

SENATE BILL No. 687

November 14, 2013, Introduced by Senator BOOHER and referred to the Committee on Local Government and Elections.

A bill to regulate the provision of certain utility services by certain municipalities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act, "municipality" means a county,
2 city, village, township, charter township, district, or authority
3 existing under the laws of this state.

4 Sec. 2. In compliance with the requirement of section 52 of
5 article IV of the state constitution of 1963 to provide for the
6 protection of the air, water, and other natural resources of the
7 state from pollution, impairment, and destruction, if a
8 municipality is furnishing, through a regional agreement or
9 contract, a utility service such as water, sanitary sewers,
10 wastewater treatment, or electricity, or any combination of these

1 services, to 1 or more municipalities or directly to customers
2 within 1 or more municipalities, the municipality furnishing the
3 utility service shall not terminate the service or refuse to renew
4 an existing contract for the service for reasons other than that
5 its facilities lack the physical ability to continue to provide the
6 service.

7 Sec. 3. This act does not preclude the ability of the
8 municipality furnishing the utility service to negotiate a
9 reasonable rate for service so long as the rate is not more than
10 the cost of providing the service.

11 Sec. 4. A municipality aggrieved by a violation or threatened
12 violation of this act may maintain an action in the circuit court
13 having jurisdiction where the alleged violation occurred or is
14 likely to occur for declaratory and equitable relief. The court
15 shall have jurisdiction to restrain the violation and require
16 compliance with this act. The court may award reasonable attorney
17 fees and costs to the prevailing party.