

Legislative Analysis



ALLOW PUBLICATION OF RULE SUMMARY

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House Bill 6121 without amendment

Sponsor: Rep. Tom Pearce

Committee: Intergovernmental, Urban, and Regional Affairs

First Analysis (6-4-08)

BRIEF SUMMARY: The bill would allow the members of municipal water, sewer, and waste disposal authorities to publish in the local newspaper a summary of their rules and regulations for the public, rather than the full text of the rules and regulations.

FISCAL IMPACT: As written, the bill could reduce local expenditures by an unknown amount.

THE APPARENT PROBLEM:

In 1955 the Michigan legislature enacted a law that enables municipalities to create joint sewer, water, and waste disposal authorities, in order to make use of advantageous financing for these public works projects. There are now an estimated 125 joint authorities operating throughout Michigan.

Currently the law requires that authority governing boards publish in local newspapers the entire texts of their new rules and regulations about use, connections, and rates. Citizens must be notified of the proposed changes at least 30 days before they go into effect. According to testimony, proposed changes to rules and regulations, as well as industrial standards that govern water treatment, often exceed 50 pages. The cost of publishing the full text of proposed rules and regulations is expensive--sometimes costing municipalities more than \$15,000 for one full text notice.

For example, according to committee testimony, the North Kent Sewer Authority (comprising the City of Rockford and the townships of Plainfield, Courtland, Cannon, and Alpine) is constructing a state-of-the-art membrane bio-reactor treatment plant to serve 25,000 residential customers. The new facility is expected to begin operations in November 2008. The revised rules and regulations that pertain to the new treatment plant are very lengthy and highly technical, in this instance exceeding 15,000 words and 56 pages.

Legislation has been introduced to allow municipal water, sewer, and waste disposal authorities to publish summaries of their proposed rules and regulations rather than the full text.

THE CONTENT OF THE BILL:

The bill would amend Public Act 233 of 1955 (MCL 124.284a), which concerns the creation of municipal water and sewer authorities, to allow the members of the authority to publish a summary of their rules and regulations for the public rather than the full text.

Currently under the law, the governing body of a municipal water or sewer authority adopts rules and regulations by resolution. After adopting the resolution, and with the concurrence of the authority's constituent municipalities, a notice of the resolution and the rules and regulations must be published in a newspaper of general circulation within the territory served by the authority. The rules and regulations become effective 30 days after the date of publication of the notice.

House Bill 6121 would retain these provisions, but specify that the rules and regulations would become effective 30 days after the date of the publication of both the notice and the rules and regulations, or the summary of the rules and regulations. The bill also specifies that if a summary of rules and regulations were published, then the summary must be written in clear and non-technical language, and the authority must designate in the publication the location where a full copy of the rules and regulations can be inspected or obtained.

ARGUMENTS:

For:

For many years, the local officials in cities, villages, and counties have had the statutory authority to publish summaries of general and zoning ordinances. In contrast, the members of quasi-governmental joint authorities are not allowed to publish summaries of their laws. The requirement that the full texts of proposed rules and regulations be published in local newspapers is costly—the cost based upon the column inches of newsprint or a full page advertisement. This bill would allow local authorities to save money, if they opted to publish a summary of the proposed changes to their rules and regulations, rather than the full text.

Against:

This bill is a good one, but it should be amended to ensure that municipal authorities make the full text of their rules and regulations available to their customers, as well as any proposed changes, both in their business offices and also online at the authority's website.

POSITIONS:

The North Kent Sewer Authority (comprising the City of Rockford, and the Townships of Plainfield, Courtland, Cannon, and Alpine) supports the bill. (6-4-08)

The Michigan Townships Association supports the bill. (6-4-08)

The Michigan Municipal League Supports the bill. (6-4-08)

The Michigan Press Association is neutral on the bill. (6-4-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.