

SUBSTITUTE FOR
SENATE BILL NO. 442

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. (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~~ 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~~ board OF COMMISSIONERS CONVENES in
8 regular session, or in ~~any~~ A special session called for the
9 purpose of considering ~~said~~ THE petition. ~~, and if, before~~
10 ~~final action thereon, it shall appear to said board or a majority~~

SB 442, As Passed Senate, March 21, 2002

Senate Bill No. 442

2

1 ~~thereof that said petition or the signing thereof does not~~
2 ~~conform to this act, or contains incorrect statements, no further~~
3 ~~proceedings pursuant to said petition shall be had, but, if it~~
4 ~~shall appear that said petition conforms in all respects to the~~
5 ~~provisions of this act, and that the statements contained therein~~
6 ~~are true, said board of supervisors~~ THE BOARD OF COMMISSIONERS
7 SHALL DETERMINE WHETHER THE PETITION COMPLIES WITH THE REQUIRE-
8 MENTS OF THIS ACT AND WHETHER THE STATEMENTS CONTAINED IN THE
9 PETITION ARE CORRECT. IF A MAJORITY OF THE BOARD DETERMINES THAT
10 THE PETITION DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS ACT OR
11 THAT THE STATEMENTS CONTAINED IN THE PETITION ARE NOT CORRECT,
12 THE BOARD SHALL NOT CONDUCT FURTHER PROCEEDINGS ON THE PETITION.
13 IF THE BOARD DETERMINES THAT THE PETITION COMPLIES WITH THE
14 REQUIREMENTS OF THIS ACT AND THAT THE STATEMENTS CONTAINED IN THE
15 PETITION ARE CORRECT, THE BOARD shall, by resolution, provide
16 that the question of making the proposed incorporation,
17 consolidation, or change of boundaries ~~shall~~ be submitted to
18 the qualified electors of the district to be affected at the next
19 general election, ~~if one shall occur in not less than 40 days~~
20 ~~and not more than 90 days after the adoption of such resolution,~~
21 ~~and if no general election is to occur within such period, said~~
22 ~~resolution shall fix a date within such period for a special~~
23 ~~election on such question.~~ After OR AT A SPECIAL ELECTION
24 BEFORE THE NEXT GENERAL ELECTION ON A STANDARD ELECTION DAY PRO-
25 VIDED UNDER SECTION 641 OF THE MICHIGAN ELECTION LAW, 1954 PA
26 116, MCL 168.641, THAT IS HELD 60 DAYS OR MORE AFTER THE ADOPTION
27 OF THE RESOLUTION.

SB 442, As Passed Senate, March 21, 2002

Senate Bill No. 442

3

1 (2) AFTER the adoption of ~~such~~ A resolution SUBMITTING THE
2 BALLOT QUESTION TO A VOTE OF THE ELECTORS, neither the suffi-
3 ciency nor legality of the petition ~~on which it is based~~ UNDER
4 SECTION 2 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 PROPOSED INCORPORATION, CONSOLIDATION, OR CHANGE OF BOUNDARIES,
21 together with ~~his certificate as above provided, and~~ a notice
22 directing that ~~at the next general election occurring not less~~
23 ~~than 40 days thereafter,~~ the question of making the incorpora-
24 tion, consolidation, or change of boundaries petitioned for
25 ~~shall~~ be submitted to the electors of the district to be
26 affected. ~~,~~ and if no general election is to be held within 90
27 days, ~~the notice may fix a date preceding the next general~~

SB 442, As Passed Senate, March 21, 2002

Senate Bill No. 442

4

1 ~~election by at least 60 days for a special election on the~~
2 ~~question. If he shall find that said~~ THE NOTICE SHALL PROVIDE
3 THAT THE BALLOT QUESTION SHALL BE SUBMITTED AT THE NEXT GENERAL
4 ELECTION, OR AT A SPECIAL ELECTION BEFORE THE NEXT GENERAL ELEC-
5 TION, THAT IS HELD 60 DAYS OR MORE AFTER THE DATE OF TRANSMITTAL
6 OF THE CERTIFICATE.

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

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

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

SB 442, As Passed Senate, March 21, 2002

Senate Bill No. 442

5

1 ~~same manner, as near as may be, as general biennial fall~~
2 ~~elections~~ OF THE ELECTION.

3 (2) NOTWITHSTANDING A CHARTER PROVISION PROVIDING OTHERWISE,
4 THE DAY ON WHICH A VILLAGE HOLDS ITS REGULAR OR A SPECIAL ELEC-
5 TION IS GOVERNED BY THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
6 168.1 TO 168.992, OR BY A RESOLUTION ADOPTED IN COMPLIANCE WITH
7 SECTION 642 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
8 168.642.

9 Sec. 23. Each village charter shall provide for all of the
10 following:

11 (a) The election of and compensation for a president who
12 shall be the executive head, a clerk, and a legislative body.

13 ~~An~~ NOTWITHSTANDING A CHARTER PROVISION TO THE CONTRARY, A
14 VILLAGE election ~~may~~ SHALL be ~~by a partisan,~~ nonpartisan. ~~,~~
15 ~~or preferential ballot or by any other legal method of voting.~~

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

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

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

22 (e) An annual appropriation of money for municipal
23 purposes.

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

SB 442, As Passed Senate, March 21, 2002

Senate Bill No. 442

6

1 (g) One or more election districts; SUBJECT TO SECTION 21,
2 the time, place, and means of holding elections; and the
3 registration of electors.

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

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

SB 442, As Passed Senate, March 21, 2002

Senate Bill No. 442

7

1 of the law or code is available to the public at the office of
2 the village clerk. A village shall not enforce any provision
3 adopted by reference for which the maximum period of imprisonment
4 is greater than 93 days.

5 (j) That the business of the legislative body shall be con-
6 ducted at a public meeting of the body held in compliance with
7 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and all
8 records of the municipality shall be available to the public
9 under the freedom of information act, 1976 PA 442, MCL 15.231 to
10 15.246.

11 (k) Adopting, continuing, amending, or repealing village
12 ordinances.

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

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

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

20 (a) Senate Bill No. 439.

21 (b) Senate Bill No. 440.