

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 257

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 sections 10, 10a, 10b, 10c, 10e, 10f, 10g, 10h, 10i, 10k, and 10l (MCL 125.990, 125.990a, 125.990b, 125.990c, 125.990e, 125.990f, 125.990g, 125.990h, 125.990i, 125.990k, and 125.990l), as added by 2001 PA 260, and by adding section 10n; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 10. As used in this chapter:
- 2 (a) "Assessable property" means real property in a zone area

1 other than property classified as residential real property under
2 section 34c of the general property tax act, 1893 PA 206, MCL
3 211.34c, or real property exempt from the collection of taxes under
4 the general property tax act, 1893 PA 206, MCL 211.1 to ~~211.157.~~
5 **211.155.**

6 (b) "Assessment" means an assessment imposed under this
7 chapter against assessable property for the benefit of the property
8 owners.

9 (c) "Assessment revenues" means the money collected by a
10 business improvement zone from any assessments, including any
11 interest on the assessments.

12 (d) "Board" means the board of directors of a business
13 improvement zone.

14 (e) "Business improvement zone" means a business improvement
15 zone created under this chapter.

16 (f) "Nonprofit corporation" means a nonprofit corporation
17 organized under the nonprofit corporation act, 1982 PA 162, MCL
18 450.2101 to 450.3192, and which complies with all of the following:

19 (i) The articles of incorporation of the nonprofit corporation
20 provide that the nonprofit corporation may promote a business
21 improvement zone and may also provide management services related
22 to the implementation of a zone plan.

23 (ii) The nonprofit corporation is exempt from federal income
24 tax under section 501(c)(4) or 501(c)(6) of the internal revenue
25 code, ~~of 1986-28 USC 501.~~

26 (g) "Person" means an individual, partnership, corporation,
27 limited liability company, association, or other legal entity.

1 (h) "Project" means any activity for the benefit of property
2 owners authorized by section 10a to enhance the business
3 environment within a zone area.

4 (i) "Property owner" means a person who owns, or an agent
5 authorized in writing by a person who owns, assessable property
6 according to the records of the treasurer of the city or village in
7 which the business improvement zone is located.

8 (j) ~~"7-year"~~ "10-YEAR period" means the period in which a
9 business improvement zone is authorized to operate, beginning on
10 the date that the business improvement zone is created or renewed
11 and ending ~~7-10~~ calendar years after that date.

12 (k) "Zone area" means the area designated in the zone plan as
13 the area to be served by the business improvement zone.

14 (l) "Zone plan" means a set of goals, strategies, objectives,
15 and guidelines for the operation of a business improvement zone, as
16 approved at a meeting of property owners conducted under section
17 10d.

18 Sec. 10a. (1) A business improvement zone is a public body
19 corporate and may do 1 or more of the following for the benefit of
20 property owners located in the business improvement zone:

21 (a) Acquire, through purchase, lease, or gift, construct,
22 develop, improve, maintain, operate, or reconstruct park areas,
23 planting areas, and related facilities within the zone area.

24 (b) Acquire, construct, clean, improve, maintain, reconstruct,
25 or relocate sidewalks, street curbing, street medians, fountains,
26 and lighting within the zone area.

27 (c) Develop and propose lighting standards within the zone

1 area.

2 (d) Acquire, plant, and maintain trees, shrubs, flowers, or
3 other vegetation within the zone area.

4 (e) Provide or contract for security services with other
5 public or private entities and purchase equipment or technology
6 related to security services within the zone area.

7 (f) Promote and sponsor cultural or recreational activities.

8 (g) Engage in economic development activities, including, but
9 not limited to, promotion of business, retail, or industrial
10 development, developer recruitment, business recruitment, business
11 marketing, business retention, public relations efforts, and market
12 research.

13 (h) Engage in other ~~activity~~ **ACTIVITIES** with the purpose to
14 enhance the economic prosperity, enjoyment, appearance, image, and
15 safety of the zone area.

16 (i) Acquire by purchase or gift, maintain, or operate real or
17 personal property necessary to implement this chapter.

18 (j) Solicit and accept gifts or grants to further the zone
19 plan.

20 (k) Sue or be sued.

21 **(l) DO ALL OTHER ACTS AND THINGS NECESSARY OR CONVENIENT TO**
22 **EXERCISE THE POWERS, DUTIES, AND JURISDICTIONS OF THE BUSINESS**
23 **IMPROVEMENT ZONE UNDER THIS ACT OR OTHER LAWS THAT RELATE TO THE**
24 **PURPOSES, POWERS, DUTIES, AND JURISDICTIONS OF THE BUSINESS**
25 **IMPROVEMENT ZONE.**

26 (2) A business improvement zone may contract with a nonprofit
27 corporation or any other public or private entity and may pay a

1 reasonable fee to the nonprofit corporation or other public or
2 private entity for services provided. **TWO OR MORE BUSINESS**
3 **IMPROVEMENT ZONES MAY CONTRACT WITH THE SAME NONPROFIT CORPORATION**
4 **OR PUBLIC OR PRIVATE ENTITY UNDER THIS SUBSECTION.**

5 (3) A business improvement zone has the authority to borrow
6 money in anticipation of the receipt of assessments if all of the
7 following conditions are satisfied:

8 (a) The loan will not be requested or authorized, or will not
9 mature, within 90 days before the expiration of the ~~7-year~~**10-YEAR**
10 period.

11 (b) The amount of the loan does not exceed 50% of the annual
12 average assessment revenue of the business improvement zone during
13 the previous year or, in the case of a business improvement zone
14 that has been in existence for less than 1 year, the loan does not
15 exceed 25% of the projected annual assessment revenue.

16 (c) The loan repayment period does not extend beyond the ~~7-~~
17 ~~year~~**10-YEAR** period.

18 (d) The loan is subject to the revised municipal finance act,
19 2001 PA 34, MCL 141.2101 to 141.2821.

20 (4) The services provided by and projects of a business
21 improvement zone are services and projects of the business
22 improvement zone and are not services, functions, or projects of
23 the municipality in which the business improvement zone is located.
24 The services provided by and projects of a business improvement
25 zone are supplemental to the services, projects, and functions of
26 the city or village in which the business improvement zone is
27 located.

1 (5) The business improvement zone has no other authority than
2 the authority described in this act **OR AUTHORIZED BY OTHER LAWS OF**
3 **THIS STATE.**

4 Sec. 10b. (1) ~~Except as provided in subsection (4), 1~~ **ONE** or
5 more business improvement zones may be established within a city or
6 village.

7 (2) ~~The~~ **IF THE ZONE PLAN FOR THE AREA PROVIDES A BASIS FOR**
8 **ALLOCATING ASSESSMENTS OTHER THAN ASSESSED VALUE, THE** majority of
9 all parcels included in a zone area, both by area and by taxable
10 value, shall be assessable property. **IF THE ZONE PLAN FOR THE ZONE**
11 **AREA PROVIDES FOR ALLOCATION OF ASSESSMENTS BASED UPON ASSESSED**
12 **VALUE, THE MAJORITY OF ALL PARCELS INCLUDED IN A ZONE AREA, BOTH BY**
13 **AREA AND ASSESSED VALUE, SHALL BE ASSESSABLE PROPERTY.** A zone area
14 shall be contiguous, with the exception of public streets, alleys,
15 parks, and other public rights-of-way.

16 (3) ~~Except as provided in subsection (4), a~~ **A** business
17 improvement zone may be established in a city or village even if
18 the city or village has established a principal shopping district
19 or business improvement district under chapter 1. Assessable
20 property shall not be included in any of the following:

21 (a) More than 1 business improvement zone established under
22 this chapter.

23 (b) Both a principal shopping district and a business
24 improvement district established under chapter 1.

25 ~~—— (4) If at the time of the effective date of the amendatory act~~
26 ~~that added this subsection a business improvement district~~
27 ~~established under chapter 1 is located in a city or village, a~~

1 ~~business improvement zone may not be established under this chapter~~
 2 ~~within that city or village unless within 180 days of the effective~~
 3 ~~date of the amendatory act that added this subsection or during~~
 4 ~~July 2005 or during July every third year after 2005 the governing~~
 5 ~~body of the city or village adopts a resolution authorizing the~~
 6 ~~governing body to consider, as provided in section 10e, the~~
 7 ~~establishment of a business improvement zone under this chapter.~~

8 Sec. 10c. ~~(1)~~A person may initiate the establishment of a
 9 business improvement zone by the delivery of a petition to the
 10 clerk of the city or village in which a proposed zone area is
 11 located. The petition shall include all of the following:

12 (a) ~~The~~**AN ATTACHED MAP AND DESCRIPTION OF THE GEOGRAPHIC**
 13 boundaries of the zone area **SUFFICIENT TO IDENTIFY EACH ASSESSABLE**
 14 **PROPERTY INCLUDED.**

15 (b) The signatures of property owners of parcels representing
 16 not less than 30% of the property owners within the zone area,
 17 weighted as provided in section 10f(2).

18 (c) ~~A~~**AN ATTACHED** listing, by tax parcel identification
 19 number, of all parcels within the zone area, separately identifying
 20 assessable property.

21 (D) **AN ATTACHED ZONE PLAN, WHICH SHALL INCLUDE ALL OF THE**
 22 **FOLLOWING:**

23 (i) **THE PROPOSED INITIAL BOARD OF DIRECTORS FOR THE ZONE,**
 24 **EXCEPT FOR A MEMBER OF THE BOARD OF DIRECTORS WHO MAY BE APPOINTED**
 25 **BY THE CITY OR VILLAGE UNDER SECTION 10G(2).**

26 (ii) **THE METHOD FOR REMOVAL, APPOINTMENT, AND REPLACEMENT OF**
 27 **THE BOARD.**

1 (iii) A DESCRIPTION OF PROJECTS PLANNED DURING THE 10-YEAR
2 PERIOD, INCLUDING THE SCOPE, NATURE, AND DURATION OF THE PROJECTS.

3 (iv) AN ESTIMATE OF THE TOTAL AMOUNT OF EXPENDITURES FOR
4 PROJECTS PLANNED DURING THE 10-YEAR PERIOD.

5 (v) THE PROPOSED SOURCE OR SOURCES OF FINANCING FOR THE
6 PROJECTS.

7 (vi) IF THE PROPOSED FINANCING INCLUDES ASSESSMENTS, THE
8 PROJECTED AMOUNT OR RATE OF THE ASSESSMENTS FOR EACH YEAR AND THE
9 BASIS UPON WHICH THE ASSESSMENTS ARE TO BE IMPOSED ON ASSESSABLE
10 PROPERTY.

11 (vii) A PLAN OF DISSOLUTION FOR THE BUSINESS IMPROVEMENT ZONE.

12 (E) A BASIS FOR ALLOCATING ASSESSMENTS IN THE ZONE AREA,
13 INCLUDING, BUT NOT LIMITED TO, ASSESSMENTS BASED UPON TAXABLE VALUE
14 OR ASSESSMENTS BASED UPON ASSESSED VALUE.

15 ~~— (2) After a petition is filed pursuant to subsection (1), the~~
16 ~~clerk shall notify all property owners within the zone area of a~~
17 ~~public meeting of the property owners regarding the establishment~~
18 ~~of the business improvement zone to be held not less than 45 days~~
19 ~~or more than 60 days after the filing of the petition. The notice~~
20 ~~shall be sent by first-class mail to the property owners not less~~
21 ~~than 14 days prior to the scheduled date of the meeting. The notice~~
22 ~~shall include the specific location and the scheduled date and time~~
23 ~~of the meeting.~~

24 Sec. 10e. (1) If a zone plan ~~PETITION~~ is adopted and presented
25 **DELIVERED** to the clerk of the city or village in accordance with
26 section ~~10d,~~ **10C**, the governing body of the city or village shall
27 within ~~45-~~ **28** days schedule a public hearing of the governing body

1 to review the zone plan and any proposed assessment and to receive
2 public comment. The clerk shall notify all owners of parcels within
3 the zone area of the public hearing by first-class mail.

4 (2) At the public hearing **REQUIRED UNDER SUBSECTION (1)**, or at
5 the next regularly scheduled meeting of the governing body of the
6 city or village, the governing body shall approve or reject the
7 establishment of the business improvement zone and the zone plan ~~as~~
8 ~~adopted by the property owners under section 10d(3).~~ **ATTACHED TO**
9 **THE PETITION UNDER SECTION 10C.** If the governing body rejects the
10 establishment of the business improvement zone and the zone plan,
11 the clerk shall notify all property owners within the **PROPOSED** zone
12 of a ~~reconvened~~ meeting of the property owners **WITHIN THE PROPOSED**
13 **ZONE**, which shall be held not sooner than ~~10~~**7** days or later than
14 21 days after the date of the rejection by the governing body. The
15 notice shall be sent by first-class mail to the property owners not
16 less than 7 days prior to the scheduled date of the meeting and
17 shall include the specific location and the scheduled date and time
18 of the meeting, as determined by the person initiating the
19 establishment of the business improvement zone under section
20 10c(1). At the ~~reconvened~~ meeting, the property owners may amend
21 the zone plan if approved by a majority of the property owners ~~as~~
22 ~~provided in section 10d(3).~~ **VOTING AT THE MEETING. THE VOTES OF THE**
23 **PROPERTY OWNERS AT THE MEETING SHALL BE WEIGHTED IN THE MANNER**
24 **INDICATED IN SECTION 10F(2).** The amended zone plan may be
25 resubmitted to the clerk of the city or village without the
26 requirement of a new petition under section 10c for approval or
27 rejection at a meeting of the governing body of the city or village

1 not later than ~~60~~28 days after the amended zone plan is
2 resubmitted to the clerk. If a zone plan is not rejected within ~~60~~
3 56 days of the date the amended zone plan is resubmitted to the
4 clerk, the amended zone plan is considered approved by the
5 governing body of the city or village. If the amended zone plan is
6 rejected by the governing body, then the amended zone plan may not
7 be resubmitted without the delivery of a new petition under section
8 10c.

9 (3) A GOVERNING BODY OF A CITY OF VILLAGE SHALL CONSIDER THE
10 ESTABLISHMENT OF A BUSINESS IMPROVEMENT ZONE AND A ZONE PLAN FOR
11 THE BUSINESS IMPROVEMENT ZONE UNDER SUBSECTION (2) IF ALL OF THE
12 FOLLOWING APPLY:

13 (A) THE ZONE PLAN COMPLIES WITH THE REQUIREMENTS OF SECTION
14 10C.

15 (B) THE ZONE PLAN FOR THE BUSINESS IMPROVEMENT ZONE PROVIDES
16 THAT THE SERVICES TO BE PROVIDED BY THE BUSINESS IMPROVEMENT ZONE
17 AND THE PROJECTS UNDER THE ZONE PLAN WOULD BE SUPPLEMENTAL TO THE
18 SERVICES, PROJECTS, AND FUNCTIONS OF THE CITY OR VILLAGE.

19 (C) THE ZONE PLAN PROVIDES A BASIS FOR ALLOCATING ASSESSMENTS
20 THAT COMPLIES WITH THIS CHAPTER.

21 (4) ~~(3)~~—Approval of the business improvement zone and zone
22 plan shall serve as a determination by the city or village that any
23 assessment set forth in the zone plan, including the basis for
24 allocating the assessment, is appropriate, subject only to the
25 approval of the business improvement zone and the zone plan by the
26 property owners in accordance with section 10f.

27 (5) ~~(4)~~—If the governing body of the city or village approves

1 the business improvement zone and zone plan or if the amended zone
 2 plan is considered approved under subsection (2), the clerk of the
 3 city or village shall set an election pursuant to section 10f not
 4 more than ~~60~~49 days following the approval.

5 (6) ~~(5)~~—The clerk of the city or village shall send to the
 6 property owners notice by first-class mail of the election not less
 7 than ~~30~~28 days before the election and publish the notice at least
 8 ~~twice~~ONCE in a newspaper of general circulation in the city or
 9 village in which the zone area is located. ~~The first publication~~
 10 ~~shall not be less than 10~~7 days or more than ~~30~~21 days prior to
 11 the date scheduled for the election. ~~The second publication shall~~
 12 ~~not be published less than 1 week after the first publication.~~

13 (7) ~~(6)~~—The election described in this section and section 10f
 14 is not an election subject to the Michigan election law, 1954 PA
 15 116, MCL 168.1 to 168.992.

16 (8) ~~(7)~~—The person who filed the petition under section 10c,
 17 the proposed board members, and the property owners may, at the
 18 option and under the direction of the clerk, assist the clerk of
 19 the city or village in conducting the election to keep the expenses
 20 of the election at a minimum.

21 Sec. 10f. (1) All property owners as of the date of the
 22 delivery of the petition as provided in section 10c are eligible to
 23 participate in the election. The election shall be conducted by
 24 mail. The question to be voted on by the property owners is the
 25 adoption of the zone plan and the establishment of the business
 26 improvement zone, including the identity of the initial board.

27 (2) ~~Votes~~IF THE ZONE PLAN FOR THE ZONE AREA PROVIDES A BASIS

1 FOR ALLOCATING ASSESSMENTS BASED UPON TAXABLE VALUE, THE VOTES of
2 property owners shall be weighted in proportion to the amount that
3 the taxable value of their respective real property for the
4 preceding calendar year bears to the taxable value of all
5 assessable property in the zone area. ~~, but in~~ IF THE ZONE PLAN FOR
6 THE ZONE AREA PROVIDES FOR ALLOCATION OF ASSESSMENTS BASED UPON
7 ASSESSED VALUE, THE VOTES OF PROPERTY OWNERS SHALL BE WEIGHTED IN
8 PROPORTION TO THE AMOUNT THAT THE ASSESSED VALUE OF THEIR
9 RESPECTIVE REAL PROPERTY FOR THE PRECEDING CALENDAR YEAR BEARS TO
10 THE ASSESSED VALUE OF ALL ASSESSABLE PROPERTY IN THE ZONE AREA. IF
11 THE ZONE PLAN FOR THE ZONE AREA PROVIDES A BASIS FOR ALLOCATING
12 ASSESSMENTS OTHER THAN TAXABLE VALUE OR ASSESSED VALUE, THE VOTES
13 OF PROPERTY OWNERS SHALL BE WEIGHED IN PROPORTION TO THE AMOUNT
14 THAT THE WEIGHTED VALUE FOR THEIR RESPECTIVE REAL PROPERTY BEARS TO
15 THE TOTAL WEIGHTED VALUE OF ALL ASSESSABLE PROPERTY IN THE ZONE
16 AREA. IN no case shall the total number of votes assigned to any 1
17 property owner be equal to more than 25% of the total number of
18 votes eligible to be cast in the election.

19 (3) A zone plan and the proposal for the establishment of a
20 business improvement zone, including the identity of the initial
21 board, shall be considered adopted upon the approval of more than
22 60% of the property owners voting in the election, with votes
23 weighted as provided in subsection (2).

24 (4) Upon acceptance or rejection of a business improvement
25 zone and zone plan by the property owners, the resulting business
26 improvement zone or the person filing the petition under section
27 10c shall, at the request of the city or village, reimburse the

1 city or village for all or a portion of the reasonable expenses
2 incurred to comply with this chapter. The governing body of the
3 city or village may forgive and choose not to collect all or a
4 portion of the reasonable expenses incurred to comply with this
5 chapter.

6 (5) Adoption of a business improvement zone and zone plan
7 under this section authorizes the creation of the business
8 improvement zone and the implementation of the zone plan for the ~~7-~~
9 ~~year~~**10-YEAR** period.

10 (6) Adoption of a business improvement zone and zone plan
11 under this section and the creation of the business improvement
12 zone does not relieve the business improvement zone from following,
13 or does not waive any rights of the city or village to enforce, any
14 applicable laws, statutes, or ordinances. A business improvement
15 zone created under this chapter shall comply with all applicable
16 state and federal laws.

17 (7) To the extent not protected by the immunity conferred by
18 1964 PA 170, MCL 691.1401 to ~~691.1415,~~**691.1419**, a city or village
19 that approves a business improvement zone within its boundaries is
20 immune from civil or administrative liability arising from any
21 actions of that business improvement zone.

22 Sec. 10g. (1) The day-to-day activities of the business
23 improvement zone and implementation of the zone plan shall be
24 managed by a board of directors.

25 (2) The board shall consist of an odd number of directors and
26 shall not be smaller than 5 and not larger than 15 in number. The
27 board may include 1 director nominated by the chief executive of

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1 the city or village and ~~approved~~**CONFIRMED** by the governing body of
2 the city or village. **A NOMINATION NOT DISAPPROVED BY A GOVERNING**
3 **BODY WITHIN 60 DAYS SHALL STAND CONFIRMED.**

4 (3) The duties and responsibilities of the board shall be
5 prescribed in the zone plan and to the extent applicable shall
6 include all of the following duties and responsibilities:

7 (a) Developing administrative procedures relating to the
8 implementation of the zone plan.

9 (b) Recommending amendments to the zone plan.

10 (c) Scheduling and conducting an annual meeting of the
11 property owners.

12 (d) Developing a zone plan for the next ~~7-year~~**10-YEAR** period.

13 (4) Members of the board shall serve without compensation.
14 However, members of the board may be reimbursed for their actual
15 and necessary expenses incurred in the performance of their
16 official duties as members of the board.

17 Sec. 10h. (1) A business improvement zone may be funded in
18 whole or in part by 1 or more assessments on assessable property,
19 as provided in the zone plan. An assessment under this chapter
20 shall be in addition to any taxes or special assessments otherwise
21 imposed on assessable property. **THE BUSINESS IMPROVEMENT ZONE, WITH**
22 **THE APPROVAL OF THE BOARD, MAY ENTER INTO AGREEMENTS WITH 1 OR MORE**
23 **PROPERTY OWNERS IN THE CITY OR VILLAGE PROVIDING FOR THE PROVISION**
24 **OF BUSINESS ZONE ACTIVITIES OR SERVICES TO THE PROPERTY OWNER OR**
25 **OWNERS BY THE BUSINESS IMPROVEMENT ZONE IN EXCHANGE FOR MONETARY**
26 **CONTRIBUTIONS TO THE BUSINESS IMPROVEMENT ZONE FROM THE PROPERTY**
27 **OWNER OR OWNERS. [AN AGREEMENT PROVIDING FOR THE PROVISION OF BUSINESS**
ZONE ACTIVITIES OR SERVICES DESCRIBED IN THIS SUBSECTION SHALL BE IN
WRITING AND SHALL BE MADE AVAILABLE TO ALL PROPERTY OWNERS OF ASSESSABLE
PROPERTY IN THE ZONE AREA.]

1 (2) An assessment shall be imposed against assessable property
2 only on the basis of the benefits to assessable property afforded
3 by the zone plan. There is a rebuttable presumption that a zone
4 plan and any project specially benefits all assessable property in
5 a zone area.

6 (3) If a zone plan provides for an assessment, the treasurer
7 of the city or village in which the zone area is located as an
8 agent of the business improvement zone shall collect the assessment
9 imposed by the board under the zone plan on all assessable property
10 within the zone area in the amount authorized by the zone plan.

11 (4) Except as provided in subsection ~~(7)~~-(6), assessments
12 shall be collected by the treasurer of the city or village as an
13 agent of the business improvement zone from each property owner and
14 remitted promptly to the business improvement zone. Assessment
15 revenue is the property of the business improvement zone and not
16 the city or village in which the business improvement zone is
17 located. The business improvement zone may, at the option and under
18 the direction of the treasurer, assist the treasurer of the city or
19 village in collecting the assessment to keep the expenses of
20 collecting the assessment at a minimum.

21 (5) The business improvement zone may institute a civil action
22 to collect any delinquent assessment and interest.

23 ~~——(6) An assessment imposed under this act is not a special~~
24 ~~assessment collected under the general property tax act, 1893 PA~~
25 ~~206, MCL 211.1 to 211.157.~~

26 (6) ~~(7)~~-An assessment is delinquent if it has not been paid
27 within 90 days after it was due as provided under the zone plan

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1 imposed under this chapter. Delinquent assessments shall be
2 collected by the business improvement zone. Delinquent assessments
3 shall accrue interest at a rate of 1.5% per month until paid.

4 (7) ~~(8)~~—If any portion of the assessment has not been paid
5 within 90 days after it was due, that portion of the unpaid
6 assessment shall constitute a lien on the property. The lien amount
7 shall be for the unpaid portion of the assessment and shall ~~not~~
8 include any **APPLICABLE** interest. **ALTERNATIVELY, A DELINQUENT AND**
9 **UNPAID ASSESSMENT MAY, AT THE REQUEST OF THE BUSINESS IMPROVEMENT**
10 **ZONE, BE RETURNED AS DELINQUENT BY THE TREASURER OF THE CITY OR**
11 **VILLAGE AND COLLECTED IN THE SAME MANNER AS A DELINQUENT TAX**
12 **SPECIAL ASSESSMENT ALONG WITH ANY ASSOCIATED INTEREST, FEES, AND**
13 **COSTS UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO**
14 **211.155. HOWEVER, PROPERTY IS NOT SUBJECT TO FORFEITURE,**
15 **FORECLOSURE, AND SALE UNDER SECTIONS 78 TO 79A OF THE GENERAL**
16 **PROPERTY TAX ACT, 1893 PA 206, MCL 211.78 TO 211.79A, FOR**
17 **NONPAYMENT OF AN ASSESSMENT UNDER THIS CHAPTER UNLESS THE PROPERTY**
18 **ALSO IS SUBJECT TO FORFEITURE, FORECLOSURE, AND SALE UNDER SECTIONS**
19 **78 TO 79A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.78**
20 **TO 211.79A, FOR DELINQUENT PROPERTY TAXES. [IF A PARCEL OF ASSESSABLE**
PROPERTY THAT HAS A DELINQUENT AND UNPAID ASSESSMENT IS SOLD TO A
PURCHASER WHO IS NOT RELATED OR AFFILIATED TO THE SELLER, AS DETERMINED
BY THE BOARD, THE BOARD MAY REDUCE OR ELIMINATE ANY DELINQUENT AND UNPAID
ASSESSMENT ON THAT PARCEL OF ASSESSABLE PROPERTY IF THE PROPERTY IS NOT
SUBJECT TO FORFEITURE, FORECLOSURE, AND SALE UNDER SECTIONS 78 TO 79A OF
THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.78 TO 211.79A. IF THE
DELINQUENT PROPERTY TAXES ARE PAID, THE PROPERTY MAY NOT BE FORFEITED,
FORECLOSED, AND SOLD FOR AN UNPAID ASSESSMENT UNDER THIS CHAPTER.]

21 Sec. 10i. (1) Expenses incurred in implementing any project or
22 service of a business improvement zone shall be financed in
23 accordance with the zone plan.

24 (2) Assessment revenues under section 10h are the funds of the
25 business improvement zone and not funds of the state or of the city
26 or village in which the business improvement zone is located. All
27 money collected under section 10h shall be deposited in a financial

1 institution in the name of the business improvement zone.
2 Assessment revenues may be deposited in an interest generating
3 account. The business improvement zone shall use the funds only to
4 implement the zone plan.

5 (3) All expenditures by a business improvement zone shall be
6 audited annually by a certified public accountant. The audit shall
7 be completed within 9 months of the close of the fiscal year of the
8 business improvement zone. Within 30 days after completion of an
9 audit, the certified public accountant shall transmit a copy of the
10 audit to the board and make copies of the audit available to the
11 property owners and the public.

12 (4) If an annual audit required by this section contains
13 material exceptions, ~~and the material exceptions are not~~
14 ~~substantially corrected~~ **THE BOARD OF THE BUSINESS IMPROVEMENT ZONE**
15 **SHALL** within 90 days of the delivery of the audit, ~~the business~~
16 ~~improvement zone shall be dissolved in accordance with the zone~~
17 ~~plan upon approval of the dissolution by the governing body of the~~
18 ~~city or village in which the business improvement zone is~~
19 ~~located.~~ **ADOPT A PLAN TO REMEDY THE EXCEPTIONS AND FORWARD A COPY OF**
20 **THAT PLAN TO THE CITY OR VILLAGE IN WHICH THE BUSINESS IMPROVEMENT**
21 **ZONE IS LOCATED.**

22 (5) The board shall publish an annual activity and financial
23 report. The report shall be available to the public. Each year,
24 every property owner shall be notified of the availability of the
25 annual activity and financial report.

26 (6) As used in this section, "financial institution" means a
27 state or nationally chartered bank or a state or federally

1 chartered savings and loan association, savings bank, or credit
2 union whose deposits are insured by an agency of the United States
3 government and that maintains a principal office or branch office
4 located in this state under the laws of this state or of the United
5 States.

6 Sec. 10k. (1) Prior to the expiration of any ~~7-year~~**10-YEAR**
7 period, the board shall notify the property owners **WITHIN THE**
8 **BUSINESS IMPROVEMENT ZONE** of a special meeting by first-class mail
9 at least 14 days prior to the scheduled date of the meeting to
10 approve a new zone plan for the next ~~7-year~~**10-YEAR** period. Notice
11 under this section shall include the specific location, scheduled
12 date, and time of the meeting.

13 (2) Approval of the new zone plan at the special meeting by
14 **MORE THAN** 60% of the property owners of assessable property voting
15 at that meeting, with the vote of the property owners being
16 weighted in accordance with section 10f(2), constitutes
17 reauthorization of the business improvement zone for an additional
18 ~~7-year~~**10-YEAR** period, commencing as of the expiration of the ~~7-~~
19 ~~year~~**10-YEAR** period then in effect. If the new zone plan reflects
20 any new assessment, or reflects an extension of any assessment
21 beyond the period previously approved by the city or village in
22 which the business improvement zone is located, the new or extended
23 assessment shall be effective only with the approval of the
24 governing body of the city or village.

25 Sec. 10l. (1) Upon written petition duly signed by ~~20%~~**30%** of
26 the property owners of assessable property within a zone area **AND**
27 **SUBMITTED NO SOONER THAN 2 YEARS FOLLOWING THE ADOPTION OF THE**

1 **BUSINESS IMPROVEMENT ZONE AND ZONE PLAN**, the board shall place on
2 the agenda of the next annual meeting, if the next annual meeting
3 is to be held not later than ~~60~~**63** days after receipt of the
4 written petition or a special meeting not to be held later than ~~60~~
5 **63** days after receipt of the written petition, the issue of
6 dissolution of the business improvement zone. Notice of the next
7 annual meeting or special meeting described in this subsection
8 shall be made to all property owners by first-class mail not less
9 than 14 days prior to the date of the annual or special meeting.
10 The notice shall include the specific location and the scheduled
11 date and time of the meeting.

12 (2) The business improvement zone shall be dissolved upon a
13 vote of more than 50% of the property owners of assessable property
14 voting at the meeting, **WITH THE VOTES OF THE PROPERTY OWNERS**
15 **WEIGHTED IN ACCORDANCE WITH SECTION 10F(2)**. A dissolution shall not
16 take effect until **THE LATER OF THE END OF THE SECOND CALENDAR YEAR**
17 **AFTER THE VOTE FOR DISSOLUTION OR** all contractual liabilities of
18 the business improvement zone have been paid and discharged.

19 (3) Upon dissolution of a business improvement zone, the board
20 shall dispose of the remaining physical assets of the business
21 improvement zone. The proceeds of any physical assets disposed of
22 by the business improvement zone and all money collected through
23 assessments that is not required to defray the expenses of the
24 business improvement zone shall be refunded on a pro rata basis to
25 persons from whom assessments were collected. If the board finds
26 that the refundable amount is so small as to make impracticable the
27 computation and refunding of the money, it may be transferred to

1 the treasurer of the city or village in which the business
2 improvement zone is located for deposit in the treasury of the city
3 or village to the credit of the general fund.

4 (4) Upon dissolution of a business improvement zone, any
5 remaining assets of the business improvement zone shall be
6 transferred to the treasurer of the city or village in which the
7 business improvement zone is located for deposit in the treasury of
8 the city or village to the credit of the general fund.

9 **SEC. 10N. (1) TWO OR MORE BUSINESS IMPROVEMENT ZONES WITHIN**
10 **THE SAME CITY OR VILLAGE MAY MERGE INTO A SINGLE BUSINESS**
11 **IMPROVEMENT ZONE IF THE BOARD OF EACH BUSINESS IMPROVEMENT ZONE**
12 **APPROVES A MERGER AGREEMENT AMONG THE MERGING ZONES AND THE MERGER**
13 **AGREEMENT ALSO IS APPROVED BY THE GOVERNING BODY OF THE CITY OR**
14 **VILLAGE IN WHICH THE ZONES ARE LOCATED.**

15 (2) THE MERGER AGREEMENT SHALL INCLUDE, WITHOUT LIMITATION, A
16 MANNER OF SELECTING THE BOARD OF DIRECTORS OF THE MERGED BUSINESS
17 IMPROVEMENT ZONE, A ZONE PLAN FOR THE MERGED BUSINESS IMPROVEMENT
18 ZONE, AND A PLAN FOR ESTABLISHING AND COLLECTING ASSESSMENTS UNDER
19 THE MERGED BUSINESS IMPROVEMENT ZONE.

20 Enacting section 1. Section 10d of 1961 PA 120, MCL 125.990d,
21 is repealed.