

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 441

A bill to amend 1909 PA 279, entitled  
"The home rule city act,"  
by amending sections 3, 8, 11, 21, 25, 26, and 29 (MCL 117.3,  
117.8, 117.11, 117.21, 117.25, 117.26, and 117.29), section 3 as  
amended by 2002 PA 201, section 25 as amended by 1982 PA 200, and  
section 29 as amended by 1994 PA 17.

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

1       Sec. 3. Each city charter shall provide for all of the  
2 following:

3       (a) The election of a mayor, who shall be the chief execu-  
4 tive officer of the city, and of a body vested with legislative  
5 power, and for the election or appointment of a clerk, a treasur-  
6 er, an assessor or board of assessors, a board of review, and  
7 other officers considered necessary. The city charter may  
8 provide for the selection of the mayor by the legislative body.

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1 Elections may be by a partisan, nonpartisan, or preferential  
2 ballot, or by any other legal method of voting. Notwithstanding  
3 any other law or charter provision to the contrary, a city having  
4 a 1970 official population of more than 150,000, whose charter  
5 provides for terms of office of less than 4 years, and in which  
6 the term of office for the mayor and the governing body are of  
7 the same length, may provide by ordinance for a term of office of  
8 up to 4 years for mayor and other elected city officials. The  
9 ordinance shall provide that the ordinance shall take effect 60  
10 days after it is enacted unless within the 60 days a petition is  
11 submitted to the city clerk signed by not less than 10% of the  
12 registered electors of the city requesting that the question of  
13 approval of the ordinance be submitted to the electors at the  
14 next regular election or a special election called for the pur-  
15 pose of approving or disapproving the ordinance.

16 (b) The nomination of elective officers by partisan or non-  
17 partisan primary, by petition, or by convention.

18 (c) The time, manner, and means of holding elections and the  
19 registration of electors, SUBJECT TO SECTION 26 AND OTHER APPLI-  
20 CABLE REQUIREMENTS OF LAW.

21 (d) The qualifications, duties, and compensation of the  
22 city's officers. If the city has an appointed chief administra-  
23 tive officer, the legislative body of the city may enter into an  
24 employment contract with the chief administrative officer extend-  
25 ing beyond the terms of the members of the legislative body  
26 unless the employment contract is prohibited by the city  
27 charter. An employment contract with a chief administrative

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1 officer shall be in writing and shall specify the compensation to  
2 be paid to the chief administrative officer, any procedure for  
3 changing the compensation, any fringe benefits, and any other  
4 conditions of employment. The contract shall state if the chief  
5 administrative officer serves at the pleasure of the legislative  
6 body, and the contract may provide for severance pay or other  
7 benefits in the event the chief administrative officer's employ-  
8 ment is terminated at the pleasure of the legislative body.

9 (e) The establishment of 1 or more wards, and if the members  
10 of the city's legislative body are chosen by wards, for equal  
11 representation for each ward in the legislative body.

12 (f) That the subjects of taxation for municipal purposes are  
13 the same as for state, county, and school purposes under the gen-  
14 eral law.

15 (g) The annual laying and collecting taxes in a sum, except  
16 as otherwise provided by law, not to exceed 2% of the taxable  
17 value of the real and personal property in the city. Unless the  
18 charter provides for a different tax rate limitation, the govern-  
19 ing body of a city may levy and collect taxes for municipal pur-  
20 poses in a sum not to exceed 1% of the taxable value of the real  
21 and personal property in the city. As used in this subdivision,  
22 "taxable value" is that value determined under section 27a of the  
23 general property tax act, 1893 PA 206, MCL 211.27a.

24 (h) An annual appropriation of money for municipal  
25 purposes.

26 (i) The levy, collection, and return of state, county, and  
27 school taxes in conformance with the general laws of this state,

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1 except that the preparation of the assessment roll, the meeting  
2 of the board of review, and the confirmation of the assessment  
3 roll may be at the times provided in the city charter.

4 (j) The public peace and health and for the safety of per-  
5 sons and property. In providing for the public peace, health,  
6 and safety, a city may expend funds or enter into contracts with  
7 a private organization, the federal or state government, a  
8 county, village, or township, or another city for services con-  
9 sidered necessary by the legislative body. Public peace, health,  
10 and safety services may include the operation of child guidance  
11 and community mental health clinics, the prevention, counseling,  
12 and treatment of developmental disabilities, the prevention of  
13 drug abuse, and the counseling and treatment of drug abusers.

14 (k) Adopting, continuing, amending, and repealing the city  
15 ordinances and for the publication of each ordinance before it  
16 becomes operative. Whether or not provided in its charter,  
17 instead of publishing a true copy of an ordinance before it  
18 becomes operative, the city may publish a summary of the  
19 ordinance. If the city publishes a summary of the ordinance, the  
20 city shall include in the publication the designation of a loca-  
21 tion in the city where a true copy of the ordinance can be  
22 inspected or obtained. Any charter provision to the contrary  
23 notwithstanding, a city may adopt an ordinance punishable by  
24 imprisonment for not more than 93 days or a fine of not more than  
25 \$500.00, or both, if the violation substantially corresponds to a  
26 violation of state law that is a misdemeanor for which the  
27 maximum period of imprisonment is 93 days. Whether or not

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1 provided in its charter, a city may adopt a provision of any  
2 state statute for which the maximum period of imprisonment is 93  
3 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
4 257.923, or a law, code, or rule that has been promulgated and  
5 adopted by an authorized agency of this state pertaining to fire,  
6 fire hazards, fire prevention, or fire waste, and a fire preven-  
7 tion code, plumbing code, heating code, electrical code, building  
8 code, refrigeration machinery code, piping code, boiler code,  
9 boiler operation code, elevator machinery code, or a code per-  
10 taining to flammable liquids and gases or hazardous chemicals,  
11 that has been promulgated by this state, by a department, board,  
12 or other agency of this state, or by an organization or associa-  
13 tion that is organized and conducted for the purpose of develop-  
14 ing the code, by reference to the law, code, or rule in an adopt-  
15 ing ordinance and without publishing the law, code, or rule in  
16 full. The law, code, or rule shall be clearly identified in the  
17 ordinance and its purpose shall be published with the adopting  
18 ordinance. Printed copies of the law, code, or rule shall be  
19 kept in the office of the city clerk, available for inspection  
20 by, and distribution to, the public at all times. The publica-  
21 tion shall contain a notice stating that a complete copy of the  
22 law, code, or rule is made available to the public at the office  
23 of the city clerk in compliance with state law requiring that  
24 records of public bodies be made available to the general  
25 public. A city shall not enforce any provision adopted by refer-  
26 ence for which the maximum period of imprisonment is greater than  
27 93 days.

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1       (l) That the business of the legislative body shall be  
2     conducted at a public meeting held in compliance with the open  
3     meetings act, 1976 PA 267, MCL 15.261 to 15.275. All records of  
4     the municipality shall be made available to the general public in  
5     compliance with the freedom of information act, 1976 PA 442,  
6     MCL 15.231 to 15.246.

7       (m) Keeping in the English language a written or printed  
8     journal of each session of the legislative body.

9       (n) A system of accounts that conforms to a uniform system  
10    of accounts as required by law.

11       Sec. 8. (1) ~~Said petition~~ SUBJECT TO SUBSECTIONS (2) AND  
12    (3), A PETITION UNDER SECTION 6 shall be addressed to the COUNTY  
13    board of ~~supervisors~~ COMMISSIONERS of the county in which the  
14    territory to be affected by ~~such~~ THE proposed incorporation,  
15    consolidation, or change of boundaries is located, and shall be  
16    filed with the clerk of ~~said board~~ THE COUNTY BOARD OF  
17    COMMISSIONERS not less than 30 days before the convening of  
18    ~~such~~ THE board in regular session, or in any special session  
19    called for the purpose of considering ~~said~~ THE petition. ~~, and~~  
20    ~~if, before final action thereon, it shall appear to said board or~~  
21    ~~a majority thereof that said petition or the signing thereof does~~  
22    ~~not conform to this act, or contains incorrect statements, no~~  
23    ~~further proceedings pursuant to said petition shall be had, but,~~  
24    ~~if it shall appear that said petition conforms in all respects to~~  
25    ~~the provisions of this act, and that the statements contained~~  
26    ~~therein are true, said board of supervisors~~ THE COUNTY BOARD OF  
27    COMMISSIONERS SHALL BY RESOLUTION DETERMINE WHETHER THE PETITION

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1 COMPLIES WITH THE REQUIREMENTS OF THIS ACT AND WHETHER THE  
2 STATEMENTS CONTAINED IN THE PETITION ARE CORRECT. IF THE BOARD  
3 DETERMINES THAT THE PETITION DOES NOT COMPLY WITH THE REQUIRE-  
4 MENTS OF THIS ACT OR THAT THE STATEMENTS CONTAINED IN THE PETI-  
5 TION ARE NOT CORRECT, THE BOARD SHALL NOT CONDUCT FURTHER PRO-  
6 CEEDINGS ON THE PETITION. SUBJECT TO SUBSECTION (4), IF THE  
7 BOARD DETERMINES THAT THE PETITION COMPLIES WITH THE REQUIREMENTS  
8 OF THIS ACT AND THAT THE STATEMENTS CONTAINED IN THE PETITION ARE  
9 CORRECT, THE BOARD shall, by resolution, provide that the ques-  
10 tion of making the proposed incorporation, consolidation, or  
11 change of boundaries ~~shall~~ be submitted to the qualified elec-  
12 tors of the district to be affected at the next general election  
13 ~~, occurring in not less than 40 days after the adoption of such~~  
14 ~~resolution, and if no general election is to occur within 90~~  
15 ~~days, said resolution may fix a date preceding said general elec-~~  
16 ~~tion for a special election on such question: Provided, however,~~  
17 ~~That whenever~~ OR AT A SPECIAL ELECTION BEFORE THE NEXT GENERAL  
18 ELECTION. HOWEVER, THE QUESTION SHALL NOT BE SUBMITTED AT AN  
19 ELECTION TO BE HELD LESS THAN 60 DAYS AFTER THE ADOPTION OF THE  
20 RESOLUTION.

21 (2) IF it is proposed to incorporate an incorporated village  
22 as a city without change of boundaries, ~~the~~ BOTH OF THE FOLLOW-  
23 ING APPLY:

24 (A) THE initiatory petition ~~herein~~ provided for UNDER SEC-  
25 TION 6 shall be addressed to the village council or other legis-  
26 lative body of ~~such~~ THE village and shall be filed with the  
27 village clerk at least 30 days before final action is taken

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~~thereupon and in such case all acts and duties provided in this act to be performed by the board of supervisors shall be performed by the common council of such village and all acts and duties provided in this act to be performed by the clerk of the board of supervisors shall be performed by the village clerk.~~

~~Provided further, That a~~ ON THE PETITION.

(B) THE POWERS AND DUTIES OF THE COUNTY BOARD OF COMMISSIONERS AND COUNTY CLERK UNDER SUBSECTION (1) ARE ASSIGNED TO THE VILLAGE COUNCIL AND VILLAGE CLERK, RESPECTIVELY.

(3) A petition covering the same territory, or part ~~thereof~~ OF THE SAME TERRITORY, shall not be considered by the COUNTY board of ~~supervisors oftener~~ COMMISSIONERS MORE OFTEN than once in every 2 years, unless ~~such~~ THE petition ~~shall have been~~ IS signed by ~~a number~~ NOT LESS THAN 35% of taxpayers ~~assessed for real property taxes within the area proposed to be annexed~~ whose names appear on the latest assessment rolls ~~therein~~ under the requirements of the general property tax ~~, equal to 35% of the total number of names which appear on the assessment rolls prepared pursuant to said act, 1893 PA 206, MCL 211.1 TO 211.157, as being assessed for real property taxes within the area proposed to be annexed. , and it shall be the duty of the~~ THE assessing officers who are charged with the duty of assessing real property within the area proposed to be annexed ~~to~~ SHALL report as of the date on which the petition is filed the total number of names on such rolls, within such area, to the clerk of the ~~board of supervisors~~ COUNTY BOARD OF COMMISSIONERS

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1 not more than 14 days after ~~said~~ THE filing date. ~~Provided,~~  
2 ~~That no vote shall be required~~

3 (4) A VOTE IS NOT REQUIRED if the city owns the land sought  
4 to be annexed.

5 (5) After the adoption of ~~such~~ A resolution UNDER SUBSEC-  
6 TION (1) SUBMITTING A QUESTION TO A VOTE OF THE ELECTORS, neither  
7 the sufficiency nor legality of the petition ~~on which it is~~  
8 ~~based~~ UNDER SECTION 6 may be questioned in any proceeding.

9 Sec. 11. (1) ~~When~~ IF the territory to be affected by  
10 ~~any~~ A proposed incorporation, consolidation, or change OF  
11 BOUNDARIES is situated in more than 1 county, the petition  
12 ~~hereinbefore provided~~ UNDER SECTION 6 shall be addressed and  
13 presented to the secretary of state. ~~, with~~ THE PETITION SHALL  
14 BE ACCOMPANIED BY 1 or more affidavits ~~attached thereto sworn~~  
15 ~~to~~ by 1 or more of the signers of ~~said~~ THE petition ~~, show-~~  
16 ing ~~that~~ ALL OF THE FOLLOWING:

17 (A) THAT the statements contained in ~~said~~ THE petition are  
18 true. ~~, that~~

19 (B) THAT each signature affixed ~~thereto~~ TO THE PETITION is  
20 the ~~genuine~~ ACTUAL signature of a qualified elector residing in  
21 a city, village, or township to be affected by the carrying out  
22 of the purposes of the petition. ~~and that~~

23 (C) THAT not less than 25 of ~~such~~ THE PETITION signers  
24 reside in each city, village, or township to be affected.  
25 ~~thereby.~~

26 (2) The secretary of state shall examine ~~such~~ THE petition  
27 and the ACCOMPANYING affidavit or affidavits. ~~annexed, and if he~~

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1 ~~shall find that the same conforms to the provisions~~ IF THE  
2 SECRETARY OF STATE FINDS THAT THE PETITION AND ACCOMPANYING AFFI-  
3 DAVIT OR AFFIDAVITS COMPLY WITH THE REQUIREMENTS of this act, he  
4 OR SHE shall so certify ~~—~~ and SHALL transmit THE CERTIFICATE  
5 AND a certified copy of ~~said~~ THE petition and the accompanying  
6 affidavit or affidavits to the clerk of each city, village, or  
7 township to be affected by the ~~carrying out of the purposes of~~  
8 ~~such petition~~ PROPOSAL, together with ~~his certificate as above~~  
9 ~~provided, and~~ a notice directing that ~~at the next general elec-~~  
10 ~~tion occurring not less than 40 days thereafter~~ the question of  
11 making the incorporation, consolidation, or change of boundaries  
12 petitioned for ~~—~~ shall be submitted to the electors of the dis-  
13 trict to be affected. ~~—, and if no general election is to be held~~  
14 ~~within 90 days the resolution may fix a date preceding the next~~  
15 ~~general election for a special election on the question. If he~~  
16 ~~shall find that said~~ THE NOTICE SHALL PROVIDE THAT THE QUESTION  
17 SHALL BE SUBMITTED AT THE NEXT GENERAL ELECTION OR AT AN ELECTION  
18 PRECEDING THE NEXT GENERAL ELECTION. HOWEVER, THE QUESTION SHALL  
19 NOT BE SUBMITTED AT AN ELECTION TO BE HELD LESS THAN 60 DAYS  
20 AFTER THE DATE OF TRANSMITTAL OF THE CERTIFICATE.

21 (3) IF THE SECRETARY OF STATE FINDS THAT THE petition and  
22 the ACCOMPANYING affidavit or affidavits ~~annexed thereto~~ do not  
23 ~~conform to the provisions~~ COMPLY WITH THE REQUIREMENTS of this  
24 act, he OR SHE shall certify to that fact ~~—~~ and SHALL return  
25 ~~said~~ THE petition and affidavits to the person from whom they  
26 were received, ~~together~~ ALONG with ~~such~~ THE certificate.

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1 (4) The ~~several~~ city, village, and township clerks who  
2 ~~shall~~ receive from the secretary of state the copies and  
3 certificates ~~above~~ provided for IN SUBSECTION (2) shall give  
4 notice of the election to be held on the question of making the  
5 proposed incorporation, consolidation, or change of boundaries as  
6 provided for in section 10. ~~of this act.~~

7 Sec. 21. (1) ~~Any~~ AN AMENDMENT TO AN existing city  
8 charter, whether ~~passed~~ THE CHARTER WAS ADOPTED pursuant to  
9 ~~the provisions of~~ this act or ~~heretofore~~ FORMERLY granted or  
10 passed by the legislature for the government of a city, ~~may from~~  
11 ~~time to time be amended in the manner following: An amendment~~  
12 may be proposed by the legislative body of a city on a 3/5 vote  
13 of the members-elect or by an initiatory petition. ~~as herein~~  
14 ~~provided, and in case the same~~ IF THE AMENDMENT is proposed by  
15 the legislative body of the city, ~~then the same~~ THE AMENDMENT  
16 shall be submitted to the electors of ~~such~~ THE city at the next  
17 regular municipal or general state election, or AT A special  
18 election, ~~to be held in such city~~ HELD not less than 60 days  
19 after the proposal of ~~such~~ THE amendment. ~~, and in case~~ IF  
20 the amendment is proposed by an initiatory petition, ~~as herein~~  
21 ~~provided, then the same~~ THE AMENDMENT shall be submitted to the  
22 electors of ~~such city as herein provided~~ THE CITY at the next  
23 regular municipal or general state election held in ~~such~~ THE  
24 city ~~which shall occur~~ not less than 90 days ~~following~~ AFTER  
25 the filing of ~~such petitions~~ THE PETITION.

26 (2) Proposed charter amendments and other questions to be  
27 submitted to the electors shall be published in full with

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1 existing charter provisions which would be altered or abrogated  
2 thereby. The purpose of ~~any such~~ THE proposed charter amend-  
3 ment or question shall be designated on the ~~ballots~~ BALLOT in  
4 not more than 100 words, exclusive of caption, which shall con-  
5 sist of a true and impartial statement of the purpose of the  
6 amendment or question in ~~such~~ language ~~as shall~~ THAT DOES NOT  
7 create ~~no~~ prejudice for or against ~~such~~ THE amendment or  
8 question. ~~, and the~~ THE text of ~~such~~ THE statement shall be  
9 submitted to the attorney general for approval as to compliance  
10 with this requirement before being printed. ~~∴ Provided, That~~  
11 IN ADDITION, the proposed charter amendment in full shall be  
12 posted in a conspicuous place in each polling place. The form in  
13 which any proposed charter amendment or question shall appear on  
14 the ballot, unless provided for in the initiatory petition, shall  
15 be determined by resolution of the legislative body, and when  
16 provided for by the initiatory petition, the legislative body may  
17 add ~~such~~ AN explanatory caption. ~~as shall be deemed~~  
18 ~~advisable. Any proposed~~

19 (3) A PROPOSED CHARTER amendment shall be confined to 1  
20 subject. ~~and in case a subject should embrace~~ IF THE SUBJECT OF  
21 A CHARTER AMENDMENT INCLUDES more than 1 related proposition,  
22 each proposition shall be separately stated to afford an opportu-  
23 nity for an elector to vote for or against each such proposition.  
24 ~~∴ Provided, That~~ IF a proposed charter amendment ~~failing of~~  
25 ~~adoption at any election~~ IS REJECTED AT AN ELECTION, THE  
26 AMENDMENT shall not be resubmitted for a period of 2 years. ~~→~~  
27 ~~Provided further, That in any city in which a city election is~~

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1 ~~held in April, the legislative body thereof may amend the charter~~  
2 ~~of said city by resolution so as to provide that there shall be~~  
3 ~~nominated on the third Monday in February preceding any April~~  
4 ~~election, by direct vote of the registered and qualified voters~~  
5 ~~within such city, candidates for ward and city offices to be~~  
6 ~~voted for at the next April election: Provided further, That~~  
7 ~~any~~

8 (4) A city charter ~~heretofore~~ FORMERLY granted by A DIF-  
9 FERENT ACT OF the state legislature, ~~not pursuant to the provi-~~  
10 ~~sions of this act,~~ including ~~charters of cities~~ THE CHARTER OF  
11 A CITY of the fourth class, ~~amended as herein provided, by~~  
12 ~~adopting or coming~~ THAT ADOPTS OR COMES under any part of this  
13 act by amendment UNDER THIS SECTION, and not by general revision,  
14 adoption, or incorporation under this act, may again be amended  
15 ~~hereunder~~ UNDER THIS SECTION, as to ~~such~~ THE part or parts  
16 ~~so~~ THAT ARE amended, by re-enacting ~~hereunder,~~ UNDER THIS  
17 SECTION that part or parts of the original act of incorporation  
18 ~~which~~ THAT existed before any amendment was made ~~hereunder,~~  
19 ~~and such~~ UNDER THIS ACT. THE part or parts of the original act  
20 of incorporation ~~so~~ THAT ARE re-enacted shall not be  
21 ~~considered or~~ construed as operating or coming under the provi-  
22 sions of this act in any manner, it being the intention to permit  
23 a city ~~operating under such a charter~~ DESCRIBED IN THIS  
24 SUBSECTION, to adopt by amendment any part of the provisions of  
25 this act permissible ~~and thereafter~~ OR to withdraw from the  
26 provisions of this act.

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1 (5) Propositions and questions shall be proposed, initiated,  
2 submitted and canvassed in a manner similar to that provided for  
3 charter amendments.

4 Sec. 25. (1) An initiatory petition authorized by this act  
5 shall be addressed to and filed with the city clerk. The peti-  
6 tion shall state what body, ~~or~~ organization, ~~if any, or if no~~  
7 ~~body or organization, then what persons are~~ OR PERSON IS primar-  
8 ily interested in and responsible for the circulation of the  
9 petition and the securing of the amendment. Each sheet of the  
10 petition shall be verified by the affidavit of the person who  
11 obtained the signatures to the petition. ~~and~~ THE PETITION shall  
12 be signed by at least 5% of ~~those persons residing in~~ THE  
13 QUALIFIED and registered ~~to vote in~~ ELECTORS OF the  
14 municipality. ~~, the charter of which is to be amended, as of the~~  
15 ~~date when they signed the petition.~~ Each signer of the petition  
16 shall ~~inscribe upon it~~ ALSO WRITE, immediately after his or her  
17 signature, the date of signing and his or her street address.  
18 ~~Any signatures~~ A SIGNATURE obtained more than 1 year before the  
19 filing of the petition with the city clerk shall not be counted.  
20 THE PETITION IS SUBJECT TO THE REQUIREMENTS OF SECTION 25A.

21 ~~(2) The verification shall state that the petition was cir-~~  
22 ~~culated at the request of and pursuant to the directions of the~~  
23 ~~association, organization, or persons desiring the amendment and~~  
24 ~~shall also state that the signatures were obtained by the person~~  
25 ~~verifying the petition; that the signatures are the signatures of~~  
26 ~~the persons purporting to sign the same and that each of them~~  
27 ~~signed in his or her presence; and that the person verifying the~~

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1 ~~petition has good reason to believe and verily does believe that~~  
2 ~~the signers of the petition are duly registered electors of the~~  
3 ~~municipality and are the identical persons their signatures pur-~~  
4 ~~port them to be.~~

5 (2) ~~-(3)-~~ Any person who ~~shall wilfully affix~~ WILLFULLY  
6 AFFIXES another's signature, or ~~subscribe and swear~~ SUBSCRIBES  
7 AND SWEARS to a verification THAT IS false in any material  
8 particular, is guilty of perjury. ~~;/ and any~~ A person who ~~shall~~  
9 ~~take~~ TAKES the oath of another to the petition not knowing him  
10 or her to be the ~~identical~~ SAME person he or she represents  
11 himself or herself to be or knowing that the petition or any part  
12 ~~thereof~~ OF IT is false or fraudulent in any material particu-  
13 lar, or who ~~shall~~ falsely ~~represent~~ REPRESENTS that the pro-  
14 posed amendment is proposed by ~~parties~~ PERSONS other than the  
15 true sponsors, is guilty of a felony and ~~shall be~~ IS liable  
16 ~~to~~ FOR the same punishment as provided for perjury.

17 (3) ~~-(4)-~~ Upon receipt of the petition, the city clerk shall  
18 canvass it to ascertain if it ~~has been~~ IS signed by the requi-  
19 site number of registered electors. For the purpose of determin-  
20 ing the validity of the petition, the city clerk may ~~cause~~  
21 CHECK any doubtful signatures ~~to be checked~~ against the regis-  
22 tration records of the city. Within 45 days from the date of the  
23 filing of the petition, the city clerk shall certify the suffi-  
24 ciency or insufficiency ~~thereof~~ OF THE PETITION. If the peti-  
25 tion contains the requisite number of signatures of registered  
26 electors, the clerk shall ~~cause~~ SUBMIT the proposed amendment  
27 ~~to be submitted~~ to the electors of the city at the next regular

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1 municipal or general state election held in the city which shall  
2 occur not less than 90 days following the filing of the  
3 petition.

4 (4) ~~(5) When~~ IF the petition ~~shall contain~~ CONTAINS the  
5 ~~number of~~ signatures ~~equal to or in excess~~ of 20% ~~of those~~  
6 OR MORE OF THE persons residing in and registered to vote in the  
7 city as of the date when they signed it, and ~~when~~ the petition  
8 ~~shall request that~~ REQUESTS SUBMISSION OF the proposal  
9 ~~petitioned for shall be submitted~~ at a special election, ~~to be~~  
10 ~~called for the purpose of submitting the same,~~ the city clerk,  
11 within 90 days ~~of~~ AFTER the date of the filing of the petition,  
12 shall call a special election to be held ~~not less than 120 days~~  
13 ~~nor more than 130 days after the date of filing the petition~~  
14 ~~unless a primary or regular election shall occur or a special~~  
15 ~~election shall have been or shall be called for other purposes to~~  
16 ~~be held within 150 days after the date of the filing of the~~  
17 ~~petition. In that event the proposal shall be submitted at such~~  
18 ~~primary, regular, or special election and a special election~~  
19 ~~shall not be so called~~ ON THE NEXT REGULAR ELECTION DATE THAT IS  
20 NOT LESS THAN 120 DAYS AFTER THE PETITION WAS FILED. Other pro-  
21 posals, whether initiated by a 5% petition or proposed by the  
22 legislative body within the times within this act provided, may  
23 be submitted at ~~such special~~ THAT election. A proposal submit-  
24 ted to the electors by the initiative and receiving an affirma-  
25 tive majority of the votes cast ~~thereon~~ ON THE PROPOSAL shall  
26 not be held unconstitutional, invalid, or void on account of the

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1 insufficiency of the petition by which ~~submission of the same~~  
2 PROPOSAL was ~~procured~~ SUBMITTED.

3 (5) ~~(6)~~ Except as provided by subsection ~~(7)~~ (6), any  
4 proposal ~~contemplating~~ ADOPTED BY THE ELECTORS THAT  
5 CONTEMPLATES increased expenditure of funds by the municipality  
6 shall become effective ~~, if adopted by the electors,~~ only at  
7 the beginning of that fiscal year of the municipality commencing  
8 not earlier than 60 days following the election at which the pro-  
9 posal was approved by the electors.

10 (6) ~~(7)~~ If a proposal which increases the city's ad  
11 valorem property tax limitation applies, by its terms, for a spe-  
12 cific year or period commencing before the date the proposal  
13 would otherwise take effect under subsection ~~(6)~~ (5), the pro-  
14 posal shall be effective both from the date it is approved by the  
15 electors and retroactively for the year or period specified in  
16 the proposal. Notwithstanding any charter provision to the con-  
17 trary, if a proposal is approved by the electors and given effect  
18 under this subsection after the city has levied its ad valorem  
19 property tax levy for the fiscal year and if the adopted proposal  
20 authorizes the levy of a millage rate for the fiscal year during  
21 which the proposal was approved in excess of the rate the city  
22 was authorized to levy before adoption of the proposal, the city  
23 may levy an additional tax. ~~to~~ THE ADDITIONAL TAX SHALL be col-  
24 lected either by a supplementary billing by the city or at the  
25 same time and in the same manner the county's ad valorem property  
26 tax levy is collected.

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18

1       (7) ~~(8) Any~~ A person aggrieved by ~~any~~ AN action, or  
2 failure of action, of the city clerk may bring an action against  
3 the clerk in the circuit court for writ of mandamus or for other  
4 appropriate relief.

5       Sec. 26. (1) All elections held ~~hereunder~~ UNDER THIS ACT  
6 shall be paid for by the locality where held. ~~, and except as~~  
7 ~~now~~ EXCEPT AS otherwise provided by law or ordinance, ~~shall~~  
8 ~~receive such~~ THE LEGISLATIVE BODY OF THE CITY SHALL DETERMINE  
9 THE publication and notice ~~as the legislative body may deter-~~  
10 ~~mine, and shall be arranged for, held and conducted by the same~~  
11 ~~officers and in the same manner as near as may be as general~~  
12 ~~biennial fall elections~~ OF THE ELECTION.

13       (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR ANY  
14 CHARTER PROVISION, AN ELECTION UNDER THIS ACT IS SUBJECT TO  
15 SECTION 641 OF THE MICHIGAN ELECTION LAW, 1954 PA 116,  
16 MCL 168.641.

17       Sec. 29. (1) The district court, a municipal court, or the  
18 circuit court, as provided by law, may hear, try, and determine  
19 actions and prosecutions for the recovery and enforcing of fines,  
20 penalties, and forfeitures imposed by the charter and ordinances  
21 of the city, and sanction offenders for the violation of the  
22 charter and ordinances, as is prescribed and directed in the  
23 charter or ordinances.

24       (2) A CITY WITH A POPULATION OF MORE THAN 750,000 MAY ESTAB-  
25 LISH AN ADMINISTRATIVE HEARINGS BUREAU TO HEAR AND TRY, AND TO  
26 MAKE A DETERMINATION REGARDING, A MUNICIPAL CIVIL INFRACTION, AS

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1 PROVIDED BY LAW, FOR A VIOLATION OF THE CHARTER OR AN ORDINANCE,  
2 AS IS PRESCRIBED AND DIRECTED IN THE CHARTER OR ORDINANCE [AND TO  
3 COLLECT AND RETAIN CIVIL FINES AND COSTS PURSUANT TO A SCHEDULE FOR  
4 VIOLATIONS. THE EXPENSE OF OPERATING AN ADMINISTRATIVE HEARINGS  
5 BUREAU SHALL BE BORNE BY THE CITY ESTABLISHING THE BUREAU.

6 (3) A MUNICIPALITY THAT ESTABLISHES AN ADMINISTRATIVE HEARINGS  
7 BUREAU UNDER THIS SECTION SHALL ESTABLISH BY ORDINANCE THE  
8 JURISDICTION OF THE BUREAU, ADMINISTRATIVELY, FOR MAKING MUNICIPAL CIVIL  
9 INFRACTION DETERMINATIONS. THE ORDINANCE ESTABLISHING THE BUREAU SHALL  
10 PROVIDE FOR ADJUDICATORY HEARINGS BY HEARINGS OFFICERS. THE AUTHORITY  
AND DUTIES OF A HEARINGS OFFICER SHALL INCLUDE ALL OF THE FOLLOWING:

(A) HEARING TESTIMONY AND ACCEPTING EVIDENCE THAT IS RELEVANT TO THE  
EXISTENCE OF THE CODE VIOLATION.

(B) ISSUING SUBPOENAS DIRECTING WITNESSES TO APPEAR AND GIVE  
RELEVANT TESTIMONY AT THE HEARING, UPON THE REQUEST OF THE PARTIES OR  
THEIR REPRESENTATIVES.

(C) PRESERVING AND AUTHENTICATING THE RECORD OF THE HEARING AND ALL  
EXHIBITS AND EVIDENCE INTRODUCED AT THE HEARING.

(D) ISSUING A DETERMINATION, BASED ON THE EVIDENCE PRESENTED AT THE  
HEARING, OF WHETHER A CODE VIOLATION EXISTS. THE DETERMINATION SHALL BE  
IN WRITING AND SHALL INCLUDE WRITTEN FINDINGS OF FACT, A DECISION, AND AN  
ORDER. A DECISION AND AN ORDER SHALL NOT BE MADE EXCEPT UPON  
CONSIDERATION OF THE RECORD AS A WHOLE OR A PORTION OF THE RECORD AS MAY  
BE CITED BY ANY PARTY TO THE PROCEEDING AND AS SUPPORTED BY AND IN  
ACCORDANCE WITH THE COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE. THE  
DECISION AND ORDER SHALL INCLUDE THE FINE, PENALTY, OR ACTION WITH WHICH  
THE DEFENDANT MUST COMPLY.

(E) IMPOSING PENALTIES CONSISTENT WITH APPLICABLE CODE PROVISIONS  
AND ASSESSING COSTS UPON FINDING THE DEFENDANT RESPONSIBLE FOR THE  
ALLEGED VIOLATION, EXCEPT, HOWEVER, THAT THE HEARINGS OFFICER DOES NOT  
HAVE AUTHORITY TO IMPOSE A PENALTY OF INCARCERATION, OR IMPOSE A CIVIL  
FINE IN EXCESS OF \$50,000.00. THE MAXIMUM MONETARY FINE UNDER THIS  
SUBDIVISION EXCLUDES COSTS OF ENFORCEMENT OR COSTS IMPOSED TO SECURE  
COMPLIANCE WITH THE MUNICIPALITY'S ORDINANCES AND IS NOT APPLICABLE TO  
CASES TO ENFORCE THE COLLECTION OF ANY TAX IMPOSED AND COLLECTED BY THE  
MUNICIPALITY.

(4) BEFORE CONDUCTING ADMINISTRATIVE ADJUDICATION PROCEEDINGS,  
ADMINISTRATIVE HEARINGS OFFICERS SHALL HAVE SUCCESSFULLY COMPLETED A  
FORMAL TRAINING PROGRAM WHICH INCLUDES ALL OF THE FOLLOWING:

(A) INSTRUCTION ON THE RULES OF PROCEDURE OF THE ADMINISTRATIVE  
HEARINGS WHICH THEY WILL CONDUCT.

(B) ORIENTATION TO EACH SUBJECT AREA OF THE CODE VIOLATIONS THAT  
THEY WILL ADJUDICATE.

(C) OBSERVATION OF ADMINISTRATIVE HEARINGS.

(D) PARTICIPATION IN HYPOTHETICAL CASES, INCLUDING RULING ON  
EVIDENCE AND ISSUING FINAL ORDERS.

(5) IN ADDITION, EVERY ADMINISTRATIVE HEARINGS OFFICER MUST BE AN  
ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF MICHIGAN FOR AT LEAST 5  
YEARS.

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(6) PARTIES SHALL BE PROVIDED WITH THE OPPORTUNITY FOR A HEARING DURING WHICH THEY MAY BE REPRESENTED BY COUNSEL, PRESENT WITNESSES, AND

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CROSS-EXAMINE OPPOSING WITNESSES. PARTIES MAY REQUEST THE HEARINGS OFFICER TO ISSUE SUBPOENAS TO DIRECT THE ATTENDANCE AND TESTIMONY OF RELEVANT WITNESSES AND THE PRODUCTION OF RELEVANT DOCUMENTS. HEARINGS SHALL BE SCHEDULED WITH REASONABLE PROMPTNESS, PROVIDED THAT FOR HEARINGS SCHEDULED IN ALL NONEMERGENCY SITUATIONS, IF REQUESTED BY THE DEFENDANT, THE DEFENDANT SHALL HAVE AT LEAST 14 DAYS AFTER SERVICE OF PROCESS TO PREPARE FOR A HEARING. FOR PURPOSES OF THIS SUBSECTION, "NONEMERGENCY SITUATION" MEANS ANY SITUATION THAT DOES NOT REASONABLY CONSTITUTE A THREAT TO THE PUBLIC INTEREST, SAFETY, OR WELFARE. IF SERVICE IS PROVIDED BY MAIL, THE 14-DAY PERIOD BEGINS TO RUN ON THE DAY THAT THE NOTICE IS DEPOSITED IN THE MAIL.

(7) THE FORMAL AND TECHNICAL RULES OF EVIDENCE DO NOT APPLY IN AN ADMINISTRATIVE HEARING PERMITTED UNDER THIS SECTION. EVIDENCE, INCLUDING HEARSAY, MAY BE ADMITTED ONLY IF IT IS OF A TYPE COMMONLY RELIED UPON BY REASONABLY PRUDENT PERSONS IN THE CONDUCT OF THEIR AFFAIRS.

(8) ANY FINAL DECISION BY A HEARINGS OFFICER UNDER THIS CHAPTER THAT A CODE VIOLATION DOES OR DOES NOT EXIST CONSTITUTES A FINAL DECISION AND ORDER FOR PURPOSES OF JUDICIAL REVIEW, AND MAY BE ENFORCED IN THE SAME MANNER AS A JUDGMENT ENTERED BY A COURT OF COMPETENT JURISDICTION. AN APPEAL OF A FINAL DECISION AND ORDER OF AN ADMINISTRATIVE HEARINGS OFFICER IS TO THE DISTRICT COURT, UNLESS APPELLATE REVIEW IS OTHERWISE PROVIDED FOR IN THIS ACT. AN APPEAL TO DISTRICT COURT SHALL BE A REVIEW BY THE COURT OF THE CERTIFIED RECORD PROVIDED BY THE ADMINISTRATIVE HEARINGS BUREAU. THE SCOPE OF REVIEW SHALL BE WHETHER THE HEARINGS OFFICER'S DECISION AND ORDER IS SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.]