

Legislative Analysis



MUNICIPAL WATER SUPPLY SYSTEMS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 5906, 5907, 5908, and 5909 as introduced
Sponsor: Rep. Tyrone Carter
Committee: Regulatory Reform
Revised 11-14-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5909 would amend 1955 PA 233, which governs municipal sewage and water supply systems, to allow certain water supply and sewage disposal authorities to adopt and enforce ordinances, rules, and regulations for the safe and efficient operation of certain systems and to establish a law enforcement agency for their enforcement.

Under the bill, a *qualified authority* would be empowered to adopt and enforce ordinances, rules, and regulations for the orderly, safe, efficient, and sanitary operation and use of any of the following that are owned, operated, or maintained by the authority:

- Sewage disposal systems.
- Solid waste management systems.
- Water supply systems, projects, or facilities.

These ordinances could provide civil and criminal penalties for violations an ordinance, rule, or regulation established under the bill to the same extent as a city that owns a similar system under the act. A qualified authority also could to create a law enforcement agency within the authority to appoint or employ law enforcement officers and enforce adopted ordinances, rules, and regulations in a court of competent jurisdiction in Michigan.

Qualified authority would mean an authority that owns or operates a sewage disposal system or water supply system with a treatment capacity of 1.0 billion gallons or more.

Adopting and enforcing ordinances

Under the bill, a qualified authority could adopt ordinances, rules, and regulations by resolution of the authority's governing body. The qualified authority would have to provide notice of the resolution's adoption and the ordinances, rules, and regulations included in it to each of its constituent municipalities. The authority also would have to publish notice of the resolution and the ordinances, rules, and regulations included in the resolution (or a summary of them) on a website maintained by the authority and in a newspaper of general circulation within the geographic boundaries of the qualified authority and any municipality outside of the authority's geographic boundaries to which the authority provides service by contract under section 10 of the act.¹ A summary would have to be written in clear, nontechnical language and include a website address and physical location where the full text can be inspected or obtained.

Ordinances, rules, and regulations would take effect 30 days after the date of publication of the required notice.

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-124-290>

The bill would provide that ordinances, rules, and regulations adopted by a qualified authority are enforceable by the authority, its constituent municipalities, and any municipality or Indian tribe that has contracted with the qualified authority for water, sewage disposal, or waste management services, as well as by peace officers under the Code of Criminal Procedure.²

Any person authorized to enforce the ordinances, rules, or regulations of a qualified authority could issue a citation or appearance ticket to any person reasonably believed to have violated a relevant ordinance, rule, or regulation.

Establishing a law enforcement agency

The bill would authorize a qualified authority to establish a law enforcement agency, to administer a sworn oath of officer to appointed officers, and to grant officers of the agency the same powers, immunities, and authorities granted by state law to a peace officer and a police officer to detect crime and to enforce the Michigan's criminal laws, other state laws (including laws under the act), local ordinances, and any ordinances, rules, and regulations adopted by the authority. In addition, to the extent permitted or required by federal law, an officer would have to enforce federal laws and regulations applicable to the security of sewage disposal systems, solid waste management systems, or water supply systems. An officer granted authority under the bill would be a peace officer with the authority of a police officer of this state under the act and under the Code of Criminal Procedure.

A copy of the documentation of the grant of authority would have to be filed with the Michigan Commission on Law Enforcement Standards (MCOLES).

A law enforcement agency established by a qualified authority would have to submit monthly uniform crime reports pertaining to crimes occurring in the qualified authority's jurisdiction to the Department of State Police in the manner provided under section 1 of 1968 PA 319.³

MCL 124.281 et seq.

House Bill 5907 would amend the Code of Criminal Procedure to allow a law enforcement officer of a qualified authority to exercise their authority as a peace officer outside the geographical boundary of the qualified authority if, from inside that geographical boundary, they see someone outside the boundary violating a state law, state administrative rule, or local ordinance and immediately pursue them.

The geographical boundary of a qualified authority would include the geographic boundaries of the qualified authority and the geographic boundaries of each county, city, village, or township that contracts with the qualified authority for water, sewage disposal, or waste management services.

MCL 764.2a

House Bill 5906 would amend 2006 PA 563, which prohibits an involuntary statement made by a law enforcement officer, and any information derived from that involuntary statement,

² <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-764-2A>

³ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-28-251>

from being used against the law enforcement officer in a criminal proceeding, to apply to law enforcement officers of a qualified authority.

MCL 15.391

House Bill 5908 would amend the Michigan Commission on Law Enforcement Standards Act to define law enforcement officers of a qualified authority as law enforcement officers for purposes of the act.

MCL 28.602

FISCAL IMPACT:

House Bill 5909 would have no fiscal impact on the state and would have an indeterminate impact on local units of government. The enforcement of ordinances under the bill by waste, sewage, or water management authorities could result in increased costs for local courts, as well as for municipal, county, and tribal governments that contract with the authority. Revenue collected from payment of these civil fines would be distributed across the local unit or units of government in which the infraction took place to support public and county law libraries, subject to section 8379 of the Revised Judicature Act. Because there is no practical way to determine the number of violations that will occur under the provisions of the bill, estimates of the costs to and revenue collected by local courts and governments cannot be made.

House Bills 5906, 5907, and 5908 would have no fiscal impact on the state or local units of government.

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