



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

ANNEXATION PROCEDURE AMENDMENTS

House Bill 4720

Sponsor: Rep. Judson Gilbert II

House Bill 4721

Sponsor: Rep. Larry DeVuyst

House Bill 4722

Sponsor: Rep. Ruth Ann Jamnick

House Bill 4723

Sponsor: Rep. Mike Pumford

House Bill 4724

Sponsor: Rep. Alan Sanborn

House Bill 4725

Sponsor: Rep. Susan Tabor

**Committee: Local Government and
Urban Policy**

Complete to 5-14-01

House Bills 4720-4725 (5-14-01)

A SUMMARY OF HOUSE BILLS 4720-4725 AS INTRODUCED 5-3-01

The bills would amend current law to standardize the procedure for voting to approve or reject local government annexation proposals. In some instances, the bills would amend current law to grant the right to vote on a proposed annexation where no right currently exists. The standard voting procedure would be designed to reflect the distinct interests of each territory within the district to be affected. The “district to be affected” would be defined to mean to the whole of each city, village, or township from which territory is to be taken and the whole city, village, or township to which territory is to be added. The bills distinguish between three territories within the district to be affected: (1) the territory of the city, village, or township that proposes to annex territory; (2) the portion of the city, village, or township that would be annexed in the event that the proposal is successful; and (3) the balance or remainder— if any— of the territory of a city, village, or township in which territory proposed for annexation is located. Under the bills, if the majority of voters in any one of these areas voted against the proposed annexation, the proposal would be considered defeated. Otherwise, the proposal would be considered approved.

Cities, villages, and townships are legally organized under several statutes. Cities may operate under a special charter, a fourth class cities charter, or a home rule charter. A village may be a home rule village or a general law village. Finally, there are two kinds of townships:

general law townships and charter townships. In order to standardize annexation procedures, the package of bills would amend the laws governing each of these types of local government.

House Bill 4720 would amend the General Law Village Act (MCL 74.6 and 74.6b) to give voters in villages and voters in territory proposed to be annexed to villages the opportunity to approve or reject annexation proposals. Currently, a village council may determine by resolution to alter the boundaries of a village. If it does so, the council must petition the county board of supervisors, which is authorized to make a judgment on the proposal after holding a public hearing during which persons living in the district to be affected are given the opportunity to express their views.

The bill would change all references to the “county board of supervisors” to the “county board of commissioners.” The bill would still require that a hearing on an annexation or detachment proposal be held, and the board of commissioners would still be required to make a judgment on the proposal. If the board of commissioners rejected the proposal, it would retain the authority to enter an order to that effect and the boundaries of the village would stay the same. However, if the board of commissioners approved a proposed annexation, the bill would require that an election be held, in accordance with the procedure described above.

House Bill 4721 would amend the Home Rule Village Act (MCL 78.4 and 78.5) to give voters in villages and voters in territory proposed to be annexed to, or consolidated with, villages the opportunity to approve or reject such proposals, in accordance with the procedure outlined above. Currently, a proposed incorporation of new territory, consolidation, or change of boundary is stated on a petition, filed with the county clerk, and certified by the county board of supervisors. If the petition is accurate, the board adopts a resolution to submit the matter to the voters of the district to be affected. If the majority of voters in the territory that is proposed to be incorporated or annexed, voting separately, are in favor, and if a majority of the electors voting in the remainder of the district to be affected, voting collectively, are in favor, then the territory is incorporated as a village.

The bill would distinguish the voting procedure for a proposed incorporation from the voting procedure for a proposed annexation or consolidation. The procedure for a proposed incorporation would continue to distinguish between two sets of voters—those in the territory proposed to be incorporated and those in the remainder of the district affected. A proposed annexation or consolidation would, however, be subject to the independent approval of the three sets of voters, as described above.

The bill would also eliminate occurrences of the term “detachment” and refer to “annexation and consolidation” in some instances where “annexation and detachment” or “annexation” alone are currently used. The bill would specify that if there are no qualified electors residing within the territory proposed to be consolidated or annexed, the proposal would be approved if the majority of the qualified electors voting in the remainder of the district *voted in favor of* the proposal. (If qualified electors did reside in the territory, the annexation or consolidation would be approved as long as the majority *did not vote against* the proposal.)

House Bill 4723 would amend the law establishing general law townships (1846 RS 16, MCL 41.104a) to require that proposals for annexing territory in townships be approved by voters in accordance with the procedure outlined above.

House Bill 4725 would amend the Charter Township Act (MCL 42.34) to revise the procedures for approving a proposal to annex territory in a charter township. Under current law, territory within a charter township is exempt from annexation by a city or village, if the charter township meets several criteria. However, the law also lists several exceptions that permit a neighboring city or village to annex territory, even if the charter township satisfies all the criteria for exemption.

The bill would not change the criteria for exemption from annexation. There are, however, substantive changes to two specific exceptions to the general rule that charter townships meeting the specified criteria are exempt from annexation. First, under current law, a referendum petition signed by 20 percent of the registered electors in the area to be annexed may be submitted to the county clerk. If such a petition is filed, the referendum must be held at the first primary or general election in the county that is held at least 60 days after the validation of the petition. The bill would change the time requirement so that the referendum would have to be held at the first primary or general election held in the county at least 70 days after the validation of the petition. Second, the law currently prohibits a village with a population of 4,200 or more from being annexed unless it is approved by the voters residing in the village. The bill would change the population requirement so that a village with a population of 3,000 or more could be annexed only if the voters approve of the annexation in accordance with the new procedure outlined above.

For each exception to the exemption, House Bill 4725 would require that any proposal for annexing territory in charter townships be approved by voters in accordance with the procedure outlined above. Specific final approval measures for individual exceptions vary under current law, but the bill would eliminate each such measure and replace it with the procedure outlined above.

House Bill 4722 and House Bill 4724 deal primarily with cities covered by the Home Rule City Act. Currently, the Home City Rule Act specifies three ways in which a resolution or petition to annex land may be submitted to the State Boundary Commission: (1) by resolution of the legislative body of the city to which the area is proposed to be annexed; (2) by petition by the persons, firms, corporations, the United States government, or the state or any of its subdivisions that collectively hold equitable title under a recorded land contract, or record title to 75 percent or more of the area land in the territory proposed for annexation; or (3) by petition by 20 percent of the registered electors who reside in the area proposed for annexation.

Under the law, the petition or resolution for annexation of territory is filed in the Lansing office of the State Boundary Commission. The commission considers the petition's validity, and is required to hold a public hearing in or reasonably near the area proposed for annexation. The commission then approves, denies, or revises the petition. If an annexation is denied by the commission, the commission sends a certified copy of its order to the clerk of each county, city, village, and township affected. If the annexation is approved, and if on the date the petition or

resolution is filed, 100 or fewer people live in the area approved for annexation, the commission's order is not subject to a referendum, and it goes into effect on the date set forth in the order. If an annexation is approved and 100 or more people live in the area that would be annexed, the commission's order becomes final 30 days after the date of the order, unless within that 30 days a referendum petition is filed that contains the signatures of at least 25 percent of the registered electors in the portion of the territory approved for annexation, or in the annexing city, or in the balance of the township. After verifying the validity of the referendum petition, the commission orders a referendum on the annexation question, to be held in each area from which a valid petition is filed. If a valid petition is not filed within the 30 days, then the annexation is effective on the date set in the order.

House Bill 4722 would amend the Home Rule Cities Act (MCL 117.9). It would retain most of these procedures; however, the bill would delete the provision in current law which prohibits a referendum and allows an annexation to take immediate effect after a petition or resolution is filed, if 100 or fewer people live in the area approved for annexation. Further, the bill would retain the referendum provision and make it available in all territories, without regard to their population.

The bill would also add a provision forbidding a city from proceeding to attach territory from another city, village, township, or charter township unless it had been approved by voters in accordance with the procedure outlined above.

House Bill 4724 would amend the act that prescribes the powers and duties of the State Boundary Commission (MCL 123.1011b) to revise requirements for annexation by home rule cities. Under current law, the legislative body of a city and township affected by a proposed annexation can pass a resolution calling for a referendum on the question of annexation, only if more than 100 persons resided in the area proposed for annexation on the date that the petition or resolution was filed with the State Boundary Commission. If a copy of each resolution passed by the legislative body of each affected city and township is filed with the commission, and the commission approves the annexation, the commission is required to order that a referendum on the question of annexation be held in each affected city and township. If a resolution calling for a referendum on the question of annexation is not passed by each affected city and township and filed with the commission, the referendum and election ordered by the commission are subject to the petition and referendum procedures of the Home Rule City Act.

In conjunction with House Bill 4722, House Bill 4724 would permit the legislative body of a city and township affected by a proposed annexation to call for a referendum regardless of the population of the area proposed for annexation. It would also add a section to specify that a petition or resolution for annexation would be subject to the referendum and election process provided for in the Home Rule City Act.

Analyst: J. Caver

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.