

# HOUSE BILL NO. 6341

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

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, 2022, immediately**  
 2 following adoption of the plan under section 5, ~~it shall~~**the plan**  
 3 **must** be published at full length by the township board once each  
 4 week 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, 2022, proof** of the publication  
 7 ~~shall~~**must** be made and filed with the township clerk before  
 8 installation of the improvement commences. ~~The~~**Before January 1,**  
 9 **2022, the** publication is the sole notice of the improvement and of  
 10 the provisions of the plan that interested persons and property  
 11 owners are entitled to receive.

12           **(2) Beginning January 1, 2022, immediately following adoption**  
 13 **of the plan under section 5, the township board shall post public**  
 14 **notice of the plan as set forth in the local government public**  
 15 **notice act. Beginning January 1, 2022, proof of posting notice**  
 16 **under the local government public notice act must be made and filed**  
 17 **with the township clerk before installation of the improvement**  
 18 **commences. Beginning January 1, 2022, the notice posted under the**  
 19 **local government public notice act is the sole notice of the**  
 20 **improvement and of the provisions of the plan that interested**  
 21 **persons and property owners are entitled to receive.**

22           Sec. 10. The township board has exclusive governing control  
 23 over the maintenance and use of the mains and fittings of a water  
 24 supply district established under section 1 and shall exercise this  
 25 control in accordance with the terms of sections 1 to 20a and the  
 26 rules and regulations that are required by and conform to section  
 27 5(d). ~~The~~**Before January 1, 2022, the** rules and regulations may be  
 28 amended by the township board only after notice of its intention to  
 29 do so, specifying the date, hour, and place of meeting of the board

1 for this purpose, is published for 3 successive weeks in a  
 2 newspaper circulating within the township. **Beginning January 1,**  
 3 **2022, the rules and regulations may be amended by the township**  
 4 **board only after public notice of its intention to do so,**  
 5 **specifying the date, hour, and place of meeting of the board for**  
 6 **this purpose, is posted as set forth in the local government public**  
 7 **notice act.**

8       Sec. 11. If water mains have been extended or installed in  
 9 accordance with a plan substantially similar to that contemplated  
 10 by section 5, the township board, subject to provisions of any  
 11 contract that has been made with another township or a city,  
 12 village, or authority for furnishing water through the mains, has  
 13 exclusive governing control over the mains and fittings and their  
 14 maintenance and use. In ~~such~~**these** cases, the township board may  
 15 promulgate and adopt, by resolution, rules and regulations  
 16 conforming substantially with section 5(d). ~~The~~**Before January 1,**  
 17 **2022, the** rules and regulations become effective on completion of  
 18 their publication, at full length, once each week for 3 successive  
 19 weeks in a newspaper circulating within the township in which the  
 20 improvement has been made. ~~After~~**Beginning January 1, 2022, the**  
 21 **rules and regulations become effective upon the completion of**  
 22 **public notice of the rules and regulations being posted as set**  
 23 **forth in the local government public notice act. Before January 1,**  
 24 **2022, after** the rules and regulations become effective, they may be  
 25 amended or altered by the township board only after notice of its  
 26 intention to do so, specifying the date, hour, and place of meeting  
 27 of the board for this purpose, is published for 3 successive weeks  
 28 in a newspaper circulating within the township. **Beginning January**  
 29 **1, 2022, after the rules and regulations become effective, they may**

1 be amended or altered by the township board only after public  
 2 notice of its intention to do so, specifying the date, hour, and  
 3 place of meeting of the board for this purpose, is posted as set  
 4 forth in the local government public notice act.

5       Sec. 20h. The business that the township board performs  
 6 ~~pursuant to~~ **under** sections 20b to 20k ~~shall~~ **must** be conducted at a  
 7 public meeting held in compliance with the open meetings act, ~~Act~~  
 8 ~~No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275~~  
 9 ~~of the Michigan Compiled Laws. The~~ **1976 PA 267, MCL 15.261 to**  
 10 **15.275. Before January 1, 2022, the** township board shall give  
 11 public notice of a meeting and the time, date, place, and purpose  
 12 of the meeting in the manner required by ~~Act No. 267 of the Public~~  
 13 ~~Acts of 1976~~ **the open meetings act, 1976 PA 267, MCL 15.261 to**  
 14 **15.275,** and by publishing a notice in a newspaper of general  
 15 circulation in the district proposed to be assessed. ~~If~~ **Before**  
 16 **January 1, 2022, if** a newspaper is not circulated in the district,  
 17 then notice ~~shall~~ **must** be posted in at least 3 of the most public  
 18 and conspicuous places in the district. **Beginning January 1, 2022,**  
 19 **the township board shall give public notice of a meeting and the**  
 20 **time, date, place, and purpose of the meeting in the manner**  
 21 **required by the open meetings act, 1976 PA 267, MCL 15.261 to**  
 22 **15.275, and by posting public notice of the meeting and the time,**  
 23 **date, place, and purpose of the meeting as set forth in the local**  
 24 **government public notice act.**

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

1 maintenance of a water supply facility, charges for rights of  
 2 connection with a facility for water service, charges for water  
 3 delivered by means of a facility, and other provisions to ensure  
 4 the proper and adequate operation of a facility. ~~An~~ **Before January**  
 5 **1, 2022, an** ordinance adopted ~~pursuant to~~ ~~under~~ this section  
 6 becomes effective at the expiration of 30 days after the date of  
 7 its publication unless a referendum is required as provided in  
 8 section 20s. **Beginning January 1, 2022, unless a referendum is**  
 9 **required as provided in section 20s, an ordinance adopted under**  
 10 **this section becomes effective at the expiration of 30 days after**  
 11 **the date public notice of the ordinance is posted as set forth in**  
 12 **the local government public notice act.** An ordinance adopted  
 13 ~~pursuant to~~ ~~under~~ this section ~~shall~~ ~~must~~ be recorded in the  
 14 minutes of the meeting of the township board as soon as practicable  
 15 after its adoption. The record ~~shall~~ ~~must~~ be authenticated by the  
 16 signatures of the supervisor and clerk of the township. ~~The~~ ~~Before~~  
 17 **January 1, 2022, the** ordinance ~~shall~~ ~~must~~ be published promptly  
 18 after its adoption in a newspaper of general circulation within the  
 19 township. **Beginning January 1, 2022, promptly after its adoption,**  
 20 **public notice of the ordinance must be posted as set forth in the**  
 21 **local government public notice act.** The ordinance may be ~~se~~  
 22 ~~published~~ ~~provided~~ as a part of the minutes of the meeting at which  
 23 it was adopted. Except as otherwise provided in sections 20l to 20t,  
 24 the provisions of this section are the sole requirements concerning  
 25 the adoption and ~~publication~~ ~~notice~~ of the ordinance and are not  
 26 limited by other statutory provisions.

27       Enacting section 1. This amendatory act does not take effect  
 28 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
 29 02449'19) of the 100th Legislature is enacted into law.