

# HOUSE BILL No. 4594

April 17, 2001, Introduced by Reps. Ruth Johnson, Toy, Julian, Raczkowski, Pappageorge, Voorhees, Shulman, Rocca, Gosselin and Bishop and referred to the Committee on Redistricting and Elections.

A bill to amend 1909 PA 278, entitled  
"The home rule village act,"  
by amending sections 4, 7, 14, 17, and 26 (MCL 78.4, 78.7, 78.14,  
78.17, and 78.26), section 26 as amended by 1995 PA 211.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4. ~~Said~~ A petition UNDER SECTION 3 shall be  
2 addressed to the board of ~~supervisors~~ COMMISSIONERS of the  
3 county in which the territory to be affected by ~~such~~ THE pro-  
4 posed incorporation, consolidation, or change of boundaries is  
5 located ~~,~~ and shall be filed with the clerk of ~~said~~ THE board  
6 OF COMMISSIONERS not less than 30 days before the ~~convening of~~  
7 ~~such~~ THE board OF COMMISSIONERS CONVENES in regular session ~~,~~  
8 or in ~~any~~ A special session called ~~for the purpose of~~  
9 ~~considering said~~ TO CONSIDER THAT petition. ~~,~~ and if, before  
10 ~~final action thereon, it shall appear to said board or~~ IF a

1 majority ~~thereof~~ OF THE BOARD OF COMMISSIONERS DETERMINES that  
 2 ~~said~~ THE petition or the ~~signing thereof does~~ SIGNATURES DO  
 3 not conform to this act ~~,~~ or THAT THE PETITION contains incor-  
 4 rect statements, THE BOARD OF COMMISSIONERS SHALL TAKE no further  
 5 proceedings ~~pursuant to said~~ ON THAT petition. ~~shall be had,~~  
 6 ~~but, if it shall appear~~ IF A MAJORITY OF THE BOARD OF COMMIS-  
 7 SIONERS DETERMINES that ~~said~~ THE petition conforms ~~in all~~  
 8 ~~respects~~ to ~~the provisions of~~ this act ~~,~~ and that the state-  
 9 ments contained ~~therein~~ IN THE PETITION are true, ~~said~~ THE  
 10 board of ~~supervisors~~ COMMISSIONERS shall, by resolution, pro-  
 11 vide that the question of making the proposed incorporation,  
 12 consolidation, or change of boundaries shall be submitted to the  
 13 qualified electors of the district to be affected at the next  
 14 ~~general~~ REGULARLY SCHEDULED election. ~~, if one shall occur in~~  
 15 ~~not less than 40 days and not more than 90 days after the adop-~~  
 16 ~~tion of such resolution, and if no general election is to occur~~  
 17 ~~within such period, said resolution shall fix a date within such~~  
 18 ~~period for a special election on such question.~~ After the adop-  
 19 tion of ~~such~~ THE resolution, neither the sufficiency nor legal-  
 20 ity of the petition on which it is based may be questioned in any  
 21 proceeding.

22       Sec. 7. ~~When~~ IF the territory to be affected by a pro-  
 23 posed incorporation, consolidation, or change ~~,~~ is ~~situated~~  
 24 LOCATED in more than 1 county, the petition shall be addressed  
 25 and presented to the secretary of state. The secretary of state  
 26 shall examine ~~such~~ THE petition ~~,~~ and the ACCOMPANYING  
 27 affidavits. ~~annexed, and if he shall find~~ IF THE SECRETARY OF

1 STATE FINDS that the ~~same~~ PETITION conforms to the provisions  
2 of this act, he OR SHE shall so certify ~~—~~ and transmit THE CER-  
3 TIFICATE OF CONFORMITY, a certified copy of ~~said~~ THE petition,  
4 and the accompanying affidavits to the clerk of each city,  
5 village, or township ~~to be~~ THAT IS POTENTIALLY affected by the  
6 ~~carrying out of the purposes of such~~ petition. ~~—, together with~~  
7 ~~his certificate as above provided, and~~ THE SECRETARY OF STATE  
8 SHALL ALSO TRANSMIT a notice directing that at the next ~~general~~  
9 REGULARLY SCHEDULED election occurring not less than 40 days  
10 ~~thereafter~~ AFTER THE TRANSMITTAL, the question of making the  
11 incorporation, consolidation, or change of boundaries petitioned  
12 for shall be submitted to the electors of the district to be  
13 affected. ~~—, and if no general election is to be held within 90~~  
14 ~~days, the notice may fix a date preceding the next general elec-~~  
15 ~~tion by at least 60 days for a special election on the question.~~  
16 If ~~he shall find~~ THE SECRETARY OF STATE FINDS that ~~said~~ THE  
17 petition and the ACCOMPANYING affidavits ~~annexed thereto~~ do not  
18 conform to the provisions of this act, he OR SHE shall certify  
19 ~~to~~ that fact ~~—~~ and return ~~said~~ THE petition and  
20 ACCOMPANYING affidavits to the person from whom they were  
21 received, ~~together~~ ALONG with ~~such~~ THE certificate OF  
22 NONCONFORMITY. The ~~several~~ city, village, and township clerks  
23 who ~~shall~~ receive THE COPIES AND CERTIFICATE OF CONFORMITY from  
24 the secretary of state ~~the copies and certificates above pro-~~  
25 ~~vided for,~~ shall give notice of the election to be held on the  
26 question of making the incorporation, consolidation, or change of

1 boundaries petitioned for in the same manner as provided for in  
2 section 6. ~~of this act.~~

3       Sec. 14. (1) ~~Any village desiring to revise its charter~~  
4 ~~shall do so in the following manner, unless otherwise provided by~~  
5 ~~charter: When its~~ A VILLAGE SHALL SUBMIT THE QUESTION OF A GEN-  
6 ERAL CHARTER REVISION TO THE ELECTORS FOR ADOPTION OR REJECTION  
7 IF EITHER OF THE FOLLOWING OCCURS:

8       (A) THE legislative body, ~~shall~~ by a 2/3 vote of the  
9 members-elect, ~~declare~~ VOTES for a general revision of the  
10 charter. ~~, or when an~~

11       (B) AN initiatory petition IS signed by qualified electors  
12 equal to at least ~~20 per centum~~ 20% of the total vote cast for  
13 president at the ~~last preceding~~ MOST RECENT PRESIDENTIAL elec-  
14 tion, ~~and~~ IS verified by the person or persons who obtained  
15 ~~such~~ THE signatures, ~~shall be~~ AND IS presented ~~therefor,~~  
16 ~~the~~ FOR SUBMISSION TO THE ELECTORS.

17       (2) THE question of having a general charter revision shall  
18 be submitted to the electors for adoption or rejection at the  
19 next ~~municipal~~ REGULARLY SCHEDULED election. ~~or at a special~~  
20 election. ~~In case the electors shall, by a majority vote,~~  
21 ~~declare in favor of such~~ IF A MAJORITY OF THE ELECTORS VOTING  
22 APPROVE THE CHARTER revision, a charter commission shall be  
23 selected. ~~consisting~~ THE CHARTER COMMISSION SHALL CONSIST of 5  
24 electors who are freeholders ~~, to be elected at large on a~~  
25 ~~non-partisan ballot, having a residence of~~ AND WHO HAVE RESIDED  
26 FOR at least 2 years in the municipality. THE CHARTER COMMISSION

1 SHALL BE ELECTED AT LARGE ON A NONPARTISAN BALLOT. The 5  
2 candidates having the greatest number of votes shall be elected.

3 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY IF THE CHARTER PRO-  
4 VIDES A DIFFERENT PROCESS FOR REVISING THE CHARTER.

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

23 Sec. 26. (1) A village shall not do any of the following:

24 (a) Submit to the electors a charter or a revision of a  
25 charter more often than once in every 2 years or file it with the  
26 village clerk less than 90 days before the election. This  
27 subdivision does not apply to the submission and resubmission of

1 charters to villages that may be incorporated under this act  
2 until they have first adopted a charter.

3 (b) Call more than 2 special elections within 1 year TO FILL  
4 VACANCIES IN VILLAGE OFFICES. ~~This prohibition does not apply~~  
5 ~~to elections that may be held in the submission and resubmission~~  
6 ~~of charters to villages that may be incorporated under this act~~  
7 ~~until they have first adopted a charter.~~

8 (c) Change the salary or emoluments of a public official  
9 after his or her election or appointment, or during his or her  
10 term of office, if the office is held for a fixed term, or  
11 shorten or extend the term of a public official from the period  
12 for which he or she was elected or appointed, unless he or she is  
13 removed for cause.

14 (d) Adopt a charter or amendment to a charter, unless  
15 approved by a majority of the electors voting on the charter or  
16 amendment at a ~~general or special~~ REGULARLY SCHEDULED  
17 election.

18 (e) Authorize an issue of bonds unless approved at an elec-  
19 tion by a majority of the electors of the village voting on the  
20 issuance of the bonds. This subdivision does not apply to spe-  
21 cial assessment bonds, bonds for the village portion of local  
22 improvements, not to exceed 40% of the cost of the improvement,  
23 refunding bonds, bonds for relief from fire, flood, or calamity,  
24 or for payment of judgments, or bonds that the legislative body  
25 is authorized by specific statute to issue without vote of the  
26 electors.

1 (f) Adopt a scheme for exemption from municipal taxation.

2 (g) Repudiate a debt by a change in its charter or by  
3 consolidation with ~~any other~~ ANOTHER municipality.

4 (h) Incur indebtedness by the issue of bonds, or otherwise,  
5 in a sum that, including existing indebtedness, exceeds 10% of  
6 the assessed valuation of the real and personal property within  
7 the village subject to taxation, as shown by the last assessment  
8 roll of the village. Bonds issued in anticipation of the collec-  
9 tion of special assessments, even though they are a general obli-  
10 gation of the village, motor vehicle highway fund bonds, revenue  
11 bonds, and bonds issued, or contract or assessment obligations  
12 incurred, to comply with an order of the department of environ-  
13 mental quality or a court of competent jurisdiction, even though  
14 they are a general obligation of the village, bonds issued, or  
15 contract or assessment obligations incurred, for water supply,  
16 sewerage, drainage, or refuse disposal projects necessary to pro-  
17 tect the public health by abating pollution, even though they are  
18 a general obligation of the village, and bonds issued or assess-  
19 ments or contract obligations incurred for the construction,  
20 improvement, or replacement of a combined sewer overflow abate-  
21 ment facility are not included in this limitation. Money on hand  
22 in a sinking fund limited to the payment of indebtedness may be  
23 treated as a reduction of the indebtedness to that extent. If,  
24 because of fire, flood, or other calamity, an emergency fund is  
25 required for the relief of the inhabitants of the village or for  
26 the repairing or rebuilding of any of its municipal buildings,  
27 works, bridges, or streets, the legislative body of the village

1 may borrow money due in not more than 3 years and in an amount  
2 not exceeding 1/4 of 1% of the assessed valuation of the village,  
3 notwithstanding that the loan may increase the indebtedness of  
4 the village beyond the limitations fixed by its charter or in  
5 this subdivision. If a village is authorized to acquire or oper-  
6 ate a public utility, it may issue mortgage bonds for that pur-  
7 pose beyond the general limit of bonded indebtedness prescribed  
8 by law. The mortgage bonds issued beyond the limit of general  
9 indebtedness prescribed by law shall not impose a liability upon  
10 the village, but shall be secured only upon the property and rev-  
11 enues of the public utility, including a franchise, stating the  
12 terms upon which, in case of foreclosure, the purchaser may oper-  
13 ate the public utility. The franchise shall not extend for a  
14 period longer than 20 years from the date of the sale of the  
15 public utility and franchise on foreclosure. Bonds issued, or  
16 contract or assessment obligations incurred, before July 31, 1973  
17 are validated. As used in this subdivision:

18       (i) "Combined sewer overflow" means a discharge from a com-  
19 bined sewer system that occurs when the flow capacity of the com-  
20 bined sewer system is exceeded.

21       (ii) "Combined sewer overflow abatement facility" means  
22 works, instrumentalities, or equipment necessary or appropriate  
23 to abate combined sewer overflows.

24       (iii) "Combined sewer system" means a sewer designed and  
25 used to convey both storm water runoff and sanitary sewage, and  
26 which contains lawfully installed regulators and control devices  
27 that allow for delivery of sanitary flow to treatment during dry



1 weather periods and divert storm water and sanitary sewage to  
2 surface waters during storm flow periods.

3 (iv) "Construction" means any action taken in the designing  
4 or building of a combined sewer overflow abatement facility.

5 Construction includes, but is not limited to, all of the  
6 following:

7 (A) Engineering services.

8 (B) Legal services.

9 (C) Financial services.

10 (D) Design of plans and specifications.

11 (E) Acquisition of land or structural components.

12 (F) Building, erection, alteration, remodeling, or extension  
13 of a combined sewer overflow abatement facility.

14 (G) Village supervision of the project activities described  
15 in sub-subparagraphs (A) to (F).

16 (v) "Improvement" means any action undertaken to expand,  
17 rehabilitate, or restore a combined sewer overflow abatement  
18 facility.

19 (vi) "Replacement" means action taken to obtain and install  
20 equipment, accessories, or appurtenances during the useful life  
21 of a combined sewer overflow abatement facility necessary to  
22 maintain the capacity and performance for which the equipment,  
23 accessories, or appurtenances are designed and constructed.

24 (i) Lay or collect taxes for municipal purposes except as  
25 otherwise provided by law, at a rate in excess of 2% of the  
26 assessed value of all real and personal property in the village.

1       (j) Issue bonds without creating a sinking fund for the  
2 payment of the bonds, except special assessment bonds that are a  
3 charge upon a special district created for the payment of the  
4 bonds, and serial bonds payable annually.

5       Enacting section 1. This amendatory act does not take  
6 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4592  
7 (request no. 00271'01) of the 91st Legislature is enacted into  
8 law.