

HOUSE BILL No. 6446

September 15, 2010, Introduced by Reps. Hammel and LeBlanc and referred to the Committee on Ethics and Elections.

A bill to amend 1929 PA 312, entitled
"The metropolitan district act,"
by amending sections 3, 4, 7, 9, and 13 (MCL 119.3, 119.4, 119.7,
119.9, and 119.13), section 4 as amended by 2002 PA 410, and by
adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2A. NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE
2 CONTRARY, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
3 THAT ADDED THIS SECTION, ALL ELECTIONS IN A METROPOLITAN DISTRICT
4 SHALL BE ADMINISTERED AND CONDUCTED UNDER THE PROVISIONS OF THE
5 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, AND ALL
6 ELECTIONS IN THE METROPOLITAN DISTRICT SHALL BE HELD ON A REGULAR
7 ELECTION DATE AS ESTABLISHED UNDER SECTION 641 OF THE MICHIGAN
8 ELECTION LAW, 1954 PA 116, MCL 168.641.

9 Sec. 3. Any district incorporated under the provisions of this

1 act shall in its charter provide:

2 (a) For the ~~nomination~~, election or appointment of all
3 district officers, **INCLUDING THE TERM OF OFFICE FOR ALL DISTRICT**
4 **OFFICERS**. ~~Nominations and elections may be made in any manner not~~
5 ~~inconsistent with law and as the charter of any district may~~
6 ~~prescribe.~~

7 (b) For the ~~qualifications~~, duties and compensation of its
8 officers; ~~for the time, manner and means of holding elections and~~
9 ~~the registration of electors~~; for the keeping in the English
10 language a written or printed journal of every session of the
11 legislative body, which records shall be public; for publication of
12 ordinances before they become effective; for adopting, continuing,
13 amending, or repealing of ordinances; for a system of accounts
14 which ~~shall conform~~ **CONFORMS** to any uniform system required by law;
15 for the levy, collection, and return of taxes for district
16 purposes; and for the annual appropriation of money for district
17 purposes. ~~Provided~~, All taxes and appropriations shall be levied,
18 collected, and returned through the proper assessing and taxation
19 officer or officers of each city, village, or township or parts of
20 same comprising ~~said~~ **THE** metropolitan district in the same manner
21 as near as may be that other city, village, or township taxes are
22 levied, collected, and returned. The district legislative body or
23 other officer or officers charged with ~~such~~ **THE** duty shall
24 ascertain the total taxes or appropriation required for any year
25 and shall ~~thereupon~~ certify to the proper assessing officer or
26 officers of the city, village, or township or parts of same
27 comprising ~~said~~ **THE** district its proportionate share thereof based

1 upon the ratio that the total assessed valuation of each respective
 2 city, village, or township, or parts of same, bears to the total
 3 assessed value of all property real and personal in ~~said-**THE**~~ entire
 4 district according to the last assessment in each of ~~said-**THE**~~
 5 respective units. ~~Such-**THE**~~ sum ~~so-~~certified shall be a direct
 6 obligation of each city, village, or township or part of same and
 7 shall be paid to the metropolitan district on or before the next
 8 tax payment period. ~~Said-**THE**~~ sum shall be levied, collected, and
 9 returned by each city, village, or township in the same manner as
 10 other general taxes.

11 (c) For a sinking fund as provided by any general law
 12 applicable to cities.

13 (d) That the subjects of taxation for district purposes shall
 14 be the same as for state, county, and school purposes under the
 15 general law. ~~÷ Provided, however, That **HOWEVER**, the provisions of~~
 16 this section as to taxes and the levy, collection, and return
 17 ~~thereof-**OF THE TAXES**~~ shall not apply to or be required in the
 18 charter of any metropolitan district incorporated for the purpose
 19 of the purchase, acquisition, or construction of any project or
 20 projects, or improving, enlarging, extending, or repairing thereof,
 21 authorized under the provisions of ~~Act No. 94 of the Public Acts of~~
 22 ~~1933, as amended, **THE REVENUE BOND ACT OF 1933, 1933 PA 94, MCL**~~
 23 ~~**141.101 TO 141.140**~~, but ~~said-**THE**~~ charter shall contain provisions
 24 relative to the issuance of revenue bonds as in ~~said-**THE**~~ act
 25 provided.

26 Sec. 4. Each district incorporated under the provisions of
 27 this act may provide in its charter for 1 or more of the following:

1 (a) For annually levying and collecting taxes in a sum not to
2 exceed 1/2 of 1% of the assessed value of all real and personal
3 property in the district.

4 (b) For borrowing money on the credit of the district in a sum
5 not to exceed 2% of the assessed value of all real and personal
6 property in the district for the purpose of acquiring, owning,
7 purchasing, constructing, maintaining, or operating parks or public
8 utilities, for supplying sewage disposal, drainage, water, or
9 transportation, or any combination of these. A district may borrow
10 money and issue bonds for any of the purposes described in this
11 subdivision that will impose no liability upon the district but may
12 be paid and secured only by special assessment levied against each
13 parcel for the particular public improvement and for the payment of
14 the bonds that are issued. A district incorporated under the
15 provisions of this act, may, for the purpose of acquiring, owning,
16 purchasing, constructing, or operating any public utility described
17 in this subdivision, issue mortgage bonds that may be issued beyond
18 the general limit of bonded indebtedness prescribed by this act. A
19 mortgage bond issued beyond the general limits of bonded
20 indebtedness shall not impose any liability upon the district but
21 shall be secured only upon the property and revenues of the public
22 utility, including the franchise, stating the terms upon which, in
23 case of foreclosure, the purchaser may operate the public utility,
24 which franchise shall in no case extend for a longer period than 20
25 years from the date of the sale of the utility and franchise on
26 foreclosure. A mortgage bond shall be sold for not less than par,
27 bear interest at a rate not in excess of 6%, and the total amount

1 shall not exceed 60% of the original cost of the utility. The
2 charter of any district shall provide for the creation of a sinking
3 fund by setting aside a percentage of the gross or net earnings of
4 the public utility as may be deemed sufficient for the payment of
5 the mortgage bonds at maturity.

6 (c) For a lien on any property and for taxes for the payment
7 of any bonds issued or for the cost and expense of making any
8 improvement described in this section.

9 (d) For laying and collecting rents, tolls and excises.

10 (e) For a special assessment district to provide for the cost
11 and expense of any park or public utility, or combination of a park
12 and public utility, as provided in this section.

13 (f) For the purchase or condemnation of the franchises, if any
14 exist, and of the property used in the operation of companies or
15 individuals engaged in or operating public utilities for supplying
16 sewage disposal, drainage, water, or transportation, or any
17 combination of these. Each district may in its charter provide that
18 it may make a contract upon the terms, including terms of present
19 or deferred payment and upon the conditions and in the manner as
20 the district may consider proper, to purchase, operate, and
21 maintain any existing public utility property for supplying sewage
22 disposal, drainage, water, or transportation, or any combination of
23 these within or without its limits. If without its limits, the
24 purchase must be incidental to the operation and maintenance of the
25 public utility. A contract shall not bind the district unless the
26 proposition on the contract shall receive the affirmative vote of
27 3/5 of the electors voting on the proposition at a regular or

1 special election. In the event of any such purchase, the charter
2 amendment and the contract to purchase shall provide for the
3 creation of a sinking fund, into which shall be paid from time to
4 time, from the earnings of the utility, sums sufficient to insure
5 the payment of the purchase price and the performance of the
6 obligations of the contract to the end that the entire cost of the
7 public utility shall eventually be paid from its earnings. The
8 powers in this subdivision are in addition to the other powers
9 provided for in this act, and the exercise of these powers shall
10 not impair or affect the right to exercise any other powers.

11 (g) For the purchase, gift, or condemnation of private
12 property for any public use or purpose provided for and within the
13 scope of its power. If by condemnation, the provisions of 1911 PA
14 149, MCL 213.21 to 213.25, or other appropriate provisions may be
15 adopted and used for the purpose of instituting and prosecuting
16 condemnation proceedings.

17 (h) For the initiative and referendum on all matters within
18 the scope of its powers. ~~and for the recall of all its officials.~~

19 (i) For altering, amending, or repealing any charter affecting
20 the district.

21 (j) For the enforcement of all local, police, sanitary, and
22 other regulations as are not in conflict with the general laws of
23 this state.

24 (k) For a system of civil service.

25 (l) For the exercise of all district powers in the management
26 and control of district property and in the administration of
27 metropolitan district government, whether the powers are expressly

enumerated or not. For any act to advance the interest of the district and the good government and prosperity of the district and to pass all laws and ordinances relating to its concerns subject to the constitution and general laws of this state. The power to acquire a rapid transit system is expressly conferred by this act, which may consist of a tunnel, subway, surface, or elevated system, or any combination of these. A rapid transit system shall be considered to be transportation within the meaning of this act and the provisions relating to other public utilities shall also apply.

(m) A revenue bond issued under this act is subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. All bonds issued under this act, other than revenue bonds, are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

Sec. 7. The charter commission shall proceed to adopt a name for ~~said~~**THE** district and frame a charter for ~~said~~**THE** district as soon thereafter as practicable. ~~It~~**THE COMMISSION** shall determine the rules of its proceedings and keep a journal. A roll call of its members on any question shall be entered on the journal at the request of any member. ~~It shall provide the manner of nominating the candidates for the first elective officers, if any, provided in the proposed charter. It~~**THE COMMISSION** shall fix the date of the first district election. ~~and do and provide all other things necessary for making such nominations and holding such elections. Such election may be held on the same date as a general, special or primary election. It~~**THE FIRST DISTRICT ELECTION SHALL BE HELD ON A REGULAR ELECTION DATE AS ESTABLISHED UNDER SECTION 641 OF THE**

1 **MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.641. THE COMMISSION**
 2 shall publish ~~such~~**THE** proposed charter in 1 or more newspapers
 3 published in ~~said~~**THE** district at least once and not less than 2
 4 weeks and not more than 4 weeks ~~preceding said~~**BEFORE THE** election,
 5 together with a notice of ~~said~~**THE** election, and that on the date
 6 fixed ~~therefor~~**FOR THE ELECTION** the question of adopting ~~such~~**THE**
 7 proposed charter will be voted on, and that the elective officers
 8 provided for therein will be elected on the same date. Notice of
 9 ~~such~~**THE** election shall also be posted in at least 10 public places
 10 within each city, village, or township in ~~said~~**THE** proposed
 11 district not less than 10 days ~~prior to such~~**BEFORE THE** election.
 12 ~~Said commission shall provide for polling places for said election~~
 13 ~~and all other election requirements through the regularly~~
 14 ~~constituted officers for conducting elections in each city, village~~
 15 ~~and township who shall appoint the inspectors of said election and~~
 16 ~~the canvassing board of 3 electors to canvass the votes at such~~
 17 ~~election and shall conduct said elections as near as may be in the~~
 18 ~~manner of any regular election. Said~~**THE** commission shall have
 19 authority to study the area proposed to be included in ~~said~~**THE**
 20 metropolitan district and submit recommendations to the legislative
 21 bodies of any city, village, or township to amend its original
 22 resolution in regards to same. ~~Said~~**THE** charter shall state with
 23 certainty the territory proposed to be included.

24 Sec. 9. Except as provided in section 9a, a metropolitan
 25 district charter passed pursuant to this act may be amended ~~in the~~
 26 ~~manner following:~~**AS PROVIDED IN THIS SECTION.** An amendment may be
 27 proposed by the legislative body of the district on a 3/5 vote of

1 the members or by an initiatory petition as provided in this act. ~~7~~
 2 ~~and if~~ **IF** the amendment is proposed by the legislative body of the
 3 district, then the amendment shall be submitted to the electors of
 4 the ~~city, village, or township comprising the~~ district as provided
 5 in this act at the next ~~primary, regular, or special~~ election held
 6 in the ~~city, village, or township which shall occur~~ **DISTRICT THAT**
 7 **OCCURS** not less than ~~30~~ **70** days after the proposal of the
 8 amendment. ~~, and if~~ **IF** the amendment is proposed by the initiatory
 9 petition as provided in this act, then the amendment shall be
 10 submitted to the electors of the ~~city, village, or township~~
 11 **DISTRICT** as provided in this act at the next ~~primary, regular, or~~
 12 ~~special~~ election held in the district ~~which shall occur~~ **THAT OCCURS**
 13 not less than ~~40~~ **70** days after the filing of the petitions. The
 14 form in which the proposed amendment to a district charter shall be
 15 submitted on the ballot unless provided for in the initiatory
 16 petition shall be determined by resolution by the legislative body,
 17 and when provided for by the initiatory petition, the legislative
 18 body may add that explanatory matter as it considers advisable.
 19 Sec. 13. The initiatory petition ~~herein~~ referred to **IN THIS**
 20 **ACT** shall be addressed to and filed with the secretary or clerk of
 21 the metropolitan district ~~wherein~~ **WHERE** the territory is located.
 22 ~~Such~~ **THE** petition shall state ~~what~~ **THE** body or organization, if
 23 any, or if **THERE IS** no body or organization, then ~~what~~ **THE** person
 24 or persons **WHO** are primarily interested in and responsible for the
 25 circulation of ~~such~~ **THE** petition or petitions and the securing of
 26 ~~such~~ **THE** amendment or amendments. ~~Such~~ **THE** petitions shall be
 27 verified by the affidavit or affidavits of the person or persons

1 who obtained the signatures and shall be signed by a number of
2 registered electors equal to ~~5-per-centum-5%~~ 5% of the highest vote
3 cast for the highest elective officer whose vote can be ascertained
4 at the last district election. ~~Such-~~**THE** verification shall state
5 that the petitions were circulated at the request of and pursuant
6 to the directions of the association, organization, person, or
7 persons desiring the ~~said-amendment. and-~~**THE VERIFICATION** shall
8 also state that ~~such-~~**THE** signatures were obtained by the persons ~~so~~
9 verifying ~~said-~~**THE** petition, ~~+~~that ~~such-~~**THE** signatures are the
10 signatures of the persons purporting to sign the ~~same-~~**PETITION**, and
11 that each of them signed in his **OR HER** presence and that the person
12 verifying ~~such-~~**THE** petition has good reason to believe and ~~verily~~
13 does believe that the signers obtained ~~thereto-~~are duly qualified
14 and registered electors of ~~such-~~**THE** district and are the identical
15 persons their signatures purport to be. Within 15 days from the
16 date of the receipt of any ~~such-~~**INITIATORY** petition, the secretary
17 or clerk shall check over the names on ~~such-~~**THE** petition with the
18 registration rolls of the territory affected or in some other
19 proper manner determine whether the petitioners are duly qualified
20 and registered voters of the district whose charter is to be
21 affected by ~~such-~~**THE** amendment. ~~, and if-~~**IF** it ~~shall appear-~~**APPEARS**
22 that the number of duly qualified and registered electors signing
23 ~~such-~~**THE** petition equals or exceeds ~~5-per-centum-5%~~ 5% of the total
24 vote cast for the highest elective officer whose vote can be
25 ascertained at the last district election and in all other respects
26 conforms to the provisions of this section, he **OR SHE** shall certify
27 to ~~such-~~**THOSE** facts and report the same to the legislative body of

1 the district. If he ~~shall find~~ **OR SHE FINDS** that there are less
2 than the required number, he **OR SHE** shall report ~~such~~ **THAT** fact **TO**
3 **THE LEGISLATIVE BODY OF THE DISTRICT** and no further action upon
4 ~~such~~ **THE** petitions shall be had. ~~When such petition shall conform~~
5 ~~to this act, it shall be the duty of the clerk of each city,~~
6 ~~village and township comprising the district within 60 days of the~~
7 ~~date of the filing of such petition to call a special election, the~~
8 ~~same to be held not less than 90 days or more than 100 days after~~
9 ~~the date of filing such petition unless a primary or regular~~
10 ~~election shall occur or a special election shall have been called~~
11 ~~for other purposes to be held within 100 days after the date of the~~
12 ~~filing of such petitions. In that event, the proposal shall be~~
13 ~~submitted at such primary, regular or special election and no~~
14 ~~special election shall be so called.~~ **IF THE PETITION CONFORMS TO**
15 **THIS ACT, THE LEGISLATIVE BODY OF THE METROPOLITAN DISTRICT SHALL**
16 **SUBMIT THE BALLOT QUESTION TO THE METROPOLITAN DISTRICT ELECTORS AS**
17 **PROVIDED IN SECTION 389 OF THE MICHIGAN ELECTION LAW, 1954 PA 116,**
18 **MCL 168.389.** Other proposals, whether initiated by petition as
19 ~~hereinbefore provided~~ **IN THIS SECTION**, or proposed by the
20 legislative body, within the times respectively within this act
21 provided, may be submitted ~~at such special election. No~~ **TO THE**
22 **METROPOLITAN DISTRICT ELECTORS AS PROVIDED IN SECTION 389 OF THE**
23 **MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.389.** A proposal
24 submitted to the electors by the initiative and receiving an
25 affirmative majority of the votes cast ~~thereon in each city,~~
26 ~~village and township comprising said~~ **IN THE** district shall **NOT** be
27 held unconstitutional, invalid, or void on account of the

1 insufficiency of the petition by which submission of the same was
2 procured ~~:- Provided, That~~ ~~IF~~ each signer of ~~such~~ **THE** initiatory
3 petition ~~shall inscribe~~ **INSCRIBES** upon ~~such~~ **THE** petition
4 immediately after his **OR HER** signature the date of signing and his
5 **OR HER** street address.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. ____ or House Bill No. 6447(request no.
8 07314'10 a) of the 95th Legislature is enacted into law.