an
13 authority's written agreement entered into before August 19, 1993
14 to pay an obligation issued after August 18, 1993 and before
15 December 31, 1996 by another entity on behalf of the authority.

16 (o) "Fire alarm system" means a system designed to detect and
17 annunciate the presence of fire, or by-products of fire. Fire alarm
18 system includes smoke detectors.

19 (p) "Fiscal year" means the fiscal year of the authority.

20 (q) "Governing body of a municipality" means the elected body
21 of a municipality having legislative powers.

22 (r) "Initial assessed value" means the assessed value, as
23 equalized, of all the taxable property within the boundaries of the
24 development area at the time the ordinance establishing the tax
25 increment financing plan is approved, as shown by the most recent
26 assessment roll of the municipality for which equalization has been
27 completed at the time the resolution is adopted. Property exempt

1 from taxation at the time of the determination of the initial
2 assessed value shall be included as zero. For the purpose of
3 determining initial assessed value, property for which a specific
4 local tax is paid in lieu of a property tax shall not be considered
5 to be property that is exempt from taxation. The initial assessed
6 value of property for which a specific local tax was paid in lieu
7 of a property tax shall be determined as provided in subdivision
8 ~~(aa). In the case of a municipality having a population of less~~
9 ~~than 35,000 that established an authority prior to 1985, created a~~
10 ~~district or districts, and approved a development plan or tax~~
11 ~~increment financing plan or amendments to a plan, and which plan or~~
12 ~~tax increment financing plan or amendments to a plan, and which~~
13 ~~plan expired by its terms December 31, 1991, the initial assessed~~
14 ~~value for the purpose of any plan or plan amendment adopted as an~~
15 ~~extension of the expired plan shall be determined as if the plan~~
16 ~~had not expired December 31, 1991. For a development area~~
17 ~~designated before 1997 in which a renaissance zone has subsequently~~
18 ~~been designated pursuant to the Michigan renaissance zone act, 1996~~
19 ~~PA 376, MCL 125.2681 to 125.2696, the initial assessed value of the~~
20 ~~development area otherwise determined under this subdivision shall~~
21 ~~be reduced by the amount by which the current assessed value of the~~
22 ~~development area was reduced in 1997 due to the exemption of~~
23 ~~property under section 7ff of the general property tax act, 1993 PA~~
24 ~~206, MCL 211.7ff, but in no case shall the initial assessed value~~
25 ~~be less than zero. (BB) .~~

26 (s) "Municipality" means a city, village, or township.

27 (t) "Obligation" means a written promise to pay, whether

1 evidenced by a contract, agreement, lease, sublease, bond, or note,
2 or a requirement to pay imposed by law. An obligation does not
3 include a payment required solely because of default upon an
4 obligation, employee salaries, or consideration paid for the use of
5 municipal offices. An obligation does not include those bonds that
6 have been economically defeased by refunding bonds issued under
7 this act. Obligation includes, but is not limited to, the
8 following:

9 (i) A requirement to pay proceeds derived from ad valorem
10 property taxes or taxes levied in lieu of ad valorem property
11 taxes.

12 (ii) A management contract or a contract for professional
13 services.

14 (iii) A payment required on a contract, agreement, bond, or note
15 if the requirement to make or assume the payment arose before
16 August 19, 1993.

17 (iv) A requirement to pay or reimburse a person for the cost of
18 insurance for, or to maintain, property subject to a lease, land
19 contract, purchase agreement, or other agreement.

20 (v) A letter of credit, paying agent, transfer agent, bond
21 registrar, or trustee fee associated with a contract, agreement,
22 bond, or note.

23 (u) "On behalf of an authority", in relation to an eligible
24 advance made by a municipality, or an eligible obligation or other
25 protected obligation issued or incurred by a municipality, means in
26 anticipation that an authority would transfer tax increment
27 revenues or reimburse the municipality from tax increment revenues

1 in an amount sufficient to fully make payment required by the
2 eligible advance made by the municipality, or eligible obligation
3 or other protected obligation issued or incurred by the
4 municipality, if the anticipation of the transfer or receipt of tax
5 increment revenues from the authority is pursuant to or evidenced
6 by 1 or more of the following:

7 (i) A reimbursement agreement between the municipality and an
8 authority it established.

9 (ii) A requirement imposed by law that the authority transfer
10 tax increment revenues to the municipality.

11 (iii) A resolution of the authority agreeing to make payments to
12 the incorporating unit.

13 (iv) Provisions in a tax increment financing plan describing
14 the project for which the obligation was incurred.

15 (v) "Operations" means office maintenance, including salaries
16 and expenses of employees, office supplies, consultation fees,
17 design costs, and other expenses incurred in the daily management
18 of the authority and planning of its activities.

19 (w) "Other protected obligation" means:

20 (i) A qualified refunding obligation issued to refund an
21 obligation described in subparagraph (ii), (iii), or (iv), an
22 obligation that is not a qualified refunding obligation that is
23 issued to refund an eligible obligation, or a qualified refunding
24 obligation issued to refund an obligation described in this
25 subparagraph.

26 (ii) An obligation issued or incurred by an authority or by a
27 municipality on behalf of an authority after August 19, 1993, but

1 before December 31, 1994, to finance a project described in a tax
2 increment finance plan approved by the municipality in accordance
3 with this act before December 31, 1993, for which a contract for
4 final design is entered into by or on behalf of the municipality or
5 authority before March 1, 1994 or for which a written agreement
6 with a developer, titled preferred development agreement, was
7 entered into by or on behalf of the municipality or authority in
8 July 1993.

9 (iii) An obligation incurred by an authority or municipality
10 after August 19, 1993, to reimburse a party to a development
11 agreement entered into by a municipality or authority before August
12 19, 1993, for a project described in a tax increment financing plan
13 approved in accordance with this act before August 19, 1993, and
14 undertaken and installed by that party in accordance with the
15 development agreement.

16 (iv) An obligation incurred by the authority evidenced by or to
17 finance a contract to purchase real property within a development
18 area or a contract to develop that property within the development
19 area, or both, if all of the following requirements are met:

20 (A) The authority purchased the real property in 1993.

21 (B) Before June 30, 1995, the authority enters a contract for
22 the development of the real property located within the development
23 area.

24 (C) In 1993, the authority or municipality on behalf of the
25 authority received approval for a grant from both of the following:

26 (I) The department of natural resources for site reclamation
27 of the real property.

1 (II) The department of consumer and industry services for
2 development of the real property.

3 (v) An ongoing management or professional services contract
4 with the governing body of a county which was entered into before
5 March 1, 1994 and which was preceded by a series of limited term
6 management or professional services contracts with the governing
7 body of the county, the last of which was entered into before
8 August 19, 1993.

9 (vi) A loan from a municipality to an authority if the loan was
10 approved by the legislative body of the municipality on April 18,
11 1994.

12 (vii) Funds expended to match a grant received by a
13 municipality on behalf of an authority for sidewalk improvements
14 from the Michigan department of transportation if the legislative
15 body of the municipality approved the grant application on April 5,
16 1993 and the grant was received by the municipality in June 1993.

17 (viii) For taxes captured in 1994, an obligation described in
18 this subparagraph issued or incurred to finance a project. An
19 obligation is considered issued or incurred to finance a project
20 described in this subparagraph only if all of the following are
21 met:

22 (A) The obligation requires raising capital for the project or
23 paying for the project, whether or not a borrowing is involved.

24 (B) The obligation was part of a development plan and the tax
25 increment financing plan was approved by a municipality on May 6,
26 1991.

27 (C) The obligation is in the form of a written memorandum of

1 understanding between a municipality and a public utility dated
2 October 27, 1994.

3 (D) The authority or municipality captured school taxes during
4 1994.

5 (ix) An obligation incurred after July 31, 2012 by an
6 authority, municipality, or other governmental unit to pay for
7 costs associated with a catalyst development project.

8 (x) "Public facility" means a **ROAD**, street, plaza, pedestrian
9 mall, and any improvements to a street, plaza, or pedestrian mall
10 including street furniture and beautification, **SIDEWALK, TRAIL,**
11 **LIGHTING, TRAFFIC FLOW MODIFICATION**, park, parking facility,
12 recreational facility, right-of-way, structure, waterway, bridge,
13 lake, pond, canal, utility line or pipe, building, and access
14 routes to any of the foregoing, designed and dedicated to use by
15 the public generally, or used by a public agency. Public facility
16 includes an improvement to a facility used by the public or a
17 public facility. ~~as those terms are defined in section 1 of 1966 PA~~
18 ~~1, MCL 125.1351, which improvement is made to comply with the~~
19 ~~barrier free design requirements of the state construction code~~
20 ~~promulgated under the Stille DeRossett Hale single state~~
21 ~~construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.~~

22 Public facility also includes **ENVIRONMENTAL REMEDIATION OF**
23 **PROPERTY, AND** the acquisition, construction, improvement, and
24 operation of a building owned or leased by the authority to be used
25 as a retail business incubator.

26 (Y) "PUBLIC SERVICE" MEANS A SERVICE COMMONLY PROVIDED BY THE
27 STATE, A COUNTY, OR A MUNICIPALITY AND INCLUDES, BUT IS NOT LIMITED

1 TO, WATER, SANITARY SEWER, AND STORM WATER SERVICES; POLICE, FIRE,
2 JAIL, AND OTHER EMERGENCY SERVICES; STREET REPAIR AND MAINTENANCE
3 SERVICES; OPERATION AND MAINTENANCE OF PARKS AND OTHER PUBLIC
4 PLACES; OPERATION OF PUBLIC GATHERING PLACES; SNOWPLOWING; AND THE
5 OPERATION AND MAINTENANCE OF OTHER PUBLIC FACILITIES.

6 (Z) ~~(y)~~—"Qualified refunding obligation" means an obligation
7 issued or incurred by an authority or by a municipality on behalf
8 of an authority to refund an obligation if 1 or more of the
9 following apply:

10 (i) The obligation is issued to refund a qualified refunding
11 obligation issued in November 1997 and any subsequent refundings of
12 that obligation issued before January 1, 2010 or the obligation is
13 issued to refund a qualified refunding obligation issued on May 15,
14 1997 and any subsequent refundings of that obligation issued before
15 January 1, 2010 in an authority in which 1 parcel or group of
16 parcels under common ownership represents 50% or more of the
17 taxable value captured within the tax increment finance district
18 and that will ultimately provide for at least a 40% reduction in
19 the taxable value of the property as part of a negotiated
20 settlement as a result of an appeal filed with the state tax
21 tribunal. Qualified refunding obligations issued under this
22 subparagraph are not subject to the requirements of section 611 of
23 the revised municipal finance act, 2001 PA 34, MCL 141.2611, if
24 issued before January 1, 2010. The duration of the development
25 program described in the tax increment financing plan relating to
26 the qualified refunding obligations issued under this subparagraph
27 is hereby extended to 1 year after the final date of maturity of

1 the qualified refunding obligations.

2 (ii) The refunding obligation meets both of the following:

3 (A) The net present value of the principal and interest to be
4 paid on the refunding obligation, including the cost of issuance,
5 will be less than the net present value of the principal and
6 interest to be paid on the obligation being refunded, as calculated
7 using a method approved by the department of treasury.

8 (B) The net present value of the sum of the tax increment
9 revenues described in subdivision ~~(ee) (ii)~~ **(DD) (ii)** and the
10 distributions under section 13b to repay the refunding obligation
11 will not be greater than the net present value of the sum of the
12 tax increment revenues described in subdivision ~~(ee) (ii)~~ **(DD) (ii)** and
13 the distributions under section 13b to repay the obligation being
14 refunded, as calculated using a method approved by the department
15 of treasury.

16 (iii) The obligation is issued to refund an other protected
17 obligation issued as a capital appreciation bond delivered to the
18 Michigan municipal bond authority on December 21, 1994 and any
19 subsequent refundings of that obligation issued before January 1,
20 2012. Qualified refunding obligations issued under this
21 subparagraph are not subject to the requirements of section 305(2),
22 (3), (5), and (6), section 501, section 503, or section 611 of the
23 revised municipal finance act, 2001 PA 34, MCL 141.2305, 141.2501,
24 141.2503, and 141.2611, if issued before January 1, 2012. The
25 duration of the development program described in the tax increment
26 financing plan relating to the qualified refunding obligations
27 issued under this subparagraph is extended to 1 year after the

1 final date of maturity of the qualified refunding obligations. The
2 obligation may be payable through the year 2025 at an interest rate
3 not exceeding the maximum rate permitted by law, notwithstanding
4 the bond maturity dates contained in the notice of intent to issue
5 bonds published by the municipality. An obligation issued under
6 this subparagraph is a qualified refunding obligation only to the
7 extent that revenues described in subdivision ~~(cc) (ii)~~ **(DD) (ii)** and
8 distributions under section 13b to repay the qualified refunding
9 obligation do not exceed \$750,000.00.

10 (iv) The obligation is issued to refund a qualified refunding
11 obligation issued on February 13, 2008, and any subsequent
12 refundings of that obligation, issued before December 31, 2018.
13 Qualified refunding obligations issued under this subparagraph are
14 not subject to the requirements of section 305(2), (3), (5), and
15 (6), 501, 503, or 611 of the revised municipal finance act, 2001 PA
16 34, MCL 141.2305, 141.2501, 141.2503, and 141.2611. The duration of
17 the development program described in the tax increment financing
18 plan relating to the qualified refunding obligations issued under
19 this subparagraph is extended to 1 year after the final date of
20 maturity of the qualified refunding obligations. Revenues described
21 in subdivision (cc) (ii) and distributions made under section 13b in
22 excess of the amount needed for current year debt service on an
23 obligation issued under this subparagraph may be paid to the
24 authority to the extent necessary to pay future years' debt service
25 on the obligation as determined by the board.

26 **(AA)** ~~(z)~~ "Qualified township" means a township that meets all
27 of the following requirements:

1 (i) Was not eligible to create an authority prior to January 3,
2 2005.

3 (ii) Adjoins a municipality that previously created an
4 authority.

5 (iii) Along with the adjoining municipality that previously
6 created an authority, is a member of the same joint planning
7 commission under the joint municipal planning act, 2003 PA 226, MCL
8 125.131 to 125.143.

9 **(BB)** ~~(aa)~~—"Specific local tax" means a tax levied under 1974
10 PA 198, MCL 207.551 to 207.572, the commercial redevelopment act,
11 1978 PA 255, MCL 207.651 to 207.668, the technology park
12 development act, 1984 PA 385, MCL 207.701 to 207.718, **SECTION 5 OF**
13 **THE STATE ESSENTIAL SERVICES ASSESSMENT ACT, 2014 PA 92, MCL**
14 **211.1055, SECTION 5 OF THE ALTERNATIVE STATE ESSENTIAL SERVICES**
15 **ASSESSMENT ACT, 2014 PA 93, MCL 211.1075,** and 1953 PA 189, MCL
16 211.181 to 211.182. The initial assessed value or current assessed
17 value of property subject to a specific local tax shall be the
18 quotient of the specific local tax paid divided by the ad valorem
19 millage rate. However, after 1993, the state tax commission shall
20 prescribe the method for calculating the initial assessed value and
21 current assessed value of property for which a specific local tax
22 was paid in lieu of a property tax.

23 **(CC)** ~~(bb)~~—"State fiscal year" means the annual period
24 commencing October 1 of each year.

25 **(DD)** ~~(ee)~~—"Tax increment revenues" means the amount of ad
26 valorem property taxes and specific local taxes attributable to the
27 application of the levy of all taxing jurisdictions upon the

1 captured assessed value of real and personal property in the
2 development area, subject to the following requirements:

3 (i) Tax increment revenues include ad valorem property taxes
4 and specific local taxes attributable to the application of the
5 levy of all taxing jurisdictions other than the state pursuant to
6 the state education tax act, 1993 PA 331, MCL 211.901 to 211.906,
7 and local or intermediate school districts upon the captured
8 assessed value of real and personal property in the development
9 area for any purpose authorized by this act.

10 (ii) Tax increment revenues include ad valorem property taxes
11 and specific local taxes attributable to the application of the
12 levy of the state pursuant to the state education tax act, 1993 PA
13 331, MCL 211.901 to 211.906, and local or intermediate school
14 districts upon the captured assessed value of real and personal
15 property in the development area in an amount equal to the amount
16 necessary, without regard to subparagraph (i), to repay eligible
17 advances, eligible obligations, and other protected obligations.

18 (iii) Tax increment revenues do not include any of the
19 following:

20 (A) Ad valorem property taxes attributable either to a portion
21 of the captured assessed value shared with taxing jurisdictions
22 within the jurisdictional area of the authority or to a portion of
23 value of property that may be excluded from captured assessed value
24 or specific local taxes attributable to such ad valorem property
25 taxes.

26 (B) Ad valorem property taxes excluded by the tax increment
27 financing plan of the authority from the determination of the

1 amount of tax increment revenues to be transmitted to the authority
2 or specific local taxes attributable to such ad valorem property
3 taxes.

4 (C) Ad valorem property taxes exempted from capture under
5 section 3(3) or specific local taxes attributable to such ad
6 valorem property taxes.

7 (D) Ad valorem property taxes levied under 1 or more of the
8 following or specific local taxes attributable to those ad valorem
9 property taxes:

10 (I) The zoological authorities act, 2008 PA 49, MCL 123.1161
11 to 123.1183.

12 (II) The art institute authorities act, 2010 PA 296, MCL
13 123.1201 to 123.1229.

14 **(III) 1939 PA 147, MCL 119.51 TO 119.62.**

15 (iv) The amount of tax increment revenues authorized to be
16 included under subparagraph (ii) or (v), and required to be
17 transmitted to the authority under section 14(1), from ad valorem
18 property taxes and specific local taxes attributable to the
19 application of the levy of the state education tax act, 1993 PA
20 331, MCL 211.901 to 211.906, a local school district or an
21 intermediate school district upon the captured assessed value of
22 real and personal property in a development area shall be
23 determined separately for the levy by the state, each school
24 district, and each intermediate school district as the product of
25 sub-subparagraphs (A) and (B):

26 (A) The percentage that the total ad valorem taxes and
27 specific local taxes available for distribution by law to the

1 state, local school district, or intermediate school district,
2 respectively, bears to the aggregate amount of ad valorem millage
3 taxes and specific taxes available for distribution by law to the
4 state, each local school district, and each intermediate school
5 district.

6 (B) The maximum amount of ad valorem property taxes and
7 specific local taxes considered tax increment revenues under
8 subparagraph (ii) or (v).

9 (v) Tax increment revenues include ad valorem property taxes
10 and specific local taxes, in an annual amount and for each year
11 approved by the state treasurer, attributable to the levy by this
12 state under the state education tax act, 1993 PA 331, MCL 211.901
13 to 211.906, and by local or intermediate school districts, upon the
14 captured assessed value of real and personal property in the
15 development area of an authority established in a city with a
16 population of 600,000 or more to pay for, or reimburse an advance
17 for, not more than \$8,000,000.00 for the demolition of buildings or
18 structures on public or privately owned property within a
19 development area that commences in 2005, or to pay the annual
20 principal of or interest on an obligation, the terms of which are
21 approved by the state treasurer, issued by an authority, or by a
22 city on behalf of an authority, to pay not more than \$8,000,000.00
23 of the costs to demolish buildings or structures on public or
24 privately owned property within a development area that commences
25 in 2005.

26 (vi) Tax increment revenues include ad valorem property taxes
27 and specific local taxes attributable to the levy by this state

1 under the state education tax act, 1993 PA 331, MCL 211.201 to
2 211.906, and by local or intermediate school districts which were
3 levied on or after July 1, 2010, upon the captured assessed value
4 of real and personal property in the development area of an
5 authority established in a city with a population of 600,000 or
6 more to pay for, or reimburse an advance for, costs associated with
7 the land acquisition, preliminary site work, and construction of a
8 catalyst development project.

9 Sec. 1a. The legislature finds all of the following:

10 (a) That there exists in this state conditions of property
11 value deterioration detrimental to the state economy and the
12 economic growth of the state and its local units of government.

13 (b) That government programs are desirable and necessary to
14 ~~eliminate~~ **ADDRESS** the causes of property value deterioration **AND TO**
15 **ENHANCE LOCAL ECONOMIC DEVELOPMENT** thereby benefiting the economic
16 growth of the state.

17 (c) That it is appropriate to finance these government
18 programs by means available to the state and local units of
19 government in the state, including tax increment financing.

20 (d) That tax increment financing is a government financing
21 program that contributes to economic growth and development by
22 dedicating a portion of the increase in the tax base resulting from
23 economic growth and development to facilities, structures, ~~or~~
24 improvements, **PROGRAMS, AND OTHER EFFORTS** within a development area
25 thereby facilitating economic growth and development.

26 (e) That it is necessary for the legislature to exercise its
27 power to legislate tax increment financing as authorized in this

1 act and in the exercise of this power to mandate the transfer of
2 tax increment revenues by city, village, township, school district,
3 ~~and county treasurers,~~ **AND OTHER TAXING UNITS** to authorities
4 created under this act in order to effectuate the legislative
5 ~~government programs~~ **EFFORTS** to eliminate property value
6 deterioration and to promote economic growth.

7 (f) That halting property value deterioration and promoting
8 economic growth in the state are essential governmental functions
9 and constitute essential public purposes.

10 (g) That economic development strengthens the tax base upon
11 which local units of government rely and that government programs
12 to eliminate property value deterioration benefit local units of
13 government and are for the use of the local units of government.

14 (h) That the provisions of this act are enacted to provide a
15 means for local units of government to eliminate property value
16 deterioration and to promote economic growth in the communities
17 served by those local units of government.

18 **(I) THAT THE ESTABLISHMENT OF AUTHORITIES UNDER THIS ACT IS**
19 **INTENDED TO REVITALIZE AND DEVELOP DOWNTOWN AREAS WITH INTENSIVE**
20 **PRIVATE AND PUBLIC CAPITAL INVESTMENT THAT ARE DENSELY SETTLED**
21 **COMMERCIAL CORES THAT SERVE AS SOCIAL, ECONOMIC, AND CULTURAL**
22 **CENTERS.**

23 **(J) THAT DOWNTOWNS IN THIS STATE ARE MULTIFUNCTIONAL**
24 **GEOGRAPHICALLY CONTIGUOUS SPACES WHERE RESIDENTS CAN SHOP, DINE,**
25 **LIVE, WORSHIP, ACCESS GOVERNMENT, AND BE ENTERTAINED, AND THAT ARE**
26 **COMPACT AND WALKABLE AND SERVE AS A DEFINING CHARACTERISTIC FOR THE**
27 **COMMUNITY'S OVERALL SENSE OF PLACE.**

1 Sec. 5. (1) The board may employ and fix the compensation of a
2 director, subject to the approval of the governing body of the
3 municipality. The director shall serve at the pleasure of the
4 board. A member of the board is not eligible to hold the position
5 of director. Before entering upon the duties of his **OR HER** office,
6 the director shall take and subscribe to the constitutional oath,
7 and furnish bond, by posting a bond in the penal sum determined in
8 the ordinance establishing the authority payable to the authority
9 for use and benefit of the authority, approved by the board, and
10 filed with the municipal clerk. The premium on the bond shall be
11 deemed an operating expense of the authority, payable from funds
12 available to the authority for expenses of operation. The director
13 shall be the chief executive officer of the authority. Subject to
14 the approval of the board, the director shall supervise, and be
15 responsible for, the preparation of plans and the performance of
16 the functions of the authority in the manner authorized by this
17 act. The director shall attend the meetings of the board, and shall
18 render to the board and to the governing body of the municipality a
19 regular report covering the activities and financial condition of
20 the authority. If the director is absent or disabled, the board may
21 designate a qualified person as acting director to perform the
22 duties of the office. Before entering upon the duties of his **OR HER**
23 office, the acting director shall take and subscribe to the oath,
24 and furnish bond, as required of the director. The director shall
25 furnish the board with information or reports governing the
26 operation of the authority as the board requires.

27 (2) The board may employ and fix the compensation of a

1 treasurer, who shall keep the financial records of the authority
2 and who, together with the director, shall approve all vouchers for
3 the expenditure of funds of the authority. The treasurer shall
4 perform such other duties as may be delegated to him **OR HER** by the
5 board and shall furnish bond in an amount as prescribed by the
6 board.

7 (3) The board may employ and fix the compensation of a
8 secretary, who shall maintain custody of the official seal and of
9 records, books, documents, or other papers not required to be
10 maintained by the treasurer. The secretary shall attend meetings of
11 the board and keep a record of its proceedings ~~—~~and shall perform
12 such other duties delegated by the board.

13 (4) The board may retain legal counsel to advise the board in
14 the proper performance of its duties. The legal counsel shall
15 represent the authority in actions brought by or against the
16 authority.

17 (5) The board may employ other personnel deemed necessary by
18 the board.

19 **(6) AS AN ALTERNATIVE TO EMPLOYING ANY OFFICER OR OTHER**
20 **PERSONNEL, THE BOARD MAY CONTRACT WITH THE MUNICIPALITY OR WITH**
21 **OTHER ENTITIES OR INDIVIDUALS TO PROVIDE SERVICES REQUIRED BY THE**
22 **AUTHORITY. ALL CONTRACTS FOR THOSE SERVICES SHALL REQUIRE THE**
23 **BOARD'S APPROVAL AND SHALL BE LISTED IN THE ANNUAL BUDGET OF THE**
24 **AUTHORITY. ANY BOARD MEMBER MAY ALSO BE SELECTED AS THE SECRETARY**
25 **OR TREASURER BUT MAY NOT BE COMPENSATED.**

26 Sec. 7. (1) The board may:

27 (a) Prepare an analysis of economic changes taking place in

1 the downtown district.

2 (b) Study and analyze the impact of metropolitan growth upon
3 the downtown district.

4 (c) Plan and propose the construction, renovation, repair,
5 remodeling, rehabilitation, restoration, preservation, or
6 reconstruction of a public facility, an existing building, or a
7 multiple-family dwelling unit which may be necessary or appropriate
8 to the execution of a plan which, in the opinion of the board, aids
9 in the economic growth of the downtown district.

10 (d) Plan, propose, and implement an improvement to a public
11 facility within the development area to comply with the barrier
12 free design requirements of the state construction code promulgated
13 under the Stille-DeRossett-Hale single state construction code act,
14 1972 PA 230, MCL 125.1501 to 125.1531.

15 (e) Develop long-range plans, in cooperation with the agency
16 which is chiefly responsible for planning in the municipality,
17 designed to halt the deterioration of property values in the
18 downtown district and to promote the economic growth of the
19 downtown district, and take such steps as may be necessary to
20 persuade property owners to implement the plans to the fullest
21 extent possible.

22 (f) Implement any plan of development in the downtown district
23 necessary to achieve the purposes of this act, in accordance with
24 the powers of the authority as granted by this act.

25 (g) Make and enter into contracts necessary or incidental to
26 the exercise of its powers and the performance of its duties.

27 (h) Acquire by purchase or otherwise, on terms and conditions

1 and in a manner the authority considers proper or own, convey, or
2 otherwise dispose of, or lease as lessor or lessee, land and other
3 property, real or personal, or rights or interests in property,
4 which the authority determines is reasonably necessary to achieve
5 the purposes of this act, and to grant or acquire licenses,
6 easements, and options with respect to that property.

7 (i) Improve land and construct, reconstruct, rehabilitate,
8 restore and preserve, equip, improve, maintain, repair, and operate
9 any building, including multiple-family dwellings, and any
10 necessary or desirable appurtenances to that property, within the
11 downtown district for the use, in whole or in part, of any public
12 or private person or corporation, or a combination of them.

13 (j) Fix, charge, and collect fees, rents, and charges for the
14 use of any building or property under its control or any part
15 thereof, or facility therein, and pledge the fees, rents, and
16 charges for the payment of revenue bonds issued by the authority.

17 (k) Lease any building or property under its control, or any
18 part of a building or property.

19 (l) Accept grants and donations of property, labor, or other
20 things of value from a public or private source.

21 (m) Acquire, ~~and~~ construct, **DEMOLISH, RECONSTRUCT, DEVELOP,**
22 **REDEVELOP, USE, OPERATE, REPAIR, MAINTAIN, IMPROVE, ENLARGE, OR**
23 **MODIFY** public facilities **LOCATED WITHIN A DEVELOPMENT AREA.**

24 (n) Create, operate, and fund marketing initiatives that
25 benefit only retail and general marketing of the downtown district.

26 (o) Contract for broadband service and wireless technology
27 service in the downtown district.

1 (p) Operate and perform all duties and exercise all
2 responsibilities described in this section in a qualified township
3 if the qualified township has entered into an agreement with the
4 municipality under section 3(7).

5 (q) Create, operate, and fund a loan program to fund
6 improvements for existing buildings located in a downtown district
7 to make them marketable for sale or lease. The board may make loans
8 with interest at a market rate or may make loans with interest at a
9 below market rate, as determined by the board.

10 (r) Create, operate, and fund retail business incubators in
11 the downtown district.

12 (2) If it is the express determination of the board to create,
13 operate, or fund a retail business incubator in the downtown
14 district, the board shall give preference to tenants who will
15 provide goods or services that are not available or that are
16 underserved in the downtown area. If the board creates, operates,
17 or funds retail business incubators in the downtown district, the
18 board and each tenant who leases space in a retail business
19 incubator shall enter into a written contract that includes, but is
20 not limited to, all of the following:

21 (a) The lease or rental rate that may be below the fair market
22 rate as determined by the board.

23 (b) The requirement that a tenant may lease space in the
24 retail business incubator for a period not to exceed 18 months.

25 (c) The terms of a joint operating plan with 1 or more other
26 businesses located in the downtown district.

27 (d) A copy of the business plan of the tenant that contains

1 measurable goals and objectives.

2 (e) The requirement that the tenant participate in basic
3 management classes, business seminars, or other business education
4 programs offered by the authority, the local chamber of commerce,
5 local community colleges, or institutions of higher education, as
6 determined by the board.

7 (3) AN AUTHORITY MAY PROVIDE OR CAUSE TO BE PROVIDED PUBLIC
8 SERVICES WITHIN A DOWNTOWN DISTRICT THAT EXCEED THE LEVELS OF
9 PUBLIC SERVICES GENERALLY PROVIDED TO THE EXTENT THAT THOSE
10 INCREMENTAL INCREASES IN PUBLIC SERVICES ARE DETERMINED BY THE
11 AUTHORITY TO BE NECESSARY WITHIN THE DOWNTOWN DISTRICT. AN
12 AUTHORITY MAY NOT PROVIDE FUNDING FOR ADDITIONAL PUBLIC SERVICES
13 OUTSIDE THE DOWNTOWN DISTRICT.

14 Sec. 8. (1) ~~If a board created under this act serves as the~~
15 ~~planning commission under section 2 of Act No. 285 of the Public~~
16 ~~Acts of 1931, being section 125.32 of the Michigan Compiled Laws,~~
17 ~~the board shall include planning commission business in its agenda.~~

18 THE AUTHORITY OR THE MUNICIPALITY CREATING THE AUTHORITY SHALL
19 CREATE, OPERATE, AND REGULARLY MAINTAIN A WEBSITE WITH ALL
20 AUTHORITY RECORDS AND DOCUMENTS INCLUDING ALL OF THE FOLLOWING:

- 21 (A) MINUTES OF ALL BOARD MEETINGS.
22 (B) ANNUAL BUDGET.
23 (C) ANNUAL AUDITS.
24 (D) CURRENTLY ADOPTED DEVELOPMENT PLAN.
25 (E) CURRENTLY ADOPTED TAX INCREMENT FINANCE PLAN.
26 (F) LIST OF ALL AUTHORITY SPONSORED AND MANAGED EVENTS.
27 (G) AUTHORITY STAFF CONTACT INFORMATION.

1 (H) ALL PROMOTIONAL AND MARKETING MATERIALS.

2 (I) AMOUNT OF TAX INCREMENT REVENUES CAPTURED FOR EACH TAXING
3 JURISDICTION THAT LEVIES AD VALOREM PROPERTY TAXES OR SPECIFIC
4 LOCAL TAXES WITHIN THE BOUNDARIES OF THE AUTHORITY.

5 (J) OTHER DOCUMENTS RELATED TO MANAGEMENT OF THE AUTHORITY.

6 (2) EACH YEAR, THE BOARD SHALL HOLD AN ANNUAL MEETING. THE
7 PURPOSE OF THE ANNUAL MEETING WILL BE TO HIGHLIGHT ALL OF THE
8 SUCCESSES AND STATISTICS OVER THE PAST YEAR AND PROJECTS
9 ACCOMPLISHED, EVENTS HELD, PROMOTIONAL AND MARKETING PROGRAMS
10 UNDERTAKEN, PROPERTY TAX VALUATION FROM THE PREVIOUS YEAR, THE
11 OUTCOMES RELATED TO AUTHORITY ACTIVITY, AND TO HEAR ANY QUESTIONS,
12 CONCERNS, STATEMENTS, OR OTHER INFORMATION PRESENTED VERBALLY OR IN
13 WRITING AT THE MEETING OR IN WRITING BEFORE THE MEETING. NOTICE OF
14 THE ANNUAL MEETING SHALL BE POSTED ON THE MUNICIPALITY'S WEBSITE
15 NOT LESS THAN 20 DAYS BEFORE THE DATE OF THE MEETING. NOT LESS THAN
16 20 DAYS BEFORE THE ANNUAL MEETING, THE BOARD SHALL MAIL NOTICE OF
17 THE ANNUAL MEETING TO THE GOVERNING BODY OF EACH TAXING
18 JURISDICTION LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE
19 AUTHORITY.

20 Sec. 15. (1) The municipal and county treasurers shall
21 transmit to the authority tax increment revenues.

22 (2) The authority shall expend the tax increment revenues
23 received for the development program only pursuant to the tax
24 increment financing plan. Surplus funds, **INCLUDING ANY FUNDS**
25 **ACCUMULATED IN EXCESS OF THE LIMITATIONS SET FORTH IN SUBSECTIONS**
26 **(4) AND (5)**, shall revert proportionately to the respective taxing
27 bodies. These revenues shall not be used to circumvent existing

1 property tax limitations. The governing body of the municipality
 2 may abolish the tax increment financing plan when it finds that the
 3 purposes for which it was established are accomplished. However,
 4 the tax increment financing plan shall not be abolished, **ALLOWED TO**
 5 **EXPIRE, OR OTHERWISE TERMINATE**, until the principal of, and
 6 interest on, bonds issued pursuant to section 16 have been paid or
 7 funds sufficient to make the payment have been segregated.

8 (3) Annually the authority shall submit to the governing body
 9 of the municipality, **THE GOVERNING BODY OF A TAXING UNIT LEVYING**
 10 **TAXES SUBJECT TO CAPTURE BY AN AUTHORITY**, and the state tax
 11 commission a report on the status of the tax increment financing
 12 account. The report shall be published in a newspaper of general
 13 circulation in the municipality **OR ON A WEBSITE OF THE AUTHORITY OR**
 14 **THE MUNICIPALITY** and shall include the following:

- 15 (a) The amount and source of revenue in the account.
 16 (b) The amount in any bond reserve account.
 17 (c) The amount and purpose of expenditures from the account.
 18 (d) The amount of principal and interest on any outstanding
 19 bonded indebtedness.
 20 (e) The initial assessed value of the ~~project~~ **DEVELOPMENT**
 21 area.
 22 (f) The captured assessed value retained by the authority.
 23 (g) The tax increment revenues received.
 24 ~~(h) The number of jobs created as a result of the~~
 25 ~~implementation of the tax increment financing plan.~~

26 **(H) THE TOTAL NEW PUBLIC INVESTMENT IN EACH OF THE DEVELOPMENT**
 27 **AREAS.**

1 (I) THE TOTAL VALUE OF ALL PROJECTS FOR WHICH A BUILDING
2 PERMIT WAS ISSUED FOR NEW PRIVATE INVESTMENT WITHIN EACH OF THE
3 DEVELOPMENT AREAS.

4 (J) THE TOTAL NUMBERS OF BUSINESSES THAT WERE ESTABLISHED IN
5 OR LEFT EACH OF THE DEVELOPMENT AREAS.

6 (K) THE TOTAL NUMBER OF NEW BUILDINGS OR ADDITIONS TO
7 BUILDINGS WITHIN EACH DEVELOPMENT AREA.

8 (L) THE TOTALS RECEIVED BY THE AUTHORITY OR OTHER ENTITIES OR
9 PERSONS WITH WHICH IS IT COOPERATING IN SPONSORSHIPS, CASH, AND IN-
10 KIND SERVICES FOR EVENTS, PROGRAMS, AND PROJECTS WITHIN EACH
11 DEVELOPMENT AREA.

12 (M) THE AMOUNTS OF ANY FUNDS OTHER THAN TAX INCREMENTS
13 REVENUES USED BY THE AUTHORITY FOR ANY PROJECTS OR ACTIVITIES IN
14 THE DEVELOPMENT AREAS.

15 (N) INFORMATION ON OUTCOMES RESULTING FROM THE EXPENDITURES OF
16 TAX INCREMENT REVENUES MEASURING ALL OF THE FOLLOWING WITH RESPECT
17 TO EACH DEVELOPMENT AREA:

18 (i) JOB GROWTH.

19 (ii) GROWTH IN THE CREATION OF NEW BUSINESSES.

20 (iii) GROWTH IN EXISTING BUSINESSES.

21 (iv) COMMERCIAL OR INDUSTRIAL BUILDING VACANCY RATES.

22 (v) RESIDENTIAL GROWTH.

23 (vi) INCREASED ACTIVITY FROM EVENTS, CONVENTIONS, CONFERENCE,
24 CONCERTS, TOURISM, OR SIMILAR ACTIVITIES OR EFFORTS.

25 (vii) INCREASED ECONOMIC ACTIVITY IN THE REGION IN WHICH THE
26 AUTHORITY IS LOCATED.

27 (viii) EVIDENCE OF THE REVERSAL OF BLIGHT OR DETERIORATION IN

1 DEVELOPMENT AREAS OR SURROUNDING NEIGHBORHOODS.

2 (ix) RESULTS OF REPURPOSING DEVELOPMENT AREAS TO IMPROVE
3 ECONOMIC VIABILITY OR VITALITY.

4 (O) ~~(i)~~ Any additional information the governing body or the
5 state tax commission considers necessary.

6 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), TAX
7 INCREMENT REVENUES SHALL BE EXPENDED WITHIN 5 YEARS OF THEIR
8 RECEIPT. HOWEVER, TAX INCREMENT REVENUES MAY BE ACCUMULATED FOR A
9 PERIOD LONGER THAN 5 YEARS BUT NOT MORE THAN 15 YEARS PROVIDED THE
10 TAX INCREMENT FINANCING PLAN SPECIFICALLY PROVIDES FOR ALL OF THE
11 FOLLOWING:

12 (A) THE REASONS FOR ACCUMULATING THOSE FUNDS.

13 (B) A TIME FRAME WHEN THE FUND WILL BE EXPENDED.

14 (C) THE USES FOR WHICH THE FUND WILL BE EXPENDED.

15 (5) TAX INCREMENT REVENUES MAY ALSO BE ACCUMULATED AS REQUIRED
16 PURSUANT TO THE TERMS OF BONDS ISSUED UNDER THIS ACT.

17 Sec. 17. (1) When a board decides to finance a project in the
18 downtown district by the use of revenue bonds as authorized in
19 section 13 or tax increment financing as authorized in sections 14,
20 15, and 16, it shall prepare a development plan.

21 (2) The development plan shall contain all of the following:

22 (a) The designation of boundaries of the development area in
23 relation to highways, streets, streams, or otherwise.

24 (b) The location and extent of existing streets and other
25 public facilities within the development area, shall designate the
26 location, character, and extent of the categories of public and
27 private land uses then existing and proposed for the development

1 area, including residential, recreational, commercial, industrial,
2 educational, and other uses, and shall include a legal description
3 of the development area.

4 (c) A description of existing improvements in the development
5 area to be demolished, repaired, or altered, a description of any
6 repairs and alterations, and an estimate of the time required for
7 completion.

8 (d) The location, extent, character, and estimated cost of the
9 improvements including rehabilitation contemplated for the
10 development area and an estimate of the time required for
11 completion.

12 (e) A statement of the construction or stages of construction
13 planned, and the estimated time of completion of each stage.

14 (f) A description of any parts of the development area to be
15 left as open space and the use contemplated for the space.

16 (g) A description of any portions of the development area that
17 the authority desires to sell, donate, exchange, or lease to or
18 from the municipality and the proposed terms.

19 (h) A description of desired zoning changes and changes in
20 streets, street levels, intersections, or utilities.

21 (i) An estimate of the cost of the development, a statement of
22 the proposed method of financing the development, and the ability
23 of the authority to arrange the financing.

24 (j) Designation of the person or persons, natural or
25 corporate, to whom all or a portion of the development is to be
26 leased, sold, or conveyed in any manner and for whose benefit the
27 project is being undertaken if that information is available to the

1 authority.

2 (k) The procedures for bidding for the leasing, purchasing, or
3 conveying in any manner of all or a portion of the development upon
4 its completion, if there is no express or implied agreement between
5 the authority and persons, natural or corporate, that all or a
6 portion of the development will be leased, sold, or conveyed in any
7 manner to those persons.

8 (l) Estimates of the number of persons residing in the
9 development area and the number of families and individuals to be
10 displaced. If occupied residences are designated for acquisition
11 and clearance by the authority, a development plan shall include a
12 survey of the families and individuals to be displaced, including
13 their income and racial composition, a statistical description of
14 the housing supply in the community, including the number of
15 private and public units in existence or under construction, the
16 condition of those units in existence, the number of owner-occupied
17 and renter-occupied units, the annual rate of turnover of the
18 various types of housing and the range of rents and sale prices, an
19 estimate of the total demand for housing in the community, and the
20 estimated capacity of private and public housing available to
21 displaced families and individuals.

22 (m) A plan for establishing priority for the relocation of
23 persons displaced by the development in any new housing in the
24 development area.

25 (n) Provision for the costs of relocating persons displaced by
26 the development and financial assistance and reimbursement of
27 expenses, including litigation expenses and expenses incident to

1 the transfer of title, in accordance with the standards and
2 provisions of the federal uniform relocation assistance and real
3 property acquisition policies act of 1970, being Public Law 91-646,
4 42 U.S.C.—USC sections 4601, et seq.

5 (o) A plan for compliance with ~~Act No. 227 of the Public Acts~~
6 ~~of 1972, being sections 213.321 to 213.332 of the Michigan Compiled~~
7 ~~Laws, 1972 PA 227, MCL 213.321 TO 213.332.~~

8 (P) IF THE PROJECT OR ACTIVITY IS A NONCAPITAL EXPENSE, DETAIL
9 THE NATURE OF THE ACTIVITY OR PROJECT, THE BENEFITS TO THE
10 DEVELOPMENT AREA, AND THE ECONOMIC DEVELOPMENT GOALS THAT ARE
11 ANTICIPATED TO RESULT.

12 (Q) ~~(p)~~ Other material that the authority, local public
13 agency, or governing body considers pertinent.

14 ~~—— (3) A development plan may provide for improvements related to~~
15 ~~a qualified facility, as defined in the federal facility~~
16 ~~development act, Act No. 275 of the Public Acts of 1992, being~~
17 ~~sections 3.931 to 3.940 of the Michigan Compiled Laws, that is~~
18 ~~located outside of the boundaries of the development area but~~
19 ~~within the district, including the cost of construction,~~
20 ~~renovation, rehabilitation, or acquisition of that qualified~~
21 ~~facility or of public facilities and improvements related to that~~
22 ~~qualified facility.~~

23 Sec. 18. (1) The governing body, before adoption of an
24 ordinance approving or amending a development plan or approving or
25 amending a tax increment financing plan, shall hold a public
26 hearing on the development plan. Notice of the time and place of
27 the hearing shall be given by publication ~~twice~~ in a newspaper of

1 general circulation designated by the municipality **AND ON THE**
2 **WEBSITE OF THE AUTHORITY OR MUNICIPALITY**, ~~the first of which shall~~
3 ~~be~~ not less than 20 days before the date set for the hearing.
4 ~~Notice of the hearing shall be posted in at least 20 conspicuous~~
5 ~~and public places in the downtown district not less than 20 days~~
6 ~~before the hearing.~~ Notice shall also be mailed to all property
7 taxpayers of record in the downtown district not less than 20 days
8 before the hearing. ~~Beginning June 1, 2005, the~~ **THE** notice of
9 hearing within the time frame described in this subsection shall be
10 mailed by certified mail to the governing body of each taxing
11 jurisdiction levying taxes that would be subject to capture if the
12 development plan or the tax increment financing plan is approved or
13 amended.

14 (2) Notice of the time and place of hearing on a development
15 plan shall contain: a description of the proposed development area
16 in relation to highways, streets, streams, or otherwise; a
17 statement that maps, plats, and a description of the development
18 plan, including the method of relocating families and individuals
19 who may be displaced from the area, are available for public
20 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; and other information that the governing body
23 considers appropriate. At the time set for hearing, the governing
24 body shall provide an opportunity for interested persons to be
25 heard and shall receive and consider communications in writing with
26 reference to the development plan. The hearing shall provide the
27 fullest opportunity for expression of opinion, for argument on the

1 merits, and for introduction of documentary evidence pertinent to
2 the development plan. The governing body shall make and preserve a
3 record of the public hearing, including all data presented thereat.

4 Sec. 31. (1) The state tax commission may institute
5 proceedings to compel enforcement of this act **AND MAY SEND WRITTEN**
6 **NOTIFICATION TO AN AUTHORITY FAILING TO COMPLY WITH THIS ACT AND**
7 **THE GOVERNING BODY OF THE MUNICIPALITY THAT ESTABLISHED THE**
8 **AUTHORITY OF A VIOLATION OF ANY PROVISION OF THIS ACT.**

9 (2) The state tax commission may promulgate rules necessary
10 for the administration of this act pursuant to the administrative
11 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
12 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws.1969~~
13 **PA 306, MCL 24.201 TO 24.328.**

14 (3) **IF THE STATE TAX COMMISSION NOTIFIES AN AUTHORITY IN**
15 **WRITING THAT THE AUTHORITY FAILED TO COMPLY WITH ANY PROVISION OF**
16 **THIS ACT, THAT AUTHORITY SHALL NOT CAPTURE ANY TAX INCREMENT**
17 **REVENUES THAT ARE IN EXCESS OF AMOUNTS NECESSARY TO PAY BONDED**
18 **INDEBTEDNESS OR OTHER OBLIGATIONS FOR THE PERIOD OF NONCOMPLIANCE**
19 **AS DETERMINED BY THE STATE TAX COMMISSION. ANY EXCESS FUNDS**
20 **CAPTURED SHALL BE RETURNED TO THE TAXING JURISDICTION FROM WHICH**
21 **THEY WERE CAPTURED AS PROVIDED IN SECTION 15(2).**

22 Enacting section 1. The following acts are repealed:

23 (a) The historic neighborhood tax increment finance authority
24 act, 2004 PA 530, MCL 125.2841 to 125.2866.

25 (b) The neighborhood improvement authority act, 2007 PA 61,
26 MCL 125.2911 to 125.2932.

27 (c) The private investment infrastructure funding act, 2010 PA

1 250, MCL 125.1871 to 125.1883.