

# HOUSE BILL No. 6048

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

A bill to amend 1961 PA 120, entitled

"An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,"

by amending section 10e (MCL 125.990e), as amended by 2013 PA 126.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 10e. (1) If a petition is delivered to the clerk of the  
2 city or village in accordance with section 10c, the governing body  
3 of the city or village shall within 28 days schedule a public  
4 hearing of the governing body to review the zone plan and any  
5 proposed assessment and to receive public comment. The clerk shall

1 notify all owners of parcels within the zone area of the public  
2 hearing by first-class mail.

3 (2) At the public hearing required under subsection (1), or at  
4 the next regularly scheduled meeting of the governing body of the  
5 city or village, the governing body shall approve or reject the  
6 establishment of the business improvement zone and the zone plan  
7 attached to the petition under section 10c. If the governing body  
8 rejects the establishment of the business improvement zone and the  
9 zone plan, the clerk shall notify all property owners within the  
10 proposed zone of a meeting of the property owners within the  
11 proposed zone, which shall be held not sooner than 7 days or later  
12 than 21 days after the date of the rejection by the governing body.  
13 The notice shall be sent by first-class mail to the property owners  
14 not less than 7 days prior to the scheduled date of the meeting and  
15 shall include the specific location and the scheduled date and time  
16 of the meeting, as determined by the person initiating the  
17 establishment of the business improvement zone under section  
18 ~~10c(1)~~—10C. At the meeting, the property owners may amend the zone  
19 plan if approved by a majority of the property owners voting at the  
20 meeting. The votes of the property owners at the meeting shall be  
21 weighted in the manner indicated in section 10f(2). The amended  
22 zone plan may be resubmitted to the clerk of the city or village  
23 without the requirement of a new petition under section 10c for  
24 approval or rejection at a meeting of the governing body of the  
25 city or village not later than 28 days after the amended zone plan  
26 is resubmitted to the clerk. If a zone plan is not rejected within  
27 56 days of the date the amended zone plan is resubmitted to the

1 clerk, the amended zone plan is considered approved by the  
2 governing body of the city or village. If the amended zone plan is  
3 rejected by the governing body, then the amended zone plan may not  
4 be resubmitted without the delivery of a new petition under section  
5 10c.

6 (3) A governing body of a city or village shall consider the  
7 establishment of a business improvement zone and a zone plan for  
8 the business improvement zone under subsection (2) if all of the  
9 following apply:

10 (a) The zone plan complies with the requirements of section  
11 10c.

12 (b) The zone plan for the business improvement zone provides  
13 that the services to be provided by the business improvement zone  
14 and the projects under the zone plan would be supplemental to the  
15 services, projects, and functions of the city or village.

16 (c) The zone plan provides a basis for allocating assessments  
17 that complies with this chapter.

18 (4) Approval of the business improvement zone and zone plan  
19 shall serve as a determination by the city or village that any  
20 assessment set forth in the zone plan, including the basis for  
21 allocating the assessment, is appropriate, subject only to the  
22 approval of the business improvement zone and the zone plan by the  
23 property owners in accordance with section 10f.

24 (5) If the governing body of the city or village approves the  
25 business improvement zone and zone plan or if the amended zone plan  
26 is considered approved under subsection (2), the clerk of the city  
27 or village shall set an election pursuant to section 10f not more

1 than 49 days following the approval.

2 (6) The clerk of the city or village shall send to the  
3 property owners notice by first-class mail of the election not less  
4 than 28 days before the election and, **THROUGH DECEMBER 31, 2014,**  
5 publish the notice at least once in a newspaper of general  
6 circulation in the city or village in which the zone area is  
7 located not less than 7 days or more than 21 days prior to the date  
8 scheduled for the election. **BEGINNING JANUARY 1, 2015, THE CLERK OF**  
9 **THE CITY OR VILLAGE SHALL PROVIDE TIER A PUBLIC NOTICE AS PROVIDED**  
10 **IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT NOT LESS THAN 7 DAYS OR**  
11 **MORE THAN 21 DAYS PRIOR TO THE DATE SCHEDULED FOR THE ELECTION.**

12 (7) The election described in this section and section 10f is  
13 not an election subject to the Michigan election law, 1954 PA 116,  
14 MCL 168.1 to 168.992.

15 (8) The person who filed the petition under section 10c, the  
16 proposed board members, and the property owners may, at the option  
17 and under the direction of the clerk, assist the clerk of the city  
18 or village in conducting the election to keep the expenses of the  
19 election at a minimum.

20 Enacting section 1. This amendatory act does not take effect  
21 unless Senate Bill No. \_\_\_ or House Bill No. 5560 (request no.  
22 03796'13) of the 97th Legislature is enacted into law.