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BILL ANALYSIS

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Senate Bill 928 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Tom George
Committee: Local, Urban and State Affairs

Date Completed: 6-8-04

RATIONALE

The Charter Township Act requires townships to buy newspaper advertising space and post notices, ordinances, and proceedings. Given the tight local budgets across the State, many townships are finding the related expenses to be eating away at their already limited funds. Under the Act, a township board must publish all notices, ordinances, and proceedings either through publication in a newspaper or by posting the notices in the clerk's office and five public places throughout the township and placing a notice in a newspaper about the postings. Reportedly, some Michigan townships spent nearly \$30,000 last year fulfilling these requirements, and that figure does not include the time employees spent driving around the townships to do the postings. Some people believe the Act should provide townships with a less expensive means of notifying the public of their activities.

CONTENT

The bill would amend the Charter Township Act to require a township board to publish its notices, ordinances, and proceedings in a newspaper, or by posting on the township's website and in the office of the township clerk, or in the clerk's office and five other places in the township. If publication were made by posting on the website or in the township, a notice of the posting would have to be published at least once in a newspaper circulated in the township or county, within seven days of the posting.

Currently, the publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by the Act or by ordinance, must be made in a

newspaper published and circulated in the township. If a newspaper is not published and circulated in the township, then the publication must be in a newspaper published in the county in which the township is located. Alternatively, publication may be made by a posting in the office of the township clerk and at least five other public places in the township. If publication is made by posting, a notice of the posting, setting forth the purpose or nature of the notice, ordinance, or proceeding posted, and the location of the places where posted, must be published at least once in a newspaper, as required above, within seven days after the posting. The bill would revise these provisions as described above.

MCL 42.8

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By allowing townships to post their notices on a website and run only a short notice in the local newspaper informing readers of the content of the posting and directing them to the website, the bill would enable townships to keep their residents informed of township business yet save some of the money currently spent publishing longer notices. Since most townships have only a few full-time employees, the bill would free up those employees who now must travel around the township posting notices, if the information is not published in a newspaper. Additionally, because so many of Michigan's

townships have only small populations with few public places, it can be difficult for clerks to find five appropriate public places. Often, the notices are placed in such sites as convenience stores and gas stations where they attract little, if any, attention from residents and serve little purpose. Under the bill, townships still could post notices in five places outside the clerk's office or publish the notices, but they also would have the option of posting on their website.

Opposing Argument

The bill still would require townships to purchase space in local newspapers if they posted notices electronically. The State should do away with the antiquated requirement of newspaper publication and permit townships simply to post their notices on their websites and in the office of the clerk. The newspaper publication requirement appears to subsidize local newspapers, some of which might rely on such advertising to remain in business.

Response: Many Michigan residents currently lack internet access or are uncomfortable using their computers for this purpose. The publication requirement is designed to put the townships' business before as many residents as possible, and newspaper publication remains the best way to reach a broad local audience.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have no effect on local government revenue but could reduce local government expenditures by an unknown amount. The bill would have no fiscal impact on State government. It is not known how many, or which, townships would choose to change their publication methods under the bill, but to the extent that changes were made, the bill would provide for lower-cost options for the publication of notices, ordinances, and proceedings.

This analysis is preliminary and will be revised as new information becomes available.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.