

HOUSE BILL No. 4258

February 13, 1991, Introduced by Reps. Sikkema, Mathieu, Hoekman, Horton and Dalman and referred to the Committee on Towns and Counties.

A bill to amend sections 13 and 33 of Act No. 292 of the Public Acts of 1989, entitled "Metropolitan council act," being sections 124.663 and 124.683 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 13 and 33 of Act No. 292 of the Public
2 Acts of 1989, being sections 124.663 and 124.683 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 13. (1) ~~Upon~~ IF A petition SIGNED by not less than
5 5% of the registered electors residing in a nonparticipating
6 local governmental unit requesting a referendum on the question
7 of becoming a participating local governmental unit IS FILED WITH
8 THE CLERK OF THE LOCAL GOVERNMENTAL UNIT, the clerk, ~~of the~~
9 ~~local governmental unit,~~ upon verifying the required number of

1 signatures on the petitions, shall submit the question of whether
2 the local governmental unit should become a participating local
3 governmental unit to the vote of the electors of the local gov-
4 ernmental unit at the next general election TO BE HELD NOT LESS
5 THAN 60 DAYS AFTER THE DATE ON WHICH THE PETITION WAS FILED or AT
6 A special election called for that purpose ~~—~~ and conducted ~~in~~
7 ~~accordance with~~ PURSUANT TO the Michigan election law, Act
8 No. 116 of the Public Acts of 1954, being sections 168.1 to
9 168.992 of the Michigan Compiled Laws.

10 (2) The clerk of the ~~municipality~~ LOCAL GOVERNMENTAL UNIT
11 shall prepare the question for the ballot to be used at the elec-
12 tion, subject to ~~the election laws of the state~~ ACT NO. 116 OF
13 THE PUBLIC ACTS OF 1954, substantially as follows:

14 "Should the _____ of _____ become part of a metro-
15 politan council?

16 Yes ()

17 No ()"

18 (3) If a majority of the electors voting on the question
19 vote "yes", the local governmental unit shall proceed to become a
20 participating local governmental unit in the manner provided in
21 section 11.

22 (4) IF A PETITION IS FILED WITH THE CLERK OF A LOCAL GOVERN-
23 MENTAL UNIT UNDER SUBSECTION (1), THE LEGISLATIVE BODY OF THE
24 LOCAL GOVERNMENTAL UNIT SHALL NOT VOTE ON THE QUESTION OF BECOM-
25 ING A PARTICIPATING LOCAL GOVERNMENTAL UNIT BEFORE THE CLERK
26 DETERMINES THAT THE REQUIRED NUMBER OF SIGNATURES CANNOT BE

1 VERIFIED OR, IF THE REQUIRED NUMBER OF SIGNATURES IS VERIFIED,
2 BEFORE A VOTE OF THE ELECTORS IS HELD, WHICHEVER THE CASE MAY BE.

3 Sec. 33. (1) Except as otherwise provided in subsection
4 ~~(2)~~ (4), a participating local governmental unit ~~may~~ SHALL
5 withdraw from membership in the council if all of the following
6 conditions are met:

7 (a) ~~Adoption of a resolution by~~ EITHER a majority of the
8 members elected to and serving on the legislative body of the
9 local governmental unit VOTE TO ADOPT A RESOLUTION requesting
10 withdrawal ~~from membership~~ OR A MAJORITY OF THE ELECTORS VOTING
11 ON THE QUESTION OF WITHDRAWAL IN A REFERENDUM CONDUCTED IN THE
12 MANNER PROVIDED BY SUBSECTIONS (2) AND (3) VOTE "YES".

13 (b) Payment or the provision for payment is made regarding
14 any obligations of the local governmental unit to the council or
15 its creditors.

16 (2) IF A PETITION SIGNED BY NOT LESS THAN 5% OF THE REGIS-
17 TERED ELECTORS RESIDING IN A PARTICIPATING LOCAL GOVERNMENTAL
18 UNIT REQUESTING A REFERENDUM ON THE QUESTION OF WITHDRAWING FROM
19 MEMBERSHIP IN THE COUNCIL IS FILED WITH THE CLERK OF THE LOCAL
20 GOVERNMENTAL UNIT, THE CLERK, UPON VERIFYING THE REQUIRED NUMBER
21 OF SIGNATURES ON THE PETITIONS, SHALL SUBMIT THE QUESTION OF
22 WHETHER THE LOCAL GOVERNMENTAL UNIT SHOULD WITHDRAW TO THE VOTE
23 OF THE ELECTORS OF THE LOCAL GOVERNMENTAL UNIT AT THE NEXT GEN-
24 ERAL ELECTION TO BE HELD NOT LESS THAN 60 DAYS AFTER THE DATE ON
25 WHICH THE PETITION WAS FILED OR AT A SPECIAL ELECTION CALLED FOR
26 THAT PURPOSE AND CONDUCTED PURSUANT TO THE MICHIGAN ELECTION LAW,
27 ACT NO. 116 OF THE PUBLIC ACTS OF 1954, BEING SECTIONS 168.1 TO

1 168.992 OF THE MICHIGAN COMPILED LAWS. IF, BEFORE THE EFFECTIVE
 2 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, A PETITION
 3 WAS FILED WITH THE CLERK OF A LOCAL GOVERNMENTAL UNIT UNDER SEC-
 4 TION 13, IF ON OR AFTER THE DATE ON WHICH THE PETITION WAS FILED,
 5 THE LEGISLATIVE BODY OF THAT LOCAL GOVERNMENTAL UNIT VOTED TO
 6 JOIN THE METROPOLITAN COUNCIL, AND IF AN ELECTION UNDER SECTION
 7 13 HAS NOT BEEN HELD IN THE LOCAL GOVERNMENTAL UNIT, THE CLERK,
 8 UPON VERIFYING THE REQUIRED NUMBER OF SIGNATURES ON THE PETI-
 9 TIONS, SHALL SUBMIT THE QUESTION OF WHETHER THE LOCAL GOVERNMEN-
 10 TAL UNIT SHOULD WITHDRAW FROM MEMBERSHIP IN THE COUNCIL TO THE
 11 VOTE OF THE ELECTORS OF THE LOCAL GOVERNMENTAL UNIT AT THE NEXT
 12 GENERAL ELECTION TO BE HELD NOT LESS THAN 60 DAYS AFTER THE
 13 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
 14 OR AT A SPECIAL ELECTION CALLED FOR THAT PURPOSE AND CONDUCTED
 15 PURSUANT TO ACT NO. 116 OF THE PUBLIC ACTS OF 1954.

16 (3) THE CLERK SHALL PREPARE THE QUESTION FOR THE BALLOT TO
 17 BE USED AT THE ELECTION, SUBJECT TO ACT NO. 116 OF THE PUBLIC
 18 ACTS OF 1954, SUBSTANTIALLY AS FOLLOWS:

19 "SHOULD THE _____ OF _____ WITHDRAW FROM MEMBER-
 20 SHIP IN THE _____ METROPOLITAN COUNCIL?

21 YES ()

22 NO ()"

23 (4) ~~-(2)-~~ If, upon withdrawal of a city, village, or town-
 24 ship, the city, village, or township has unpaid obligations to
 25 the council, a tax levied by the council pursuant to section 7(3)
 26 before withdrawal of the city, village, or township shall
 27 continue to be levied in the city, village, or township, to the

1 extent and in an amount needed to satisfy the unpaid obligations,
2 until the obligations are paid or the tax expires, whichever hap-
3 pens first. A city, village, or township that withdraws from a
4 council shall continue to receive services from the council until
5 the city, village, or township is no longer required to pay a tax
6 levied by the council.

7 (5) ~~(3)~~ Withdrawal of a local governmental unit from a
8 council shall be evidenced by an amendment to the articles exe-
9 cuted by the secretary or, if the council has no secretary, by
10 the chairperson of the council and filed and published in the
11 same manner as the original articles.