

HOUSE BILL No. 6021

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

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending sections 15, 17, 23, and 31 (MCL 125.1615, 125.1617, 125.1623, and 125.1631), sections 17 and 31 as amended by 1980 PA 501 and section 23 as amended by 2002 PA 357.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 15. (1) Meetings of the project citizens district council shall be open to the public. ~~Notice~~**THROUGH DECEMBER 31, 2014** **NOTICE** of the time and place of the meetings shall be given by publication in a newspaper of general circulation not less than 3 days before the dates set for meetings of the project citizens district council. **BEGINNING JANUARY 1, 2015, THE PROJECT CITIZENS**

HOUSE BILL No. 6021

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1 DISTRICT COUNCIL SHALL PROVIDE TIER B PUBLIC NOTICE AS PROVIDED IN
2 THE LOCAL GOVERNMENT PUBLIC NOTICE ACT OF THE TIME AND PLACE OF THE
3 MEETING, NOT LESS THAN 3 DAYS BEFORE THE DATE SET FOR THE MEETING.

4 A person present at those meetings shall have reasonable
5 opportunity to be heard.

6 (2) A record of the meetings of a project citizens district
7 council, including information and data presented, shall be
8 maintained by the council.

9 (3) A project citizens district council may request of and
10 receive from the corporation and the local public agency
11 information and technical assistance relevant to the preparation of
12 a project plan for its district area.

13 (4) Failure of a project citizens district council to organize
14 or to consult with and be advised by a corporation and the local
15 public agency, or failure to advise the local public agency or the
16 governing body, as provided ~~herein~~, **IN THIS SECTION**, shall not
17 preclude the adoption of a project plan by a municipality if the
18 municipality complies with the other provisions of this act.

19 Sec. 17. (1) The governing body of the municipality for which
20 the corporation is incorporated, before adoption of a resolution
21 approving a project plan authorized by this act, shall hold a
22 public hearing. This act shall not be construed to require any
23 other municipality, other than the municipality for which the
24 corporation is incorporated, to hold a public hearing. ~~Notice~~
25 **THROUGH DECEMBER 31, 2014, NOTICE** of the time and place of the
26 hearing shall be given by publication once in a newspaper of
27 general circulation designated by the municipality, not less than

1 10 days before the date set for the hearing. **BEGINNING JANUARY 1,**
2 **2015, THE GOVERNING BODY OF THE MUNICIPALITY SHALL PROVIDE TIER B**
3 **PUBLIC NOTICE WITH A LINK AS PROVIDED IN THE LOCAL GOVERNMENT**
4 **PUBLIC NOTICE ACT OF THE TIME AND PLACE OF THE HEARING, NOT LESS**
5 **THAN 10 DAYS BEFORE THE DATE SET FOR THE HEARING.** In the case of an
6 agricultural and forestry enterprise project undertaken by a county
7 corporation, each unit of government within the county shall be
8 notified by mail.

9 (2) ~~Notice~~**THROUGH DECEMBER 31, 2014, NOTICE** of the hearing
10 shall be posted in at least 10 conspicuous and public places in the
11 proposed project district area not less than 10 days before the
12 hearing and shall be mailed not less than 10 days before the
13 hearing to the last known owner of each parcel of real property in
14 the proposed project district area at the last known address of the
15 owner as shown by the tax assessment records of the municipality in
16 which the project area is located. Agricultural and forestry
17 enterprise projects shall not be required to comply with this
18 subsection.

19 (3) Notice of the time, date, and place of hearing on a
20 proposed project plan shall contain a description of the location
21 of the project area in relation to highways, streets, streams, or
22 otherwise. The notice shall contain a statement that maps, plats,
23 and a description of the proposed project plan, including the
24 method of relocating families and individuals who will be displaced
25 from the area, are available for public inspection at a place
26 designated in the notice and that all aspects of the proposed
27 project plan will be open for discussion at the public hearing and

1 shall contain other information the governing body considers
2 appropriate. At the time set for hearing, the governing body shall
3 provide an opportunity for interested persons to be heard and shall
4 receive and consider communications in writing with reference to
5 the hearing. The hearing shall provide the fullest opportunity for
6 expression of opinion, for argument on the merits, and for
7 introduction of documentary evidence pertinent to the proposed
8 project plan. The governing body shall make and preserve a record
9 of the public hearing, including all data presented at the public
10 hearing. The record shall be made available to the public in
11 compliance with ~~Act No. 442 of the Public Acts of 1976, as amended,~~
12 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws.~~**THE**
13 **OPEN MEETINGS ACT, 1976 PA 442, MCL 15.231 TO 15.246.**

14 Sec. 23. (1) For the purpose of defraying all or part of its
15 project costs, refunding or refunding in advance obligations
16 authorized under this act or obligations authorized under the
17 industrial development revenue bond act of 1963, 1963 PA 62, MCL
18 125.1251 to 125.1267, by a municipality incorporating a corporation
19 under this act, a corporation may borrow money and issue its
20 revenue bonds or revenue notes. Refunding bonds may be issued by
21 the corporation whether the bonds to be refunded have or have not
22 matured, are or are not redeemable on the date of issuance of the
23 refunding bonds, or are or are not subject to redemption before
24 maturity, and may be issued to pay principal, interest, redemption
25 premiums, or any combination thereof of the obligations to be
26 refunded. The bonds may be issued partly to refund bonds and partly
27 for any other purpose authorized by this act. The refunding bonds

1 may be issued in a principal amount greater than the principal
2 amount of the bonds to be refunded as may be necessary to effect
3 the refunding pursuant to the plan of refunding. The bonds or notes
4 shall be exempt from all taxation except inheritance and transfer
5 taxes and the interest on the bonds or notes shall be exempt from
6 all taxation in the state of Michigan, notwithstanding that the
7 interest may be subject to federal income tax.

8 (2) The municipality shall not be liable on notes or bonds of
9 the corporation and the notes and bonds shall not be a debt of the
10 municipality. The notes and bonds shall contain on their face a
11 statement to that effect.

12 (3) The bonds and notes of the corporation may be invested in
13 by all public officers, state agencies and political subdivisions,
14 insurance companies, banks, savings and loan associations,
15 investment companies, and fiduciaries and trustees, and may be
16 deposited with and received by all public officers and the agencies
17 and political subdivisions of this state for any purpose for which
18 the deposit of bonds is authorized.

19 (4) The corporation shall report to the governing body of the
20 municipality for which the corporation is incorporated and the
21 Michigan economic development corporation not less than once per
22 year, which report shall fully describe the activities of the
23 corporation including a statement of all revenues and expenditures
24 since the previous report.

25 (5) The financial records, accountings, audit reports, and
26 other reports of public money under the control of the corporation
27 shall be public records and open to inspection. ~~The~~ **THROUGH**

1 **DECEMBER 31, 2014, THE** corporation shall publish in a newspaper of
2 general circulation in the incorporating municipality not more than
3 120 days after the conclusion of the corporation's operating year a
4 statement of all of its revenues and expenditures for the year. ~~and~~
5 **BEGINNING JANUARY 1, 2015, THE CORPORATION SHALL PROVIDE TIER B**
6 **PUBLIC NOTICE WITH A LINK AS PROVIDED IN THE LOCAL GOVERNMENT**
7 **PUBLIC NOTICE ACT OF A STATEMENT OF ALL OF ITS REVENUES AND**
8 **EXPENDITURES FOR THE YEAR NOT MORE THAN 120 DAYS AFTER THE**
9 **CONCLUSION OF THE CORPORATION'S OPERATING YEAR. THE CORPORATION**
10 shall distribute copies of the report upon request.

11 Sec. 31. (1) The articles of incorporation shall be executed
12 in duplicate and delivered to the county clerk who shall file 1
13 copy in his or her office and the other with the recording officer
14 of the corporation when a recording officer is selected. ~~The~~
15 **THROUGH DECEMBER 31, 2014, THE** municipality's clerk shall cause a
16 copy of the articles of incorporation to be published once in a
17 newspaper designated in the articles of incorporation and
18 circulating within the municipality. ~~accompanied by~~ **BEGINNING**
19 **JANUARY 1, 2015, THE MUNICIPALITY'S CLERK SHALL PROVIDE TIER B**
20 **PUBLIC NOTICE WITH A LINK AS PROVIDED IN THE LOCAL GOVERNMENT**
21 **PUBLIC NOTICE ACT OF THE ARTICLES OF INCORPORATION.**
22 **THE PUBLICATION SHALL INCLUDE** a statement that the right exists to
23 question the incorporation in court as provided in this section.

24 (2) The county clerk shall file 1 printed copy of the articles
25 of incorporation with the secretary of state and 1 printed copy in
26 his or her office, attached to each of which printed copies shall
27 be his or her certificate setting forth that the same is a true and

1 complete copy of the original articles of incorporation on file in
2 his or her office.

3 (3) The corporation shall become effective at the time
4 provided in the articles of incorporation.

5 (4) The validity of the incorporation shall be conclusively
6 presumed unless questioned in a court of competent jurisdiction
7 within 60 days after the filing of a certified copy with the
8 secretary of state.

9 Enacting section 1. This amendatory act does not take effect
10 unless House Bill No. 5560 of the 97th Legislature is enacted into
11 law.