

# HOUSE BILL No. 4798

May 9, 1991, Introduced by Rep. Dolan and referred to the Committee on Towns and Counties.

A bill to amend section 10 of Act No. 191 of the Public Acts of 1968, entitled as amended

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

being section 123.1010 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of Act No. 191 of the Public Acts of  
2 1968, being section 123.1010 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 10. (1) After the public hearing on a proposed incor-  
5 poration and review ~~thereof~~ OF THE PROPOSED INCORPORATION by  
6 the commission, the commission may deny the proposed incorpora-  
7 tion, approve the petition, or revise the boundaries of the area  
8 proposed for incorporation and approve the proposal as revised.

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

6 (3) If an incorporation proposal is approved with or without  
7 a revision of the boundaries, the commission's order is final 45  
8 days after the date of the order unless, within that 45 days, a  
9 petition for a referendum is filed with the commission ~~which~~  
10 THAT contains the signatures of at least 5% of the registered  
11 electors residing in the area to be incorporated as approved by  
12 the commission. If a petition is not filed and the commission's  
13 order becomes final, the secretary shall send a certified copy of  
14 the order to the petitioner and the clerk of each county, city,  
15 village, or township affected and to the secretary of state.  
16 Charter commission elections and proceedings pursuant to Act  
17 No. 278 of the Public Acts of 1909, as amended, BEING SECTIONS  
18 78.1 TO 78.28 OF THE MICHIGAN COMPILED LAWS, or Act No. 279 of  
19 the Public Acts of 1909, as amended, BEING SECTIONS 117.1 TO  
20 117.38 OF THE MICHIGAN COMPILED LAWS, shall follow.

21 (4) If a referendum petition is filed, the commission, after  
22 determining the validity of the petition, shall order a referen-  
23 dum on the question of incorporation to be held in the area  
24 approved for incorporation and shall specify a date later than  
25 the referendum on which the commission's order shall become final  
26 if the proposal is approved at the referendum.

1       (5) ~~if~~ EXCEPT AS PROVIDED IN SUBSECTION (6), IF a majority  
2 of the ~~electorate voting on the question~~ ELECTORS in the  
3 ~~territory~~ AREA approved for incorporation voting collectively ON  
4 THE QUESTION approves the incorporation, the commission's order  
5 shall become final on the date specified therein, the secretary  
6 shall send a certified copy of the order to the petitioner and  
7 the clerk of each county, city, village, or township affected and  
8 to the secretary of state. Charter commission elections and pro-  
9 ceedings pursuant to Act No. 278 of the Public Acts of 1909, as  
10 amended, or Act No. 279 of the Public Acts of 1909, as amended,  
11 ~~and~~ except as provided in subsection ~~(6)~~ (7), shall follow.  
12 Otherwise the incorporation shall not take effect and no further  
13 proceedings on the petition shall take place.

14       (6) WITH RESPECT TO ANY REFERENDUM UNDER SUBSECTION (4) ON  
15 THE QUESTION OF INCORPORATING A CITY CONDUCTED AFTER THE EFEC-  
16 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, IF  
17 THE AREA APPROVED FOR INCORPORATION INCLUDES TERRITORY OF A VIL-  
18 LAGE, BUT IS NOT LIMITED TO THAT TERRITORY, THERE SHALL BE A SEP-  
19 ARATE TALLY OF THE VOTE ON THE QUESTION IN THAT TERRITORY OF THE  
20 VILLAGE. IF A MAJORITY OF THE ELECTORS IN THAT TERRITORY OF THE  
21 VILLAGE VOTING ON THE QUESTION DO NOT APPROVE THE INCORPORATION,  
22 THAT TERRITORY OF THE VILLAGE SHALL BE REMOVED FROM THE AREA  
23 APPROVED FOR INCORPORATION. SUBJECT TO SUBSECTION (5), THE  
24 INCORPORATION SHALL THEN PROCEED WITHOUT THAT TERRITORY OF THE  
25 VILLAGE UNLESS, BEFORE THE DATE SPECIFIED BY THE COMMISSION PUR-  
26 SUANT TO SUBSECTION (4), THE COMMISSION DENIES THE INCORPORATION

1 AND TRANSMITS A COPY OF THE ORDER DENYING THE INCORPORATION TO  
2 THE PARTIES LISTED IN SUBSECTION (2).

3       (7) ~~(6)~~ If on submission of a second charter, a favorable  
4 vote by a majority of the electors residing in the area proposed  
5 for incorporation is not obtained, the incorporation proceedings  
6 ~~shall be~~ ARE ended and the charter commission ~~shall have~~ HAS  
7 no further authority to act or to submit another charter to the  
8 electors. If a charter ~~has not been~~ IS NOT adopted within a  
9 period of 2 years following the date the commission's order  
10 becomes final, or if within the 2-year period the charter commis-  
11 sion does not reconvene within 90 days after the election at  
12 which the first proposed charter was defeated, the incorporation  
13 proceedings are ended.