

HOUSE BILL No. 5822

February 27, 2008, Introduced by Rep. LaJoy and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

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 section 11b (MCL 123.1011b), as added by 1982 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11b. (1) If the commission, after determining the
2 validity of a petition or resolution for annexation, has ordered a
3 public hearing pursuant to section 9 of ~~Act No. 279 of the Public~~
4 ~~Acts of 1909, as amended, being section 117.9 of the Michigan~~
5 ~~Compiled Laws~~ **THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.9,** and
6 if on the date the petition or resolution was filed more than 100
7 persons resided in the area proposed for annexation, the

1 legislative body of each city and township affected by the proposed
2 annexation may pass a resolution calling for a referendum on the
3 question of annexation. If a copy of each resolution passed by the
4 legislative body of each affected city and township is filed with
5 the commission and the commission approves the annexation, the
6 commission, in its order approving the annexation, shall order that
7 a referendum on the question of annexation be held in each affected
8 city and township. If a resolution calling for a referendum on the
9 question of annexation is not passed by each affected city and
10 township and filed with the commission, the referendum and election
11 shall be subject to section ~~9(5) of Act No. 279 of the Public Acts~~
12 ~~of 1909, as amended~~ **9 OF THE HOME RULE CITY ACT, 1909 PA 279, MCL**
13 **117.9**. However, if a referendum in each affected city and township
14 is ordered pursuant to this section and if the majority of the
15 electorate voting on the question in each city and township in
16 which a referendum was held, voting separately, approve the
17 annexation, the annexation shall be effective on a date set by
18 order of the commission, otherwise the annexation shall not take
19 effect.

20 (2) This section ~~shall apply~~ **APPLIES** to all petitions or
21 resolutions for annexation filed with the commission after May 1,
22 1982.

23 (3) This section is an alternative to the referendum and
24 election process provided for in section ~~9(5) of Act No. 279 of the~~
25 ~~Public Acts of 1909, as amended~~ **9 OF THE HOME RULE CITY ACT, 1909**
26 **PA 279, MCL 117.9**, and does not supersede section ~~9(5) of Act No.~~
27 ~~279 of the Public Acts of 1909, as amended~~ **THAT SECTION**.

1 (4) A PETITION OR RESOLUTION FOR ANNEXATION OF TERRITORY IN A
2 TOWNSHIP WITH 100 OR FEWER RESIDENTS IS SUBJECT TO THE REFERENDUM
3 AND ELECTION PROCESS PROVIDED FOR IN SECTION 9C OF THE HOME RULE
4 CITY ACT, 1909 PA 279, MCL 117.9C.

5 Enacting section 1. This amendatory act does not take effect
6 unless all of the following bills of the 94th Legislature are
7 enacted into law:

8 (a) Senate Bill No.____ or House Bill No. 5825(request no.
9 06117'07).

10 (b) Senate Bill No.____ or House Bill No. 5823(request no.
11 06118'07).

12 (c) Senate Bill No.____ or House Bill No. 5821(request no.
13 06120'07).

14 (d) Senate Bill No.____ or House Bill No. 5824(request no.
15 06121'07).

16 (e) Senate Bill No.____ or House Bill No. 5779(request no.
17 H06190'07*).