



# SENATE BILL No. 1006

May 7, 1996, Introduced by Senator DUNASKISS and referred to the Committee on Technology and Energy.

A bill to amend sections 1, 2, and 3 of Act No. 266 of the Public Acts of 1909, entitled

"An act to authorize township boards to grant the right to use the highways, streets, alleys and other public places of any township for poles, wires, pipes or conduits, or tracks for rail-ways, and to operate and maintain the same, and to authorize townships to grant public utility franchises, and to provide for the submission of such public utility franchise grants to the electors for confirmation,"

being sections 460.601, 460.602, and 460.603 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, and 3 of Act No. 266 of the  
2 Public Acts of 1909, being sections 460.601, 460.602, and 460.603  
3 of the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 1. (1) ~~The township board of any~~ A township may  
5 grant A FRANCHISE to any person, partnership, association, or  
6 corporation FOR the right to use the highways, streets, alleys,

1 and other public places of the township to ~~set~~ CONDUCT BUSINESS  
2 AND TO INSTALL, OPERATE, AND MAINTAIN poles, ~~string~~ wires,  
3 ~~lay~~ pipes, ~~or~~ conduits, or ~~to lay tracks for railways and to~~  
4 ~~operate and maintain the same and the right to transact a local~~  
5 ~~business in such township, subject to such reasonable regulations~~  
6 ~~as said board shall prescribe from time to time~~ RAILWAY TRACKS.

7 (2) THE TOWNSHIP MAY ESTABLISH REASONABLE REGULATIONS FOR  
8 THE FRANCHISE.

9 (3) THE FRANCHISE GRANTED UNDER THIS SECTION MAY BE REVOCABLE OR IRREVOCABLE.

11 Sec. 2. (1) ~~After a franchise has been granted by a township board and accepted in writing by the grantee, the action of~~  
12 ~~the board in granting~~ A FRANCHISE SHALL BE GRANTED BY A MAJORITY  
13 VOTE OF THE TOWNSHIP BOARD AND THE BOARD SHALL DESIGNATE THE  
14 FRANCHISE AS EITHER REVOCABLE OR IRREVOCABLE.

16 (2) IF THE FRANCHISE IS DESIGNATED AS IRREVOCABLE, APPROVAL  
17 OF the franchise AS IRREVOCABLE shall be submitted to a vote of  
18 the electors of ~~such~~ THE township ~~for confirmation~~ at the  
19 next regular election.

20 (3) IF THE ELECTORS DO NOT APPROVE THE IRREVOCABILITY OF THE  
21 FRANCHISE, THE FRANCHISE SHALL REMAIN VALID BUT CONTINUE AS A  
22 REVOCABLE FRANCHISE.

23 Sec. 3. ~~The township clerk, at~~ AT least 20 days before  
24 the next regular election, THE TOWNSHIP CLERK shall give notice  
25 that the question of ~~the confirmation of the granting of such~~  
26 AN IRREVOCABLE franchise will be submitted to a vote of the  
27 electors by posting a ~~written or printed~~ notice in 3 or more

1 public places in ~~such~~ THE township. ~~Printed ballots shall be~~  
2 ~~prepared by the township clerk and kept at the polling place for~~  
3 ~~the use of the electors and shall be in substantially the follow~~  
4 ~~ing form:~~

5       ~~Confirming grant of franchise to .....~~  
6 ~~for the purpose of ..... [ ] Yes.~~

7       ~~Confirming grant of franchise to .....~~  
8 ~~for the purpose of ..... [ ] No.~~

9       Section 2. Sections 4 and 5 of Act No. 266 of the Public  
10 Acts of 1909, being sections 460.604 and 460.605 of the Michigan  
11 Compiled Laws, are repealed.