

HOUSE BILL No. 5791

February 9, 2010, Introduced by Rep. Slezak and referred to the Committee on Tax Policy.

A bill to amend 1984 PA 385, entitled
"Technology park development act,"
by amending section 5 (MCL 207.705), as amended by 1990 PA 151.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A local governmental unit, by resolution of its
2 legislative body, may establish 1 technology park district or, if
3 subdivision (a) is not applicable, may establish more than 1
4 technology park district. A district shall consist of 1 or more
5 parcels or tracts of land and, at the time the resolution is
6 adopted, shall meet the following requirements:

7 (a) The district shall contain not less than 100 acres of
8 undeveloped land. This subdivision does not apply if the
9 administration building of the university requesting establishment
10 of the district is located in a local governmental unit with a

1 population of 800,000 or more persons.

2 (b) The district boundaries shall be continuous.

3 (c) All of the land in the district shall be within a 10-mile
4 radius of the administration building on the main campus of a 4-
5 year public university, 4-year independent university, or 4-year
6 institute of technology, or within the corporate boundaries of the
7 city, village, or township in which the administration building is
8 located, or in a city or township adjacent to a city in which the
9 administration building is located if the district is adjacent to
10 land owned by the 4-year public university.

11 (2) The resolution establishing a district shall set forth a
12 finding and determination that the district satisfies all the
13 requirements of subsection (1).

14 (3) A local governmental unit shall establish a district only
15 upon the written request filed with the clerk of the local
16 governmental unit by the owners of record of 75% of the land
17 included within the proposed district and the board of control of
18 the 4-year eligible university or institute. If the university lies
19 within 2 adjoining local governmental units, the university may
20 file a request with both of the clerks of the local governmental
21 units.

22 (4) The boundaries of an established district may be altered
23 to include or exclude land upon the request of the owners of record
24 of the affected real property and with the written consent of the
25 owners of record of 75% of the land within the district as
26 established and the board of control of the university. The
27 district as altered shall satisfy the requirements provided in

1 subsection (1).

2 (5) After receiving a proper written request and before
3 adopting a resolution establishing or altering a district, the
4 legislative body shall set a date for a public hearing on the
5 request and shall publish a notice of the hearing. The legislative
6 body shall also give written notice of the hearing to all of the
7 owners of record of real property within the proposed district and
8 to the legislative body of each taxing unit which levies ad valorem
9 property taxes on the real property within the proposed district.
10 The notice shall be given by certified mail not less than 10 nor
11 more than 30 days before the date of the hearing.

12 (6) A district established by a township shall affect only
13 land within the unincorporated territory of the township and shall
14 not affect land within a village located in that township.

15 (7) Land included as part of a district may also be part of a
16 district or development area established under any of the
17 following:

18 (a) The commercial redevelopment act, ~~Act No. 255 of the~~
19 ~~Public Acts of 1978, being sections 207.651 to 207.668 of the~~
20 ~~Michigan Compiled Laws 1978 PA 255, MCL 207.651 TO 207.668.~~

21 (b) ~~Act No. 198 of the Public Acts of 1974, being sections~~
22 ~~207.551 to 207.571 of the Michigan Compiled Laws 1974 PA 198, MCL~~
23 ~~207.551 TO 207.572.~~

24 (c) ~~Act No. 197 of the Public Acts of 1975, being sections~~
25 ~~125.1651 to 125.1681 of the Michigan Compiled Laws 1975 PA 197, MCL~~
26 ~~125.1651 TO 125.1681.~~

27 (d) The tax increment finance authority act, ~~Act No. 450 of~~

1 ~~the Public Acts of 1980, being sections 125.1801 to 125.1830 of the~~
2 ~~Michigan Compiled Laws 1980 PA 450, MCL 125.1801 TO 125.1830.~~

3 (8) TECHNOLOGY PARK FACILITIES EXEMPTION CERTIFICATES THAT
4 TAKE EFFECT ON OR AFTER OCTOBER 1, 2010 SHALL INCLUDE WRITTEN
5 PROVISIONS THAT PROVIDE THAT IF THE OWNER OR LESSEE OF THE FACILITY
6 TO WHOM THE CERTIFICATE IS ISSUED RELOCATES THE FACILITY OUTSIDE OF
7 THIS STATE DURING THE PERIOD IN WHICH THE CERTIFICATE IS IN EFFECT,
8 THEN BOTH OF THE FOLLOWING APPLY:

9 (A) THAT OWNER OR LESSEE IS RESPONSIBLE FOR THE PAYMENT OF A
10 PENALTY DESCRIBED IN THIS SUBSECTION. THE PENALTY IS EQUAL TO THE
11 DIFFERENCE BETWEEN THE TECHNOLOGY PARK FACILITIES TAX PAID UNDER
12 THIS ACT AND THE GENERAL AD VALOREM TAX THAT WOULD HAVE BEEN LEVIED
13 IF THE CERTIFICATE HAD NOT BEEN GRANTED FOR EACH YEAR THE
14 CERTIFICATE WAS IN EFFECT.

15 (B) THAT THE OWNER OR LESSEE CONSENTS TO THE JURISDICTION OF
16 THE COURTS OF THIS STATE FOR THE COLLECTION AND ENFORCEMENT OF A
17 PENALTY DESCRIBED IN THIS SUBSECTION.