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HOME RULE CITIES' ANNEXATION PROCEDURES

House Bill 4668

Sponsor: Rep. Ruth Jannick

**Committee: Local Government and Urban
Policy**

Complete to 6-8-99

A SUMMARY OF HOUSE BILL 4668 AS INTRODUCED 5-11-99

House Bill 4668 would amend the Home Rule City Act to revise the annexation procedures for cities.

Currently, the law requires that a petition or resolution to annex land may be submitted to the State Boundary Commission in any of three ways: a) by resolution of the legislative body of the city to which the area is proposed to be annexed; b) by petition by the persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold equitable title under a recorded land contract, or record title to 75 percent or more of the area land, exclusive of streets, in the territory proposed for annexation; or, c) 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 4668 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.

Finally, under the bill, a city would not be able to attach territory from any other city, village, township, or charter township that had a population of 3,000 or more as shown by the last decennial census (or by another federal census), or that had a state equalized valuation (SEV) of \$25,000,000 or more, unless the question of the annexation had been voted upon by the voters in the territory proposed for annexation, and also by the voters in the balance of each city, village, township, or charter township affected by the annexation, all voting independently. If a vote were required, the annexation would be considered defeated if a majority of the electors in any jurisdiction voted against the annexation. Otherwise, the annexation would be considered approved and effective on the date set by the State Boundary Commission.

MCL 117.9

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■ 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.