

HOUSE BILL No. 4013

January 27, 2005, Introduced by Reps. Meyer and Jones and referred to the Committee on Commerce.

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), section 3 as amended by 1983 PA 148.

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

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1 provide for the operation of an authority.

2 (2) In the resolution of intent, the governing body shall set
3 a date for the holding of a public hearing on the adoption of a
4 proposed resolution creating the authority and designating the
5 boundaries of the authority district. Notice of the public hearing
6 shall be published twice in a newspaper of general circulation in
7 the municipality, not less than 20 nor more than 40 days before the
8 date of the hearing. Notice shall also be mailed to the property
9 taxpayers of record in the proposed authority district not less
10 than 20 days before the hearing. **BEGINNING JUNE 1, 2005, THE NOTICE**
11 **OF HEARING WITHIN THE TIME FRAME DESCRIBED IN THIS SUBSECTION SHALL**
12 **BE MAILED BY CERTIFIED MAIL TO THE <<GOVERNING BODY OF EACH TAXING**
13 **JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE**
14 **AUTHORITY IS ESTABLISHED AND A TAX INCREMENT FINANCING PLAN IS**
15 **APPROVED>>.** Failure to receive the notice
16 shall not invalidate these proceedings. The notice shall state the
17 date, time, and place of the hearing, and shall describe the
18 boundaries of the proposed authority district. At that hearing, a
19 citizen, taxpayer, or property owner of the municipality has the
20 right to be heard in regard to the establishment of the authority
21 and the boundaries of the proposed authority district. The
22 governing body of the municipality shall not incorporate land into
23 the authority district not included in the description contained in
24 the notice of public hearing, but it may eliminate described lands
25 from the authority district in the final determination of the
26 boundaries.

26 (3) After the public hearing, if the governing body intends to
27 proceed with the establishment of the authority, it shall adopt, by

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

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

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

19 (a) Publication of the resolution as adopted.

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

21 ~~(c) The effective date of this subsection.~~

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 of the time and place of
26 the hearing shall be given by publication twice in a newspaper of
27 general circulation designated by the municipality, the first of

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1 which shall not be less than 20 days before the date set for the
2 hearing. Notice shall also be mailed to all property taxpayers of
3 record in the development area not less than 20 days before the
4 hearing. BEGINNING JUNE 1, 2005, THE NOTICE OF HEARING WITHIN THE
5 TIME FRAME DESCRIBED IN THIS SUBSECTION SHALL BE MAILED BY
6 CERTIFIED MAIL TO THE <<GOVERNING BODY OF EACH TAXING JURISDICTION
7 LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE DEVELOPMENT PLAN
8 OR THE TAX INCREMENT FINANCING PLAN IS APPROVED OR AMENDED>>.

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

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

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

19 (c) Other information that the governing body considers
20 appropriate.

21 (3) At the time set for hearing, the governing body shall
22 provide an opportunity for interested persons to be heard and shall
23 receive and consider communications in writing with reference
24 thereto. The hearing shall provide the fullest opportunity for
25 expression of opinion, for argument on the merits, and for
26 introduction of documentary evidence pertinent to the development
27 plan. The governing body shall make and preserve a record of the

1 public hearing, including all data presented at that time.