

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5156

(As passed the House, April 23, 1998)

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; and to provide methods for abolition of a unified form of county government,"

by amending the title and section 23 (MCL 45.573), section 23 as amended by 1980 PA 100, and by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to provide forms of county government; to provide for

3

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powers and duties; to abolish certain departments, boards,

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commissions, and authorities; to provide for transfer of certain

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powers and functions; to prescribe powers of a board of county

**HB 5156, As Passed Senate, June 9, 1998**

House Bill No. 5156

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1 commissioners and elected officials; to provide organization of  
2 administrative functions; to transfer property; to retain ordi-  
3 nances and laws not inconsistent with this act; ~~and~~ to provide  
4 methods for abolition of a unified form of county government; AND  
5 TO PRESCRIBE PENALTIES AND PROVIDE REMEDIES.

6       SEC. 3A. A PETITION UNDER SECTION 3 OR 23, INCLUDING THE  
7 CIRCULATION AND SIGNING OF THE PETITION, IS SUBJECT TO SECTION  
8 488 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.488. A  
9 PERSON WHO VIOLATES A PROVISION OF THE MICHIGAN ELECTION LAW,  
10 1954 PA 116, MCL 168.1 TO 168.992, APPLICABLE TO A PETITION  
11 DESCRIBED IN THIS SECTION IS SUBJECT TO THE PENALTIES PRESCRIBED  
12 FOR THAT VIOLATION IN THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL  
13 168.1 TO 168.992.

14       Sec. 23. An optional unified form of county government may  
15 be abolished in the following manner:

16       (a) After a period of 4 years from the date an optional uni-  
17 fied form of county government originally becomes effective, the  
18 board of county commissioners of the county, by a 2/3 vote of  
19 those members elected and serving, may abolish the form and elect  
20 to be governed by the provisions of the general county law then  
21 in force. The abolition then shall be submitted to the elector-  
22 ate of the county for approval or disapproval at the next regular  
23 primary or general election occurring within the county. If a  
24 majority of votes cast on the proposal at the election approve  
25 the abolition, the optional unified form of county government  
26 shall be abolished in the county effective 180 days after the  
27 date of the election.

1       (b) Upon adoption by the voters of the county of a home rule  
2 charter.

3       (c) After a period of 4 years from the date an optional uni-  
4 fied form of county government containing alternate A or alter-  
5 nate B originally becomes effective, if the board of county com-  
6 missioners of the county does not exercise its discretion to  
7 abolish the form, a petition, signed by REGISTERED ELECTORS OF  
8 THE COUNTY EQUAL TO not less than 10% of the total number of per-  
9 sons voting in the last previous election for which votes were  
10 cast for governor, may be filed with the clerk-register or clerk  
11 requesting abolition of the form. Upon the clerk-register or  
12 clerk certifying to the board that a proper petition has been  
13 filed, the board shall submit the question of abolishing the  
14 optional unified form of county government to the electorate of  
15 the county for approval or disapproval at the next regular pri-  
16 mary or general election occurring within the county. If a  
17 majority of votes cast on the proposal at the election approve  
18 the abolition, the optional unified form of county government  
19 shall be abolished in the county effective 180 days after the  
20 date of the election.

21       Enacting section 1. This amendatory act does not take  
22 effect unless House Bill No. 5138 of the 89th Legislature is  
23 enacted into law.