



SENATE BILL No. 740

August 31, 1993, Introduced by Senator CONROY and referred to the Committee on Judiciary.

A bill to amend section 6 of Act No. 139 of the Public Acts of 1973, 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,"

as amended by Act No. 100 of the Public Acts of 1980, being section 45.556 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 139 of the Public Acts of
2 1973, as amended by Act No. 100 of the Public Acts of 1980, being
3 section 45.556 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 6. The board may DO 1 OR MORE OF THE FOLLOWING:

2 (a) Establish policies to be followed by the government of
3 the county in the conduct of its affairs and exercise ~~all~~
4 powers and duties vested in boards of county commissioners not
5 inconsistent with this act.

6 (b) Adopt ordinances and rules necessary for the conduct of
7 county business and exercise ~~all~~ other powers in the area of
8 legislation authorized by this act or by law. IF A VIOLATION OF
9 AN ORDINANCE IS A MUNICIPAL CIVIL INFRACTION, THE ORDINANCE MAY
10 PROVIDE A CIVIL FINE FOR ITS VIOLATION. A VIOLATION OF AN ORDI-
11 NANCE IS A MUNICIPAL CIVIL INFRACTION ONLY IF THE ORDINANCE
12 EXPLICITLY STATES THAT A VIOLATION IS A MUNICIPAL CIVIL
13 INFRACTION. AN ORDINANCE SHALL NOT MAKE AN ACT OR OMISSION A
14 MUNICIPAL CIVIL INFRACTION IF THAT ACT OR OMISSION CONSTITUTES A
15 CRIME UNDER ARTICLE 7 OR SECTION 17766A OF THE PUBLIC HEALTH
16 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING
17 SECTIONS 333.7101 TO 333.7545 AND 333.17766A OF THE MICHIGAN
18 COMPILED LAWS; THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC
19 ACTS OF 1931, BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN
20 COMPILED LAWS; ACT NO. 158 OF THE PUBLIC ACTS OF 1966, BEING
21 SECTIONS 752.11 TO 752.12 OF THE MICHIGAN COMPILED LAWS; SECTION
22 1 OF ACT NO. 70 OF THE PUBLIC ACTS OF 1877, BEING SECTION 752.21
23 OF THE MICHIGAN COMPILED LAWS; ACT NO. 119 OF THE PUBLIC ACTS OF
24 1967, BEING SECTIONS 752.271 TO 752.274 OF THE MICHIGAN COMPILED
25 LAWS; SECTION 25 OF CHAPTER 158 OF THE REVISED STATUTES OF 1846,
26 BEING SECTION 752.525 OF THE MICHIGAN COMPILED LAWS; SECTION 2 OF
27 ACT NO. 26 OF THE PUBLIC ACTS OF 1970, BEING SECTION 752.582 OF

1 THE MICHIGAN COMPILED LAWS; SECTION 5 OF ACT NO. 105 OF THE
2 PUBLIC ACTS OF 1951, BEING SECTION 752.825 OF THE MICHIGAN
3 COMPILED LAWS; ACT NO. 10 OF THE PUBLIC ACTS OF 1952, BEING
4 SECTIONS 752.841 TO 752.845 OF THE MICHIGAN COMPILED LAWS; SEC-
5 TION 1 OF ACT NO. 45 OF THE PUBLIC ACTS OF 1952, BEING
6 SECTION 752.861 OF THE MICHIGAN COMPILED LAWS; SECTION 1 OF ACT
7 NO. 81 OF THE PUBLIC ACTS OF 1954, BEING SECTION 752.881 OF THE
8 MICHIGAN COMPILED LAWS; OR SECTION 3A OF ACT NO. 106 OF THE
9 PUBLIC ACTS OF 1963, BEING SECTION 752.903A OF THE MICHIGAN
10 COMPILED LAWS. AS USED IN THIS SUBDIVISION, "MUNICIPAL CIVIL
11 INFRACTION" MEANS THAT TERM AS DEFINED IN SECTION 113 OF THE
12 REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF
13 1961, BEING SECTION 600.113 OF THE MICHIGAN COMPILED LAWS.

14 (c) Establish committees of the board necessary for the
15 efficient conduct of business.

16 (d) Adopt the annual county budget and work program, and
17 adopt, revise, and update a long range capital improvement pro-
18 gram and capital budget.

19 (e) Make appropriations, levy taxes, and incur indebtedness
20 in the manner authorized by law for the carrying out of func-
21 tions, powers, and duties granted or imposed upon the county or
22 upon an office or department of the county as provided by law.

23 (f) Establish salaries of elected officials and heads of
24 boards, commissions, and departments, unless otherwise fixed by
25 law, ~~— Adopt —~~ AND ADOPT a classification and pay plan for posi-
26 tions in the county service, which shall provide uniform
27 compensation for like service.

1 (g) Adopt, following a public hearing, personnel rules
2 governing county employment and operation of a merit system if
3 adopted as provided by law.

4 (h) Appoint members of a board, commission, or authority.

5 (i) Appoint, when alternate A of this act is applicable, a
6 county manager to serve as chief administrative officer of the
7 county.

8 (j) Inquire into and investigate the official conduct and
9 audit the accounts of a county office. For the purpose of an
10 investigation under this act, the board may authorize the chair-
11 person to administer oaths and affirmations, subpoena witnesses,
12 compel their attendance, take evidence, and require the produc-
13 tion of records or other documents ~~which~~ THAT the board ~~deems~~
14 CONSIDERS relevant or material to the inquiry. Before ~~any~~ A
15 subpoena is issued, the board shall obtain an order of the cir-
16 cuit court by a showing that there is good cause.

17 (k) Appoint a staff to assist the board in postaudit and
18 investigative functions.

19 (l) Appoint necessary personnel to assist the board.

20 (m) Adopt and revise a comprehensive plan for county devel-
21 opment as provided by law.

22 (n) Adopt and enforce rules establishing and defining the
23 authority, duties, and responsibilities of county departments and
24 offices.

25 (o) Consolidate county departments or transfer functions
26 from 1 department to another pursuant to section 14.

1 (p) Enter into agreements with other governmental or
2 quasi-governmental entities for the JOINT performance of
3 services. ~~jointly.~~

4 (q) Accept gifts and grants-in-aid from a government or pri-
5 vate source.

6 Section 2. This amendatory act shall not take effect unless
7 Senate Bill No. 731

8 of the 87th Legislature is enacted into law.