

SUBSTITUTE FOR  
HOUSE BILL NO. 5267

A bill to amend 1931 PA 285, entitled  
"An act to provide for city, village and municipal planning; the  
creation, organization, powers and duties of planning commis-  
sions; the regulation and subdivision of land; and to provide  
penalties for violation of the provisions of this act,"  
by amending sections 1, 6, and 8 (MCL 125.31, 125.36, and  
125.38), section 1 as amended by 1997 PA 18 and section 8 as  
amended by 1999 PA 14, and by adding sections 7a, 7b, and 8a.

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

1       Sec. 1. As used in this act:

2       (a) "Council" or "legislative body" means the ~~chief~~ legis-  
3       lative body of the municipality.

4       (B) "COUNTY BOARD OF COMMISSIONERS" MEANS THE COUNTY EXECU-  
5       TIVE IN A COUNTY ORGANIZED UNDER 1966 PA 293, MCL 45.501 TO  
6       45.521, AND THE ELECTED COUNTY BOARD OF COMMISSIONERS IN ALL  
7       OTHER COUNTIES.

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1       (C) ~~(b) "County commissioners" or "board of county~~  
2 ~~auditors" means the chief administrative or legislative body or~~  
3 ~~board of the county~~ "MASTER PLAN", "MUNICIPAL PLAN", OR "PLAN"  
4 MEANS A MASTER PLAN AS DESCRIBED IN SECTION 6(3) OR (4), AS  
5 APPLICABLE.

6       (D) ~~(c)~~ "Mayor" means the chief executive of the munici-  
7 pality, whether the official designation of his or her office  
8 ~~be~~ IS mayor, city manager, or otherwise.

9       (E) ~~(d)~~ "Municipality" or "municipal" means or relates to  
10 cities, villages, townships, and other incorporated political  
11 subdivisions.

12       (F) "MUNICIPAL PLANNING COMMISSION" OR "PLANNING COMMISSION"  
13 MEANS A PLANNING COMMISSION AS PROVIDED FOR UNDER SECTION 2.

14       (G) ~~(e)~~ "Population" means the population according to the  
15 most recent federal decennial census or according to a special  
16 census conducted ~~pursuant to~~ UNDER section 7 of the GLENN STEIL  
17 state revenue sharing act of 1971, 1971 PA 140, MCL 141.907,  
18 whichever is the more recent.

19       (H) ~~(f)~~ "Streets" means streets, avenues, boulevards,  
20 HIGHWAYS, roads, lanes, alleys, viaducts, and other ways.

21       Sec. 6. (1) The PLANNING commission shall make and ~~adopt~~  
22 APPROVE a master plan for the physical development of the munici-  
23 pality, including any areas outside of its boundaries which, in  
24 the commission's judgment, bear relation to the planning of the  
25 municipality. THE PLANNING COMMISSION MAY MEET WITH OTHER GOV-  
26 ERNMENTAL PLANNING COMMISSIONS TO DELIBERATE.

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1           (2) A MUNICIPAL PLAN SHALL COMPLY WITH SUBSECTION (3) OR (4)  
2 IF THE PROCESS OF ADOPTING THE PLAN BEGAN UNDER THIS ACT BEFORE  
3 THE EFFECTIVE DATE OF THE 2001 AMENDATORY ACT THAT ADDED THIS  
4 SUBSECTION OR IF THE PLAN IS A REVISED PLAN AND THE PROCESS OF  
5 REVISION BEGAN UNDER THIS ACT BEFORE THE EFFECTIVE DATE OF THE  
6 2001 AMENDATORY ACT THAT ADDED THIS SUBSECTION. OTHERWISE, A  
7 MUNICIPAL PLAN SHALL COMPLY WITH SUBSECTION (4). IF A PLAN IS  
8 AMENDED, BUT NOT REVISED, BEFORE 1 YEAR AFTER THE EFFECTIVE DATE  
9 OF THE 2001 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE AMEND-  
10 MENT SHALL COMPLY WITH RELEVANT PROVISIONS OF SUBSECTION (3) OR  
11 (4). OTHERWISE, THE AMENDMENT SHALL COMPLY WITH RELEVANT PROVI-  
12 SIONS OF SUBSECTION (4).

13           (3) The MUNICIPAL plan, with the accompanying maps, plats,  
14 charts, and descriptive matter shall show the PLANNING  
15 commission's recommendations for the development of the territo-  
16 ry, including, ~~among other things, the~~ BUT NOT LIMITED TO, ALL  
17 OF THE FOLLOWING:

18           (A) THE general location, character, and extent of streets,  
19 viaducts, subways, bridges, waterways, flood plains, water  
20 fronts, boulevards, parkways, playgrounds, and open spaces. ~~;~~  
21 ~~the~~

22           (B) THE general location of public buildings and other  
23 public property. ~~;~~ ~~and the~~

24           (C) THE general location and extent of public utilities and  
25 terminals, whether publicly or privately owned or operated, for  
26 water, light, sanitation, transportation, communication, power,  
27 and other purposes. ~~;~~ ~~also the~~

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1 (D) THE removal, relocation, widening, narrowing, vacating,  
2 abandonment, change of use, or extension of any of the  
3 ~~foregoing~~ ways, grounds, open spaces, buildings, property,  
4 utilities, or terminals ~~;/ the~~ DESCRIBED IN SUBDIVISION (A),  
5 (B), OR (C).

6 (E) THE general location, character, layout, and extent of  
7 community centers and neighborhood units. ~~;/ and the~~

8 (F) THE general character, extent, and layout of the replan-  
9 ning and redevelopment of blighted ~~districts and slum~~ areas. ~~;/~~  
10 ~~as well as a~~

11 (G) A zoning plan for the control of the height, area, bulk,  
12 location, and use of buildings and premises. ~~As the work of~~  
13 ~~making the whole master plan progresses, the commission from time~~  
14 ~~to time may adopt and publish parts thereof, any such part to~~  
15 ~~cover 1 or more major sections or divisions of the municipality~~  
16 ~~or 1 or more of the aforesaid or other functional matters to be~~  
17 ~~included in the plan. The commission from time to time may~~  
18 ~~amend, extend, or add to the plan.~~

19 (4) THE MUNICIPAL PLAN SHALL ADDRESS LAND USE ISSUES AND MAY  
20 PROJECT 20 YEARS OR MORE INTO THE FUTURE. THE PLAN SHALL INCLUDE  
21 MAPS, PLATS, CHARTS, AND DESCRIPTIVE, EXPLANATORY, AND OTHER  
22 RELATED MATTER AND SHALL SHOW THE PLANNING COMMISSION'S RECOMMEN-  
23 DATIONS FOR THE PHYSICAL DEVELOPMENT OF THE MUNICIPALITY. THE  
24 PLAN SHALL ALSO INCLUDE THOSE OF THE FOLLOWING SUBJECTS WHICH  
25 REASONABLY CAN BE CONSIDERED AS PERTINENT TO THE FUTURE DEVELOP-  
26 MENT OF THE MUNICIPALITY:

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1 (A) A LAND USE PLAN AND PROGRAM, IN PART CONSISTING OF A  
2 CLASSIFICATION AND ALLOCATION OF LAND FOR AGRICULTURE,  
3 RESIDENCES, COMMERCE, INDUSTRY, RECREATION, WAYS AND GROUNDS,  
4 PUBLIC BUILDINGS, SCHOOLS, SOIL CONSERVATION, FORESTS, WOODLOTS,  
5 WETLANDS, OPEN SPACE, WILDLIFE REFUGES, AND OTHER USES AND  
6 PURPOSES.

7 (B) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF STREETS,  
8 RAILROADS, AIRPORTS, BICYCLE PATHS, PEDESTRIAN WAYS, BRIDGES,  
9 WATERWAYS, AND WATER FRONT DEVELOPMENTS; FLOOD PREVENTION WORKS,  
10 DRAINAGE, SANITARY SEWERS AND WATER SUPPLY SYSTEMS, WORKS FOR  
11 PREVENTING POLLUTION, AND WORKS FOR MAINTAINING WATER LEVELS; AND  
12 PUBLIC UTILITIES AND STRUCTURES.

13 (C) RECOMMENDATIONS AS TO THE GENERAL CHARACTER, EXTENT, AND  
14 LAYOUT FOR THE REDEVELOPMENT OR REHABILITATION OF BLIGHTED AREAS;  
15 AND THE REMOVAL, RELOCATION, WIDENING, NARROWING, VACATING, ABAN-  
16 DONMENT, OR CHANGES OR USE OR EXTENSION OF WAYS, GROUNDS, OPEN  
17 SPACES, BUILDINGS, UTILITIES, OR OTHER FACILITIES.

18 SEC. 7A. (1) A MUNICIPAL PLAN SHALL BE ADOPTED UNDER THE  
19 PROCEDURES SET FORTH IN THIS SECTION AND SECTIONS 7B AND 8.

20 (2) BEFORE PREPARING A PLAN, A MUNICIPAL PLANNING COMMISSION  
21 SHALL MAIL BY FIRST-CLASS MAIL A NOTICE, EXPLAINING THAT THE  
22 PLANNING COMMISSION INTENDS TO PREPARE A PLAN AND REQUESTING THE  
23 RECIPIENT'S COOPERATION AND COMMENT, TO ALL OF THE FOLLOWING:

24 (A) THE PLANNING COMMISSION, OR IF THERE IS NO PLANNING COM-  
25 MISSION, THE LEGISLATIVE BODY, OF EACH TOWNSHIP, CITY, OR VILLAGE  
26 LOCATED WITHIN OR CONTIGUOUS TO THE MUNICIPALITY.

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1 (B) THE REGIONAL PLANNING COMMISSION FOR THE REGION IN WHICH  
2 THE MUNICIPALITY IS LOCATED, IF THERE IS NO COUNTY PLANNING  
3 COMMISSION FOR THE COUNTY WHERE THE MUNICIPALITY IS LOCATED. IF  
4 THERE IS A COUNTY PLANNING COMMISSION FOR THE COUNTY WHERE THE  
5 MUNICIPALITY IS LOCATED, THE MUNICIPAL PLANNING COMMISSION MAY  
6 CONSULT WITH THE REGIONAL PLANNING COMMISSION BUT IS NOT REQUIRED  
7 TO DO SO.

8 (C) THE COUNTY PLANNING COMMISSION, OR IF THERE IS NO COUNTY  
9 PLANNING COMMISSION, THE COUNTY BOARD OF COMMISSIONERS, FOR THE  
10 COUNTY IN WHICH THE MUNICIPALITY IS LOCATED.

11 (D) EACH PUBLIC UTILITY COMPANY AND RAILROAD COMPANY OWNING  
12 OR OPERATING A PUBLIC UTILITY OR RAILROAD WITHIN THE MUNICIPALITY  
13 THAT REGISTERS ITS NAME AND MAILING ADDRESS FOR THIS PURPOSE WITH  
14 THE MUNICIPAL PLANNING COMMISSION.

15 (3) THE NOTICE TO AN ENTITY UNDER SUBSECTION (2) MAY REQUEST  
16 PERMISSION FOR THE MUNICIPALITY TO SUBMIT ELECTRONICALLY ANY  
17 INFORMATION REQUIRED TO BE SUBMITTED TO THAT ENTITY UNDER SECTION  
18 7B OR 8. IF THE ENTITY TO WHICH THE NOTICE IS SENT GRANTS THIS  
19 PERMISSION, INFORMATION SUBMITTED TO OR BY THAT ENTITY UNDER SEC-  
20 TION 7B OR 8 MAY BE SUBMITTED ELECTRONICALLY. OTHERWISE, SUCH  
21 INFORMATION SHALL BE SUBMITTED IN WRITING BY FIRST-CLASS MAIL OR  
22 PERSONAL DELIVERY.

23 SEC. 7B. (1) A MUNICIPAL PLAN MAY BE ADOPTED AS A WHOLE OR  
24 BY SUCCESSIVE PARTS CORRESPONDING WITH MAJOR GEOGRAPHICAL AREAS  
25 OF THE MUNICIPALITY OR WITH FUNCTIONAL SUBJECT MATTER AREAS OF  
26 THE PLAN.

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1 (2) AFTER PREPARING A PROPOSED PLAN, THE MUNICIPAL PLANNING  
2 COMMISSION SHALL SUBMIT THE PROPOSED PLAN TO THE LEGISLATIVE BODY  
3 OF THE MUNICIPALITY FOR REVIEW AND COMMENT. [THE PROCESS OF ADOPTING  
A PLAN SHALL NOT PROCEED FURTHER UNLESS THE LEGISLATIVE BODY OF THE  
MUNICIPALITY APPROVES THE DISTRIBUTION OF THE PROPOSED PLAN.]

4 (3) IF THE LEGISLATIVE BODY OF THE MUNICIPALITY APPROVES THE  
5 DISTRIBUTION OF THE PROPOSED PLAN, IT SHALL NOTIFY THE SECRETARY  
6 OF THE MUNICIPAL PLANNING COMMISSION AND THE SECRETARY SHALL  
7 SUBMIT A COPY OF THE PROPOSED PLAN, FOR REVIEW AND COMMENT, TO  
8 ALL OF THE FOLLOWING:

9 (A) THE PLANNING COMMISSION, OR IF THERE IS NO PLANNING COM-  
10 MISSION, THE LEGISLATIVE BODY, OF EACH CITY, VILLAGE, OR TOWNSHIP  
11 LOCATED WITHIN OR CONTIGUOUS TO THE MUNICIPALITY.

12 (B) THE REGIONAL PLANNING COMMISSION, IF ANY, FOR THE REGION  
13 IN WHICH THE MUNICIPALITY IS LOCATED, IF THERE IS NO COUNTY PLAN-  
14 NING COMMISSION FOR THE COUNTY IN WHICH THE MUNICIPALITY IS  
15 LOCATED. IF THERE IS A COUNTY PLANNING COMMISSION FOR THE COUNTY  
16 IN WHICH THE MUNICIPALITY IS LOCATED, THE SECRETARY OF THE MUNIC-  
17 IPAL PLANNING COMMISSION MAY SUBMIT A COPY OF THE PROPOSED PLAN  
18 TO THE REGIONAL PLANNING COMMISSION BUT IS NOT REQUIRED TO DO  
19 SO.

20 (C) THE COUNTY PLANNING COMMISSION, OR IF THERE IS NO COUNTY  
21 PLANNING COMMISSION, THE COUNTY BOARD OF COMMISSIONERS, FOR THE  
22 COUNTY IN WHICH THE MUNICIPALITY IS LOCATED.

23 (D) EACH PUBLIC UTILITY COMPANY AND RAILROAD COMPANY OWNING  
24 OR OPERATING A PUBLIC UTILITY OR RAILROAD WITHIN THE TOWNSHIP  
25 THAT REGISTERS ITS NAME AND ADDRESS FOR THIS PURPOSE WITH THE  
26 SECRETARY OF THE MUNICIPAL PLANNING COMMISSION. AN ENTITY THAT,  
27 PURSUANT TO THIS SUBDIVISION, RECEIVES A COPY OF A PROPOSED PLAN,

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1 OR OF A PLAN AS PROVIDED IN SECTION 8(5), SHALL REIMBURSE THE  
2 MUNICIPALITY FOR ANY COPYING AND POSTAGE COSTS THEREBY INCURRED  
3 BY THE MUNICIPALITY.

4 (4) AN ENTITY DESCRIBED IN SUBSECTION (3)(A) OR (B) MAY  
5 SUBMIT COMMENTS ON THE PROPOSED PLAN TO THE MUNICIPAL PLANNING  
6 COMMISSION WITHIN 65 DAYS AFTER THE PROPOSED PLAN WAS SUBMITTED  
7 TO THAT ENTITY UNDER SUBSECTION (3). A PLANNING COMMISSION OR  
8 LEGISLATIVE BODY DESCRIBED IN SUBSECTION (3)(A) OR (B) SHALL CON-  
9 CURRENTLY SUBMIT A COPY OF THE COMMENTS TO THE COUNTY PLANNING  
10 COMMISSION, OR IF THERE IS NO COUNTY PLANNING COMMISSION, THE  
11 COUNTY BOARD OF COMMISSIONERS, FOR THE COUNTY IN WHICH THE MUNIC-  
12 IPALITY PROPOSING THE PLAN IS LOCATED.

13 (5) NOT LESS THAN 75 DAYS OR MORE THAN 95 DAYS AFTER THE  
14 DATE THE PROPOSED PLAN WAS SUBMITTED TO THE COUNTY PLANNING COM-  
15 MISSION OR THE COUNTY BOARD OF COMMISSIONERS UNDER  
16 SUBSECTION (3), THE COUNTY PLANNING COMMISSION OR THE COUNTY  
17 BOARD OF COMMISSIONERS, RESPECTIVELY, SHALL SUBMIT TO THE MUNICI-  
18 PAL PLANNING COMMISSION ITS COMMENTS ON THE PROPOSED PLAN. THE  
19 COMMENTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, BOTH OF THE  
20 FOLLOWING, AS APPLICABLE:

21 (A) A STATEMENT WHETHER THE COUNTY PLANNING COMMISSION OR  
22 COUNTY BOARD OF COMMISSIONERS, AFTER CONSIDERING ANY COMMENTS  
23 RECEIVED UNDER SUBSECTION (4), CONSIDERS THE PROPOSED PLAN TO BE  
24 INCONSISTENT WITH THE PLAN OF ANY CITY, VILLAGE, TOWNSHIP, OR  
25 REGION DESCRIBED IN SUBSECTION (3)(A) OR (B).

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1 (B) IF THE COUNTY HAS A COUNTY PLAN, A STATEMENT WHETHER THE  
2 COUNTY PLANNING COMMISSION CONSIDERS THE PROPOSED PLAN TO BE  
3 INCONSISTENT WITH THE COUNTY PLAN.

4 Sec. 8. ~~(1) The commission may adopt the plan as a whole~~  
5 ~~by a single resolution. The commission may by successive resolu-~~  
6 ~~tions adopt successive parts of the plan corresponding with major~~  
7 ~~geographical sections or divisions of the municipality or with~~  
8 ~~functional subdivisions of the subject matter of the plan. The~~  
9 ~~commission may adopt any amendment or extension of the plan or~~  
10 ~~addition to the plan.~~

11 (1) ~~(2) Before the adoption of the plan or any part,~~  
12 ~~amendment, extension, or addition to the~~ APPROVING A PROPOSED  
13 MUNICIPAL plan, the MUNICIPAL PLANNING commission shall hold not  
14 less than 1 public hearing ON THE PROPOSED PLAN. ~~Notice~~ THE  
15 HEARING SHALL BE HELD AFTER THE EXPIRATION OF THE DEADLINE FOR  
16 COMMENT UNDER SECTION 7B(4). THE PLANNING COMMISSION SHALL GIVE  
17 NOTICE of the time and place of the public hearing ~~shall be~~  
18 ~~given~~ not less than 15 days ~~prior to~~ BEFORE the hearing by 1  
19 publication in a newspaper of general circulation in the munici-  
20 pality and in the official gazette, if any, of the municipality.  
21 ~~, and by registered United States mail to each public utility~~  
22 ~~company and to each railroad company owning or operating any~~  
23 ~~public utility or railroad within the geographical sections or~~  
24 ~~divisions of the municipality affected~~ THE PLANNING COMMISSION  
25 SHALL ALSO SUBMIT NOTICE TO EACH ENTITY DESCRIBED IN SECTION  
26 7A(3).

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1       (2) ~~(3) The adoption~~ APPROVAL of the plan ~~or any part,~~  
2 ~~amendment, extension, or addition to the plan~~ shall be by  
3 resolution of the PLANNING commission carried by the affirmative  
4 votes of not less than 2/3 of the members of the PLANNING  
5 commission. The resolution shall refer expressly to the maps and  
6 descriptive and other matter intended by the PLANNING commission  
7 to form the whole or part of the plan, and the action taken shall  
8 be recorded on the map and plan and descriptive matter ~~by the~~  
9 ~~identifying signature of~~ AND SIGNED BY the chairperson or the  
10 secretary of the PLANNING commission.

11       ~~(4) An attested copy of the plan or part of the plan shall~~  
12 ~~be certified to the council and to the county register of deeds.~~  
13 FOLLOWING APPROVAL OF THE PROPOSED PLAN BY THE MUNICIPAL PLANNING  
14 COMMISSION, THE SECRETARY OF THE PLANNING COMMISSION SHALL SUBMIT  
15 A COPY OF THE PROPOSED PLAN TO THE LEGISLATIVE BODY OF THE  
16 MUNICIPALITY.

17       (3) APPROVAL OF THE PLAN BY THE PLANNING COMMISSION UNDER  
18 SUBSECTION (2) IS THE FINAL STEP FOR ADOPTION OF THE PLAN, UNLESS  
19 THE LEGISLATIVE BODY BY RESOLUTION ASSERTS THE RIGHT TO APPROVE  
20 OR REJECT THE PLAN. IN THAT CASE, AFTER APPROVAL OF THE PLAN BY  
21 THE PLANNING COMMISSION, THE LEGISLATIVE BODY SHALL APPROVE OR  
22 REJECT THE PLAN.

23       (4) IF THE LEGISLATIVE BODY REJECTS THE PROPOSED PLAN, THE  
24 LEGISLATIVE BODY SHALL SUBMIT TO THE PLANNING COMMISSION A STATE-  
25 MENT OF ITS OBJECTIONS TO THE PROPOSED PLAN. THE PLANNING COM-  
26 MISSION SHALL CONSIDER THE LEGISLATIVE BODY'S OBJECTIONS AND  
27 REVISE THE PROPOSED PLAN SO AS TO ADDRESS THOSE OBJECTIONS. THE

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1 PROCEDURES PROVIDED IN SUBSECTION (2) AND THIS SUBSECTION SHALL  
2 BE REPEATED UNTIL A PROPOSED PLAN IS APPROVED BY THE LEGISLATIVE  
3 BODY.

4 (5) UPON FINAL ADOPTION OF THE PLAN, COPIES OF THE ADOPTED  
5 PLAN SHALL BE SUBMITTED IN THE SAME MANNER AS PROVIDED FOR SUB-  
6 MITTING COPIES OF THE PROPOSED PLAN UNDER SECTION 7B(3).

7 (6) THE PROVISIONS OF THE AMENDATORY ACT THAT ADDED THIS  
8 SUBSECTION DO NOT AFFECT THE AUTHORITY OF A PLANNING DEPARTMENT  
9 ESTABLISHED BY CHARTER TO SUBMIT PLANS, AMENDMENTS, OR REVISIONS  
10 TO THE PLANNING COMMISSION.

11 SEC. 8A. (1) AN EXTENSION, ADDITION, REVISION, OR OTHER  
12 AMENDMENT TO A MUNICIPAL PLAN SHALL BE ADOPTED UNDER THE SAME  
13 PROCEDURE AS A PLAN OR A SUCCESSIVE PART OF A PLAN UNDER  
14 SECTIONS 7A, 7B, AND 8. HOWEVER, FOR AN AMENDMENT OTHER THAN A  
15 REVISION OF THE PLAN, THE 65-DAY PERIOD OTHERWISE PROVIDED FOR IN  
16 SECTION 7B(4) SHALL BE 40 DAYS.

17 (2) AT LEAST EVERY 5 YEARS AFTER ADOPTION OF THE PLAN, THE  
18 PLANNING COMMISSION SHALL REVIEW THE PLAN AND DETERMINE WHETHER  
19 TO COMMENCE THE PROCEDURE TO AMEND THE PLAN OR ADOPT A NEW PLAN.

20 (3) UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2001 AMEND-  
21 MENTS THAT ADDED THIS SUBSECTION, A MUNICIPALITY MAY ADOPT A PLAN  
22 OR AN EXTENSION, ADDITION, REVISION, OR OTHER AMENDMENT TO A PLAN  
23 UNDER THE PROCEDURES PROVIDED FOR BY THIS ACT IMMEDIATELY BEFORE  
24 THE EFFECTIVE DATE OF THE 2001 AMENDMENTS THAT ADDED THIS  
25 SUBSECTION.