

HOUSE BILL No. 6039

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1939 PA 342, entitled
 "County public improvement act of 1939,"
 by amending section 5b (MCL 46.175b).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5b. (1) A unit of government desiring to enter into a
 2 contract under ~~the provisions of~~ section 5a shall authorize, by
 3 resolution of its governing body, the execution of the contract.
 4 ~~Subsequent to the adoption of~~ **BEFORE JANUARY 1, 2015, AFTER**
 5 **ADOPTING** the resolution, a notice ~~thereof~~ **OF ADOPTING THE**
 6 **RESOLUTION** shall be published in a newspaper of general publication
 7 in the unit of government. ~~which~~ **BEGINNING JANUARY 1, 2015, AFTER**
 8 **ADOPTING THE RESOLUTION, TIER A PUBLIC NOTICE OF ADOPTING THE**

1 RESOLUTION SHALL BE PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT
2 PUBLIC NOTICE ACT. THE notice shall state ALL OF THE FOLLOWING:

3 (a) That the governing body has adopted a resolution
4 authorizing execution of the contract.

5 (b) The purpose thereof. ~~OF THE CONTRACT.~~

6 (c) The source of payment of ~~THE~~ unit of government ~~is~~
7 GOVERNMENT'S contractual obligation.

8 (d) The right of referendum ~~thereon.~~ ~~ON THE CONTRACT.~~

9 (e) ~~Such~~ ~~ANY~~ other information ~~as~~ the governing body shall
10 determine ~~DETERMINES~~ to be necessary to adequately inform all
11 interested persons of the nature of the obligation.

12 The contract may be executed and delivered by the unit of
13 government upon approval by its governing body without a vote of
14 the electors ~~thereon,~~ ~~ON THE CONTRACT,~~ but the contract shall not
15 become effective until the expiration of 45 days after the date of
16 publication OR POSTING of ~~such~~ ~~THE~~ notice. If within the 45-day
17 period a petition signed by at least 10% or 15,000, whichever is
18 ~~the lesser,~~ ~~LESS,~~ of the registered electors residing within the
19 limits of the unit of government is filed with the clerk ~~thereof~~ ~~OF~~
20 THE UNIT OF GOVERNMENT requesting a referendum upon the contract,
21 the ~~same~~ ~~CONTRACT~~ shall not become effective until approved by the
22 vote of a majority of the electors of the unit of government
23 qualified to vote and voting ~~thereon~~ ~~ON THE CONTRACT~~ at a general
24 or special election. ~~Where~~ ~~IF~~ a unit of government has, ~~prior to~~
25 ~~the effective date of this 1974 amendment,~~ ~~BEFORE MARCH 19, 1974,~~
26 published a resolution authorizing the execution of a contract
27 hereunder in substantial compliance with this section, ~~as amended,~~

1 and the referendum period formerly provided by this section has
 2 expired, but the bonds have not been issued, the resolution and the
 3 publication thereof ~~OF THE RESOLUTION~~ are hereby validated and, if
 4 no petition for a referendum on execution of the contract has been
 5 or is signed and filed within the time period formerly provided by
 6 this section, the contract may be executed and shall thereupon
 7 become effective without submitting the proposition for approval
 8 thereof to the electors, or if a petition has been or is so signed
 9 and filed, the contract may be executed and thereupon become
 10 effective if approved at an election as above provided. ~~When~~ **IN**
 11 **THIS SUBSECTION. IF** any such contract is to be entered into by any
 12 township only on behalf of the unincorporated area of the township,
 13 only the registered electors residing within the unincorporated
 14 area of the township shall be ~~shall be~~ **ARE** qualified to sign the petition
 15 and vote at the election.

16 (2) Any special election called for such purpose shall not be
 17 included in any statutory or charter limitation as to the number of
 18 special elections to be called within any period of time.
 19 Signatures on any such petition shall be verified by some person
 20 under oath, ~~as the actual signatures of the persons whose names~~
 21 are signed thereto, ~~ON THE PETITION,~~ and the clerk of the unit of
 22 government shall have the same power to reject signatures as city
 23 clerks under ~~the provisions of section 25 of Act No. 279 of the~~
 24 ~~Public Acts of 1909, as amended, being section 117.25 of the~~
 25 ~~Michigan Compiled Laws. THE HOME RULE CITY ACT, 1909 PA 279, MCL~~
 26 **117.25.** The number of registered electors in any unit of government
 27 shall be determined by the unit of government registration books.

1 (3) ~~Where~~ **IF** a contracting unit of government has outstanding
2 any revenue bonds issued under the ~~provisions of Act. No. 94 of the~~
3 ~~Public Acts of 1933, as amended, being sections 141.101 to 141.139~~
4 ~~of the Michigan Compiled Laws, REVENUE BOND ACT OF 1933, 1933 PA~~
5 **94, MCL 141.101 TO 141.140**, for the type of improvements or
6 facilities to be constructed ~~pursuant to~~ **UNDER** this act and the
7 contract, ~~such~~ **THE** contract may provide for the refunding of the
8 outstanding bonds and the inclusion ~~,~~ in the total financing
9 required for the construction of the improvements or facilities
10 contemplated by this act of an amount sufficient to provide for the
11 refunding, including ~~such~~ **THE** call premiums as may be required in
12 the ordinance authorizing their issuance. ~~Nothing herein contained~~
13 ~~shall be construed as authorizing~~ **THIS SECTION DOES NOT AUTHORIZE**
14 the refunding of noncallable unmatured bonds without the consent of
15 the holder or holders thereof. ~~Where~~ **OF THOSE BONDS. IF** the
16 refunding is provided for by the contract, any bonds issued
17 ~~pursuant to~~ **UNDER** section 5c may be issued and sold in a sufficient
18 amount to provide additional funds over and above acquisition and
19 construction costs of the new improvements or facilities to enable
20 the contracting unit of government to retire the outstanding
21 revenue bonds.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 5560 (request no.
24 03796'13) of the 97th Legislature is enacted into law.