

REPRINT
SUBSTITUTE FOR
SENATE BILL NO. 974

(As passed the Senate February 28, 2002)

A bill to amend 1939 PA 342, entitled
"County public improvement act of 1939,"
by amending sections 5a and 5c (MCL 46.175a and 46.175c), section
5c as amended by 1983 PA 183.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. As an additional or alternative method of acquir-
2 ing and constructing any of the improvements or facilities autho-
3 rized by this act, the county, acting through its county agency,
4 and any unit of government may enter into contracts providing for
5 the acquisition, construction, and financing of improvements or
6 facilities in the manner ~~herein~~ authorized IN THIS ACT. The
7 contracts shall provide for the allocation and payment of the
8 share of the total cost ~~thereof~~ to be borne by each unit of
9 government in annual installments for a period of not exceeding
10 40 years, and each contracting unit of government is authorized

SB0974, As Passed House, April 17, 2002

Senate Bill No. 974

2

1 to pledge its full faith and credit for the payment of the
2 obligation in the manner and times specified in the contracts. A
3 CONTRACT DESCRIBED IN THIS SECTION IS NOT SUBJECT TO THE REVISED
4 MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2101 TO 141.2821. For
5 the purpose of making payment of its pledged share of the cost of
6 ~~such~~ THE improvements or facilities, any contracting unit of
7 government may use any, or all, or any combination of the follow-
8 ing methods of raising funds: ~~necessary therefor~~

9 (a) The levy of a tax on taxable property by a unit of gov-
10 ernment having the power to tax, which tax may be imposed without
11 limitation as to rate or amount and in addition to any taxes that
12 the unit of government may be authorized to levy but not more
13 than the rate or amount sufficient ~~therefor~~ FOR THOSE
14 PURPOSES.

15 (b) The levy of special assessments on property benefited by
16 ~~such~~ THE improvements, the procedures relative to the making
17 and collection of ~~such~~ THE special assessments to conform as
18 near as may be to applicable charter or statutory provisions.
19 ~~therefor~~

20 (c) The levy and collection of rates or charges to users and
21 beneficiaries of the service furnished by the improvement.

22 (d) From ~~moneys~~ MONEY received or to be received derived
23 from the imposition of taxes by ~~the~~ THIS state, except as the
24 use of the money for ~~such~~ THAT purpose is expressly prohibited
25 by the state constitution OF 1963.

26 (e) From any other funds ~~which~~ THAT may be validly used
27 for ~~such~~ THAT purpose. The contracts may provide for any and

SB0974, As Passed House, April 17, 2002

Senate Bill No. 974

3

1 all matters relating to the acquisition, construction, and
2 financing of the improvements or facilities as are ~~deemed~~
3 CONSIDERED necessary, including the authority to the county
4 agency to issue bonds secured by the full faith and credit con-
5 tractual pledges of the contracting unit of government, as autho-
6 rized by section 5c. The contracts may provide for appropriate
7 remedies in case of default, including, but not limited to, the
8 right of the contracting unit of government to authorize the
9 state treasurer or other official charged with the disbursement
10 of unrestricted state funds returnable to the governmental units
11 ~~pursuant to~~ UNDER the ~~Michigan~~ STATE constitution OF 1963, to
12 withhold sufficient funds to make up any default or deficiency in
13 funds.

14 Sec. 5c. (1) For the purpose of obtaining funds for the
15 acquisition and construction of the improvements or facilities
16 authorized by this act, the county after the execution of the
17 contract or contracts authorized by sections 5a and 5b, upon res-
18 olution adopted by its county board of commissioners, may issue
19 its negotiable bonds secured by the full faith and credit pledges
20 made by each contracting unit of government pursuant to authori-
21 zation contained in this act and the contract or contracts
22 entered into pursuant to sections 5a and 5b. The bonds shall not
23 be delivered until the contract or contracts become effective as
24 provided in section 5b. The bonds shall be issued in the name of
25 the county and shall be executed in such manner as provided in
26 the resolution authorizing the bonds. ~~Bonds issued hereunder~~
27 ~~shall be negotiable instruments and shall be serial bonds payable~~

SB0974, As Passed House, April 17, 2002

Senate Bill No. 974

4

1 ~~annually, with the first maturity due not more than 5 years and~~
2 ~~the last maturity not more than 40 years from the date thereof.~~
3 ~~An annual maturity payable after 5 years from the date of the~~
4 ~~bonds shall not be less than 1/5 of the amount of any subsequent~~
5 ~~maturity on the same series of bonds. The bonds shall bear~~
6 ~~interest payable semiannually except that the first coupon may be~~
7 ~~for any number of months not exceeding 10.~~ BONDS ISSUED UNDER
8 THIS ACT SHALL MATURE IN A PERIOD NOT TO EXCEED 40 YEARS. The
9 bonds and coupons ~~shall be made payable in lawful money of the~~
10 ~~United States of America and~~ shall be exempt from all taxation
11 ~~whatsoever~~ by ~~the~~ THIS state or by any taxing authority
12 within ~~the~~ THIS state. ~~The county board of commissioners may~~
13 ~~authorize the county agency to sell any such bonds in accordance~~
14 ~~with the laws of the state at a price and bearing interest at a~~
15 ~~rate not more than the maximum permitted by the municipal finance~~
16 ~~act, Act No. 202 of the Public Acts of 1943, as amended, being~~
17 ~~sections 131.1 to 139.3 of the Michigan Compiled Laws. The bonds~~
18 ~~may be sold at a discount not to exceed 10% of the principal~~
19 ~~amount thereof. Any contract or contracts entered into pursuant~~
20 ~~to sections 5a and 5b may provide that interest on the bonds to~~
21 ~~be issued shall be paid from the proceeds of sale of the bonds~~
22 ~~for a period not exceeding the estimated construction period and~~
23 ~~1 year thereafter in which event the resolution adopted by the~~
24 ~~county board of commissioners may provide for the payment of the~~
25 ~~interest from the proceeds of sale of the bonds and the resolu-~~
26 ~~tion shall specify the interest payments which are to be paid~~
27 ~~from the proceeds of sale of the bonds. The bonds shall not~~

SB0974, As Passed House, April 17, 2002

Senate Bill No. 974

5

1 pledge the full faith and credit of the issuing county except as
2 ~~hereinafter~~ OTHERWISE provided IN THIS SECTION. As additional
3 security for the payment of the principal of and interest on any
4 bonds issued under ~~the provisions of~~ this section, any issuing
5 county may, upon proper resolution adopted by a majority vote of
6 the members-elect of its county board of commissioners, pledge
7 the full faith and credit of the county for the prompt payment of
8 the principal of and interest on ~~such~~ THE bonds. ~~and, if nec-~~
9 ~~essary, may impose taxes without limitation as to rate or amount~~
10 ~~and in addition to any other taxes the county may be authorized~~
11 ~~to levy for the payment of such principal and interest and in~~
12 ~~addition to any taxes that the unit of government may be autho-~~
13 ~~rized to levy but not more than the rate or amount sufficient~~
14 ~~therefor.~~ In the event the county is required to advance any
15 money by reason of ~~such~~ A pledge on account of the delinquency
16 of any contracting unit of government and if PROVIDED IN the
17 contract, ~~shall so provide,~~ the county treasurer shall notify
18 the state treasurer to deduct the amount of money ~~so~~ advanced
19 by the county from any unrestricted ~~moneys~~ MONEY in the state
20 treasurer's possession belonging to the unit of government and to
21 pay ~~such~~ THE amount to the county. The ~~moneys~~ MONEY shall be
22 paid into the general fund of the county. The right of deduction
23 to receive payment from the state treasurer given to the county
24 by this statute shall not operate to limit the county's right to
25 pursue any other legal remedies for the reimbursement of ~~moneys~~
26 MONEY advanced ~~hereunder~~ UNDER THIS SECTION. The board of
27 commissioners of any county ~~which~~ THAT has advanced any money

SB0974, As Passed House, April 17, 2002

Senate Bill No. 974

6

1 and ~~which~~ THAT has not been reimbursed ~~therefor~~ may order a
2 unit of government having taxing power and its officers to levy
3 upon its next tax roll an amount sufficient to make the reim-
4 bursement on or before the date when its taxes become delinquent
5 and the unit of government and its tax levying and collecting
6 officials shall levy and collect ~~such~~ THE taxes and reimburse
7 the county. The resolution authorizing the issuance of the bonds
8 shall ~~have embodied therein~~ CONTAIN the terms of the contract
9 or contracts authorized by sections 5a and 5b. Sections 5a, 5b,
10 and 5c shall be construed as an additional and alternative method
11 for the acquisition, construction, and financing of the improve-
12 ments or facilities contemplated by this act, and shall not
13 affect the other provisions of this act relating ~~thereto~~ TO THE
14 ACQUISITION, CONSTRUCTION, OR FINANCING OF IMPROVEMENTS OR
15 FACILITIES. Any improvements and facilities contemplated by this
16 act may be acquired, constructed, and financed in part under the
17 provisions of sections 5a, 5b, and 5c and in part under other
18 sections of this act. This act shall not validate any drain
19 orders or bonds issued prior to April 30, 1954.

20 ~~(2) Unless an exception from prior approval is available~~
21 ~~pursuant to subsection (3), bonds shall not be issued under this~~
22 ~~section until the municipal finance commission or its successor~~
23 ~~agency approves the issuance of same and in determining whether a~~
24 ~~proposed issue of bonds shall be approved, the municipal finance~~
25 ~~commission or its successor agency shall take into consideration~~
26 ~~whether the bonds conform to the provisions of this act.~~

SB0974, As Passed House, April 17, 2002

Senate Bill No. 974

7

1 (2) ~~-(3) The requirement of subsection (2) for obtaining the~~
2 ~~prior approval of the municipal finance commission or its~~
3 ~~successor agency before issuing bonds under this section shall be~~
4 ~~subject to sections 10 and 11 of chapter III of Act No. 202 of~~
5 ~~the Public Acts of 1943, being sections 133.10 and 133.11 of the~~
6 ~~Michigan Compiled Laws, and the department of treasury shall have~~
7 ~~the same authority as provided by section 11 of chapter III of~~
8 ~~Act No. 202 of the Public Acts of 1943 to issue an order provid-~~
9 ~~ing or denying an exception from the prior approval required by~~
10 ~~subsection (2) for bonds authorized by this act.~~ BONDS ISSUED
11 UNDER THIS ACT ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT,
12 2001 PA 34, MCL 141.2101 TO 141.2821.