



# HOUSE BILL No. 6139

September 25, 1996, Introduced by Rep. Whyman and referred to the Committee on Appropriations.

A bill to amend section 15 of Act No. 293 of the Public Acts of 1966, entitled as amended

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; and to provide for the exercise by a charter county of certain powers whether or not authorized by its charter,"

as amended by Act No. 7 of the Public Acts of 1980, being section 45.515 of the Michigan Compiled Laws.

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

1 Section 1. Section 15 of Act No. 293 of the Public Acts of  
2 1966, as amended by Act No. 7 of the Public Acts of 1980, being  
3 section 45.515 of the Michigan Compiled Laws, is amended to read  
4 as follows:

1       Sec. 15. A county charter adopted under the provisions of  
2 this act may provide for 1 or more of the following:

3       (a) The office of corporation counsel, public defender,  
4 auditor general, and all other offices, boards, commissions, or  
5 departments necessary for the efficient operation of county  
6 government. The charter may also provide for the power and  
7 authority to establish, by ordinance, other offices, boards, com-  
8 missions, and departments as may become necessary.

9       (b) ~~That the legislative body of any unit of government~~  
10 ~~which is wholly or partially within the county may transfer,~~  
11 ~~subject to the approval of the legislative body of the county and~~  
12 ~~upon mutually agreed conditions, any~~ THE TRANSFER OF A municipal  
13 function or service to the county, BY THE LEGISLATIVE BODY OF A  
14 UNIT OF GOVERNMENT THAT IS WHOLLY OR PARTIALLY WITHIN THE COUNTY,  
15 SUBJECT TO THE APPROVAL OF THE LEGISLATIVE BODY OF THE COUNTY AND  
16 UPON MUTUALLY AGREED CONDITIONS, if ~~the~~ BOTH OF THE FOLLOWING  
17 APPLY:

18       (i) THE performance of that function or service ~~—~~ by the  
19 county is not specifically prohibited by law. ~~—, and if the—~~

20       (ii) THE function or service is offered on a county-wide  
21 basis.

22       (c) The authority to perform at the county level any func-  
23 tion or service not prohibited by law, ~~which shall include, by~~  
24 ~~way of enumeration and not limitation: Police~~ INCLUDING BUT NOT  
25 LIMITED TO: POLICE protection, fire protection, planning,  
26 zoning, education, health, welfare, recreation, water, sewer,  
27 waste disposal, transportation, abatement of air and water

1 pollution, civil defense, and any other function or service  
2 necessary or beneficial to the public health, safety, and general  
3 welfare of the county. Powers granted solely by charter may not  
4 be exercised by the charter county in a local unit of government  
5 ~~which~~ THAT is exercising a similar power without the consent of  
6 the local legislative body. The cost of ~~any~~ A service autho-  
7 rized by charter to be performed by the county ~~—~~ may be deter-  
8 mined by negotiation between the local unit of government and the  
9 charter county and ~~this cost~~ shall be charged to the local unit  
10 of government or area benefited by the service. ~~—, unless it—~~  
11 HOWEVER, IF A SERVICE is rendered on a county-wide basis, ~~in~~  
12 ~~which event~~ the cost may be paid from the general fund of the  
13 county. If a function exercised by a local unit of government is  
14 transferred to the county and becomes a county function financed  
15 through the general fund of the county, the county shall reim-  
16 burse a local unit of government a negotiated sum representing  
17 the value of the transferred capital assets of the function owned  
18 by and paid for by the local unit of government, including out-  
19 standing bonded indebtedness of the local unit of government.

20 (d) The establishment and maintenance, either within or out-  
21 side ~~of~~ the county corporate limits, of roads, parks, ceme-  
22 teries, hospitals, medical facilities, airports, ports, jails,  
23 water supply and transmission facilities, sewage transmission and  
24 disposal systems, all public works, ~~or other types of facility—~~  
25 AND OTHER FACILITIES necessary to preserve and provide effec-  
26 tively for the public health, safety, and general welfare of the  
27 county.

1       (e) ~~The~~ EXCEPT AS PROVIDED IN THIS SUBDIVISION, THE power  
2 and authority to levy and collect any taxes, fees, rents, tolls,  
3 or excises, the levy and collection of which is authorized by  
4 law. A COUNTY SHALL NOT LEVY OR COLLECT A TAX TO FUND IN WHOLE  
5 OR IN PART THE CONSTRUCTION OF A STADIUM OR SIMILAR STRUCTURE  
6 THAT IS INTENDED FOR USE BY A PROFESSIONAL SPORTS ORGANIZATION IF  
7 THE PROFESSIONAL SPORTS ORGANIZATION PREVIOUSLY USED A STADIUM  
8 THAT WAS CONSTRUCTED, MAINTAINED, OR BOTH, IN WHOLE OR IN PART  
9 WITH MONEY APPROPRIATED BY THE LEGISLATURE OF THIS STATE UNLESS  
10 THE PROFESSIONAL SPORTS ORGANIZATION FIRST REPAYS ALL THE MONEY  
11 THAT WAS SO APPROPRIATED AND EXPENDED TO THE STATE TREASURER. A  
12 tax on income may not be levied by the county unless authorized  
13 by law.

14       (f) A system of retirement for county officers and  
15 employees.

16       (g) A classified civil service or merit system for county  
17 officers and employees, except those officers and employees who  
18 are expressly exempted from civil service by either the state  
19 constitution of 1963 or statute.

20       (h) The election or appointment of a drain commissioner.