

# SENATE BILL No. 851

October 26, 1999, Introduced by Senator EMMONS and referred to the Committee on Local, Urban and State Affairs.

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 3 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 TAKE  
 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 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~~ the votes OF  
 16 THE QUALIFIED ELECTORS from the remaining portions of ~~such~~ THE  
 17 city, village, or township. ~~, and if the returns of said elec-~~  
 18 ~~tion 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 IN THE CITY, VILLAGE, OR TOWNSHIP TO WHICH THE TER-  
9 RITORY SHALL BE ANNEXED OR CONSOLIDATED. THE ANNEXATION OR CON-  
10 SOLIDATION SHALL BE CONSIDERED DEFEATED IF A MAJORITY OF THE  
11 QUALIFIED ELECTORS VOTING ON THE ISSUE IN THE ANNEXING OR CONSOL-  
12 IDATING VILLAGE, IN THE TERRITORY PROPOSED FOR ANNEXATION OR CON-  
13 SOLIDATION, OR IN THE BALANCE OF THE CITY, VILLAGE, OR TOWNSHIP  
14 IN WHICH THE TERRITORY PROPOSED FOR ANNEXATION OR CONSOLIDATION  
15 IS LOCATED, VOTING SEPARATELY, VOTE AGAINST THE ANNEXATION.

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

25 (6) THE question of incorporating a new village from terri-  
26 tory located in a township or townships shall be determined by a  
27 majority of the votes cast at an election at which only the

1 QUALIFIED electors residing within the territory proposed to be  
2 incorporated shall vote.