

SENATE BILL No. 678

June 25, 2009, Introduced by Senators CROPSEY, BARCIA and PAPPAGEORGE and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1955 PA 233, entitled

"An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; to provide for the issuance of bonds to acquire, construct, extend, or improve the systems; and to prescribe penalties and provide remedies,"

by amending section 4d (MCL 124.284d), as added by 1985 PA 178.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4d. (1) Subject to subsections (2) and (3), rules and
2 regulations ~~adopted and promulgated~~ under this act are enforceable
3 by the authority, its constituent municipalities, and
4 municipalities **OR INDIAN TRIBES** that have contracted with the
5 authority for the furnishing of service pursuant to section 10. A

1 person charged with enforcement of those rules and regulations may
2 issue a citation or an appearance ticket to any person who is
3 reasonably believed to have violated a rule or regulation ~~adopted~~
4 ~~and promulgated~~ under this act.

5 (2) The authority shall exercise its enforcement powers under
6 this act against a violator within a municipality.

7 (3) A municipality **OR INDIAN TRIBE** may exercise its
8 enforcement powers under this act against a violator in territory
9 under its jurisdiction.

10 (4) For the purposes of this section, enforcement powers
11 include the power to bring an action in a court of competent
12 jurisdiction to enjoin the violation of a rule or regulation
13 ~~adopted and promulgated under this act , to bring an action OR to~~
14 ~~recover actual damages sustained due to THE violation, of a rule or~~
15 ~~regulation adopted and promulgated under this act, and to be~~
16 ~~awarded costs OR BOTH. COSTS~~ and fees **SHALL BE AWARDED** in those
17 actions as provided in sections 2401 to 2461 of the revised
18 judicature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
19 ~~being sections 1961 PA 236, MCL 600.2401 to 600.2461, of the~~
20 ~~Michigan Compiled Laws OR OTHER APPLICABLE LAW.~~