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ADOPT 93-DAY STATUTES BY REFERENCE DESPITE CHARTER DEFINITION

House Bill 5008

Sponsor: Rep. Larry Julian

House Bill 5009

Sponsor: Rep. Ruth Jamnick

House Bill 5010

Sponsor: Rep. Sue Tabor

House Bill 5016

Sponsor: Rep. Michael Bishop

**Committee: Local Government and Urban
Policy**

Complete to 10-20-99

A SUMMARY OF HOUSE BILLS 5008, 5009, 5010, AND 5016 AS INTRODUCED 10-19-99

House Bill 5008 would amend Public Act 246 of 1945 (MCL 41. 181, 41. 184, and 41. 185) which prescribes the powers and duties of township boards, to allow a township to adopt by reference in an ordinance, a provision of any state statute for which the maximum period of imprisonment is 93 days, or the Michigan Vehicle Code. The bill would require that the statute be clearly identified in the adopting ordinance.

The bill also requires that if township officials draft an ordinance to adopt these provisions by reference, a statement of the purpose of the state statute would have to be published with the adopting ordinance or with the summary of the adopted ordinance. Further, the bill would require that copies of the statute adopted by the township board be kept in the office of the township clerk, and be available for inspection by, and distribution to, the public. In addition, the township would be required to designate, in the publication, a location where a copy of the statute could be inspected or obtained. Finally, the bill would require that a copy of the state statute also be filed with the county clerk.

House Bill 5009 would amend the Home Rule Village Act (MCL 78.23) to specify that any charter provision to the contrary notwithstanding, a village could adopt an ordinance punishable by imprisonment for not more than 93 days, or a fine of not more than \$500, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days.

The bill also would allow a village to adopt a provision of any state statute for which the maximum period of imprisonment is 93 days, and the Michigan Vehicle Code, by making reference to the law or code in an adopting ordinance, and without publishing that law or code in full. As is

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true of other codes and laws a village may adopt by reference (including codes that regulate plumbing, electrical, and building construction, among others), a printed copy of the law or code would have to be kept in the office of the village clerk and made available to the public at all times.

House Bill 5010 would amend the General Law Village Act (MCL 66.4) to allow a village to adopt by reference, a provision of any state statute for which the maximum period of imprisonment is 93 days, or the Michigan Vehicle Code. Currently, a village may adopt by reference laws or codes that, among other things, regulate plumbing, electrical, mechanical, fire protection, or building, without publishing the law or code in full.

House Bill 5016 would amend the Home Rule City Act (MCL 117.3) to specify that any charter provision to the contrary notwithstanding, a city could adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days.

Further, whether or not provided in its charter, a city could adopt a provision of any state statute for which the maximum period of imprisonment is 93 days, the Michigan Vehicle Code, or a law, code or rule by reference without publishing the law, code, or rule in full. Under current law, a city may adopt by reference a law, code, or rule that has been promulgated and adopted by an authorized agency of the state that regulates fire and fire prevention, plumbing, heating, electrical, building, refrigeration machinery, piping, boiler or boiler operations, elevator machinery, flammable liquids and gases, or hazardous chemicals.

Finally, House Bill 5016 would modify a provision of the act that requires city charters to limit the levy of property taxes to two percent of the assessed value of the real and personal property of the city. The bill would modify this provision to use the term “taxable value” rather than “assessed value”.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.