

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1346

A bill to amend 1968 PA 191, entitled

"An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending sections 10 and 17 (MCL 123.1010 and 123.1017).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 10. (1) After the public hearing on a proposed  
2 incorporation and review thereof by the commission, the commission  
3 may deny the proposed incorporation, approve the petition, or  
4 revise the boundaries of the area proposed for incorporation and  
5 approve the proposal as revised.

6           (2) If an incorporation proposal is denied by the commission,  
7 its order is final immediately and the secretary shall transmit a  
8 certified copy ~~thereof~~ **OF THE ORDER** to the petitioner and the clerk  
9 of each city, village, and township affected.

1           (3) If an incorporation proposal is approved with or without a  
2 revision of the boundaries, the commission's order is final 45 days  
3 after the date of the order unless within that 45 days a petition  
4 for a referendum is filed with the commission ~~which~~ **THAT** contains  
5 the signatures of at least 5% of the registered electors residing  
6 in the area to be incorporated as approved by the commission. If a  
7 petition is not filed and the commission's order becomes final, the  
8 secretary shall send a certified copy of the order to the  
9 petitioner, ~~and~~ **TO** the clerk of each county, city, village, or  
10 township affected, and to the secretary of state. Charter  
11 commission elections and proceedings ~~pursuant to Act No. 278 of the~~  
12 ~~Public Acts of 1909, as amended, or Act No. 279 of the Public Acts~~  
13 ~~of 1909, as amended~~ **UNDER THE HOME RULE VILLAGE ACT, 1909 PA 278,**  
14 **MCL 78.1 TO 78.28, OR THE HOME RULE CITY ACT, 1909 PA 279, MCL**  
15 **117.1 TO 117.38,** shall follow.

16           (4) If a referendum petition is filed, the commission, after  
17 determining the validity of the petition, shall order a referendum  
18 on the question of incorporation to be held in the area approved  
19 for incorporation and shall specify a date later than the  
20 referendum on which the commission's order shall become final if  
21 the proposal is approved at the referendum.

22           (5) If a majority of the electorate voting on the question in  
23 the territory approved for incorporation voting collectively  
24 approves the incorporation, the commission's order shall become  
25 final on the date specified therein, the secretary shall send a  
26 certified copy of the order to the petitioner, ~~and~~ **TO** the clerk of  
27 each county, city, village, or township affected, and to the

1 secretary of state. Charter commission elections and proceedings  
2 ~~pursuant to Act No. 278 of the Public Acts of 1909, as amended, or~~  
3 ~~Act No. 279 of the Public Acts of 1909, as amended~~ **UNDER THE HOME**  
4 **RULE VILLAGE ACT, 1909 PA 278, MCL 78.1 TO 78.28, OR THE HOME RULE**  
5 **CITY ACT, 1909 PA 279, MCL 117.1 TO 117.38,** and except as provided  
6 in subsection (6), shall follow. Otherwise the incorporation shall  
7 not take effect and no further proceedings on the petition shall  
8 take place.

9 (6) If on submission of a second charter, a favorable vote by  
10 a majority of the electors residing in the area proposed for  
11 incorporation is not obtained, the incorporation proceedings shall  
12 ~~be ended~~ **END** and the charter commission shall have no further  
13 authority to act or to submit another charter to the electors. If a  
14 charter has not been adopted within a period of ~~2-3~~ years following  
15 the date the commission's order becomes final, or if within the ~~2-~~  
16 ~~year~~ **3-YEAR** period the charter commission does not reconvene within  
17 90 days after the election at which the first proposed charter was  
18 defeated, the incorporation proceedings are ended.

19 Sec. 17. (1) The corporate status of the cities and villages  
20 proposed for consolidation shall not be changed or in any way  
21 affected until the charter takes effect.

22 (2) If the charter first submitted for adoption is not  
23 approved on the first vote taken by the electors, the charter  
24 commission may ~~thereupon~~ reconvene and prepare a new charter, or  
25 ~~such~~ **PREPARE** modifications or amendments to the first charter as  
26 ~~may seem advisable~~ **THEY CONSIDER NECESSARY**, and ~~when so prepared~~  
27 shall submit the revised charter to the electors in the same manner

1 and on a date to be fixed as in the first instance.

2 (3) If on submission of the second charter a favorable vote by  
3 a majority of the electors voting separately in the municipalities  
4 proposed for consolidation is not obtained, the consolidation  
5 proceedings shall ~~be ended~~**END** and the charter commission shall  
6 have no further authority to act or to submit another charter to  
7 the electors.

8 (4) If a charter has not been adopted within ~~2-3~~ years  
9 following the date the commission's order became final, or if  
10 within ~~such 2-year~~**THE 3-YEAR** period the charter commission does  
11 not reconvene within 90 days after the election at which the first  
12 proposed charter was defeated, the consolidation proceedings shall  
13 ~~be ended~~**END**.