

SENATE BILL No. 443

May 1, 2001, Introduced by Senators MC MANUS, HAMMERSTROM, BENNETT, STEIL, GARCIA, SHUGARS and SIKKEMA and referred to the Committee on Government Operations.

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending sections 1, 5, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 23 of chapter IX, section 3 of chapter XII, and section 18a of chapter XIV (MCL 62.1, 62.5, 62.13, 63.1, 63.2, 63.3, 63.7, 69.23, 72.3, and 74.18a), sections 1, 5, and 13 of chapter II and sections 2 and 7 of chapter III as amended and section 3 of chapter III as added by 1998 PA 255 and section 3 of chapter XII and section 18a of chapter XIV as amended by 1998 PA 254.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 1. (1) Except as provided in subsections (2) and (3), in each village, the following officers shall be elected: a president, 6 trustees, 1 clerk, and 1 treasurer. The president

1 and trustees constitute the council. In all votes for which not
2 less than a majority vote of THE council is required, the calcu-
3 lation of the number of votes required shall be based on the max-
4 imum number that constitutes THE council.

5 (2) The council by a vote of 2/3 of the members of THE coun-
6 cil may provide by ordinance for the reduction in the number of
7 trustees to 4 who with the president shall constitute the
8 council. If village trustees are elected biennially for stag-
9 gered 4-year terms, ~~or annually for staggered 2-year terms,~~ the
10 ordinance shall as nearly as possible maintain staggered terms
11 and provide for an equal number of seats to be filled at each
12 election. The ordinance may extend but shall not shorten the
13 term of an incumbent trustee. The ordinance may extend a pro-
14 spective term. The ordinance shall not shorten or eliminate a
15 prospective term unless the nomination deadline for that term is
16 not less than 30 days after the effective date of the ordinance.
17 An ordinance adopted under this subsection shall satisfy both of
18 the following conditions:

19 (a) The ordinance shall be voted on and adopted at a meeting
20 that occurs not less than 10 days after the initial meeting or
21 public hearing at which the ordinance was considered.

22 (b) Notice of each meeting at which the ordinance is consid-
23 ered indicating that an ordinance reducing the size of the coun-
24 cil will be 1 of the subjects of the meeting shall be published
25 not less than 10 days before the meeting in a newspaper of gen-
26 eral circulation in the village.

1 (3) The council by a vote of 2/3 of the members of THE
2 council may provide by ordinance for the nomination by the
3 president and the appointment by the council of the clerk or the
4 treasurer, or both, for ~~such~~ a term as the ordinance may
5 provide. The ordinance shall apply beginning with the first term
6 the nomination deadline for which would have been not less than
7 30 days after the effective date of the ordinance or shall apply
8 when the office is vacated, whichever occurs first.

9 (4) The council shall provide that an ordinance adopted
10 under subsection (2) or (3) takes effect ~~45~~ 30 days after the
11 date of adoption unless a petition signed by not less than 10% of
12 the registered electors of the village is filed with the village
13 clerk within the ~~45-day~~ 30-DAY period, in which case the ordi-
14 nance takes effect upon approval at an election held on the
15 question. Notice of the delayed effect of the ordinance and the
16 right of petition under this subsection shall be published sepa-
17 rately at the same time, and in the same manner, as the ordinance
18 is published pursuant to section 4 of chapter VI. The village
19 clerk shall verify the signatures on the petitions. If a peti-
20 tion bearing the required number of valid signatures of electors
21 is filed, the question of adoption of the ordinance shall be sub-
22 mitted at the next general or special election. The ballot lan-
23 guage for the question shall be prepared by the village clerk,
24 unless the question concerns the appointment of the clerk under
25 subsection ~~-(2)-~~ (3), in which case the ballot language shall be
26 prepared by the village council.

1 (5) A village that has adopted an ordinance reducing the
2 number of trustees to 4 or providing for the appointment by the
3 council of the clerk or treasurer may increase the number of
4 trustees to 6 or provide for the election of the clerk or trea-
5 surer by the same process as provided in subsection (2) or (3),
6 respectively, and in subsection (4).

7 Sec. 5. ~~-(1)-~~ Except as otherwise provided in this section,
8 3 village trustees shall be elected at each biennial village
9 election for the term of 4 years from the ~~second Monday in March~~
10 ~~of the even numbered year when elected~~ FOLLOWING JANUARY 1 and
11 until their successors are qualified. As an alternative, if pro-
12 vided by an ordinance adopted by the village before January 1,
13 1974, all 6 village trustees shall be elected at the biennial
14 village elections for the term of 2 years and until their succes-
15 sors are qualified.

16 ~~-(2) If a village exempted itself from subsection (1) by~~
17 ~~council resolution adopted before January 1, 1974, the village~~
18 ~~shall continue to elect its trustees annually on the second~~
19 ~~Monday in March with 3 trustees to be elected annually. The~~
20 ~~trustees shall hold their offices for the term of 2 years and~~
21 ~~until their successors are qualified.~~

22 ~~-(3) A village that exempted itself as described in subsec-~~
23 ~~tion (2) may subsequently provide by ordinance that the village~~
24 ~~shall elect trustees biennially. The ordinance shall be applica-~~
25 ~~ble to the even year village election to be held not less than 6~~
26 ~~months next following the adoption of the ordinance. The~~
27 ~~ordinance shall provide for a system of electing trustees as~~

1 ~~described in subsection (1). The ordinance may extend the terms~~
2 ~~of incumbent trustees for not more than 1 year if necessary to~~
3 ~~provide for the biennial election of trustees. In any event, a~~
4 ~~trustee shall serve until his or her successor is qualified.~~

5 ~~(4) A copy of each resolution and ordinance adopted pursuant~~
6 ~~to this section shall be forwarded to the director of the bureau~~
7 ~~of elections of the department of state.~~

8 Sec. 13. ~~Any~~ A vacancy occurring in the office of presi-
9 dent, trustee, or any other elective office shall be filled by
10 appointment by the council, and the appointee shall hold office
11 until the next regular village election. All vacancies in any
12 other office shall be filled by the president, by and with the
13 consent of the council. If by reason of removal, death, resigna-
14 tion, or otherwise, the membership of the council is reduced to
15 less than a quorum, the remaining council members shall call a
16 special election for the purpose of filling all vacancies in the
17 office of trustee, if a petition signed by not less than 10% of
18 the qualified voters of the village is filed with the village
19 clerk within 10 days after the vacancy or vacancies occur. If a
20 petition is not filed within the time stated, then the remaining
21 council members may either call a special election, or may
22 ~~proceed to~~ appoint a sufficient number of trustees to consti-
23 tute with the members in office a quorum of the council, who
24 shall then fill the remaining vacancies as provided in this
25 section. If all the officers and trustees of a village have died
26 or ~~removed~~ MOVED from the village, and no successors have been
27 elected or appointed to fill the vacancies, the township clerk of

1 the township within which the village is situated shall, upon
 2 petition of 10% of the qualified voters residing in the village,
 3 call a special election for the election of the officers and
 4 trustees of the village, at a date ~~and place to be fixed by the~~
 5 ~~township clerk, which date shall be not more than 30 days after~~
 6 ~~the receipt of the petition. The township board of the~~ PROVIDED
 7 UNDER SECTIONS 643B AND 644 OF THE MICHIGAN ELECTION LAW, 1954 PA
 8 116, MCL 168.643B AND 168.644. THE township shall perform all of
 9 the other duties with respect to the election as the village
 10 might have done had the vacancies not existed, including the
 11 preparation of ballots, the appointment of election inspectors,
 12 the counting and canvassing of the ballots, and the certification
 13 of the persons elected to the offices for which the election was
 14 held. All of the expenses of the election shall be ~~a charge~~
 15 ~~upon~~ PAID BY the village.

16 CHAPTER III

17 Sec. 1. (1) ~~Except with regard to villages that hold~~
 18 ~~annual elections pursuant to section 5(2) of chapter 2, the elec-~~
 19 ~~tion of officers shall be held biennially on the second Monday in~~
 20 ~~March in each even numbered year.~~ An election UNDER THIS ACT
 21 shall be held at ~~such~~ A place in the village as the council
 22 ~~shall designate~~ DESIGNATES.

23 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, AN
 24 ELECTION UNDER THIS ACT IS SUBJECT TO SECTIONS 643B AND 644 OF
 25 THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.643B AND 168.644.

26 Sec. 2. Special elections may be called by resolution of
 27 the council. The resolution shall state the purpose and object

1 of and, subject to ~~the election laws of this state~~ SECTION 1 OF
2 THIS CHAPTER, the date of the election.

3 Sec. 3. ~~-(1)-~~ Except as OTHERWISE provided in this section,
4 BEGINNING JANUARY 1, 2003, village elections shall be ~~partisan.~~
5 ~~The council by a vote of 2/3 of the members of council may pro-~~
6 ~~vide by ordinance that village elections shall be nonpartisan.~~
7 ~~The ordinance shall apply beginning with the first village elec-~~
8 ~~tion for which the nomination deadline is not less than 30 days~~
9 ~~after the effective date of the ordinance.~~ NONPARTISAN. IF A
10 NONPARTISAN VILLAGE ELECTION IS NOT PROVIDED IN A VILLAGE BY AN
11 ORDINANCE ADOPTED BEFORE JANUARY 1, 2003, THE PROVISION REQUIRING
12 NONPARTISAN VILLAGE ELECTIONS DOES NOT APPLY UNTIL JANUARY 1,
13 2004.

14 ~~-(2)-~~ ~~The council shall provide that an ordinance adopted~~
15 ~~under subsection (1) takes effect 45 days after the date of adop-~~
16 ~~tion unless a petition signed by not less than 10% of the regis-~~
17 ~~tered electors of the village is filed with the village clerk~~
18 ~~within the 45-day period, in which case the ordinance takes~~
19 ~~effect upon approval at an election held on the question. Notice~~
20 ~~of the delayed effect of the ordinance and the right of petition~~
21 ~~under this subsection shall be published separately at the same~~
22 ~~time, and in the same manner, as the ordinance is published pur-~~
23 ~~suant to section 4 of chapter VI. The village clerk shall verify~~
24 ~~the signatures on the petitions. If a petition bearing the~~
25 ~~required number of valid signatures of electors is filed, the~~
26 ~~question of adoption of the ordinance shall be submitted at the~~

1 ~~next general or special election. The ballot language for the~~
 2 ~~question shall be prepared by the village clerk.~~

3 ~~(3) A village that has adopted an ordinance providing for~~
 4 ~~nonpartisan elections may revert to partisan elections by the~~
 5 ~~same process as provided in subsections (1) and (2).~~

6 Sec. 7. (1) All elections in the village shall be conducted
 7 as nearly as may be in the manner provided by ~~law~~ THE MICHIGAN
 8 ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, for holding gen-
 9 eral elections in the state, except as provided in this act.

10 (2) If at any election vacancies are to be filled, or if any
 11 person is to be elected for less than a full term of office, the
 12 term shall be designated on the ballot.

13 CHAPTER IX

14 Sec. 23. (1) ~~Bonds may not be issued, except special~~
 15 ~~assessment bonds, bonds for the portion of the cost of local~~
 16 ~~improvements to be paid by the village at large not to exceed 40%~~
 17 ~~of the cost of such improvements, emergency bonds, and bonds~~
 18 ~~which the council is authorized by specific statute to issue~~
 19 ~~without vote of the electors, unless~~ SUBJECT TO SUBSECTION (2),
 20 A VILLAGE SHALL NOT ISSUE BONDS UNLESS THE ISSUANCE IS approved
 21 by a majority of the electors voting ~~thereon~~ ON THE BOND
 22 ISSUANCE at ~~an annual~~ A REGULAR or special village election.
 23 The election shall be conducted in accordance with the ~~general~~
 24 ~~laws governing the conduct of elections. This section~~ MICHIGAN
 25 ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992.

26 (2) SUBSECTION (1) does not apply to ~~obligations~~ ANY OF
 27 THE FOLLOWING:

1 (A) OBLIGATIONS incurred by the village evidenced by
2 contracts, notes, or assessments.

3 (B) SPECIAL ASSESSMENT BONDS.

4 (C) BONDS FOR THE PORTION OF THE COST OF LOCAL IMPROVEMENTS
5 TO BE PAID BY THE VILLAGE AT LARGE NOT TO EXCEED 40% OF THE COST
6 OF THE IMPROVEMENTS.

7 (D) EMERGENCY BONDS.

8 (E) BONDS THAT THE COUNCIL IS AUTHORIZED BY SPECIFIC STATUTE
9 TO ISSUE WITHOUT A VOTE OF THE ELECTORS.

10 CHAPTER XII

11 Sec. 3. (1) To exercise the powers granted by section 1 of
12 this chapter, the council shall adopt a resolution declaring that
13 it is expedient for ~~such~~ THE village to acquire by purchase or
14 construction, as applicable, works to supply the village with
15 electric or other lights, and shall make and record in their pro-
16 ceedings an estimate of the expense.

17 (2) The question of financing the estimated amount or that
18 part of the estimated amount not in excess of limitations on
19 indebtedness of the village provided by law shall be submitted to
20 the electors of the village at its ~~annual~~ REGULAR election, or
21 at a special election called for that purpose by the council as
22 provided in this act. Approval of the proposal requires the
23 affirmative vote of 2/3 of the electors voting at ~~such~~ THE
24 election by ballot.

25 (3) If the voters approve financing a part of the estimated
26 amount not in excess of the limitations on indebtedness of the
27 village, the council shall not incur any indebtedness for

1 lighting works on the general faith and credit of the village
2 until the charter is amended to permit the issuance of mortgage
3 bonds on the proposed lighting plant, its revenues and franchise,
4 in excess of the general limitations on indebtedness as provided
5 by this act, in an amount equal to the difference between the
6 indebtedness authorized by this act, and the estimated amount.

7 Sec. 18a. (1) To initiate the disincorporation of a vil-
8 lage, ~~there shall be filed with the village clerk~~ a petition
9 signed by not less than 15% of the registered electors of the
10 village requesting a vote on the question of whether the village
11 shall disincorporate SHALL BE FILED WITH THE VILLAGE CLERK.

12 (2) A petition shall designate the township or townships
13 into which the village is proposed to be disincorporated. A vil-
14 lage shall be disincorporated into the township or townships in
15 which it is located, along existing township boundaries.

16 (3) After the petition is filed with the village clerk a
17 petition affecting the village shall not be filed with the state
18 boundary commission and a petition requesting disincorporation of
19 the village into a different township shall not be filed under
20 this act until the disincorporation process provided for by this
21 act has concluded.

22 (4) By not more than 14 days after the petition is filed,
23 the village clerk shall verify the signatures and determine the
24 sufficiency of the petition. Unless the council proceeds under
25 sections 23 to 23i of this chapter, if the clerk determines that
26 the petition is sufficient, the question of the disincorporation
27 of the village shall appear on the ballot at the next general or

1 special election to be held in the village, subject to ~~section~~
2 SECTIONS 643B, 644, AND 646a of the Michigan election law, 1954
3 PA 116, MCL 168.643B, 168.644, AND 168.646a. The village clerk
4 shall prepare the ballot language, in substantially the following
5 form:

6 "Shall incorporation of the village of _____ be
7 vacated?

8 () Yes

9 () No".

10 (5) The county election commission of the county in which
11 the greatest number of electors of the village reside shall pro-
12 vide ballots for the election.

13 (6) The clerk and election officials of the village and each
14 township into which the village is proposed to be disincorporated
15 shall conduct the election on the proposed disincorporation in
16 the village and the portions of the township outside the bounda-
17 ries of the village, respectively.

18 (7) If the election on the proposed disincorporation is to
19 be held in conjunction with a general election or a state primary
20 election immediately ~~preceding~~ BEFORE a general election, the
21 notices of close of registration and election shall be published
22 as provided for by the state election laws. Otherwise, the
23 county clerk of the county in which the greatest number of elec-
24 tors of the village reside shall publish the notices of close of
25 registration and election. The notice of close of registration
26 shall include the ballot language of the proposal.

1 (8) The results of the election on the proposed
2 disincorporation shall be canvassed by the board of canvassers of
3 the village and the board of canvassers of each township in which
4 the village is located.

5 (9) The disincorporation of the village shall take place
6 ~~pursuant to~~ UNDER this section only if 2/3 of the electors
7 voting on the questions vote "yes". If the disincorporation is
8 approved, the council shall immediately cause a transcript of all
9 the proceedings in the case to be certified to both of the
10 following:

11 (a) The county clerk of the county in which the village or
12 the principal part of the village is located.

13 (b) The secretary of state.

14 Enacting section 1. This amendatory act takes effect
15 January 1, 2003.

16 Enacting section 2. This amendatory act does not take
17 effect unless all of the following bills of the 91st Legislature
18 are enacted into law:

19 (a) Senate Bill No. 439

20

21 (b) Senate Bill No. 440

22

23 (c) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 00635'01 *).

25 (d) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 00635'01 a *).