

HOUSE BILL NO. 6350

November 12, 2020, Introduced by Reps. Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1985 PA 224, entitled
"Enterprise zone act,"
by amending sections 11 and 13 (MCL 125.2111 and 125.2113), as
amended by 1994 PA 311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Beginning in 1994, the governing body of the
2 local governmental unit shall hold a public hearing on the adoption
3 of an ordinance establishing the proposed enterprise zone. ~~Notice~~
4 **Through December 31, 2021, notice** of the public hearing shall be

published twice in a newspaper of general circulation in the local governmental unit, not less than 20 or more than 40 days before the date of the hearing. **Beginning January 1, 2022, the governing body of the local governmental unit shall post notice as provided in the local government public notice act not less than 20 or more than 40 days before the date of the hearing.** Notice shall also be mailed to the property owners of record in the proposed enterprise zone not less than 20 days before the hearing. Failure to receive the notice does not invalidate the hearing. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed enterprise zone. A citizen, taxpayer, or property owner of the local governmental unit has the right to be heard in regard to the establishment of the enterprise zone and the proposed boundaries.

(2) After the public hearing required by subsection (2), if the governing body of the local governmental unit intends to proceed with the establishment of the enterprise zone, it shall adopt, by majority vote of its members elected and serving, an ordinance establishing the enterprise zone. The ordinance shall include the boundaries of the zone and a finding that the zone meets the requirements of this act.

(3) For an enterprise zone established after 1993, the boundaries of an enterprise zone established under this act shall be the same as the boundaries of the empowerment zone, rural enterprise community, or enterprise community.

Sec. 13. (1) Upon receipt of an application from a local governmental unit, the authority shall review the application and, by resolution, shall approve or reject the application based upon criteria set forth in this act.

1 (2) If the authority rejects an application, the authority
2 shall return the application to the local governmental unit along
3 with the resolution of rejection that includes a statement of the
4 reason for rejection. A local governmental unit may resubmit a
5 rejected application.

6 (3) If the authority approves the application, the local
7 governmental unit has 2 years from date of approval to prepare a
8 comprehensive development plan for the enterprise zone. The
9 comprehensive development plan shall address the needs of the zone
10 and include a strategy for achieving the goals of the zone. The
11 comprehensive development plan shall contain all of the following:

12 (a) A legal description of the enterprise zone, a description
13 of the location and extent of existing streets and other public
14 facilities within the zone, and a description of the location,
15 character, and extent of the categories of public and private land
16 uses existing and proposed for the enterprise zone, including
17 residential, recreational, commercial, industrial, educational, and
18 other uses.

19 (b) A description of desired zoning changes and changes in
20 streets, street levels, intersections, and utilities to be made in
21 the enterprise zone.

22 (c) A description of public improvements to be made in the
23 enterprise zone, a description of any repairs and alterations
24 necessary to make those improvements, and an estimate of the time
25 by construction stage required for completion of the improvements.

26 (d) An estimate of the cost of the proposed physical
27 improvements, a statement of the proposed method of financing, and
28 the ability of the local governmental unit to arrange the
29 financing.

(e) A description of any parts of the enterprise zone to be left as open space and the use contemplated for the space.

(f) An environmental evaluation of each proposed enterprise zone.

(g) A description of any real property in the enterprise zone that the local governmental unit desires to sell, donate, exchange, or lease to or from another entity and the proposed terms.

(h) Estimates of the number of persons residing in the enterprise zone and the number of families and individuals to be displaced, if any, as a result of improvements.

(i) Provision for the costs of relocating persons displaced by the zone improvements, and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646, 84 Stat. 1894, as well as a plan for compliance with ~~Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.~~ **1972 PA 227, MCL 213.321 to 213.332.**

(j) A strategy for addressing the pre-employment training needs and employment of residents in the zone.

(k) Other material that the local governmental unit or authority considers pertinent.

(4) The governing body of the local governmental unit, before adoption of a resolution approving a comprehensive development plan, shall hold a public hearing on the development plan. ~~Notice~~ **Through December 31, 2021, notice** of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the local governmental unit, the

1 first of which shall not be less than 20 days before the date set
2 for the hearing. **Beginning January 1, 2022, the governing body of**
3 **the local governmental unit shall post notice as provided in the**
4 **local government public notice act not less than 20 days before the**
5 **date set for the hearing.** Notice shall also be mailed to all
6 property owners of record in the development area not less than 20
7 days before the hearing.

8 (5) After a public hearing on the comprehensive development
9 plan, the governing body of the local governmental unit shall
10 approve or reject the plan, or approve it with modification, by
11 resolution. The local governmental unit shall then send the
12 comprehensive development plan to the authority with a request for
13 its approval.

14 (6) After receipt of the comprehensive development plan, the
15 authority shall approve or reject the plan. However, the authority
16 shall reject the plan if it includes a project for which the
17 expenditure of the local unit's funds has been prohibited by
18 initiative ordinance. The authority shall reject the plan if it
19 includes any funding for the construction of or infrastructure
20 related to a sports facility seating 30,000 or more in maximum
21 capacity which can be sold, leased, rented, donated, or otherwise
22 provided to an organization with a direct financial interest in a
23 professional sports team. If the authority rejects the plan, the
24 authority shall return it to the governing body of the local
25 governmental unit with a written explanation of its rejection. A
26 rejected plan may be resubmitted. If the authority approves the
27 plan, the authority shall send a formal notification of its
28 approval to the governing body of the local governmental unit.

29 (7) Upon plan approval by the authority, the local

1 governmental unit may spend zone-related tax revenue on physical
2 improvements within the zone.

3 (8) The authority may revoke the approval of an enterprise
4 zone if the local governmental unit fails to comply with this act.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No.____ or House Bill No. 6440 (request no.
7 02449'19) of the 100th Legislature is enacted into law.