

# SENATE BILL No. 1428

November 13, 2000, Introduced by Senators MC MANUS, BENNETT, STEIL and  
HAMMERSTROM and referred to the Committee on Government Operations.

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:

1       Sec. 4. ~~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~~ THE board in regular session, or  
8 in any special session called for the purpose of considering  
9 ~~said~~ THE petition. ~~, and if, before final action thereon, it~~  
10 ~~shall appear to said board or a majority thereof that said~~

~~1 petition or the signing thereof does not conform to this act, or~~  
~~2 contains incorrect statements, no further proceedings pursuant to~~  
~~3 said petition shall be had, but, if it shall appear that said~~  
~~4 petition conforms in all respects to the provisions of this act,~~  
~~5 and that the statements contained therein are true, said board of~~  
6 supervisors THE BOARD SHALL BY RESOLUTION DETERMINE WHETHER THE  
7 PETITION COMPLIES WITH THE REQUIREMENTS OF THIS ACT AND WHETHER  
8 THE STATEMENTS CONTAINED IN THE PETITION ARE CORRECT. IF THE  
9 BOARD DETERMINES THAT THE PETITION DOES NOT COMPLY WITH THE  
10 REQUIREMENTS OF THIS ACT OR THAT THE STATEMENTS CONTAINED IN THE  
11 PETITION ARE NOT CORRECT, THE BOARD SHALL NOT CONDUCT FURTHER  
12 PROCEEDINGS ON THE PETITION. SUBJECT TO SUBSECTION (4), 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 ques-  
16 tion of making the proposed incorporation, consolidation, or  
17 change of boundaries ~~shall~~ be submitted to the qualified elec-  
18 tors of the district to be affected at the next general election,  
19 ~~if one shall occur in not less than 40 days and not more than 90~~  
20 ~~days after the adoption of such resolution, and if no general~~  
21 ~~election is to occur within such period, said resolution shall~~  
22 ~~fix a date within such period for a special election on such~~  
23 ~~question. After~~ OR AT A SPECIAL ELECTION BEFORE THE NEXT GEN-  
24 ERAL ELECTION ON A DATE PROVIDED UNDER SECTION 644 OF THE  
25 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.644, THAT IS HELD 60  
26 DAYS OR MORE AFTER THE ADOPTION OF THE RESOLUTION.

1 (2) AFTER the adoption of ~~such~~ A resolution SUBMITTING THE  
2 QUESTION TO A VOTE OF THE ELECTORS, neither the sufficiency nor  
3 legality of the petition ~~on which it is based~~ UNDER SECTION 2  
4 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 ACCOM-  
16 PANYING AFFIDAVITS and SHALL transmit THE CERTIFICATE AND a cer-  
17 tified copy of ~~said~~ THE petition and the accompanying affida-  
18 vits to the clerk of each city, village, or township to be  
19 affected by the ~~carrying out of the purposes of such petition~~  
20 PROPOSAL, together with ~~his certificate as above provided, and~~  
21 a notice directing that ~~at the next general election occurring~~  
22 ~~not less than 40 days thereafter,~~ the question of making the  
23 incorporation, consolidation, or change of boundaries petitioned  
24 for ~~shall~~ be submitted to the electors of the district to be  
25 affected. ~~—, and if no general election is to be held within 90~~  
26 ~~days, the notice may fix a date preceding the next general~~  
27 ~~election by at least 60 days for a special election on the~~

1 ~~question. If he shall find that said~~ THE NOTICE SHALL PROVIDE  
2 THAT THE QUESTION SHALL BE SUBMITTED AT THE NEXT GENERAL ELEC-  
3 TION, OR AT A SPECIAL ELECTION BEFORE THE NEXT GENERAL ELECTION,  
4 HELD 60 DAYS OR MORE AFTER THE DATE OF TRANSMITTAL OF THE  
5 CERTIFICATE.

6 (3) IF THE SECRETARY OF STATE FINDS THAT THE petition and  
7 the ACCOMPANYING affidavits ~~annexed thereto~~ do not ~~conform to~~  
8 ~~the provisions~~ COMPLY WITH THE REQUIREMENTS of this act, he OR  
9 SHE shall certify to that fact ~~,~~ and SHALL return ~~said~~ THE  
10 petition and affidavits to the person from whom they were  
11 received, ~~together~~ ALONG with ~~such~~ THE certificate.

12 (4) ~~The several~~ A city, village, and township ~~clerks~~  
13 CLERK who ~~shall receive~~ RECEIVES from the secretary of state  
14 the ~~copies~~ COPY and ~~certificates above~~ CERTIFICATE provided  
15 for ~~,~~ IN SUBSECTION (2) shall give notice of the election to be  
16 held on the question of making the incorporation, consolidation,  
17 or change of boundaries petitioned for in the same manner as pro-  
18 vided for in section 6. ~~of this act.~~

19 Sec. 21. (1) All elections held ~~hereunder~~ UNDER THIS ACT  
20 shall be paid for by the locality where held, and except as oth-  
21 erwise provided ~~herein shall receive such~~ BY THIS ACT OR THE  
22 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, THE  
23 LEGISLATIVE BODY OF THE LOCALITY SHALL DETERMINE THE publication  
24 and notice ~~as the legislative body may determine, and shall be~~  
25 ~~arranged for, held and conducted by the same officers and in the~~  
26 ~~same manner, as near as may be, as general biennial fall~~  
27 ~~elections~~ OF THE ELECTION.

1 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR ANY  
2 CHARTER PROVISION, AN ELECTION UNDER THIS ACT IS SUBJECT TO SEC-  
3 TION 644 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.644.

4 Sec. 23. Each village charter shall provide for all of the  
5 following:

6 (a) The election of and compensation for a president who  
7 shall be the executive head, a clerk, and a legislative body. An  
8 election may be by a partisan, nonpartisan, or preferential  
9 ballot or by any other legal method of voting.

10 (b) The election or appointment of other officers or admin-  
11 istrative boards considered necessary.

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

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

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

18 (f) The public peace and health, and for the safety of per-  
19 sons and property.

20 (g) One or more election districts; the time, place, and  
21 means of holding elections; and the registration of electors,  
22 SUBJECT TO SECTION 2A AND OTHER APPLICABLE REQUIREMENTS OF LAW.

23 (h) Keeping in the English language a written or printed  
24 journal of proceedings of the legislative body.

25 (i) The publication of an ordinance or a synopsis of an  
26 ordinance before the ordinance becomes operative. Any charter  
27 provision to the contrary notwithstanding, a village may adopt an

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

24 (j) That the business of the legislative body shall be con-  
25 ducted at a public meeting of the body held in compliance with  
26 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and all  
27 records of the municipality shall be available to the public

1 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
2 15.246.

3 (k) Adopting, continuing, amending, or repealing village  
4 ordinances.

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

7 Enacting section 1. This amendatory act takes effect  
8 January 1, 2002.

9 Enacting section 2. This amendatory act does not take  
10 effect unless all of the following bills of the 90th Legislature  
11 are enacted into law:

12 (a) Senate Bill No. 290.

13 (b) Senate Bill No. 291.

14 (c) Senate Bill No. 292.