

HOUSE BILL No. 5085

June 11, 2009, Introduced by Rep. Lemmons and referred to the Committee on Education.

A bill to amend 1909 PA 279, entitled
 "The home rule city act,"
 by amending section 4-j (MCL 117.4j) and by adding section 4s.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4-j. Each city may in its charter provide **FOR ANY OF THE**
 2 **FOLLOWING:**

3 (1) For the establishment of any department that it may deem
 4 **CONSIDER** necessary for the general welfare of the city, and for the
 5 separate incorporation thereof: ~~Provided, however, That these~~
 6 ~~provisions~~ **OF THOSE DEPARTMENTS. HOWEVER, EXCEPT AS PROVIDED IN**
 7 **SECTION 4S, THIS SECTION** shall not be construed to extend to and
 8 include public schools. †

9 (2) For altering, amending, or repealing any special act

1 affecting any municipal concerns or existing municipal department,
2 but, **EXCEPT AS PROVIDED IN SECTION 4S**, the department in control of
3 the public schools shall not be construed to be a municipal
4 department. †

5 (3) For the exercise of all municipal powers in the management
6 and control of municipal property and in the administration of the
7 municipal government, whether ~~such powers be~~ **THOSE POWERS ARE**
8 expressly enumerated or not; for any act to advance the interests
9 of the city, the good government and prosperity of the municipality
10 and its inhabitants; and through its regularly constituted
11 authority to pass all laws and ordinances relating to its municipal
12 concerns subject to the constitution and general laws of this
13 state.

14 **SEC. 4S. (1) IF THE QUESTION ON THE BALLOT IN A FIRST CLASS**
15 **SCHOOL DISTRICT UNDER SECTION 409 OF THE REVISED SCHOOL CODE, 1976**
16 **PA 451, MCL 380.409, IS APPROVED, THEN BEGINNING ON JANUARY 1,**
17 **2010, A CITY WITH A POPULATION OF 500,000 OR MORE THAT HAS THE SAME**
18 **BOUNDARIES AS A FIRST CLASS SCHOOL DISTRICT SHALL OPERATE THE FIRST**
19 **CLASS SCHOOL DISTRICT AS A DEPARTMENT OF THE CITY.**

20 (2) IN A CITY THAT OPERATES A FIRST CLASS SCHOOL DISTRICT AS A
21 DEPARTMENT OF THE CITY UNDER SUBSECTION (1), ALL OF THE FOLLOWING
22 APPLY:

23 (A) THE MAYOR SHALL APPOINT A SUPERINTENDENT OF SCHOOLS TO BE
24 HEAD OF THE DEPARTMENT AND SUPERINTENDENT OF THE FIRST CLASS SCHOOL
25 DISTRICT. THE APPOINTMENT IS SUBJECT TO CONFIRMATION BY THE CITY
26 COUNCIL.

27 (B) THE SUPERINTENDENT MAY BE REMOVED BY THE MAYOR WITH THE

1 APPROVAL OF THE CITY COUNCIL OR MAY BE REMOVED BY A 2/3 VOTE OF THE
2 MEMBERS ELECTED TO AND SERVING ON THE CITY COUNCIL.

3 (C) THE SCHOOL DISTRICT SHALL BE OPERATED IN THE MANNER
4 PROVIDED FOR A FIRST CLASS SCHOOL DISTRICT UNDER THIS ACT AND THE
5 REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. ____ or House Bill No. 5084(request no.
8 03671'09) of the 95th Legislature is enacted into law.