HOUSE BILL NO. 6380

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

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, 2022, after**

1   **adopting** the resolution, a notice ~~thereof shall~~ **of adopting the**

2   **resolution must** be published in a newspaper of general publication

3   in the unit of government. ~~which~~ **Beginning January 1, 2022, after**

4   **adopting the resolution, public notice of adopting the resolution**

5   **must be posted as set forth in the local government public notice**

6   **act. The** notice ~~shall~~ **must** state **all of the following:**

7   (a) That the governing body has adopted a resolution

8   authorizing execution of the contract.

9   (b) The purpose ~~thereof.~~**of the contract.**

10   (c) The source of payment of **the** unit of ~~government is~~

11   **government's** contractual obligation.

12   (d) The right of referendum ~~thereon.~~**on the contract.**

13   (e) ~~Such~~ **Any** other information ~~as~~ the governing body ~~shall~~

14   ~~determine~~ **determines** to be necessary to adequately inform all

15   interested persons of the nature of the obligation.

16   **(2)** The contract may be executed and delivered by the unit of

17   government upon approval by its governing body without a vote of

18   the electors ~~thereon,~~ **on the contract,** but the contract ~~shall~~ **does**

19   not become effective until the expiration of 45 days after the date

20   of publication **or posting** of ~~such~~ **the** notice. If within the 45-day

21   period a petition signed by at least 10% or 15,000, whichever is

22   ~~the lesser,~~ **less,** of the registered electors residing within the

23   limits of the unit of government is filed with the clerk ~~thereof~~ **of**

24   **the unit of government** requesting a referendum upon the contract,

25   the ~~same shall~~ **contract does** not become effective until approved by

26   the vote of a majority of the electors of the unit of government

27   qualified to vote and voting ~~thereon~~ **on the contract** at a general

28   or special election. ~~Where~~ **If** a unit of government has, ~~prior to~~

29   ~~the effective date of this 1974 amendment,~~ **before March 19, 1974,**

1 published a resolution authorizing the execution of a contract

2 ~~hereunder~~ in substantial compliance with this section, ~~as amended,~~

3 and the referendum period formerly provided by this section has

4 expired, but the bonds have not been issued, the resolution and the

5 publication ~~thereof~~ **of the resolution** are ~~hereby~~ validated and, if

6 no petition for a referendum on execution of the contract has been

7 or is signed and filed within the time period formerly provided by

8 this section, the contract may be executed and ~~shall thereupon~~

9 ~~become~~ **becomes** effective without submitting the proposition for

10 approval ~~thereof~~ to the electors, or if a petition has been or is

11 ~~so~~ signed and filed, the contract may be executed and ~~thereupon~~

12 become effective if approved at an election as ~~above~~ provided ~~.~~

13 ~~When~~ **in this subsection. If** any ~~such~~ contract is to be entered into

14 by any township only on behalf of the unincorporated area of the

15 township, only the registered electors residing within the

16 unincorporated area of the township ~~shall be~~ **are** qualified to sign

17 the petition and vote at the election.

18   **(3)** ~~(2)~~ Any special election called for such purpose ~~shall~~

19 **must** not be included in any statutory or charter limitation as to

20 the number of special elections to be called within any period of

21 time. Signatures on any such petition ~~shall~~ **must** be verified by

22 some person under oath ~~,~~ as the actual signatures of the ~~persons~~

23 **individuals** whose names are signed ~~thereto,~~ **on the petition**, and

24 the clerk of the unit of government ~~shall have~~ **has** the same power

25 to reject signatures as city clerks under ~~the provisions of~~ section

26 25 of ~~Act No. 279 of the Public Acts of 1909, as amended, being~~

27 ~~section 117.25 of the Michigan Compiled Laws.~~ **the home rule city**

28 **act, 1909 PA 279, MCL 117.25.** The number of registered electors in

29 any unit of government ~~shall~~ **must** be determined by the unit of

1 government registration books.

2 **(4)** ~~(3) Where~~ **If** a contracting unit of government has

3 outstanding any revenue bonds issued under the ~~provisions of Act.~~

4 ~~No. 94 of the Public Acts of 1933, as amended, being sections~~

5 ~~141.101 to 141.139 of the Michigan Compiled Laws,~~ **revenue bond act**

6 **of 1933, 1933 PA 94, MCL 141.101 to 141.140,** for the type of

7 improvements or facilities to be constructed ~~pursuant to~~ **under** this

8 act and the contract, ~~such~~ **the** contract may provide for the

9 refunding of the outstanding bonds and the inclusion ~~,~~ in the total

10 financing required for the construction of the improvements or

11 facilities contemplated by this act of an amount sufficient to

12 provide for the refunding, including ~~such~~ **the** call premiums as may

13 be required in the ordinance authorizing their issuance. ~~Nothing~~

14 ~~herein contained shall be construed as authorizing~~ **This section**

15 **does not authorize** the refunding of noncallable unmatured bonds

16 without the consent of the holder or holders ~~thereof. Where~~ **of**

17 **those bonds. If** the refunding is provided for by the contract, any

18 bonds issued ~~pursuant to~~ **under** section 5c may be issued and sold in

19 a sufficient amount to provide additional funds over and above

20 acquisition and construction costs of the new improvements or

21 facilities to enable the contracting unit of government to retire

22 the outstanding revenue bonds.

23   Enacting section 1. This amendatory act does not take effect

24 unless Senate Bill No.____ or House Bill No. 6440 (request no.

25 02449'19) of the 100th Legislature is enacted into law.