

HOUSE BILL No. 4826

June 10, 2003, Introduced by Reps. Garfield, Hummel, Farhat, Brandenburg, Drolet, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Steil, Walker, Pastor, Stakoe, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 4826

1 Sec. 4. (1) ~~Said~~ A petition **under section 2** shall be
2 addressed to the **county** board of ~~supervisors~~ **commissioners** of
3 the county in which the territory to be affected by ~~such~~ **the**
4 proposed incorporation, consolidation, or change of boundaries is
5 located. ~~—and—~~ **The petition** shall be filed with the clerk of
6 ~~said~~ **the county** board of **commissioners** not less than 30 days
7 before the ~~convening of such~~ board of **commissioners convenes** in
8 regular session, or in ~~any~~ **a** special session called for the
9 purpose of considering ~~said~~ **the** petition. ~~—and if, before~~
10 ~~final action thereon, it shall appear to said board or a majority~~

1 ~~thereof that said petition or the signing thereof does not~~
2 ~~conform to this act, or contains incorrect statements, no further~~
3 ~~proceedings pursuant to said petition shall be had, but, if it~~
4 ~~shall appear that said petition conforms in all respects to the~~
5 ~~provisions of this act, and that the statements contained therein~~
6 ~~are true, said board of supervisors~~ **The board of commissioners**
7 **shall determine if the petition complies with the requirements of**
8 **this act and if the statements contained in the petition are**
9 **correct. If a majority of the board determines that the petition**
10 **does not comply with the requirements of this act or that the**
11 **statements contained in the petition are not correct, the board**
12 **shall not conduct further proceedings on the petition. If the**
13 **board determines that the petition complies with the requirements**
14 **of this act and that the statements contained in the petition are**
15 **correct, the board shall, by resolution, provide that the**
16 **question of making the proposed incorporation, consolidation, or**
17 **change of boundaries shall be submitted to the qualified**
18 **electors of the district to be affected at the next general**
19 **election, if one shall occur in not less than 40 days and not**
20 **more than 90 days after the adoption of such resolution, and if**
21 **no general election is to occur within such period, said**
22 **resolution shall fix a date within such period for a special**
23 **election on such question. After or at a special election**
24 **before the next general election on a regular election day**
25 **established under section 641 of the Michigan election law, 1954**
26 **PA 116, MCL 168.641, that is held 60 days or more after the**
27 **adoption of the resolution.**

1 **(2) After** the adoption of ~~such~~ a resolution **submitting the**
 2 **ballot question to a vote of the electors,** neither the
 3 sufficiency nor legality of the petition ~~on which it is based~~
 4 **under section 2** may be questioned in any proceeding.

5 Sec. 7. **(1) ~~When~~ If** the territory to be affected by a
 6 proposed incorporation, consolidation, or change ~~—~~ **of**
 7 **boundaries** is situated in more than 1 county, the petition **under**
 8 **section 2** shall be addressed and presented to the secretary of
 9 state.

10 **(2)** The secretary of state shall examine ~~such~~ **the** petition
 11 ~~—~~ and the **accompanying** affidavits. ~~annexed, and if he shall~~
 12 ~~find that the same conforms to the provisions~~ **If the secretary**
 13 **of state finds that the petition and accompanying affidavit or**
 14 **affidavits comply with the requirements** of this act, ~~he~~ **the**
 15 **secretary of state** shall ~~so~~ certify ~~—~~ **the petition and**
 16 **accompanying affidavits** and shall transmit **the certificate and a**
 17 certified copy of ~~said~~ **the** petition and the accompanying
 18 affidavits to the clerk of each city, village, or township to be
 19 affected by the ~~carrying out of the purposes of such petition~~
 20 **proposed incorporation, consolidation, or change of boundaries,**
 21 together with ~~his certificate as above provided, and~~ a notice
 22 directing that ~~at the next general election occurring not less~~
 23 ~~than 40 days thereafter,~~ the question of making the
 24 incorporation, consolidation, or change of boundaries petitioned
 25 for ~~shall~~ be submitted to the electors of the district to be
 26 affected. ~~—, and if no general election is to be held within 90~~
 27 ~~days, the notice may fix a date preceding the next general~~

1 election by at least 60 days for a special election on the
 2 question. ~~If he shall find that said~~ **The notice shall provide**
 3 **that the ballot question shall be submitted at the next general**
 4 **election, or at a special election before the next general**
 5 **election, that is held 60 days or more after the date of**
 6 **transmittal of the certificate.**

7 (3) **If the secretary of state finds that the** petition and the
 8 **accompanying** affidavits ~~annexed thereto~~ do not ~~conform to the~~
 9 ~~provisions~~ **comply with the requirements** of this act, he or she
 10 shall certify to that fact —, and **shall** return ~~said the~~
 11 petition and affidavits to the person from whom they were
 12 received, ~~together~~ **along** with ~~such~~ **the** certificate.

13 (4) ~~The several~~ **Each** city, village, and township ~~clerks~~
 14 **clerk** who ~~shall receive~~ **receives** from the secretary of state
 15 the copies and ~~certificates above~~ **certificate** provided for —,
 16 **in subsection (2)** shall give notice of the election to be held on
 17 the question of making the incorporation, consolidation, or
 18 change of boundaries petitioned for in the same manner as
 19 provided for in section 6. ~~of this act.~~

20 Sec. 21. (1) All elections held ~~hereunder~~ **under this act**
 21 shall be paid for by the locality where held, and except as
 22 otherwise provided ~~herein shall receive such~~ **by this act or the**
 23 **Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, the**
 24 **legislative body of the locality shall determine the** publication
 25 and notice ~~as the legislative body may determine, and shall be~~
 26 ~~arranged for, held and conducted by the same officers and in the~~
 27 ~~same manner, as near as may be, as general biennial fall~~

1 ~~elections~~ of the election.

2 (2) Notwithstanding a charter provision providing otherwise,
3 the day on which a village holds its regular or a special
4 election is governed by the Michigan election law, 1954 PA 116,
5 MCL 168.1 to 168.992, or by a resolution adopted in compliance
6 with section 642 of the Michigan election law, 1954 PA 116, MCL
7 168.642.

8 Sec. 23. Each village charter shall provide for all of the
9 following:

10 (a) The election of and compensation for a president who
11 shall be the executive head, a clerk, and a legislative body.
12 ~~An~~ Notwithstanding a charter provision to the contrary, a
13 village election ~~may~~ shall be ~~by a partisan,~~ nonpartisan. ~~—~~
14 ~~or preferential ballot or by any other legal method of voting.~~

15 (b) The election or appointment of other officers or
16 administrative boards considered necessary.

17 (c) The levying and collection of village taxes.

18 (d) That the subjects of taxation for municipal purposes
19 shall be the same as for state, county, and school purposes under
20 the general law.

21 (e) An annual appropriation of money for municipal purposes.

22 (f) The public peace and health, and for the safety of
23 persons and property.

24 (g) One or more election districts; **subject to section 21,**
25 the time, place, and means of holding elections; and the
26 registration of electors.

27 (h) Keeping in the English language a written or printed

1 journal of proceedings of the legislative body.

2 (i) The publication of an ordinance or a synopsis of an
3 ordinance before the ordinance becomes operative. Any charter
4 provision to the contrary notwithstanding, a village may adopt an
5 ordinance punishable by imprisonment for not more than 93 days or
6 a fine of not more than \$500.00, or both, if the violation
7 substantially corresponds to a violation of state law that is a
8 misdemeanor for which the maximum period of imprisonment is 93
9 days. Whether or not provided in its charter, a village may
10 adopt a provision of any state statute for which the maximum
11 period of imprisonment is 93 days, the Michigan vehicle code,
12 1949 PA 300, MCL 257.1 to 257.923, or a plumbing code, electrical
13 code, or building code that has been promulgated by this state,
14 by a department, board, or other agency of this state, or by an
15 organization or association that is organized and conducted for
16 the purpose of developing that code, by making reference to that
17 law or code in an adopting ordinance without publishing that law
18 or code in full. The law or code shall be clearly identified in
19 the ordinance, and a statement of the purpose of the law or code
20 shall be published with the adopting ordinance. Printed copies
21 of the law or code shall be kept in the office of the village
22 clerk and made available to the public at all times. The
23 publication shall contain a notice stating that a complete copy
24 of the law or code is available to the public at the office of
25 the village clerk. A village shall not enforce any provision
26 adopted by reference for which the maximum period of imprisonment
27 is greater than 93 days.

1 (j) That the business of the legislative body shall be
2 conducted at a public meeting of the body held in compliance with
3 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and all
4 records of the municipality shall be available to the public
5 under the freedom of information act, 1976 PA 442, MCL 15.231 to
6 15.246.

7 (k) Adopting, continuing, amending, or repealing village
8 ordinances.

9 (l) A system of accounts that conforms to a uniform system
10 required by law.

11 Enacting section 1. This amendatory act takes effect
12 January 1, 2005.

13 Enacting section 2. This amendatory act does not take
14 effect unless all of the following bills of the 92nd Legislature
15 are enacted into law:

16 (a) Senate Bill No. _____ or House Bill No. 4821
17 (request no. 01919'03 *).

18 (b) Senate Bill No. _____ or House Bill No. 4824
19 (request no. 01920'03 *).