

**SUBSTITUTE FOR
SENATE BILL NO. 443**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 1, 3, 4, 5, 6, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 3 of chapter V, section 23 of chapter IX, section 3 of chapter XII, and sections 18a and 23g of chapter XIV (MCL 62.1, 62.3, 62.4, 62.5, 62.6, 62.13, 63.1, 63.2, 63.3, 63.7, 65.3, 69.23, 72.3, 74.18a, and 74.23g), sections 1, 4, 5, 6, and 13 of chapter II, sections 2 and 7 of chapter III, and section 3 of chapter V 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 and section 23g of chapter XIV as added by 1998 PA 254.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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2

1

CHAPTER II

2

Sec. 1. (1) Except as provided in subsections (2) and (3),

3

in each village, the following officers shall be elected: a

4

president, 6 trustees, 1 clerk, and 1 treasurer. The president

5

and trustees constitute the council. In all votes for which not

6

less than a majority vote of THE council is required, the calcu-

7

lation of the number of votes required shall be based on the max-

8

imum number that constitutes THE council.

9

(2) The council by a vote of 2/3 of the members of THE coun-

10

cil may provide by ordinance for the reduction in the number of

11

trustees to 4 who with the president shall constitute the

12

council. If village trustees are elected biennially for stag-

13

gered 4-year terms or annually for staggered 2-year terms, the

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ordinance shall as nearly as possible maintain staggered terms

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and provide for an equal number of seats to be filled at each

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election. The ordinance may extend but shall not shorten the

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term of an incumbent trustee. The ordinance may extend a pro-

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spective term. The ordinance shall not shorten or eliminate a

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prospective term unless the nomination deadline for that term is

20

not less than 30 days after the effective date of the ordinance.

21

An ordinance adopted under this subsection shall satisfy both of

22

the following conditions:

23

(a) The ordinance shall be voted on and adopted at a meeting

24

that occurs not less than 10 days after the initial meeting or

25

public hearing at which the ordinance was considered.

26

(b) Notice of each meeting at which the ordinance is

27

considered indicating that an ordinance reducing the size of the

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1 council will be 1 of the subjects of the meeting shall be
2 published not less than 10 days before the meeting in a newspaper
3 of general circulation in the village.

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

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

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1 ~~(2)~~ (3), in which case the ballot language shall be prepared by
2 the village council.

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

9 Sec. 3. ~~Appointments to office, excepting appointments to~~
10 ~~fill vacancies, shall be made on the second Monday in April in~~
11 ~~each year,~~ EXCEPT FOR AN APPOINTMENT TO FILL A VACANCY OR unless
12 a different time ~~shall be~~ IS prescribed in the ordinance or
13 resolution creating the office, ~~but appointments which, for~~
14 ~~any cause, shall not be made on that day,~~ AN APPOINTMENT TO A
15 VILLAGE OFFICE SHALL BE MADE AT THE FIRST VILLAGE COUNCIL MEETING
16 AFTER THE QUALIFICATION OF A COUNCIL MEMBER WHO IS ELECTED AT THE
17 VILLAGE'S REGULAR ELECTION. IF, HOWEVER, FOR ANY CAUSE, AN
18 APPOINTMENT IS NOT MADE AT THAT MEETING or on the day ~~provided~~
19 PRESCRIBED in the ordinance or resolution creating the office,
20 THE APPOINTMENT may be made at ~~any~~ A subsequent regular or spe-
21 cial meeting of the council.

22 Sec. 4. Unless otherwise provided by ordinance, the presi-
23 dent, clerk, and treasurer ~~shall~~ hold their respective offices
24 for the term of 2 years ~~from the second Monday of March of the~~
25 ~~year when elected~~ and until their successors are elected and
26 qualified. THE TERM OF OFFICE FOR A PRESIDENT, CLERK, OR

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5

1 TREASURER ELECTED AT THE VILLAGE'S REGULAR ELECTION BEGINS ON 1
2 OF THE FOLLOWING DATES:

3 (A) IF THE REGULAR ELECTION IS HELD ON THE NOVEMBER ELECTION
4 DAY, NOVEMBER 20 FOLLOWING THE OFFICER'S ELECTION AND
5 QUALIFICATION.

6 (B) IF THE REGULAR ELECTION IS HELD ON THE MAY ELECTION DAY,
7 MAY 20 FOLLOWING THE OFFICER'S ELECTION AND QUALIFICATION.

8 Sec. 5. ~~(1)~~ Except as otherwise provided in this section,
9 3 village trustees shall be elected at each biennial village
10 election for the term of 4 years ~~from the second Monday in March~~
11 ~~of the even numbered year when elected~~ and until their succes-
12 sors are qualified. As an alternative, if provided by an ordi-
13 nance adopted by the village before January 1, 1974, all 6 vil-
14 lage trustees shall be elected at the biennial village elections
15 for the term of 2 years and until their successors are
16 qualified. THE TERM OF OFFICE FOR A TRUSTEE ELECTED AT THE
17 VILLAGE'S REGULAR ELECTION BEGINS ON 1 OF THE FOLLOWING DATES:

18 (A) IF THE REGULAR ELECTION IS HELD ON THE NOVEMBER ELECTION
19 DAY, NOVEMBER 20 FOLLOWING THE OFFICER'S ELECTION AND
20 QUALIFICATION.

21 (B) IF THE REGULAR ELECTION IS HELD ON THE MAY ELECTION DAY,
22 MAY 20 FOLLOWING THE OFFICER'S ELECTION AND QUALIFICATION.

23 ~~(2) If a village exempted itself from subsection (1) by~~
24 ~~council resolution adopted before January 1, 1974, the village~~
25 ~~shall continue to elect its trustees annually on the second~~
26 ~~Monday in March with 3 trustees to be elected annually. The~~

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1 ~~trustees shall hold their offices for the term of 2 years and~~
2 ~~until their successors are qualified.~~

3 ~~(3) A village that exempted itself as described in subsec-~~
4 ~~tion (2) may subsequently provide by ordinance that the village~~
5 ~~shall elect trustees biennially. The ordinance shall be applica-~~
6 ~~ble to the even year village election to be held not less than 6~~
7 ~~months next following the adoption of the ordinance. The ordi-~~
8 ~~nance shall provide for a system of electing trustees as~~
9 ~~described in subsection (1). The ordinance may extend the terms~~
10 ~~of incumbent trustees for not more than 1 year if necessary to~~
11 ~~provide for the biennial election of trustees. In any event, a~~
12 ~~trustee shall serve until his or her successor is qualified.~~

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

16 ~~Sec. 6. All appointive officers, except officers appointed~~
17 ~~to fill vacancies in elective offices, shall hold their respec-~~
18 ~~tive offices until the second Monday of April next after such~~
19 ~~appointment, and until their successors are~~ EXCEPT FOR AN OFFI-
20 CER APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE, AN
21 APPOINTIVE VILLAGE OFFICER HOLDS THE OFFICE FOR 1 YEAR AFTER THE
22 DATE OF THE APPOINTMENT OR UNTIL THE VILLAGE'S NEXT REGULAR ELEC-
23 TION, WHICHEVER IS EARLIER, AND UNTIL THE OFFICER'S SUCCESSOR IS
24 APPOINTED AND qualified unless a different term of office is pre-
25 scribed in this act, in an ordinance authorized by this act, or
26 in the ordinance or resolution creating the office. An officer
27 appointed to fill a vacancy in an elective office shall hold

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1 office until the next regular village election, and until his or
2 her successor is elected and qualified. An officer appointed to
3 fill a vacancy in an appointive office shall hold office until
4 his or her successor is appointed and qualified.

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

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1 trustees of the village ~~, at a date and place to be fixed by the~~
2 ~~township clerk, which date shall be not more than 30 days after~~
3 ~~the receipt of the petition. The township board of the~~ TO BE
4 HELD ON A STANDARD ELECTION DAY AS PROVIDED UNDER SECTION 641 OF
5 THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.641. THE town-
6 ship shall perform all of the other duties with respect to the
7 election as the village might have done had the vacancies not
8 existed, including the preparation of ballots, the appointment of
9 election inspectors, the counting and canvassing of the ballots,
10 and the certification of the persons elected to the offices for
11 which the election was held. All of the expenses of the election
12 shall be ~~a charge upon~~ PAID BY the village.

13 CHAPTER III

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

20 (2) NOTWITHSTANDING A CHARTER PROVISION OR ORDINANCE PROVID-
21 ING OTHERWISE, THE DAY ON WHICH A VILLAGE HOLDS ITS REGULAR OR A
22 SPECIAL ELECTION IS GOVERNED BY THE MICHIGAN ELECTION LAW, 1954
23 PA 116, MCL 168.1 TO 168.992, OR BY A RESOLUTION ADOPTED IN COM-
24 PLIANCE WITH SECTION 642 OF THE MICHIGAN ELECTION LAW, 1954
25 PA 116, MCL 168.642.

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

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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 provided in this section, village~~
4 ~~elections shall be partisan. The council by a vote of 2/3 of the~~
5 ~~members of council may provide by ordinance that~~ NOTWITHSTANDING
6 A CHARTER PROVISION OR ORDINANCE TO THE CONTRARY, village elec-
7 tions shall be nonpartisan. ~~The ordinance shall apply beginning~~
8 ~~with the first village election for which the nomination deadline~~
9 ~~is not less than 30 days after the effective date of the~~
10 ~~ordinance.~~

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

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CHAPTER IX

2

Sec. 23. (1) ~~Bonds may not be issued, except special~~

3

~~assessment bonds, bonds for the portion of the cost of local~~

4

~~improvements to be paid by the village at large not to exceed 40%~~

5

~~of the cost of such improvements, emergency bonds, and bonds~~

6

~~which the council is authorized by specific statute to issue~~

7

~~without vote of the electors, unless~~ SUBJECT TO SUBSECTION (2),

8

A VILLAGE SHALL NOT ISSUE BONDS UNLESS THE ISSUANCE IS approved

9

by a majority of the electors voting ~~thereon~~ ON THE BOND

10

ISSUANCE at ~~an annual~~ A REGULAR or special village election.

11

The election shall be conducted in accordance with the ~~general~~

12

~~laws governing the conduct of elections. This section~~ MICHIGAN

13

ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992.

14

(2) SUBSECTION (1) does not apply to ~~obligations~~ ANY OF

15

THE FOLLOWING:

16

(A) OBLIGATIONS incurred by the village evidenced by con-

17

tracts, notes, or assessments.

18

(B) SPECIAL ASSESSMENT BONDS.

19

(C) BONDS FOR THE PORTION OF THE COST OF LOCAL IMPROVEMENTS

20

TO BE PAID BY THE VILLAGE AT LARGE NOT TO EXCEED 40% OF THE COST

21

OF THE IMPROVEMENTS.

22

(D) EMERGENCY BONDS.

23

(E) BONDS THAT THE COUNCIL IS AUTHORIZED BY SPECIFIC STATUTE

24

TO ISSUE WITHOUT A VOTE OF THE ELECTORS.

25

CHAPTER XII

26

Sec. 3. (1) To exercise the powers granted by section 1 of

27

this chapter, the council shall adopt a resolution declaring that

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1 it is expedient for ~~such~~ THE village to acquire by purchase or
2 construction, as applicable, works to supply the village with
3 electric or other lights, and shall make and record in their pro-
4 ceedings an estimate of the expense.

5 (2) The question of financing the estimated amount or that
6 part of the estimated amount not in excess of limitations on
7 indebtedness of the village provided by law shall be submitted to
8 the electors of the village at its ~~annual~~ REGULAR election, or
9 at a special election called for that purpose by the council as
10 provided in this act. Approval of the proposal requires the
11 affirmative vote of 2/3 of the electors voting at ~~such~~ THE
12 election by ballot.

13 (3) If the voters approve financing a part of the estimated
14 amount not in excess of the limitations on indebtedness of the
15 village, the council shall not incur any indebtedness for light-
16 ing works on the general faith and credit of the village until
17 the charter is amended to permit the issuance of mortgage bonds
18 on the proposed lighting plant, its revenues and franchise, in
19 excess of the general limitations on indebtedness as provided by
20 this act, in an amount equal to the difference between the
21 indebtedness authorized by this act, and the estimated amount.

22 CHAPTER XIV

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

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

5 (3) After the petition is filed with the village clerk a
6 petition affecting the village shall not be filed with the state
7 boundary commission and a petition requesting disincorporation of
8 the village into a different township shall not be filed under
9 this act until the disincorporation process provided for by this
10 act has concluded.

11 (4) By not more than 14 days after the petition is filed,
12 the village clerk shall verify the signatures and determine the
13 sufficiency of the petition. Unless the council proceeds under
14 sections 23 to 23i of this chapter, if the clerk determines that
15 the petition is sufficient, the question of the disincorporation
16 of the village shall appear on the ballot at the next general or
17 special election to be held in the village, subject to ~~section~~
18 ~~646a~~ of the Michigan election law, 1954 PA 116, MCL ~~168.646a~~
19 168.1 TO 168.992. The village clerk shall prepare the ballot
20 language, in substantially the following form:

21 "Shall incorporation of the village of _____ be
22 vacated?

23 () Yes

24 () No".

25 (5) The county election commission of the county in which
26 the greatest number of electors of the village reside shall
27 provide ballots for the election.

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1 (6) The clerk and election officials of the village and each
2 township into which the village is proposed to be disincorporated
3 shall conduct the election on the proposed disincorporation in
4 the village and the portions of the township outside the bounda-
5 ries of the village, respectively.

6 (7) If the election on the proposed disincorporation is to
7 be held in conjunction with a general election or a state primary
8 election immediately ~~preceding~~ BEFORE a general election, the
9 notices of close of registration and election shall be published
10 as provided for by the state election laws. Otherwise, the
11 county clerk of the county in which the greatest number of elec-
12 tors of the village reside shall publish the notices of close of
13 registration and election. The notice of close of registration
14 shall include the ballot language of the proposal.

15 (8) The results of the election on the proposed disincorpo-
16 ration shall be canvassed by the board of canvassers of the vil-
17 lage and the board of canvassers of each township in which the
18 village is located.

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

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

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1 (b) The secretary of state.

2 Sec. 23g. (1) If the disincorporation plan is approved
3 ~~pursuant to~~ UNDER section 23f of this chapter, the clerk of the
4 disincorporation commission shall prepare and certify to the
5 county clerk of each county where the village is located ballot
6 language describing the proposed disincorporation and that
7 includes the following in substantially the following form:

8 "Shall the village of _____ be disincorporated
9 pursuant to the plan adopted by the disincorporation commission?

10 () Yes

11 () No".

12 (2) The clerk of the disincorporation commission shall cer-
13 tify the proposed disincorporation for inclusion on the ballot at
14 the next general election, the state primary immediately preced-
15 ing the general election, or a special election not occurring
16 within 45 days of a state primary or a general election, as spec-
17 ified by the clerk of the disincorporation commission. However,
18 the clerk of the disincorporation commission shall not certify
19 the proposed disincorporation for inclusion on the ballot at
20 either of the following:

21 (a) An election to be held less than 60 days after the date
22 of certification.

23 (b) An election to be held more than 1 year after the vil-
24 lage clerk verifies the petition signatures and determines that
25 the petition is sufficient under section 18a of this chapter.

26 (3) If a special election is requested by the clerk of the
27 disincorporation commission, the county clerk of the county in

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1 which the greatest number of electors of the village reside shall
2 ~~request approval of a special election date from the county~~
3 ~~election scheduling committee of that clerk's county~~ SCHEDULE
4 THE ELECTION IN COMPLIANCE WITH SECTION 641 OF THE MICHIGAN ELEC-
5 TION LAW, 1954 PA 116, MCL 168.641. The proposal shall be sub-
6 mitted to the qualified and registered electors residing in the
7 village and each township into which the village is proposed to
8 be disincorporated ~~on the date approved by that county election~~
9 ~~scheduling committee~~ AT THAT ELECTION.

10 (4) If a disincorporation commission fails to adopt a plan
11 under section 23e of this chapter or the clerk of the disincorpo-
12 ration commission does not certify the proposed disincorporation
13 for inclusion on the ballot ~~pursuant to~~ UNDER this section, the
14 question of disincorporation shall be submitted to the electors
15 as described in section 18a of this chapter not more than 1 year
16 after the date the disincorporation petition was filed under sec-
17 tion 18a of this chapter.

18 Enacting section 1. This amendatory act takes effect
19 January 1, 2003.

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

23 (a) Senate Bill No. 439.

24 (b) Senate Bill No. 440.