

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 703 and 704 (as passed by the Senate)
Sponsor: Senator Bill Bullard, Jr.
Committee: Local, Urban and State Affairs

Date Completed: 1-31-00

RATIONALE

Michigan's 1,242 townships govern the vast majority of Michigan's land area and serve as "creatures of the state", relying on the State Legislature to define their powers. State law specifies how township boards are to be organized, the duties of each official and his or her powers, and delegation of certain functions such as collecting taxes, conducting elections, and administering assessments. Township government takes two forms in Michigan: general law and charter. As of August 1996, there were 124 charter townships.

Currently, a charter township may adopt by reference any State law or any recognized standard code. If it adopts a standard code, the township must publish at least 50 copies in book or booklet form and make them available for public distribution at a reasonable charge. The law governing general law townships does not contain similar provisions. Some people believe that in order to save citizens the time and costs associated with publication, all townships should be allowed to adopt State law by reference, without having to publish a quantity of copies of the law.

CONTENT

Senate Bill 703 would amend Public Act 246 of 1945 (which governs general law townships), and Senate Bill 704 would amend the Charter Township Act, to allow a township to adopt, by reference in an adopting ordinance, a State statute or rule, including but not limited to a statute or rule adopting by reference a code promulgated by another public or private entity, a statute or rule constituting the text of a code, or a code promulgated by another public or private entity. The township would have to publish a statement of the purpose of the statute, rule, or code, and the statute, rule, or code would have to be clearly identified in the ordinance. If an ordinance adopted by reference a State statute or rule, the ordinance could incorporate future

amendments or revisions of the statute or rule by explicitly providing that future amendments or revisions would be incorporated by reference when, or a specified period of time after, they took effect in the State.

Senate Bill 703

The bill provides that if an ordinance adopted by reference a State statute or rule, including but not limited to a statute or rule adopting by reference a code promulgated by another public or private entity, a statute or rule constituting the text of a code, or a code promulgated by another public or private entity, a statement of the purpose of the statute, rule, or code would have to be published with the adopting ordinance or with the summary of the adopting ordinance under Public Act 246.

Copies of the statute, rule, or code adopted by the township by reference would have to be kept in the office of the township clerk, available for inspection by and distribution to the public. If a township adopted by reference a State statute or rule, and the statute or rule adopted by reference a code promulgated by another public or private entity, copies of the code itself also would have to be kept in the office of the township clerk, available for inspection by and distribution to the public. In the publication, the township would have to designate a location in the township where a copy of the statute, rule, or code could be inspected or obtained.

If the ordinance adopted by reference a State statute or rule, including a statute or rule adopting by reference a code promulgated by another public or private entity, a statute or rule constituting the text of a code, or a code promulgated by another public or private entity, the township clerk also would have to file a copy of the statute, rule, or code with the county clerk. If the ordinance adopted by reference a State statute or rule and it adopted by reference a code promulgated by another public or private entity, the township clerk would have to file a copy of the

code itself with the county clerk.

Senate Bill 704

Currently, a charter township board may adopt any provision of State law or any detailed technical regulations as a township ordinance or code by citation of that provision of State law or by reference to any recognized standard code, official or unofficial; any such provision of State law or recognized standard code must be clearly identified in the ordinance adopting it as an ordinance of the township. If any recognized standard code is adopted by citation, the township may publish it by providing to the public at least 50 copies in book or booklet form, available for public distribution at a reasonable charge, and any amendment to or revision of the adopted code or detailed technical ordinance may be published in the same manner. The bill would delete and replace these provisions.

The bill provides that a statement of the purpose of the statute, rule, or code would have to be published with the adopting ordinance or with the summary of the adopting ordinance. Copies of the statute, rule, or code in book or booklet form would have to be kept in the office of the township clerk available for public distribution at a reasonable charge or public inspection.

If a township adopted by reference a State statute or rule and the statute or rule adopted by reference a code promulgated by another public or private entity, copies of the code itself also would have to be kept in the office of the township clerk, available for inspection by and distribution to the public. The newspaper publication of the ordinance would have to contain a notice that a complete copy of the statute, rule, or code was available for inspection by and distribution to the public at the office of the township clerk.

MCL 41.181 et al. (S.B. 703)
42.23 (S.B. 704)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By allowing townships to adopt statutes by reference, the bills would enable townships to save time, money and effort associated with adopting ordinances. Adoption by reference would allow a township to adopt a code or statute as its ordinance without having to publish the law, code, or rule in full. Printed copies of an adopted law would have to be

kept in the local clerk's office available for inspection and distribution to the public, and a statement of the law's purpose would have to be published. These requirements would preserve the public's access to information about local ordinances.

Legislative Analyst: N. Nagata

FISCAL IMPACT

General law townships would be able to reduce printing costs associated with adopting State laws. These bills would have no fiscal impact.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.