

HOUSE BILL No. 4721

May 3, 2001, Introduced by Reps. DeVuyst, Sanborn, Gilbert, Jamnick, Tabor, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons and referred to the Committee on Local Government and Urban Policy.

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).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) ~~Said~~ A petition UNDER SECTION 2 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 OF
6 COMMISSIONERS not less than 30 days before the ~~convening of~~
7 ~~such~~ board OF COMMISSIONERS CONVENES in regular session, or in
8 ~~any~~ A special session called ~~for the purpose of considering~~
9 ~~said~~ TO CONSIDER THAT petition. ~~, and if, before final action~~
10 ~~thereon, it shall appear to said board or~~

1 (2) IF a majority ~~thereof~~ OF THE BOARD OF COMMISSIONERS
 2 DETERMINES that ~~said~~ THE petition or the ~~signing thereof does~~
 3 SIGNATURES DO not conform to this act, or THAT THE PETITION con-
 4 tains incorrect statements, THE BOARD OF COMMISSIONERS SHALL HOLD
 5 no further proceedings ~~pursuant to said~~ ON THAT petition.
 6 ~~shall be had, but, if it shall appear~~ IF A MAJORITY OF THE
 7 BOARD OF COMMISSIONERS DETERMINES that ~~said~~ THE petition con-
 8 forms ~~in all respects~~ to ~~the provisions of~~ this act, and that
 9 the statements contained ~~therein~~ IN THE PETITION are true,
 10 ~~said~~ THE board of ~~supervisors~~ COMMISSIONERS shall, by resolu-
 11 tion, provide that the question of making the proposed incorpora-
 12 tion, consolidation, or change of boundaries shall be submitted
 13 to the qualified electors of the district OR DISTRICTS to be
 14 affected AS PROVIDED UNDER SECTION 5 at the next general elec-
 15 tion, if ~~one~~ A GENERAL ELECTION shall occur in not less than
 16 ~~40~~ 70 days and not more than 90 days after the adoption of
 17 ~~such~~ THE resolution. ~~, and if~~ IF no general election is to
 18 occur within ~~such~~ THAT period, ~~said~~ THE resolution shall fix
 19 a date within ~~such~~ THAT period for a special election on ~~such~~
 20 THE question.

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

24 Sec. 5. (1) ~~The~~ A district to be affected by ~~every such~~
 25 A proposed incorporation, consolidation, or change of boundaries
 26 ~~, shall be deemed to include~~ INCLUDES the whole of each city,
 27 village, or township from which territory is to be taken or to

1 which territory is to be annexed. ~~:- Provided, however, That~~
 2 proposed

3 (2) PROPOSED incorporations, consolidations, or changes of
 4 boundaries shall be submitted to the qualified electors residing
 5 within the territory proposed to be incorporated, ~~or residing~~
 6 ~~within~~ the village to which territory is to be annexed, ~~as the~~
 7 ~~case may be, and also to the qualified electors of~~ AND the city,
 8 village, or township ~~—~~ from which the territory to be taken is
 9 located. ~~and at the election, when the said question is voted~~
 10 upon,

11 (3) IN AN ELECTION FOR A PROPOSED INCORPORATION, the city,
 12 village, or township shall ~~conduct the election in such manner~~
 13 ~~as to keep~~ RECORD SEPARATELY the votes of the qualified electors
 14 in the territory proposed to be incorporated ~~or annexed or~~
 15 detached in a separate box from the one containing AND the votes
 16 OF THE QUALIFIED ELECTORS from the remaining portions of ~~such~~
 17 THE city, village, or township. ~~—, and if the returns of said~~
 18 ~~election shall show~~ IF a majority of the ~~votes cast~~ QUALIFIED
 19 ELECTORS in the district proposed to be incorporated, ~~or~~
 20 ~~annexed,~~ voting separately, ~~to be in favor of~~ APPROVE the pro-
 21 posed incorporation, ~~or change of boundary as the case may be,~~
 22 and if a majority of the QUALIFIED electors ~~voting~~ in the
 23 remainder of the district to be affected, ~~as herein defined,~~
 24 voting collectively, ~~are in favor of~~ APPROVE the proposed
 25 incorporation, ~~or change of boundary as the case may be,~~ then
 26 ~~such~~ THAT territory shall become incorporated as a village. ~~or~~
 27 ~~shall become a part of the corporate territory of the village or~~

~~1 shall be detached therefrom, as the case may be: Provided
2 further, That in case~~

3 (4) IN AN ELECTION FOR A PROPOSED ANNEXATION OR CONSOLIDA-
4 TION, THE CITY, VILLAGE, OR TOWNSHIP SHALL RECORD SEPARATELY THE
5 VOTES OF THE QUALIFIED VOTERS IN THE TERRITORY PROPOSED FOR
6 ANNEXATION, IN THE BALANCE OF THE CITY, VILLAGE, OR TOWNSHIP IN
7 WHICH THE TERRITORY PROPOSED FOR ANNEXATION OR CONSOLIDATION IS
8 LOCATED, AND THE VOTES OF THE QUALIFIED VOTERS IN THE CITY, VIL-
9 LAGE, OR TOWNSHIP TO WHICH THE TERRITORY SHALL BE ANNEXED OR
10 CONSOLIDATED. THE ANNEXATION OR CONSOLIDATION SHALL BE CONSID-
11 ERED DEFEATED IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON
12 THE ISSUE IN THE ANNEXING OR CONSOLIDATING VILLAGE, IN THE TERRI-
13 TORY PROPOSED FOR ANNEXATION OR CONSOLIDATION, OR IN THE BALANCE
14 OF THE CITY, VILLAGE, OR TOWNSHIP IN WHICH THE TERRITORY PROPOSED
15 FOR ANNEXATION OR CONSOLIDATION IS LOCATED, VOTING SEPARATELY,
16 VOTE AGAINST THE ANNEXATION.

17 (5) IF there are no qualified electors residing within the
18 territory proposed to be ~~detached,~~ CONSOLIDATED or annexed ~~—~~
19 ~~if~~ AND a majority of THE QUALIFIED electors voting in the
20 remainder of the district ~~to be~~ affected ~~—, as herein defined,~~
21 ~~are in favor of~~ APPROVE the proposed ~~change of boundary, then~~
22 ~~such~~ ANNEXATION OR CONSOLIDATION, THAT territory shall ~~become a~~
23 ~~part of the corporate territory of the village or shall be~~
24 ~~detached therefrom, as the case may be: Provided further, That~~
25 ~~the~~ BE ANNEXED OR CONSOLIDATED.

26 (6) THE question of incorporating a new village from
27 territory located in a township or townships shall be determined

1 by a majority of the votes cast at an election at which only the
2 QUALIFIED electors residing within the territory proposed to be
3 incorporated shall vote.