

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**.