

# HOUSE BILL No. 6033

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1941 PA 107, entitled

"An act to authorize township water supply and sewage disposal services and facilities; to provide for financing of those services and facilities; to prescribe the powers and duties of township boards with respect to those services and facilities; and to prescribe penalties and provide remedies,"

by amending sections 6, 10, 11, 20h, and 20r (MCL 41.336, 41.340, 41.341, 41.350h, and 41.350r), sections 6, 10, and 11 as amended and sections 20h and 20r as added by 1989 PA 83.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6. (1) ~~Immediately~~ **BEFORE JANUARY 1, 2015, IMMEDIATELY**  
2 following adoption of the plan under section 5, ~~it~~ **THE PLAN** shall  
3 be published at full length by the township board once each week  
4 for 3 successive weeks in a newspaper circulating within the  
5 township in which the improvement petitioned for under section 1 is  
6 to be made. ~~Proof~~ **BEFORE JANUARY 1, 2015, PROOF** of the publication

1 shall be made and filed with the township clerk before installation  
2 of the improvement commences. ~~The~~ **BEFORE JANUARY 1, 2015, THE**  
3 publication is the sole notice of the improvement and of the  
4 provisions of the plan that interested persons and property owners  
5 are entitled to receive.

6 (2) **BEGINNING JANUARY 1, 2015, IMMEDIATELY FOLLOWING ADOPTION**  
7 **OF THE PLAN UNDER SECTION 5, THE TOWNSHIP BOARD SHALL PROVIDE TIER**  
8 **A PUBLIC NOTICE WITH A LINK OF THE PLAN AS SET FORTH IN THE LOCAL**  
9 **GOVERNMENT PUBLIC NOTICE ACT. BEGINNING JANUARY 1, 2015, PROOF OF**  
10 **PROVIDING NOTICE UNDER THE LOCAL GOVERNMENT PUBLIC NOTICE ACT SHALL**  
11 **BE MADE AND FILED WITH THE TOWNSHIP CLERK BEFORE INSTALLATION OF**  
12 **THE IMPROVEMENT COMMENCES. BEGINNING JANUARY 1, 2015, THE NOTICE**  
13 **PROVIDED UNDER THE LOCAL GOVERNMENT PUBLIC NOTICE ACT IS THE SOLE**  
14 **NOTICE OF THE IMPROVEMENT AND OF THE PROVISIONS OF THE PLAN THAT**  
15 **INTERESTED PERSONS AND PROPERTY OWNERS ARE ENTITLED TO RECEIVE.**

16 Sec. 10. The township board has exclusive governing control  
17 over the maintenance and use of the mains and fittings of a water  
18 supply district established under section 1 and shall exercise this  
19 control in accordance with the terms of sections 1 to 20a and the  
20 rules and regulations that are required by and conform to section  
21 5(d). ~~The~~ **BEFORE JANUARY 1, 2015, THE** rules and regulations may be  
22 amended by the township board only after notice of its intention to  
23 do so, specifying the date, hour, and place of meeting of the board  
24 for this purpose, is published for 3 successive weeks in a  
25 newspaper circulating within the township. **BEGINNING JANUARY 1,**  
26 **2015, THE RULES AND REGULATIONS MAY BE AMENDED BY THE TOWNSHIP**  
27 **BOARD ONLY AFTER TIER B PUBLIC NOTICE OF ITS INTENTION TO DO SO,**

1 SPECIFYING THE DATE, HOUR, AND PLACE OF MEETING OF THE BOARD FOR  
2 THIS PURPOSE, IS PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT  
3 PUBLIC NOTICE ACT.

4 Sec. 11. If water mains have been extended or installed in  
5 accordance with a plan substantially similar to that contemplated  
6 by section 5, the township board, subject to provisions of any  
7 contract that has been made with another township or a city,  
8 village, or authority for furnishing water through the mains, has  
9 exclusive governing control over the mains and fittings and their  
10 maintenance and use. In ~~such~~ **THESE** cases, the township board may  
11 promulgate and adopt, by resolution, rules and regulations  
12 conforming substantially with section 5(d). ~~The~~ **BEFORE JANUARY 1,**  
13 **2015, THE** rules and regulations become effective on completion of  
14 their publication, at full length, once each week for 3 successive  
15 weeks in a newspaper circulating within the township in which the  
16 improvement has been made. ~~After~~ **BEGINNING JANUARY 1, 2015, THE**  
17 **RULES AND REGULATIONS BECOME EFFECTIVE UPON THE COMPLETION OF TIER**  
18 **A PUBLIC NOTICE WITH A LINK OF THE RULES AND REGULATIONS BEING**  
19 **PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**  
20 **BEFORE JANUARY 1, 2015, AFTER** the rules and regulations become  
21 effective, they may be amended or altered by the township board  
22 only after notice of its intention to do so, specifying the date,  
23 hour, and place of meeting of the board for this purpose, is  
24 published for 3 successive weeks in a newspaper circulating within  
25 the township. **BEGINNING JANUARY 1, 2015, AFTER THE RULES AND**  
26 **REGULATIONS BECOME EFFECTIVE, THEY MAY BE AMENDED OR ALTERED BY THE**  
27 **TOWNSHIP BOARD ONLY AFTER TIER A PUBLIC NOTICE WITH A LINK OF ITS**

1 INTENTION TO DO SO, SPECIFYING THE DATE, HOUR, AND PLACE OF MEETING  
2 OF THE BOARD FOR THIS PURPOSE, IS PROVIDED AS SET FORTH IN THE  
3 LOCAL GOVERNMENT PUBLIC NOTICE ACT.

4 Sec. 20h. The business that the township board performs  
5 ~~pursuant to~~ ~~UNDER~~ sections 20b to 20k shall be conducted at a  
6 public meeting held in compliance with the open meetings act, ~~Act~~  
7 ~~No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275~~  
8 ~~of the Michigan Compiled Laws. The 1976 PA 267, MCL 15.261 TO~~  
9 **15.275. BEFORE JANUARY 1, 2015, THE** township board shall give  
10 public notice of a meeting and the time, date, place, and purpose  
11 of the meeting in the manner required by ~~Act No. 267 of the Public~~  
12 ~~Acts of 1976~~ **THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO**  
13 **15.275,** and by publishing a notice in a newspaper of general  
14 circulation in the district proposed to be assessed. ~~IF~~ **BEFORE**  
15 **JANUARY 1, 2015, IF** a newspaper is not circulated in the district,  
16 then notice shall be posted in at least 3 of the most public and  
17 conspicuous places in the district. **BEGINNING JANUARY 1, 2015, THE**  
18 **TOWNSHIP BOARD SHALL GIVE PUBLIC NOTICE OF A MEETING AND THE TIME,**  
19 **DATE, PLACE, AND PURPOSE OF THE MEETING IN THE MANNER REQUIRED BY**  
20 **THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275, AND BY**  
21 **PROVIDING TIER B PUBLIC NOTICE OF THE MEETING AND TIME, DATE,**  
22 **PLACE, AND PURPOSE OF THE MEETING AS SET FORTH IN THE LOCAL**  
23 **GOVERNMENT PUBLIC NOTICE ACT.**

24 Sec. 20r. By the affirmative vote of 2/3 of its members, the  
25 township board may adopt an ordinance relating to the exercise of  
26 the powers granted in sections 20l to 20t and to any other matter  
27 necessary or desirable to effectuate the full intent and purpose of

1 sections ~~20/~~20l to 20t, including provisions for control and  
2 maintenance of a water supply facility, charges for rights of  
3 connection with a facility for water service, charges for water  
4 delivered by means of a facility, and other provisions to ensure  
5 the proper and adequate operation of a facility. ~~An~~**BEFORE JANUARY**  
6 **1, 2015, AN** ordinance adopted ~~pursuant to~~**UNDER** this section  
7 becomes effective at the expiration of 30 days after the date of  
8 its publication unless a referendum is required as provided in  
9 section 20s. **BEGINNING JANUARY 1, 2015, UNLESS A REFERENDUM IS**  
10 **REQUIRED AS PROVIDED IN SECTION 20S, AN ORDINANCE ADOPTED UNDER**  
11 **THIS SECTION BECOMES EFFECTIVE AT THE EXPIRATION OF 30 DAYS AFTER**  
12 **THE DATE TIER B PUBLIC NOTICE WITH A LINK OF THE ORDINANCE IS**  
13 **PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** An  
14 ordinance adopted ~~pursuant to~~**UNDER** this section shall be recorded  
15 in the minutes of the meeting of the township board as soon as  
16 practicable after its adoption. The record shall be authenticated  
17 by the signatures of the supervisor and clerk of the township. ~~The~~  
18 **BEFORE JANUARY 1, 2015, THE** ordinance shall be published promptly  
19 after its adoption in a newspaper of general circulation within the  
20 township. **BEGINNING JANUARY 1, 2015, PROMPTLY AFTER ITS ADOPTION,**  
21 **TIER B PUBLIC NOTICE WITH A LINK OF THE ORDINANCE SHALL BE PROVIDED**  
22 **AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** The  
23 ordinance may be ~~so published~~**PROVIDED** as a part of the minutes of  
24 the meeting at which it was adopted. Except as otherwise provided  
25 in sections 20/ to 20t, the provisions of this section are the sole  
26 requirements concerning the adoption and ~~publication~~**NOTICE** of the  
27 ordinance and are not limited by other statutory provisions.

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 5560 (request no.  
3 03796'13) of the 97th Legislature is enacted into law.