

SENATE BILL No. 677

June 25, 2009, Introduced by Senators CROPSEY, BARCIA and PAPPAGEORGE and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1955 PA 233, entitled

"An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,"

by amending section 8 (MCL 124.288), as amended by 1981 PA 154.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) A municipality **OR INDIAN TRIBE** desiring to enter
2 into a contract with the authority under section 7 shall authorize,
3 by resolution of its governing body, the execution of the contract.
4 After the adoption of ~~the~~ **SUCH A** resolution **BY A MUNICIPALITY, THE**
5 **MUNICIPALITY SHALL PUBLISH** a notice of the resolution ~~shall be~~
6 ~~published in a newspaper of general publication~~ **CIRCULATION** in the
7 municipality. ~~which~~ **THE** notice shall state **ALL OF THE FOLLOWING:**

1 (a) That the governing body has adopted a resolution
2 authorizing execution of the contract.

3 (b) The purpose of the contract.

4 (c) The source of payment for the contractual obligation.

5 (d) The right of referendum on the contract.

6 (e) Other information ~~as~~ **THAT** the **MUNICIPALITY'S** governing
7 body determines to be necessary to adequately inform all interested
8 persons of the nature of the obligation.

9 (2) ~~The~~ **A** contract **UNDER SUBSECTION (1)** may be executed and
10 delivered by the municipality upon approval by its governing body
11 without a vote of the electors on the contract, but the contract
12 shall not become effective until the expiration of 45 days after
13 the date of publication of the notice. If within the 45-day period
14 a petition signed by not less than 10% or 15,000, whichever is
15 less, of the registered electors residing within the limits of the
16 municipality is filed with the clerk of the municipality requesting
17 a referendum upon the contract, the contract shall not become
18 effective until approved by the vote of a majority of the **QUALIFIED**
19 electors of the municipality ~~qualified to vote and~~ voting on the
20 question at a general or special election. If, **BEFORE NOVEMBER 19,**
21 **1981,** a municipality ~~has, before the effective date of this~~
22 ~~subsection,~~ published a resolution authorizing the execution of a
23 contract under this section in substantial compliance with this
24 section ~~before this subsection takes~~ **AS THEN IN** effect, and the
25 referendum period formerly provided by this section ~~has~~ expired,
26 but the bonds ~~have~~ **WERE** not ~~been~~ issued, the resolution and the
27 publication of the resolution are valid and, if a petition for a

1 referendum on execution of the contract ~~has not been or is~~ **WAS** not
2 signed and filed within the time period formerly provided by this
3 section, the contract may be executed and shall become effective
4 without submitting the proposition for approval to the electors, or
5 if a petition ~~has been or is~~ **WAS** so signed and filed, the contract
6 may be executed and become effective if approved at an election as
7 formerly provided in this section. A special election called for
8 the purpose provided in this section shall not be included in any
9 statutory or charter limitation as to the number of special
10 elections to be called within any period of time. Signatures on the
11 petition shall be verified ~~by some person or persons~~ under oath, ~~and~~
12 as the actual signatures of the persons whose names are signed to
13 the petition. ~~and the~~ **THE** clerk of the municipality ~~shall have~~
14 **HAS** the same power to reject signatures as city clerks under
15 section 25 of ~~Act No. 279 of the Public Acts of 1909, as amended,~~
16 ~~being section 117.25 of the Michigan Compiled Laws~~ **THE HOME RULE**
17 **CITY ACT, 1909 PA 279, MCL 117.25**. The number of registered
18 electors in any municipality shall be determined by the
19 registration books as of the date of the filing of the petition.