

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bills 5008, 5009, 5010, and 5016 (as passed by the House)

Sponsor: Representative Larry Julian (House Bill 5008)

Representative Ruth Jamnick (House Bill 5009)

Representative Sue Tabor (House Bill 5010)

Representative Michael Bishop (House Bill 5016)

Committee: Judiciary

Date Completed: 12-1-99

CONTENT

The bills would amend various acts to authorize local units of government to adopt certain provisions of State laws and to adopt an ordinance punishable by up to 93 days' imprisonment that substantially corresponded to a provision of State law with the same penalty.

House Bill 5008

The bill would amend Public Act 246 of 1945, which authorizes township boards to adopt ordinances and regulations for the public health, safety, and general welfare, to authorize a township to adopt a provision of any State statute for which the maximum period of imprisonment is 93 days' imprisonment or the Michigan Vehicle Code, by reference in an adopting ordinance. The adopted State statute would have to be identified clearly in the adopting ordinance.

If an ordinance adopted by reference a provision of State statute punishable by up to 93 days' imprisonment or the Michigan Vehicle Code, a statement of the purpose of the statute would have to be published with the adopting ordinance or with the summary of the adopting ordinance published as required under the Act. Copies of the statute adopted by the township by reference would have to be kept in the township clerk's office and be available for inspection by and distribution to the public. The township would have to include in the publication the designation of a location in the township where a copy of the statute could be inspected or obtained.

The Act provides that, within one week after publication of an ordinance as required under the Act, the township clerk must record the ordinance in a book of ordinances kept for that purpose; record the date of the passage of the ordinance, the names of the board members voting, and how each member voted; and file an attested copy of the ordinance with the county clerk. The bill specifies that, if an ordinance adopted by reference a provision of any State statute, the township clerk also would have to file a copy of that statute with the county clerk.

The Act requires the county clerk to maintain separate files for ordinances of each township in the county, and to make the files readily available to the public. The bill instead would require the county clerk to maintain separate files for any statute filed under the bill and to make those files readily available to the public. In addition, the county clerk may charge a reasonable fee for the reproduction or furnishing of a copy of an ordinance. The bill also would refer to a statute filed under the bill.

House Bill 5009

The bill would amend the Home Rule Village Act to specify that, notwithstanding any charter provision to the contrary, a village could adopt an ordinance punishable by up to 93 days' imprisonment and/or a maximum fine of \$500, if the violation substantially corresponded to a violation of State law that was a misdemeanor punishable by imprisonment for up to 93 days.

In addition, the Act authorizes a village to adopt a plumbing code, electrical code, or building code that has been promulgated by the State, by a department, board, or other agency of the State, or by an organization or association that is organized and conducted for the purpose of developing that code, by making reference to that code in an adopting ordinance without publishing the code in full. The bill would add to that provision the authority for a village to adopt, in the same manner, a provision of any State statute for which the maximum period of imprisonment is 93 days' imprisonment or the Michigan Vehicle Code.

House Bill 5010

The General Law Village Act authorizes a village to adopt by reference a plumbing code, electrical code, mechanical code, fire protection code, building code, or other code promulgated by the State, by a department, board, or other agency of the State, or by an organization or association organized or conducted for the purpose of developing a code. The bill would add authority to adopt by reference a provision of any State statute for which the maximum period of imprisonment is 93 days and the Michigan Vehicle Code.

House Bill 5016

The bill would amend the Home Rule City Act to specify that, notwithstanding any charter provision to the contrary, a city could adopt an ordinance punishable by up to 93 days' imprisonment and/or a maximum fine of \$500, if the violation substantially corresponded to a violation of State law that was a misdemeanor punishable by imprisonment for up to 93 days.

Also, the Act specifies that, whether or not provided in its charter, a city may adopt by reference in an adopting ordinance a law, code, or rule promulgated and adopted by an authorized agency of the State pertaining to fire protection or any of certain specified codes. The bill would add to that provision the authority for a city to adopt, in the same manner, a provision of any State statute for which the maximum period of imprisonment is 93 days' imprisonment or the Michigan Vehicle Code.

In addition, the Act requires that a city's charter provide for the annual laying and collecting of taxes in a sum, except as otherwise provided by law, not to exceed 2% of the "assessed value" of real and personal property in the city. Also, the governing body of a city may levy and collect taxes for municipal purposes in a sum not to exceed 1% of the "assessed value" of real and personal property in the city. The bill would change "assessed value" in these provisions to "taxable value" and would define "taxable value" as the value determined under Section 27a of the General Property Tax Act (MCL 211.27a).

MCL 41.181 et al. (H.B. 5008)
78.23 (H.B. 5009)
66.4 (H.B. 5010)
117.3 (H.B. 5016)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Local units that adopted provisions of State laws, as specified in the bills, would minimally reduce costs associated with publishing the local ordinance. The bills would have no fiscal impact on State government.

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.