

HOUSE BILL No. 5053

October 3, 2017, Introduced by Reps. Noble, Rendon, Bellino, Runestad, Lucido,
Wentworth, Barrett, Glenn and Hornberger and referred to the Committee on Local
Government.

A bill to amend 1968 PA 2, entitled
"Uniform budgeting and accounting act,"
(MCL 141.421 to 141.440a) by adding sections 16a, 16b, 16c, 16d,
and 16e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16A. THE LEGISLATIVE BODY OF A LOCAL UNIT SHALL NOT ADOPT
2 A GENERAL APPROPRIATIONS ACT OR AN AMENDMENT TO THAT GENERAL
3 APPROPRIATIONS ACT, OR A LAW, CHARTER, RESOLUTION, OR ORDINANCE,
4 THAT PROVIDES ANY FUNDING TO SPECIFICALLY SUPPORT OR OTHERWISE
5 ASSIST ILLEGAL ALIENS.

6 SEC. 16B. NOT LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF
7 THE AMENDATORY ACT THAT ADDED SECTION 16A, IF A LOCAL UNIT HAS AN
8 EXISTING GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL
9 APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE THAT

1 VIOLATES SECTION 16A, THE LOCAL UNIT SHALL BRING THAT GENERAL
2 APPROPRIATIONS ACT, AMENDMENT TO A GENERAL APPROPRIATIONS ACT, LAW,
3 CHARTER, RESOLUTION, OR ORDINANCE INTO COMPLIANCE WITH SECTION 16A.

4 SEC. 16C. BEGINNING 61 DAYS AFTER THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT ADDED SECTION 16A, IF A LOCAL UNIT HAS, ENACTS,
6 OR ENFORCES A GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL
7 APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE THAT
8 VIOLATES SECTION 16A, AN INDIVIDUAL WHO IS A RESIDENT OF THAT LOCAL
9 UNIT MAY DO EITHER OF THE FOLLOWING:

10 (A) BRING AN ACTION TO ENFORCE SECTION 16A IN THE CIRCUIT
11 COURT IN THE JUDICIAL DISTRICT IN WHICH THAT LOCAL UNIT IS LOCATED.

12 (B) FILE A COMPLAINT WITH THE ATTORNEY GENERAL ON A FORM
13 PRESCRIBED BY THE ATTORNEY GENERAL.

14 SEC. 16D. (1) THE ATTORNEY GENERAL MAY RECEIVE COMPLAINTS
15 REGARDING VIOLATIONS OF SECTION 16A AND INVESTIGATE THOSE
16 COMPLAINTS. A LOCAL UNIT SHALL COOPERATE WITH ANY INVESTIGATION
17 CONDUCTED BY THE DEPARTMENT OF THE ATTORNEY GENERAL CONCERNING A
18 VIOLATION OF SECTION 16A.

19 (2) BEGINNING 61 DAYS AFTER THE EFFECTIVE DATE OF THE
20 AMENDATORY ACT THAT ADDED SECTION 16A, IF A LOCAL UNIT ENACTS OR
21 ENFORCES A GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL
22 APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE THAT
23 VIOLATES SECTION 16A, THE ATTORNEY GENERAL MAY BRING AN ACTION TO
24 ENFORCE SECTION 16A IN THE CIRCUIT COURT IN THE JUDICIAL DISTRICT
25 IN WHICH THAT LOCAL UNIT IS LOCATED.

26 SEC. 16E. (1) IF AN INDIVIDUAL BRINGS AN ACTION AS DESCRIBED
27 IN SECTION 16C OR IF THE ATTORNEY GENERAL BRINGS AN ACTION AS

DESCRIBED IN SECTION 16D, AND THE COURT DETERMINES THAT ANY PROVISION OF THE GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE OF THE LOCAL UNIT VIOLATES SECTION 16A, THE COURT SHALL DO ALL OF THE FOLLOWING:

(A) ISSUE AN INJUNCTION RESTRAINING THE LOCAL UNIT FROM ENFORCING THAT PROVISION OF THE GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE THAT VIOLATES SECTION 16A.

(B) ORDER THE LOCAL UNIT TO AMEND OR REPEAL THE GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE.

(C) AWARD ACTUAL DAMAGES, COSTS, AND REASONABLE ATTORNEY FEES TO THE PARTY CHALLENGING THE GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE.

(2) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (1), IF THE COURT DETERMINES THAT AN ELECTED OR APPOINTED OFFICIAL OF THE LOCAL UNIT KNOWINGLY AND WILLFULLY ENACTED OR ENFORCED A GENERAL APPROPRIATIONS ACT, AMENDMENT TO A GENERAL APPROPRIATIONS ACT, LAW, CHARTER, RESOLUTION, OR ORDINANCE IN VIOLATION OF SECTION 16A, THEN THE COURT SHALL ASSESS A CIVIL FINE OF NOT LESS THAN \$2,500.00 OR MORE THAN \$7,500.00 AGAINST THAT ELECTED OR APPOINTED OFFICIAL, WHICH IS IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.