

HOUSE BILL No. 6051

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

A bill to amend 2008 PA 94, entitled
"Water resource improvement tax increment finance authority act,"
by amending sections 5 and 19 (MCL 125.1775 and 125.1789).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) If the governing body of a municipality determines
2 that it is necessary for the best interests of the public to
3 promote water resource improvement or access to inland lakes, or
4 both, in a water resource improvement district, the governing body
5 may, by resolution, declare its intention to create and provide for
6 the operation of an authority within the boundaries of a water
7 resource improvement district.

1 (2) In the resolution of intent, the governing body shall set
2 a date for a public hearing on the adoption of a proposed ordinance
3 creating the authority and designating the boundaries of the
4 development area. ~~Notice~~**THROUGH DECEMBER 31, 2014, NOTICE** of the
5 public hearing shall be published twice in a newspaper of general
6 circulation in the municipality, not less than 20 or more than 40
7 days before the date of the hearing. **BEGINNING JANUARY 1, 2015, THE**
8 **GOVERNING BODY SHALL PROVIDE TIER A PUBLIC NOTICE WITH LINK AS**
9 **PROVIDED IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT NOT LESS THAN 20**
10 **OR MORE THAN 40 DAYS BEFORE THE DATE OF THE HEARING.** Not less than
11 20 days before the hearing, the governing body proposing to create
12 the authority shall also mail notice of the hearing to the property
13 taxpayers of record in the proposed development area and to the
14 governing body of each taxing jurisdiction levying taxes that would
15 be subject to capture if the authority is established and a tax
16 increment financing plan is approved. Failure of a property
17 taxpayer to receive the notice does not invalidate these
18 proceedings. ~~Notice~~**THROUGH DECEMBER 31, 2014, NOTICE** of the
19 hearing shall be posted in at least 20 conspicuous and public
20 places in the proposed development area not less than 20 days
21 before the hearing. The notice shall state the date, time, and
22 place of the hearing and shall describe the boundaries of the
23 proposed development area. A citizen, taxpayer, or property owner
24 of the municipality or an official from a taxing jurisdiction with
25 millage that would be subject to capture has the right to be heard
26 in regard to the establishment of the authority and the boundaries
27 of the proposed development area. The governing body of the

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

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

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

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

27 Sec. 19. (1) The governing body, before adoption of an

1 ordinance approving a development plan or tax increment financing
2 plan, shall hold a public hearing on the development plan. ~~Notice~~
3 **THROUGH DECEMBER 31, 2014, NOTICE** of the time and place of the
4 hearing shall be given by publication twice in a newspaper of
5 general circulation designated by the municipality, the first of
6 which shall be not less than 20 days before the date set for the
7 hearing. ~~Notice~~**BEGINNING JANUARY 1, 2015, THE GOVERNING BODY SHALL**
8 **PROVIDE TIER A PUBLIC NOTICE WITH LINK AS PROVIDED IN THE LOCAL**
9 **GOVERNMENT PUBLIC NOTICE ACT OF THE TIME AND PLACE OF THE HEARING,**
10 **WHICH SHALL BE NOT LESS THAN 20 DAYS BEFORE THE DATE SET FOR THE**
11 **HEARING. THROUGH DECEMBER 31, 2014, NOTICE** of the hearing shall be
12 posted in at least 20 conspicuous and public places in the
13 development area not less than 20 days before the hearing. Notice
14 shall also be mailed to all property taxpayers of record in the
15 development area and to the governing body of each taxing
16 jurisdiction levying taxes that would be subject to capture if the
17 tax increment financing plan is approved not less than 20 days
18 before the hearing.

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

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

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

27 (c) A statement that all aspects of the development plan will

1 be open for discussion at the public hearing.

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

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 5560 (request no.
14 03796'13) of the 97th Legislature is enacted into law.