

SUBSTITUTE FOR
HOUSE BILL NO. 4721

A bill to amend 1909 PA 278, entitled
"The home rule village act,"
by amending sections 4 and 5 (MCL 78.4 and 78.5) and by adding
section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 shall be filed with the clerk of ~~said~~ THE
6 COUNTY board OF COMMISSIONERS not less than 30 days before the
7 ~~convening of such~~ COUNTY board OF COMMISSIONERS CONVENES in
8 regular session ~~,~~ or in ~~any~~ A special session called ~~for the~~
9 ~~purpose of considering said~~ TO CONSIDER THAT petition. ~~,~~ and

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1 ~~if, before final action thereon, it shall appear to said board~~
2 ~~or~~

3 (2) IF a majority ~~thereof~~ OF THE COUNTY BOARD OF COMMIS-
4 SIONERS DETERMINES that ~~said~~ THE petition or the ~~signing~~
5 ~~thereof does~~ SIGNATURES DO not conform to this act ~~,~~ or THAT
6 THE PETITION contains incorrect statements, THE COUNTY BOARD OF
7 COMMISSIONERS SHALL HOLD no further proceedings ~~pursuant to~~
8 ~~said~~ ON THAT petition. ~~shall be had, but, if it shall appear~~
9 IF A MAJORITY OF THE COUNTY BOARD OF COMMISSIONERS DETERMINES
10 that ~~said~~ THE petition conforms ~~in all respects~~ to ~~the pro-~~
11 ~~visions of~~ this act ~~,~~ and that the statements contained
12 ~~therein~~ IN THE PETITION are true, ~~said~~ THE COUNTY board of
13 ~~supervisors~~ COMMISSIONERS shall, by resolution, provide that
14 the question of making the proposed incorporation, consolidation,
15 or change of boundaries shall be submitted to the qualified elec-
16 tors of ~~the~~ EACH district to be affected at the next general
17 election, if ~~one~~ A GENERAL ELECTION shall occur in not less
18 than ~~40~~ 60 days and not more than 90 days after the adoption of
19 ~~such~~ THE resolution. ~~, and if~~ IF no general election is to
20 occur within ~~such~~ THAT period, ~~said~~ THE resolution shall fix
21 a date within ~~such~~ THAT period for a special election on ~~such~~
22 THE question.

23 (3) After the adoption of ~~such~~ THE resolution, neither the
24 sufficiency nor THE legality of the petition on which it is based
25 ~~may~~ SHALL be questioned in any proceeding.

26 (4) THE COUNTY BOARD OF COMMISSIONERS SHALL NOT APPROVE A
27 PROPOSED ANNEXATION IF THAT PROPOSED ANNEXATION WAS DISAPPROVED

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1 BY THE COUNTY BOARD OF COMMISSIONERS OR REJECTED BY THE QUALIFIED
2 ELECTORS WITHIN 2 YEARS BEFORE THE DATE THE PETITION IS FILED
3 UNDER SUBSECTION (1).

4 (5) THE INCORPORATION AS A CITY BY A VILLAGE IS NOT AN
5 ANNEXATION UNDER THIS SECTION.

6 Sec. 5. (1) ~~The~~ A district to be affected by ~~every such~~
7 A proposed incorporation, consolidation, or change of boundaries
8 ~~, shall be deemed to include~~ INCLUDES the whole of each city,
9 village, or township from which territory is to be taken or to
10 which territory is to be annexed. ~~: Provided, however, That~~
11 ~~proposed~~

12 (2) PROPOSED incorporations, consolidations, or changes of
13 boundaries shall be submitted to the qualified electors residing
14 within the territory proposed to be incorporated, ~~or residing~~
15 ~~within~~ the village to which territory is to be annexed, ~~as the~~
16 ~~case may be, and also to the qualified electors of~~ AND the city,
17 village, or township ~~, from which the territory to be taken is~~
18 located. ~~and at the election, when the said question is voted~~
19 ~~upon,~~

20 (3) IN AN ELECTION FOR A PROPOSED INCORPORATION OR
21 ANNEXATION, the city, village, or township shall ~~conduct the~~
22 ~~election in such manner as to keep~~ RECORD SEPARATELY the votes
23 of the qualified electors in the territory proposed to be incor-
24 porated or annexed ~~or detached in a separate box from the one~~
25 ~~containing~~ AND the votes OF THE QUALIFIED ELECTORS from the
26 remaining portions of ~~such~~ THE city, village, or township. ~~,~~
27 ~~and if the returns of said election shall show~~ IF a majority of

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1 the ~~votes cast~~ QUALIFIED ELECTORS in the district proposed to
2 be incorporated or annexed, voting separately, ~~to be in favor~~
3 ~~of~~ APPROVE the proposed incorporation or ~~change of boundary as~~
4 ~~the case may be~~ ANNEXATION, and if a majority of the QUALIFIED
5 electors ~~voting~~ in the remainder of the district to be
6 affected, ~~as herein defined,~~ voting collectively, ~~are in favor~~
7 ~~of~~ APPROVE the proposed incorporation or ~~change of boundary as~~
8 ~~the case may be~~ ANNEXATION, then ~~such~~ THAT territory shall
9 become incorporated as a village or shall become a part of the
10 corporate territory of the village. ~~or shall be detached there-~~
11 ~~from, as the case may be: Provided further, That in case~~ IF
12 there are no qualified electors residing within the territory
13 proposed to be ~~detached, or~~ annexed ~~,~~ AND if a majority of
14 electors voting in the remainder of the district to be affected
15 ~~, as herein defined,~~ are in favor of the proposed ~~change of~~
16 ~~boundary~~ ANNEXATION, then ~~such~~ THAT territory shall become a
17 part of the corporate territory of the village. ~~or shall be~~
18 ~~detached therefrom, as the case may be: Provided further, That~~
19 ~~the~~ THE QUESTION OF A PROPOSED DETACHMENT OF TERRITORY FROM A
20 VILLAGE TO A TOWNSHIP SHALL BE SUBMITTED TO THE QUALIFIED ELEC-
21 TORS AS PROVIDED IN SECTION 5B.

22 (4) THE question of incorporating a new village from terri-
23 tory located in a township or townships shall be determined by a
24 majority of the votes cast at an election at which only the
25 QUALIFIED electors residing within the territory proposed to be
26 incorporated shall vote.

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1 SEC. 5B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
2 TERRITORY MAY BE DETACHED FROM A VILLAGE TO A TOWNSHIP ONLY IF
3 ALL OF THE FOLLOWING CONDITIONS ARE MET:

4 (A) THE TERRITORY TO BE DETACHED DOES NOT CONTAIN ANY REAL
5 PROPERTY OWNED BY THE VILLAGE, EXCEPT FOR UTILITIES AND OTHER
6 FACILITIES THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

7 (B) THE TERRITORY TO BE DETACHED WAS NOT ANNEXED WITHIN THE
8 PREVIOUS 2 YEARS.

9 (C) THE DETACHMENT IS APPROVED BY A MAJORITY VOTE OF THE
10 QUALIFIED ELECTORS RESIDING IN EACH OF THE FOLLOWING, COUNTED
11 SEPARATELY:

12 (i) THE TERRITORY PROPOSED TO BE DETACHED FROM THE VILLAGE.

13 (ii) THE REMAINING PORTION OF THE VILLAGE.

14 (iii) THE TOWNSHIP TO WHICH THE TERRITORY WILL BE ATTACHED.

15 Enacting section 1. This amendatory act does not take
16 effect unless all of the following bills of the 91st Legislature
17 are enacted into law:

18 (a) House Bill No. 4720.

19 (b) House Bill No. 4722.

20 (c) House Bill No. 4723.

21 (d) House Bill No. 4724.

22 (e) House Bill No. 4725.