

HOUSE BILL No. 4825

June 10, 2003, Introduced by Reps. Steil, Hummel, Farhat, Brandenburg, Garfield, Drolet, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Walker, Pastor, Stakoe, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville and referred to the Committee on Local Government and Urban Policy.

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 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 the board
 4 determines that the petition does not comply with the
 5 requirements of this act or that the statements contained in the
 6 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 preceeding~~
 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 preceeding 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

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.

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

21 (2) A city with a population of more than 750,000 may
22 establish an administrative hearings bureau to hear and try, and
23 to make a determination regarding, a municipal civil infraction,
24 as provided by law, for a violation of the charter or an
25 ordinance, as is prescribed and directed in the charter or
26 ordinance.

27 Enacting section 1. This amendatory act takes effect

1 January 1, 2005.

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

5 (a) Senate Bill No. _____ or House Bill No. 4821
6 (request no. 01919'03 *).

7 (b) Senate Bill No. _____ or House Bill No. 4824
8 (request no. 01920'03 *).