

REPRINT

SUBSTITUTE FOR
SENATE BILL NO. 834

(As Passed the Senate November 4, 1999)

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 3 (MCL 117.3), as amended by 1993 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. Each city charter shall provide FOR ALL OF the
2 following:
3 (a) ~~For the~~ THE election of a mayor, who shall be the
4 chief executive officer of the city, and of a body vested with
5 legislative power, and for the election or appointment of a
6 clerk, a treasurer, an assessor or board of assessors, a board of
7 review, and other officers ~~as may be~~ considered necessary. The
8 city charter may provide for the selection of the mayor by the
9 legislative body. Elections may be by a partisan, nonpartisan,
10 or preferential ballot, or by any other legal method of voting.
11 Notwithstanding any other law or charter provision to the

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1 contrary, a city having a 1970 official population of more than
2 150,000, whose charter provides for terms of office of less than
3 4 years, and in which the term of office for the mayor and the
4 governing body are of the same length, may provide by ordinance
5 for a term of office of up to 4 years for mayor and other elected
6 city officials. The ordinance shall provide that the ordinance
7 shall take effect 60 days after it is enacted unless within the
8 60 days a petition is submitted to the city clerk signed by not
9 less than 10% of the registered electors of the city requesting
10 that the question of approval of the ordinance be submitted to
11 the electors at the next regular election or a special election
12 called for the purpose of approving or disapproving the
13 ordinance.

14 (b) ~~For the~~ THE nomination of elective officers by parti-
15 san or nonpartisan primary, by petition, or by convention.

16 (c) ~~For the~~ THE time, manner, and means of holding elec-
17 tions and the registration of electors.

18 (d) ~~For the~~ THE qualifications, duties, and compensation
19 of the city's officers. If the city has an appointed chief
20 administrative officer, the legislative body of the city may
21 enter into an employment contract with the chief administrative
22 officer extending beyond the terms of the members of the legisla-
23 tive body unless such an employment contract is prohibited by the
24 city charter. An employment contract with a chief administrative
25 officer shall be in writing and shall specify the compensation to
26 be paid to the chief administrative officer, any procedure for
27 changing the compensation, any fringe benefits, and any other

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1 conditions of employment. ~~if~~ THE CONTRACT SHALL STATE IF the
2 chief administrative officer serves at the pleasure of the legis-
3 lative body, AND the contract ~~shall so state and~~ may provide
4 for severance pay or other benefits in the event the ~~employment~~
5 ~~of the~~ chief administrative ~~officer~~ OFFICER'S EMPLOYMENT is
6 terminated at the pleasure of the legislative body.

7 (e) ~~For the~~ THE establishment of 1 or more wards, and if
8 the members of the city's legislative body are chosen by wards,
9 for equal representation for each ward in the legislative body.

10 (f) That the subjects of taxation for municipal purposes
11 ~~be~~ ARE the same as for state, county, and school purposes under
12 the general law.

13 (g) ~~For annually~~ THE ANNUAL laying and collecting taxes in
14 a sum, except as otherwise provided by law, not to exceed 2% of
15 the ~~assessed~~ TAXABLE value of the real and personal property in
16 the city. Unless the charter provides for a different tax rate
17 limitation, the governing body of a city may levy and collect
18 taxes for municipal purposes in a sum not to exceed 1% of the
19 ~~assessed~~ TAXABLE value of the real and personal property in the
20 city, subject to section 1a of chapter ~~7~~ VII of the municipal
21 finance act, ~~Act No. 202 of the Public Acts of 1943, as amended,~~
22 ~~being section 137.1a of the Michigan Compiled Laws~~ 1943 PA 202,
23 MCL 137.1A. AS USED IN THIS SUBDIVISION, "TAXABLE VALUE" IS THAT
24 VALUE DETERMINED UNDER SECTION 27A OF THE GENERAL PROPERTY TAX
25 ACT, 1893 PA 206, MCL 211.27A.

26 (h) ~~For an~~ AN annual appropriation of money for municipal
27 purposes.

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1 (i) ~~For the~~ THE levy, collection, and return of state,
2 county, and school taxes in conformance with the general laws of
3 ~~the~~ THIS state, except that the preparation of the assessment
4 roll, the meeting of the board of review, and the confirmation of
5 the assessment roll may be at the times provided in the city
6 charter.

7 (j) ~~For the~~ THE public peace and health and for the safety
8 of persons and property. In providing for the public peace,
9 health, and safety, a city may expend funds or enter into con-
10 tracts with a private organization, the federal or state govern-
11 ment, a county, village, or township, or another city for serv-
12 ices considered necessary by the ~~municipal~~ LEGISLATIVE body.
13 ~~vested with legislative power.~~ Public peace, health, and safety
14 services may include the operation of child guidance and commu-
15 nity mental health clinics, the prevention, counseling, and
16 treatment of developmental disabilities, the prevention of drug
17 abuse, and the counseling and treatment of drug abusers.

18 (k) ~~For adopting~~ ADOPTING, continuing, amending, and
19 repealing the city ordinances and for the publication of each
20 ordinance before it becomes operative. Whether or not provided
21 in its charter, instead of publishing a true copy of an ordinance
22 before it becomes operative, the city may publish a summary of
23 the ordinance. If the city publishes a summary of the ordinance,
24 the city shall include in the publication the designation of a
25 location in the city where a true copy of the ordinance can be
26 inspected or obtained. ANY CHARTER PROVISION TO THE CONTRARY
27 NOTWITHSTANDING, A CITY MAY ADOPT AN ORDINANCE PUNISHABLE BY

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1 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
2 \$500.00, OR BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A
3 VIOLATION OF STATE LAW THAT IS A MISDEMEANOR FOR WHICH THE MAXI-
4 MUM PERIOD OF IMPRISONMENT IS 93 DAYS. Whether or not provided in
5 its charter, a city may adopt A PROVISION OF ANY STATE STATUTE
6 FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS, THE
7 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR a
8 law, code, or ~~rules~~ RULE that ~~have~~ HAS been promulgated and
9 adopted by an authorized agency of ~~the~~ THIS state pertaining to
10 fire, fire hazards, fire prevention, or fire waste, and a fire
11 prevention code, plumbing code, heating code, electrical code,
12 building code, refrigeration machinery code, piping code, boiler
13 code, boiler operation code, elevator machinery code, or a code
14 pertaining to flammable liquids and gases ~~, as well as to~~ OR
15 hazardous chemicals, that has been promulgated by this state, by
16 a department, board, or other agency of this state, or by an
17 organization or association that is organized and conducted for
18 the purpose of developing the code, by reference to the LAW,
19 code, OR RULE in an adopting ordinance and without publishing the
20 LAW, code, OR RULE in full. The LAW, code, OR RULE shall be
21 clearly identified in the ordinance and its purpose shall be pub-
22 lished with the adopting ordinance. Printed copies of the LAW,
23 code, OR RULE shall be kept in the office of the city clerk,
24 available for inspection by, and distribution to, the public at
25 all times. The publication shall contain a notice stating that a
26 complete copy of the LAW, code, OR RULE is made available to the
27 public at the office of the city clerk in compliance with state

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Sub. S.B. 834 (S-1) as amended on December 9, 1999 6

1 law requiring that records of public bodies be made available to
2 the general public. [A CITY SHALL NOT ENFORCE ANY PROVISION ADOPTED
BY REFERENCE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS GREATER
THAN 93 DAYS.]

3 (l) That the business ~~that~~ OF THE legislative body ~~may~~
4 ~~perform~~ shall be conducted at a public meeting held in compli-
5 ance with the open meetings act, ~~Act No. 267 of the Public Acts~~
6 ~~of 1976, as amended, being sections 15.261 to 15.275 of the~~
7 ~~Michigan Compiled Laws~~ 1976 PA 267, MCL 15.261 TO 15.275. All
8 records of the municipality shall be made available to the gen-
9 eral public in compliance with the freedom of information act,
10 ~~Act No. 442 of the Public Acts of 1976, as amended, being sec-~~
11 ~~tions 15.231 to 15.246 of the Michigan Compiled Laws~~ 1976 PA
12 442, MCL 15.231 TO 15.246.

13 (m) ~~For keeping~~ KEEPING in the English language a written
14 or printed journal of each session of the legislative body.

15 (n) ~~For a~~ A system of accounts that conforms to a uniform
16 system of accounts as required by law.

17 Enacting section 1. This amendatory act does not take
18 effect unless all of the following bills of the 90th Legislature
19 are enacted into law:

20 (a) Senate Bill No. 831.

21 (b) Senate Bill No. 832.

22 (c) Senate Bill No. 833.

23 (d) Senate Bill No. 855.

24 (e) Senate Bill No. 856.