

# HOUSE BILL NO. 6372

November 12, 2020, Introduced by Reps. Yaroeh and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1933 PA 94, entitled  
"The revenue bond act of 1933,"  
by amending sections 6 and 33 (MCL 141.106 and 141.133), section 33  
as amended by 1982 PA 188.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. The governing body of a public corporation by the  
2       affirmative vote of a majority of its elected members, at the  
3       meeting at which it is introduced or any subsequent meeting, may

1 adopt an ordinance relating to the exercise of the powers granted  
2 in this act and to other matters necessary or desirable to  
3 effectuate this act, to provide for the adequate operation of a  
4 public improvement established under this act, and to insure the  
5 security of bonds issued. The adoption shall be subject to  
6 applicable statutory or charter provisions in respect to the  
7 approval or disapproval of the chief executive or other officer of  
8 the public corporation and the adoption of the ordinance over his  
9 or her veto, except in case of the adoption of an ordinance under  
10 this act by the board of commissioners of a county, it shall not be  
11 necessary to submit the ordinance to the governor for approval. An  
12 ordinance adopted under this act shall become effective upon its  
13 adoption unless otherwise specified in the ordinance. It shall not  
14 be subject to a referendum vote of the electors of the public  
15 corporation except as provided in section 33. The ordinance shall  
16 be recorded in the minutes of the meeting of the governing body of  
17 the public corporation as soon as practicable after its passage.  
18 The record shall be authenticated by the signatures of the  
19 presiding officer and the clerk or other recording officer of the  
20 governing body. ~~The~~**Through December 31, 2021, the** ordinance shall  
21 be published once in a newspaper of general circulation within the  
22 boundaries of the public corporation. ~~The~~**Through December 31,**  
23 **2021, the** publication of the ordinance as a part of the minutes of  
24 the meeting at which it was adopted, shall be considered a  
25 publication in conformity with this act. **Beginning January 1, 2022,**  
26 **the governing body shall post notice as provided in the local**  
27 **government public notice act.** Except as otherwise provided in this  
28 act, this section shall constitute the sole requirements in respect  
29 to the adoption and publication of an ordinance and shall not be

1 limited by a charter or statutory provisions.

2       Sec. 33. Unless otherwise provided in this act, the powers  
3 conferred upon public corporations by this act shall be exercised  
4 by their respective governing bodies and this act shall be  
5 construed as authorizing the issuance of bonds under this act  
6 without submitting the proposition for the approval of the  
7 proposition to the voters of the borrowers. Except in the case of  
8 refunding bonds or bonds issued to comply with an order of a court  
9 or an order or permit requirement of a state or federal agency of  
10 competent jurisdiction to prevent or limit pollution of the  
11 environment, the governing body shall, **through December 31, 2021,**  
12 **publish a notice of intent to issue bonds. Beginning January 1,**  
13 **2022, the governing body shall post notice as provided in the local**  
14 **government public notice act.** If within 45 days after ~~the~~  
15 ~~publication~~ **providing notice** of the notice a petition, signed by  
16 not less than 10% or 15,000 of the registered electors, whichever  
17 is less, residing within the limits of the borrower, is filed with  
18 the clerk, or other recording officer, of the borrower, requesting  
19 a referendum upon the question of the issuance of the bonds, then  
20 the bonds shall not be issued until approved by the vote of a  
21 majority of the electors of the borrower qualified to vote and  
22 voting on the bonds at a general or special election. The notice  
23 shall be directed to the electors of the borrower, and, if the  
24 borrower is an authority, to the electors of its constituent public  
25 corporations, and shall be published in a newspaper which has  
26 general circulation in the territory of the borrower, and shall  
27 state the maximum amount of bonds to be issued, the purpose of the  
28 bonds, source of payment, right of referendum on the bonds, and  
29 other information the governing body determines necessary to

1 adequately inform the electors of the nature of the issue. A  
2 special election called for this purpose shall not be included in a  
3 statutory or charter limitation as to the number of special  
4 elections to be called within a period of time. Signatures on the  
5 petition shall be verified by a person under oath, as the actual  
6 signatures of the persons whose names are signed to the petition,  
7 and the clerk, or other recording officer, of the borrower shall  
8 have the same power to reject signatures and petitions as city  
9 clerks pursuant to section 25 of ~~Act No. 279 of the Public Acts of~~  
10 ~~1909, as amended, being section 117.25 of the Michigan Compiled~~  
11 ~~Laws.~~ **the home rule city act, 1909 PA 279, MCL 117.25.** The number  
12 of registered electors in any borrower shall be determined by the  
13 township or city registration books, or both, or if the borrower is  
14 a village, then by the village registration books. Section ~~5(g)~~  
15 **5(1)(g)** of ~~Act No. 279 of the Public Acts of 1909, as amended,~~  
16 ~~being section 117.5 of the Michigan Compiled Laws,~~ **the home rule**  
17 **city act, 1909 PA 279, MCL 117.5,** relative to notice of intention  
18 to issue bonds, shall not apply to the authorization of the  
19 issuance of bonds under this act.

20 Enacting section 1. This amendatory act does not take effect  
21 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
22 02449'19) of the 100th Legislature is enacted into law.