

HOUSE BILL No. 6041

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

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 6, 11, 17, and 19 (MCL 78.6, 78.11, 78.17, and 78.19).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The county clerk shall, within 3 days after the
2 passage of the resolution provided for in section 4, ~~of this act,~~
3 transmit a certified copy of ~~said~~**THE** petition and of ~~such~~**THE**
4 resolution to the clerk of each city, village, or township in the
5 district to be affected by the proposed incorporation,
6 consolidation, or change. ~~, and it shall be~~

7 (2) **BEFORE JANUARY 1, 2015, IT IS** the duty of each of ~~said~~**THE**
8 city, village, and township clerks to give notice of the date and
9 purpose of the election provided for by ~~said~~**THE** resolution by

1 publication in 1 or more newspapers published within ~~said~~**THE**
 2 district at least once in each week for 4 weeks ~~preceding said~~
 3 **BEFORE THE** election, and by posting a ~~like~~**SIMILAR** notice in at
 4 least 10 public places in ~~said~~**THE** district not less than 10 days
 5 ~~prior to such~~**BEFORE THE** election. **BEGINNING JANUARY 1, 2015, NOT**
 6 **LESS THAN 10 DAYS AND NOT MORE THAN 4 WEEKS BEFORE THE ELECTION THE**
 7 **CLERK OF EACH CITY, VILLAGE, OR TOWNSHIP IN THE DISTRICT TO BE**
 8 **AFFECTED BY THE PROPOSED INCORPORATION, CONSOLIDATION, OR CHANGE**
 9 **SHALL PROVIDE TIER A PUBLIC NOTICE OF THE DATE AND PURPOSE OF THE**
 10 **ELECTION PROVIDED FOR BY THE RESOLUTION AS SET FORTH IN THE LOCAL**
 11 **GOVERNMENT PUBLIC NOTICE ACT.**

12 Sec. 11. (1) At every election on the question of
 13 incorporation of a new village, each elector residing within its
 14 proposed territorial limits ~~shall also be~~**IS** entitled to vote for 5
 15 electors, residing in the territory which it is proposed to
 16 incorporate, as members of a charter commission, and all notices
 17 required by section 6 ~~of this act~~ shall include notice of the
 18 election ~~thereof.~~**OF CHARTER COMMISSION MEMBERS.** The ballots shall
 19 be prepared by the clerk of the county in which the territory is
 20 located or if located in more than 1 county, then by the clerk of
 21 the county in which the greater portion of the territory is
 22 located, ~~the~~ expense to be borne by the county. ~~Provided,~~
 23 ~~however, That~~**HOWEVER,** if the proposed village ~~shall be~~**IS**
 24 incorporated, then the county shall be reimbursed by the village.
 25 The county clerk shall prepare the ballot to be used at ~~such~~**THE**
 26 election in accordance with the ~~general election laws of the state~~
 27 **MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, as**

1 follows:

2 "For village incorporation. Yes. []

3 For village incorporation. No. []"

4 (2) ~~And such~~ **THE** county clerk shall also prepare a separate
5 ballot and place upon the same in alphabetical order having
6 reference to the initial of the surname, without party designation,
7 under the heading "Candidates for members of charter commission,"
8 the names of all electors, having the qualifications required by
9 this act for members of charter commissions, who ~~shall~~ file a
10 petition signed by 20 qualified electors residing in the territory
11 proposed to be incorporated, asking that ~~such~~ **HIS OR HER** name be
12 placed upon the ballot. The ballot shall also ~~bear~~ **INCLUDE**
13 instructions directing that not more than 5 candidates shall be
14 voted for. On the vote being canvassed on the question of
15 incorporation, if the result is determined to be in favor of ~~such~~
16 incorporation, the board of canvassers shall proceed to canvass the
17 votes cast for members of ~~such~~ **THE CHARTER** commission, and shall
18 certify to the election of the 5 persons receiving the highest
19 number of votes ~~so~~ cast. The members of the **CHARTER** commission ~~so~~
20 elected shall take the constitutional oath of office ~~and~~ and shall
21 have power to fill vacancies in their membership, and 3 or more of
22 ~~them~~ **THE MEMBERS** shall constitute a quorum. The charter commission
23 shall convene within 10 days after election and frame a charter for
24 ~~said~~ **THE** village within 60 days thereafter. ~~It~~ **THE CHARTER**
25 **COMMISSION** shall choose its own officers, determine the rules of
26 its proceedings, and keep a journal. A roll call of ~~its~~ **CHARTER**
27 **COMMISSION** members on any question shall be entered on the journal

1 at the request of any member. ~~It~~ **THE CHARTER COMMISSION** shall
2 provide the manner of nominating the candidates for the first
3 elective officers provided in the proposed charter. ~~It~~ **THE CHARTER**
4 **COMMISSION** shall fix the date of the first village election and do
5 and provide all other things necessary for making ~~such~~ **THE**
6 nominations and holding ~~such~~ **THE** election. ~~Such~~ **THE** election may be
7 held at a special election or on the same date as a general
8 election. ~~It~~ **BEFORE JANUARY 1, 2015, THE CHARTER COMMISSION** shall
9 publish ~~such~~ **THE** proposed charter in 1 or more newspapers published
10 in ~~said~~ **THE** village, if one is published therein, **IN THE VILLAGE,**
11 and if not, then in some newspaper published in the same or an
12 adjoining county and circulating in ~~said~~ **THE** villages, at least
13 once, not less than 2 weeks and not more than 4 weeks ~~preceeding~~
14 ~~said~~ **BEFORE THE** election, together with a notice of ~~said~~ **THE**
15 election. ~~, and that on~~ **ON** the date fixed therefor **FOR THE**
16 **ELECTION,** the question of adopting ~~such~~ **THE** proposed charter will
17 be voted on, and ~~that~~ the elective officers provided for ~~therein~~
18 will be elected on the same date. ~~Notice~~ **BEFORE JANUARY 1, 2015,**
19 **NOTICE** of ~~such~~ **THE** election shall also be posted in at least 10
20 public places within the village not less than 2 weeks ~~prior to~~
21 ~~such~~ **BEFORE THE** election. ~~Said~~ **BEGINNING JANUARY 1, 2015, THE**
22 **CHARTER COMMISSION SHALL, NOT LESS THAN 2 WEEKS AND NOT MORE THAN 4**
23 **WEEKS BEFORE THE ELECTION, PROVIDE TIER A PUBLIC NOTICE OF THE**
24 **PROPOSED CHARTER, TOGETHER WITH THE NOTICE OF ELECTION, AS SET**
25 **FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT. THE CHARTER**
26 commission shall provide for 1 or more polling places for ~~said~~ **THE**
27 election, ~~and~~ **SHALL** give like ~~similar~~ **SIMILAR** notice of their location, and

1 shall appoint the **ELECTION** inspectors ~~of said election,~~ and a
 2 canvassing board of 3 electors to canvass the votes cast at ~~such~~
 3 **THE** election.

4 Sec. 17. Any amendment to any existing charter, whether passed
 5 ~~pursuant to the provisions of~~ **UNDER** this act or ~~heretofore~~
 6 **PREVIOUSLY** granted or passed by the state legislature, for the
 7 government of a village, may be submitted to the electors by a 2/3
 8 vote of the legislative body of the village, or may be petitioned
 9 for by not less than ~~20 per centum~~ **20%** of the number of electors
 10 voting for president at the last preceding election, which petition
 11 shall be verified by the oath of the party or parties securing the
 12 ~~same~~ **PETITION** and filed with the village clerk. ~~Every such~~ **EACH**
 13 amendment shall be submitted to the electors at the next general or
 14 special election. When the amendment originates in the legislative
 15 body, it shall be published **OR POSTED** and remain on the table for
 16 30 days before action is taken ~~thereon.~~ **ON THE AMENDMENT.** The form
 17 in which any proposed amendment to a village charter shall be
 18 submitted on the ballot, unless provided for in the initiatory
 19 petition, shall be determined by resolution by the legislative
 20 body.

21 Sec. 19. Every charter and amendment ~~thereto,~~ **TO THE CHARTER,**
 22 whether of villages incorporated under this act or under an
 23 existing charter of the village ~~heretofore~~ **PREVIOUSLY** granted or
 24 passed by the legislature for the government of a village, before
 25 submission to the electors shall be published **OR POSTED** as provided
 26 in section 11. ~~of this act.~~

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

1 unless Senate Bill No.____ or House Bill No. 5560 (request no.
2 03796'13) of the 97th Legislature is enacted into law.