

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4825

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

**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 executive  
4 officer of the city, and of a body vested with legislative power,  
5 and for the election or appointment of a clerk, a treasurer, an  
6 assessor or board of assessors, a board of review, and other  
7 officers considered necessary. The city charter may provide for  
8 the selection of the mayor by the legislative body. Elections

1 may be by a partisan, nonpartisan, or preferential ballot, or by  
2 any other legal method of voting. Notwithstanding ~~any other~~  
3 **another** law or charter provision to the contrary, a city having a  
4 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  
15 purpose of approving or disapproving the ordinance.

16 (b) The nomination of elective officers by partisan or  
17 nonpartisan 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**  
20 **applicable requirements of law.**

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

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

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

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

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

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

27 (i) The levy, collection, and return of state, county, and

1 school taxes in conformance with the general laws of this state,  
2 except that the preparation of the assessment roll, the meeting  
3 of the board of review, and the confirmation of the assessment  
4 roll may be at the times provided in the city charter.

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

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

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

1 than 93 days.

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

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

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

12 Sec. 8. (1) ~~Said petition~~ **Subject to subsections (2) and**  
 13 **(3), a petition filed under section 6** shall be addressed to the  
 14 **county** board of ~~supervisors~~ **commissioners** of the county in  
 15 which the territory to be affected by ~~such~~ **the** proposed  
 16 incorporation, consolidation, or change of boundaries is located,  
 17 and shall be filed with the clerk of ~~said board~~ **the county**  
 18 **board of commissioners** not less than 30 days before the convening  
 19 of ~~such~~ **the** board in regular session, or in any special session  
 20 called for the purpose of considering ~~said~~ **the** petition. ~~—and~~  
 21 ~~if, before final action thereon, it shall appear to said board or~~  
 22 ~~a majority thereof that said petition or the signing thereof does~~  
 23 ~~not conform to this act, or contains incorrect statements, no~~  
 24 ~~further proceedings pursuant to said petition shall be had, but,~~  
 25 ~~if it shall appear that said petition conforms in all respects to~~  
 26 ~~the provisions of this act, and that the statements contained~~  
 27 ~~therein are true, said board of supervisors~~ **The county board of**

1 commissioners shall by resolution determine whether the petition  
2 complies with the requirements of this act and whether the  
3 statements contained in the petition are correct. If a majority  
4 of the board determines that the petition does not comply with  
5 the requirements of this act or that the statements contained in  
6 the petition are not correct, the board shall not conduct further  
7 proceedings on the petition. Subject to subsection (4), if the  
8 board determines that the petition complies with the requirements  
9 of this act and that the statements contained in the petition are  
10 correct, the board shall, by resolution, provide that the  
11 question of making the proposed incorporation, consolidation, or  
12 change of boundaries ~~shall~~ be submitted to the qualified  
13 electors of the district to be affected at the next general  
14 election ~~, occurring in not less than 40 days after the adoption~~  
15 ~~of such resolution, and if no general election is to occur within~~  
16 ~~90 days, said resolution may fix a date preceding said general~~  
17 ~~election for a special election on such question: Provided,~~  
18 ~~however, That whenever~~ or at a special election before the next  
19 general election. The question shall not be submitted at an  
20 election to be held less than 60 days after the adoption of the  
21 resolution.

22 (2) If it is proposed to incorporate an incorporated village  
23 as a city without change of boundaries, ~~the~~ both of the  
24 following apply:

25 (a) The initiatory petition ~~herein~~ provided for under  
26 section 6 shall be addressed to the village council or other  
27 legislative body of ~~such~~ the village and shall be filed with

1 the village clerk at least 30 days before final action is taken  
 2 ~~thereupon and in such case all acts and duties provided in this~~  
 3 ~~act to be performed by the board of supervisors shall be~~  
 4 ~~performed by the common council of such village and all acts and~~  
 5 ~~duties provided in this act to be performed by the clerk of the~~  
 6 ~~board of supervisors shall be performed by the village clerk.~~  
 7 ~~Provided further, That a~~ **on the petition.**

8 **(b) The powers and duties of the county board of**  
 9 **commissioners and county clerk under subsection (1) are assigned**  
 10 **to the village council and village clerk, respectively.**

11 **(3) A petition covering the same territory, or part thereof**  
 12 **of the same territory,** shall not be considered by the **county**  
 13 board of ~~supervisors oftener~~ **commissioners more often** than once  
 14 in every 2 years, unless ~~such~~ **the** petition ~~shall have been~~ **is**  
 15 signed by ~~a number~~ **not less than 35%** of taxpayers ~~assessed for~~  
 16 ~~real property taxes within the area proposed to be annexed~~ whose  
 17 names appear on the latest assessment rolls ~~therein~~ under the  
 18 requirements of the general property tax ~~, equal to 35% of the~~  
 19 ~~total number of names which appear on the assessment rolls~~  
 20 ~~prepared pursuant to said~~ **act, 1893 PA 206, MCL 211.1 to**  
 21 **211.157,** as being assessed for real property taxes within the  
 22 area proposed to be annexed. ~~, and it shall be the duty of the~~  
 23 **The** assessing officers who are charged with the duty of assessing  
 24 real property within the area proposed to be annexed ~~to~~ **shall**  
 25 report as of the date on which the petition is filed the total  
 26 number of names on ~~such~~ **the** rolls, within ~~such~~ **that** area, to  
 27 the clerk of the ~~board of supervisors~~ **county board of**

1 **commissioners** not more than 14 days after ~~said~~ **the** filing date.

2 ~~Provided, 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**  
6 **subsection (1) submitting a question to a vote of the electors,**  
7 neither the sufficiency nor legality of the petition ~~on which it~~  
8 ~~is 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 ~~,~~  
16 showing ~~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~~

1 ~~shall find that the same conforms to the provisions~~ **If the**  
2 **secretary of state finds that the petition and accompanying**  
3 **affidavit or affidavits comply with the requirements** of this act,  
4 he **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~~  
10 ~~election occurring not less than 40 days thereafter~~ the question  
11 of making the incorporation, consolidation, or change of  
12 boundaries petitioned for —, shall be submitted to the electors  
13 of the district to be affected. —, and ~~if no general election is~~  
14 ~~to be held within 90 days the resolution may fix a date preceding~~  
15 ~~the next general election for a special election on the~~  
16 ~~question.~~ ~~If he shall find that said~~ **The notice shall provide**  
17 **that the question shall be submitted at the next general election**  
18 **or at an election before the next general election. However, the**  
19 **question shall not be submitted at an election to be held less**  
20 **than 60 days after the date of transmittal of the certificate.**

21 (3) **If the secretary of state finds that the petition and the**  
22 **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.

27 (4) The ~~several~~ city, village, and township clerks who

1 ~~shall~~ receive from the secretary of state the copies and  
 2 certificates ~~above~~ provided for **in subsection (2)** shall give  
 3 notice of the election to be held on the question of making the  
 4 proposed incorporation, consolidation, or change of boundaries as  
 5 provided for in section 10. ~~of this act.~~

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

25       (2) Proposed charter amendments and other questions to be  
 26 submitted to the electors shall be published in full with  
 27 existing charter provisions ~~which~~ **that** would be altered or

1 abrogated ~~thereby~~ **by the proposed charter amendment or other**  
 2 **question.** The purpose of ~~any such~~ **the** proposed charter  
 3 amendment or question shall be designated on the ~~ballots~~ **ballot**  
 4 in not more than 100 words, exclusive of caption, ~~which~~ **that**  
 5 shall consist of a true and impartial statement of the purpose of  
 6 the amendment or question in ~~such~~ language ~~as shall~~ **that does**  
 7 **not** 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~~ **a** proposed charter amendment or question shall appear  
 14 on the ballot, unless provided for in the initiatory petition,  
 15 shall be determined by resolution of the legislative body, and  
 16 ~~when~~ **if** provided for by the initiatory petition, the  
 17 legislative body may add ~~such~~ **an** explanatory caption. ~~as shall~~  
 18 ~~be deemed 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  
 23 opportunity for an elector to vote for or against each ~~such~~  
 24 proposition. ~~;~~ ~~Provided, That~~ **If** a proposed charter amendment  
 25 ~~failing of adoption at any election~~ **is rejected at an election,**  
 26 **the amendment** shall not be resubmitted for a period of 2 years.  
 27 ~~;~~ ~~Provided further, That in any city in which a city election~~

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

8       (4) A city charter ~~heretofore~~ **formerly** granted by a  
 9 **different act** of the state legislature, ~~not pursuant to the~~  
 10 ~~provisions of this act,~~ including ~~charters of cities~~ **the**  
 11 **charter of a city** of the fourth class, ~~amended as herein~~  
 12 ~~provided, by adopting or coming~~ **that adopts or comes** under any  
 13 part of this act by amendment **under this section**, and not by  
 14 general revision, adoption, or incorporation under this act, may  
 15 again be amended ~~hereunder~~ **under this section**, as to ~~such~~ **the**  
 16 part or parts ~~so~~ **that are** amended, by re-enacting ~~hereunder,~~  
 17 **under this section** that part or parts of the original act of  
 18 incorporation ~~which~~ **that** existed before any amendment was made  
 19 ~~hereunder, and such~~ **under this act.** The part or parts of the  
 20 original act of incorporation ~~so~~ **that are** re-enacted shall not  
 21 be ~~considered or~~ construed as operating or coming under the  
 22 provisions of this act in any manner, it being the intention to  
 23 permit 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.

27       (5) Propositions and questions shall be proposed, initiated,

1 submitted and canvassed in a manner similar to that provided for  
2 charter amendments.

3       Sec. 25. (1) An initiatory petition authorized by this act  
4 shall be addressed to and filed with the city clerk. The  
5 petition shall state what body, ~~or~~ organization, ~~if any, or if~~  
6 ~~no body or organization, then what persons are~~ **or person is**  
7 primarily interested in and responsible for the circulation of  
8 the petition and the securing of the amendment. Each sheet of  
9 the petition shall be verified by the affidavit of the person who  
10 obtained the signatures to the petition. ~~and~~ **The petition** shall  
11 be signed by at least 5% of ~~those persons residing in the~~  
12 **qualified** and registered ~~to vote in~~ **electors of** the  
13 municipality. ~~, the charter of which is to be amended, as of the~~  
14 ~~date when they signed the petition.~~ Each signer of the petition  
15 shall ~~inscribe upon it~~ **also write**, immediately after his or her  
16 signature, the date of signing and his or her street address.  
17 ~~Any signatures~~ **A signature** obtained more than 1 year before the  
18 filing of the petition with the city clerk shall not be counted.  
19 **The petition is subject to the requirements of section 25a.**

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

1 ~~believe that the signers of the petition are duly registered~~  
2 ~~electors of the municipality and are the identical persons their~~  
3 ~~signatures purport them to be.~~

4       (2) ~~-(3)- Any~~ **A** person who ~~shall wilfully affix~~ **willfully**  
5 **affixes** another's signature, or ~~subscribe and swear~~ **subscribes**  
6 **and swears** to a verification **that is** false in any material  
7 particular, is guilty of perjury. ~~-, and any~~ **A** person who ~~shall~~  
8 ~~take~~ **takes** the oath of another to the petition not knowing him  
9 or her to be the ~~identical~~ **same** person he or she represents  
10 himself or herself to be or knowing that the petition or any part  
11 ~~thereof~~ **of it** is false or fraudulent in any material  
12 particular, or who ~~shall~~ falsely ~~represent~~ **represents** that  
13 the proposed amendment is proposed by ~~parties~~ **persons** other  
14 than the true sponsors, is guilty of a felony and ~~shall be~~ **is**  
15 liable ~~to~~ **for** the same punishment as provided for perjury.

16       (3) ~~-(4)-~~ Upon receipt of the petition, the city clerk shall  
17 canvass it to ascertain if it ~~has been~~ **is** signed by the  
18 requisite number of registered electors. For the purpose of  
19 determining the validity of the petition, the city clerk may  
20 ~~cause~~ **check** any doubtful signatures ~~to be checked~~ against the  
21 registration records of the city. Within 45 days from the date  
22 of the filing of the petition, the city clerk shall certify the  
23 sufficiency or insufficiency ~~thereof~~ **of the petition**. If the  
24 petition contains the requisite number of signatures of  
25 registered electors, the clerk shall ~~cause~~ **submit** the proposed  
26 amendment ~~to be submitted~~ to the electors of the city at the  
27 next regular municipal or general state election held in the city

1 which shall occur not less than 90 days following the filing of  
2 the petition.

3       (4) ~~(5) When~~ **If** the petition ~~shall contain~~ **contains** the  
4 ~~number of~~ signatures ~~equal to or in excess~~ of 20% ~~of those~~  
5 **or more of the** persons residing in and registered to vote in the  
6 city as of the date when they signed it, and ~~when~~ the petition  
7 ~~shall request that~~ **requests submission of** the proposal  
8 ~~petitioned for shall be submitted~~ at a special election, ~~to be~~  
9 ~~called for the purpose of submitting the same,~~ the city clerk,  
10 within 90 days ~~of~~ **after** the date of the filing of the petition,  
11 shall call a special election to be held ~~not less than 120 days~~  
12 ~~nor more than 130 days after the date of filing the petition~~  
13 ~~unless a primary or regular election shall occur or a special~~  
14 ~~election shall have been or shall be called for other purposes to~~  
15 ~~be held within 150 days after the date of the filing of the~~  
16 ~~petition. In that event the proposal shall be submitted at such~~  
17 ~~primary, regular, or special election and a special election~~  
18 ~~shall not be so called.~~ **on the next regular election date that**  
19 **is not less than 120 days after the petition was filed.** Other  
20 proposals, whether initiated by a 5% petition or proposed by the  
21 legislative body within the times within this act provided, may  
22 be submitted at ~~such special~~ **that** election. A proposal  
23 submitted to the electors by the initiative and receiving an  
24 affirmative majority of the votes cast ~~thereon~~ **on the proposal**  
25 shall not be held unconstitutional, invalid, or void on account  
26 of the insufficiency of the petition by which ~~submission of~~ the  
27 ~~same~~ **proposal** was ~~procured~~ **submitted.**

1           (5) ~~(6)~~ Except as provided by subsection ~~(7)~~ **(6)**, any  
2 proposal ~~contemplating~~ **adopted by the electors that**  
3 **contemplates** increased expenditure of funds by the municipality  
4 shall become effective ~~, if adopted by the electors,~~ only at  
5 the beginning of that fiscal year of the municipality commencing  
6 not earlier than 60 days following the election at which the  
7 proposal was approved by the electors.

8           (6) ~~(7)~~ If a proposal ~~which~~ **that** increases the city's ad  
9 valorem property tax limitation applies, by its terms, for a  
10 specific year or period commencing before the date the proposal  
11 would otherwise take effect under subsection ~~(6)~~ **(5)**, the  
12 proposal shall be effective both from the date it is approved by  
13 the electors and retroactively for the year or period specified  
14 in the proposal. Notwithstanding ~~any~~ **a** charter provision to  
15 the contrary, if a proposal is approved by the electors and given  
16 effect under this subsection after the city has levied its ad  
17 valorem property tax levy for the fiscal year and if the adopted  
18 proposal authorizes the levy of a millage rate for the fiscal  
19 year during which the proposal was approved in excess of the rate  
20 the city was authorized to levy before adoption of the proposal,  
21 the city may levy an additional tax. ~~to~~ **The additional tax**  
22 **shall** be collected either by a supplementary billing by the city  
23 or at the same time and in the same manner the county's ad  
24 valorem property tax levy is collected.

25           (7) ~~(8)~~ ~~Any~~ **A** person aggrieved by ~~any~~ **an** action, or  
26 failure of action, of the city clerk may bring an action against  
27 the clerk in the circuit court for writ of mandamus or for other

House Bill No. 4825 as amended December 17, 2003

1 appropriate relief.

2       Sec. 26. (1) All elections held ~~hereunder~~ **under this act**  
3 shall be paid for by the locality where held. ~~, and except as~~  
4 ~~now~~ **Except as** otherwise provided by law or ordinance, ~~shall~~  
5 ~~receive such~~ **the legislative body of the city shall determine**  
6 **the** publication and notice ~~as the legislative body may~~  
7 ~~determine, and shall be arranged for, held and conducted by the~~  
8 ~~same officers and in the same manner as near as may be as general~~  
9 ~~biennial fall elections~~ **of the election.**

10       (2) Notwithstanding another provision of this act or a  
11 charter provision, an election under this act is subject to  
12 section 641 of the Michigan election law, 1954 PA 116,  
13 MCL 168.641.

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21       Enacting section 1. This amendatory act takes effect  
22 January 1, 2005.

23       Enacting section 2. This amendatory act does not take  
24 effect unless all of the following bills of the 92nd Legislature  
25 are enacted into law:

26       (a) Senate Bill No. 877.

27       (b) House Bill No. 4820.

House Bill No. 4825 as amended December 11, 2003

1 (c) House Bill No. 4822.

2 (d) House Bill No. 4823.

3 (e) House Bill No. 4824.

4 (f) House Bill No. 4826.

5 (g) House Bill No. 4827.

6 (h) House Bill No. 4828.

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