

# HOUSE BILL NO. 6414

November 12, 2020, Introduced by Reps. Bolden, Meerman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 4709, 8905c, 11535, 11542, 11906, 30707,  
30714, 30910, 30912, 30913, 30929, 34117, 35304, 35702, and 35703  
(MCL 324.4709, 324.8905c, 324.11535, 324.11542, 324.11906,  
324.30707, 324.30714, 324.30910, 324.30912, 324.30913, 324.30929,  
324.34117, 324.35304, 324.35702, and 324.35703), section 4709 as  
amended by 2002 PA 214, section 8905c as added by 1998 PA 15,

section 11542 as amended by 2018 PA 640, section 11906 as added by 1995 PA 60, sections 30707, 30714, 30910, 30912, 30913, 34117, 35702, and 35703 as added by 1995 PA 59, section 30929 as amended by 2011 PA 96, and section 35304 as amended by 2012 PA 297.

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

1       Sec. 4709. (1) The district may enter into contracts with any  
2       municipality located within its territorial limits providing for  
3       the acquisition, construction, improvement, enlargement, extension,  
4       operation, and financing of a sewage disposal system or water  
5       supply system. A contract ~~shall~~**must** provide for the allocation and  
6       payment of the share of the total cost to be borne by the  
7       municipality in annual installments for a period not exceeding 40  
8       years. Each contracting municipality may pledge its full faith and  
9       credit for the payment of the obligation in the manner and times  
10      specified in the contract. The district shall make a reasonable  
11      charge for its services that it renders to the users in order to  
12      cover the retirement of outstanding indebtedness, costs of  
13      operation, maintenance, and replacement of its plants and reserves  
14      for capital improvements. If there is excess money in the treasury  
15      of the district after all of the contingencies have been met, the  
16      excess ~~shall~~**must** be rebated to the contracting municipalities in  
17      proportion to the total amount that the municipality paid for  
18      services it has received from the district. No limitation in any  
19      statute or charter ~~shall~~**may** prevent the levy and collection by  
20      each of the contracting municipalities of the full amount of taxes  
21      necessary for the payment of the contractual obligation. ~~These~~  
22      ~~funds~~**Money** may be raised by each contracting municipality by the  
23      use of 1 or more of the following methods:

24      (a) The levy of special assessments on property benefited by

1 the sewage disposal system or water supply system. The procedures  
 2 relative to the levying and collection of the special assessments  
 3 ~~shall~~**must** conform as near as may be to applicable charter or  
 4 statutory provisions.

5 (b) The levy and collection of rates or charges to users and  
 6 beneficiaries of the service or services furnished by the sewage  
 7 disposal system or water supply system.

8 (c) From money received, or to be received, derived from the  
 9 imposition of taxes by this state, unless the money for this  
 10 purpose is expressly prohibited by the state constitution of 1963.

11 (d) From any other fund or funds that may be validly used for  
 12 the purpose. The contract may provide for any and all matters  
 13 relating to the acquisition, construction, operation, and financing  
 14 of the sewage disposal system or water supply system as are  
 15 considered necessary, including authorization to the district to  
 16 issue bonds secured by the full faith and credit pledges of the  
 17 contracting municipalities, as authorized in this part. The  
 18 contract may provide for appropriate remedies in case of default,  
 19 including, but not limited to, the right of the municipalities to  
 20 authorize the county treasurer or other official charged with the  
 21 disbursement of ~~funds~~**money** derived from the state sales tax levy  
 22 under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78,  
 23 to withhold sufficient ~~funds~~**money** to make up any default or  
 24 deficiency. ~~in funds.~~

25 (2) A municipality desiring to enter into a contract with the  
 26 district under this section shall authorize, by resolution of its  
 27 governing body, the execution of the contract. ~~The~~**Before January**  
 28 **1, 2022, the** resolution shall be published in 1 or more newspapers  
 29 of general circulation within the municipality. ~~, and the~~**Beginning**

**January 1, 2022, notice of the resolution must be posted as**  
**provided in the local government public notice act. The** contract  
 may be executed without a vote of the electors upon the expiration  
 of 30 days after the date of the publication unless, within the 30-  
 day period, a petition signed by not less than 10% of the  
 registered electors residing within the limits of the municipality  
 is filed with the clerk of the municipality requesting a referendum  
 upon the execution of the contract. If this occurs, the contract  
~~shall not~~**cannot** be executed until approval by the vote of a  
 majority of the electors of the municipality qualified to vote and  
 voting at a general or special election to be held not more than 90  
 days after the filing of the petition. A special election called  
 for this purpose ~~shall not be~~**is not** included in any statutory or  
 charter limitation as to the number of special elections to be  
 called within any period of time. Signatures on any petition ~~shall~~  
**must** be verified by some person under oath, as the actual  
 signatures of the persons whose names are signed on the petition,  
 and the clerk of the municipality has the same power to reject  
 signatures as city clerks under section 25 of the home rule city  
 act, 1909 PA 279, MCL 117.25. The number of registered electors in  
 a municipality is determined by the registration books as of the  
 date of the filing of the petition.

(3) To obtain funds to acquire, construct, improve, enlarge,  
 or extend the sewage disposal system or water supply system  
 authorized by this part, the district, after the execution of the  
 contract or contracts authorized by this part, upon ordinance or  
 resolution adopted by the district, may issue its negotiable bonds  
 secured by the full faith and credit pledges made by each  
 contracting municipality pursuant to authorization contained in

1 this part and the contracts entered into ~~pursuant to~~**under** this  
2 part. Except as otherwise provided in this part, bonds are subject  
3 to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to  
4 141.2821. The ordinance or resolution authorizing the issuance of  
5 the bonds ~~shall~~**must** include the terms of the contracts.

6 Sec. 8905c. (1) A peace officer may seize and impound a  
7 vehicle operated in the commission of a violation of this part if  
8 the operator of the vehicle has previously been convicted for a  
9 violation of this part. Upon impoundment, the vehicle is subject to  
10 a lien, subordinate to a prior lien of record, in the amount of any  
11 fine, costs, and damages that the defendant may be ordered to pay  
12 under this part. The defendant or a person with an ownership  
13 interest in the vehicle may post with the court a cash or surety  
14 bond in the amount of \$750.00. If ~~such~~ a bond is posted, the  
15 vehicle ~~shall~~**must** be released from impoundment. The vehicle ~~shall~~  
16 **must** also be released, and the lien ~~shall be~~ discharged, upon a  
17 judicial determination that the defendant is not responsible for  
18 the violation of this part or upon payment of the fine, costs, and  
19 damages. Additionally, if the defendant is determined to be not  
20 responsible for the violation of this part, the court shall assess  
21 against the governmental entity bringing the action costs, payable  
22 to the defendant, for any damages that the defendant has sustained  
23 due to the impoundment of the vehicle.

24 (2) If the court determines that the defendant is responsible  
25 for the violation of this part and the defendant defaults in the  
26 payment of any fine, costs, or damages, or any installment, as  
27 ordered pursuant to this part, any bond posted under subsection (1)  
28 ~~shall be~~**is** forfeited and applied to the fine, costs, damages, or  
29 installment. The court shall certify any remaining unpaid amount to

1 the attorney for the governmental entity bringing the action. The  
 2 attorney for the governmental entity may enforce the lien by a  
 3 foreclosure sale. The foreclosure sale ~~shall~~**must** be conducted in  
 4 the manner provided and subject to the same rights as apply in the  
 5 case of execution sales under sections 6031, 6032, 6041, 6042, and  
 6 6044 to 6047 of the revised judicature act of 1961, 1961 PA 236,  
 7 MCL 600.6031, 600.6032, 600.6041, 600.6042, and 600.6044 to  
 8 600.6047.

9 (3) Not less than 21 days before the foreclosure sale under  
 10 subsection (2), the attorney for the governmental entity bringing  
 11 the action shall by certified mail send written notice of the time  
 12 and place of the foreclosure sale to each person with a known  
 13 ownership interest in or lien of record on the vehicle. ~~In~~**Before**  
 14 **January 1, 2022, in** addition, not less than 10 days before the  
 15 foreclosure sale, the attorney shall twice publish notice of the  
 16 time and place of the foreclosure sale in a newspaper of general  
 17 circulation in the county in which the vehicle was seized.

18 **Beginning January 1, 2022, notice of the foreclosure sale must be**  
 19 **posted in the county in which the vehicle was seized not less than**  
 20 **10 days before the foreclosure sale as provided in the local**  
 21 **government public notice act.** The proceeds of the foreclosure sale  
 22 ~~shall~~**must** be distributed in the following order of priority:

23 (a) To discharge any lien on the vehicle that was recorded  
 24 prior to the creation of the lien under subsection (1).

25 (b) To the clerk of the court for the payment of the fine,  
 26 costs, and damages, that the defendant was ordered to pay.

27 (c) To discharge any lien on the vehicle that was recorded  
 28 after the creation of the lien under subsection (1).

29 (d) To the owner of the vehicle.

1       Sec. 11535. A county or regional solid waste management  
2 planning agency preparing a solid waste management plan shall do  
3 all of the following:

4       (a) Solicit the advice of and consult periodically during the  
5 preparation of the plan with the municipalities, appropriate  
6 organizations, and the private sector in the county under section  
7 11538(1) and solicit the advice of and consult with the appropriate  
8 county or regional solid waste management planning agency and  
9 adjacent counties and municipalities in adjacent counties ~~which~~  
10 **that** may be significantly affected by the solid waste management  
11 plan for a county.

12       (b) If a planning committee has been appointed under section  
13 11534, prepare the plan with the advice, consultation, and  
14 assistance of the planning committee.

15       (c) Notify by letter the chief elected official of each  
16 municipality within the county and any other person within the  
17 county so requesting, not less than 10 days before each public  
18 meeting of the planning agency designated by the county, if that  
19 planning agency plans to discuss the county plan. The letter ~~shall~~  
20 **must** indicate as precisely as possible the subject matter being  
21 discussed.

22       (d) Submit for review a copy of the proposed county or  
23 regional solid waste management plan to the department, to each  
24 municipality within the affected county, and to adjacent counties  
25 and municipalities that may be affected by the plan or that have  
26 requested the opportunity to review the plan. The county plan ~~shall~~  
27 **must** be submitted for review to the designated regional solid waste  
28 management planning agency for that county. Reviewing agencies  
29 ~~shall be~~ **are** allowed an opportunity of not less than 3 months to

1 review and comment on the plan before adoption of the plan by the  
 2 county or a designated regional solid waste management planning  
 3 agency. The comments of a reviewing agency ~~shall~~**must** be submitted  
 4 with the plan to the county board of commissioners or to the  
 5 regional solid waste management planning agency.

6 (e) Publish a notice, at the time the plan is submitted for  
 7 review under subdivision (d), of the availability of the plan for  
 8 inspection or copying, at cost, by an interested person.

9 (f) Conduct a public hearing on the proposed county solid  
 10 waste management plan before formal adoption. ~~A~~**Before January 1,**  
 11 **2022, a** notice ~~shall~~**must** be published not less than 30 days before  
 12 a hearing in a newspaper having a major circulation within the  
 13 county. The notice ~~shall~~**must** indicate a location where copies of  
 14 the plan are available for public inspection and ~~shall~~**must**  
 15 indicate the time and place of the public hearing. **Beginning**  
 16 **January 1, 2022, notice of the hearing must be posted not less than**  
 17 **30 days before a hearing as provided in the local government public**  
 18 **notice act.**

19 Sec. 11542. (1) Except as provided in subsection (5) and  
 20 except for municipal solid waste incinerator ash that is described  
 21 and used as provided in section 11506(6)(h), municipal solid waste  
 22 incinerator ash ~~shall~~**must** be disposed of in 1 of the following:

23 (a) A landfill that meets all of the following requirements:

24 (i) The landfill is in compliance with this part and the rules  
 25 promulgated under this part.

26 (ii) The landfill is used exclusively for the disposal of  
 27 municipal solid waste incinerator ash.

28 (iii) The landfill design includes all of the following in  
 29 descending order according to their placement in the landfill:



1 (A) A leachate collection system.

2 (B) A synthetic liner at least 60 mils thick.

3 (C) A compacted clay liner of 5 feet or more with a maximum  
4 hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second.

5 (D) A leak detection and leachate collection system.

6 (E) A compacted clay liner at least 3 feet thick with a  
7 maximum hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second or  
8 a synthetic liner at least 40 mils thick.

9 (b) A landfill that meets all of the following requirements:

10 (i) The landfill is in compliance with this part and the rules  
11 promulgated under this part.

12 (ii) The landfill is used exclusively for the disposal of  
13 municipal solid waste incinerator ash.

14 (iii) The landfill design includes all of the following in  
15 descending order according to their placement in the landfill:

16 (A) A leachate collection system.

17 (B) A composite liner, as defined in R 299.4102 of the part  
18 115 rules.

19 (C) A leak detection and leachate collection system.

20 (D) A second composite liner.

21 (iv) If contaminants that may threaten the public health,  
22 safety, or welfare, or the environment are found in the leachate  
23 collection system described in subparagraph (iii) (C), the owner or  
24 operator of the landfill shall determine the source and nature of  
25 the contaminants and make repairs, to the extent practicable, that  
26 will prevent the contaminants from entering the leachate collection  
27 system. If the department determines that the source of the  
28 contaminants is caused by a design failure of the landfill, the  
29 department, notwithstanding an approved construction permit or

1 operating license, may require landfill cells at that landfill that  
2 will be used for the disposal of municipal solid waste incinerator  
3 ash, ~~which~~**that** are under construction or will be constructed in  
4 the future at the landfill, to be constructed in conformance with  
5 improved design standards approved by the department. However, this  
6 subparagraph does not require the removal of liners or leak  
7 detection and leachate collection systems that are already in place  
8 in a landfill cell under construction.

9 (c) A landfill that is a monitorable unit, as defined in R  
10 299.4104 of the part 115 rules, and that meets all of the following  
11 requirements:

12 (i) The landfill is in compliance with this part and the rules  
13 promulgated under this part.

14 (ii) The landfill is used exclusively for the disposal of  
15 municipal solid waste incinerator ash.

16 (iii) The landfill design includes all of the following in  
17 descending order according to their placement in the landfill:

18 (A) A leachate collection system.

19 (B) A synthetic liner at least 60 mils thick.

20 (C) Immediately below the synthetic liner, either 2 feet of  
21 compacted clay with a maximum hydraulic conductivity of  $1 \times 10^{-7}$   
22 centimeters per second or a bentonite geocomposite liner, as  
23 specified in R 299.4914 of the part 115 rules.

24 (D) At least 10 feet of either natural or compacted clay with  
25 a maximum hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second,  
26 or equivalent.

27 (d) A landfill with a design approved by the department that  
28 will prevent the migration of any hazardous constituent into the  
29 groundwater or surface water at least as effectively as the design

1 requirements of subdivisions (a) to (c).

2 (e) A type II landfill, as described in R 299.4105 of the part  
3 115 rules if both of the following conditions apply:

4 (i) The ash was generated by a municipal solid waste  
5 incinerator that is designed to burn at a temperature in excess of  
6 2500 degrees Fahrenheit.

7 (ii) The ash from any individual municipal solid waste  
8 incinerator is disposed of pursuant to this subdivision for a  
9 period not to exceed 60 days.

10 (2) Except as provided in subsection (3), a landfill that is  
11 constructed pursuant to the design described in subsection (1)  
12 shall be capped following its closure by all of the following in  
13 descending order:

14 (a) Six inches of top soil with a vegetative cover.

15 (b) Two feet of soil to protect against animal burrowing,  
16 temperature, erosion, and rooted vegetation.

17 (c) An infiltration collection system.

18 (d) A synthetic liner at least 30 mils thick.

19 (e) Two feet of compacted clay with a maximum hydraulic  
20 conductivity of  $1 \times 10^{-7}$  centimeters per second.

21 (3) A landfill that receives municipal solid waste incinerator  
22 ash under this section may be capped with a design approved by the  
23 department that will prevent the migration of any hazardous  
24 constituent into the groundwater or surface water at least as  
25 effectively as the design requirements of subsection (2).

26 (4) If leachate is collected from a landfill under this  
27 section, the leachate shall be monitored and tested in accordance  
28 with this part and the rules promulgated under this part.

29 (5) As an alternative to disposal described in subsection (1),

1 the owner or operator of a municipal solid waste incinerator may  
2 process municipal solid waste incinerator ash through mechanical or  
3 chemical methods, or both, to substantially diminish the toxicity  
4 of the ash or its constituents or limit the leachability of the ash  
5 or its constituents to minimize threats to human health and the  
6 environment, if processing is performed on the site of the  
7 municipal solid waste incinerator or at the site of a landfill  
8 described in subsection (1), if the process has been approved by  
9 the department as provided by rule, and if the ash is tested after  
10 processing in accordance with a protocol approved by the department  
11 as provided by rule. The department shall approve the process and  
12 testing protocol under this subsection only if the process and  
13 testing protocol will protect human health and the environment. In  
14 making this determination, the department shall consider all  
15 potential pathways of human and environmental exposure, including  
16 both short-term and long-term, to constituents of the ash that may  
17 be released during the reuse or recycling of the ash. The  
18 department shall consider requiring methods to determine the  
19 leaching, total chemical analysis, respirability, and toxicity of  
20 reused or recycled ash. A leaching procedure ~~shall~~**must** include  
21 testing under both acidic and native conditions. If municipal solid  
22 waste incinerator ash is processed in accordance with the  
23 requirements of this subsection and the processed ash satisfies the  
24 testing protocol approved by the department as provided by rule,  
25 the ash may be disposed of in a municipal solid waste landfill, as  
26 defined by R 299.4104 of the part 115 rules, licensed under this  
27 part or may be used in any manner approved by the department. If  
28 municipal solid waste incinerator ash is processed as provided in  
29 this subsection, but does not comply with the testing protocol

1 approved by the department as provided by rule, the ash ~~shall~~**must**  
2 be disposed of in accordance with subsection (1).

3 (6) The disposal of municipal solid waste incinerator ash  
4 within a landfill that is in compliance with subsection (1) does  
5 not constitute a new proposal for which a new construction permit  
6 is required under section 11509, if a construction permit has  
7 previously been issued under section 11509 for the landfill and the  
8 owner or operator of the landfill submits 6 copies of an operating  
9 license amendment application to the department for approval  
10 pursuant to part 13. The operating license amendment application  
11 ~~shall~~**must** include revised plans and specifications for all  
12 facility modifications including a leachate disposal plan, an  
13 erosion control plan, and a dust control plan ~~which shall be as~~  
14 part of the operating license amendment. The dust control plan  
15 ~~shall~~**must** contain sufficient detail to ensure that dust emissions  
16 are controlled by available control technologies that reduce dust  
17 emissions by a reasonably achievable amount to the extent necessary  
18 to protect human health and the environment. The dust control plan  
19 ~~shall~~**must** provide for the ash to be wet during all times that the  
20 ash is exposed to the atmosphere at the landfill or otherwise to be  
21 covered by daily cover material; for dust emissions to be  
22 controlled during dumping, grading, loading, and bulk transporting  
23 of the ash at the landfill; and for dust emissions from access  
24 roads within the landfill to be controlled. With the exception of a  
25 landfill that is in existence on June 12, 1989 that the department  
26 determines is otherwise in compliance with this section, the owner  
27 or operator of the landfill shall obtain the operating license  
28 amendment ~~prior to~~**before** initiating construction. ~~Prior to~~  
29 ~~operation,~~**Before operating,** the owner or operator of a landfill

1 shall submit to the department certification from a licensed  
2 professional engineer that the landfill has been constructed in  
3 accordance with the approved plan and specifications. When the  
4 copies are submitted to the department, the owner or operator of  
5 the landfill shall send a copy of the operating license amendment  
6 application to the municipality where the landfill is located. At  
7 least 30 days ~~prior to~~ **before** making a final decision on the  
8 operating license amendment, the department shall hold at least 1  
9 public meeting in the vicinity of the landfill to receive public  
10 comments. ~~Prior to a public meeting,~~ **Before January 1, 2022, before**  
11 **a public meeting is held,** the department shall publish notice of  
12 the meeting in a newspaper serving the local area. **Beginning**  
13 **January 1, 2022, before a public meeting is held, the department**  
14 **shall provide notice of the meeting in the manner required by the**  
15 **open meetings act, 1976 PA 267, MCL 15.261 to 15.275.**

16 (7) The owner or operator of a municipal solid waste  
17 incinerator or a disposal area that receives municipal solid waste  
18 incinerator ash shall allow the department access to the facility  
19 for the purpose of supervising the collection of samples or  
20 obtaining samples of ash to test or to monitor air quality at the  
21 facility.

22 (8) As used in subsection (1), "landfill" means a landfill or  
23 a specific portion of a landfill.

24 Sec. 11906. (1) A municipality desiring to enter into a  
25 contract under section 11902 or 11903 shall authorize, by  
26 resolution of its governing body, the execution of the contract.  
27 After the adoption of the resolution, if the full faith and credit  
28 of the municipality is pledged, **the municipality shall provide**  
29 **public notice. Before January 1, 2022,** a notice of the adoption of

1 the resolution ~~shall~~**must** be published in a newspaper of general  
2 circulation in the municipality. **Beginning January 1, 2022, notice**  
3 **of the adoption of the resolution must be posted as provided in the**  
4 **local government public notice act.** The notice ~~shall~~**must** state all  
5 of the following:

6 (a) That the governing body has adopted a resolution  
7 authorizing execution of the contract.

8 (b) The purpose and the expected cost of the contract to the  
9 municipality.

10 (c) The source of payment for the municipality's contractual  
11 obligation.

12 (d) The right of referendum on the contract.

13 (e) Other information the governing body determines to be  
14 necessary to adequately inform interested electors of the nature of  
15 the obligation.

16 (2) A contract pledging the full faith and credit may be  
17 executed and delivered by the municipality upon approval of its  
18 governing body without a vote of the electors on the contract, but  
19 the contract ~~shall~~**does** not become effective until the expiration  
20 of 45 days after the date of publication of the notice required by  
21 subsection (1). If, within the 45-day period, a petition requesting  
22 a referendum upon the contract, signed by not less than 5% or  
23 15,000 of the registered electors residing within the limits of the  
24 municipality, whichever is less, is filed with the clerk of the  
25 municipality, the contract ~~shall~~**does** not become effective until  
26 approved by the vote of a majority of the electors of the  
27 municipality qualified to vote and voting at a general or special  
28 election.

29 (3) A special election called for pursuant to subsection (2)

1 ~~shall~~**is** not ~~be~~ included in statutory or charter limitation as to  
 2 the number of special elections to be called within a specified  
 3 period of time. Signatures on the petition ~~shall~~**must** be verified  
 4 by an elector under oath as the actual signatures of the electors  
 5 whose names appear on the petition, and the clerk of the  
 6 municipality shall have the same power to reject signatures as city  
 7 clerks under section 25 of the home rule city act, ~~Act No. 279 of~~  
 8 ~~the Public Acts of 1909, being section 117.25 of the Michigan~~  
 9 ~~Compiled Laws. 1909 PA 279, MCL 117.25.~~ The number of registered  
 10 electors in a municipality ~~shall be~~**is** determined from the  
 11 municipality's registration books.

12       Sec. 30707. (1) Upon filing of a civil action under this part,  
 13 the court shall set a day for a hearing. ~~The~~**Before January 1,**  
 14 **2022, the** prosecuting attorney or other legal counsel of the county  
 15 or counties or the department shall give notice of the hearing by  
 16 publication in 1 or more newspapers of general circulation in the  
 17 county and, if the waters of the inland lake are situated in 2 or  
 18 more counties, in 1 or more newspapers of general circulation in  
 19 each of the counties in which the inland lake is located. The  
 20 notice ~~shall~~**must** be published at least once each week for 3  
 21 successive weeks before the date set for the hearing. **Beginning**  
 22 **January 1, 2022, notice of the hearing must be posted as provided**  
 23 **in the local government public notice act.**

24       (2) ~~The~~**Before January 1, 2022, the** commissioner shall serve a  
 25 copy of the published notice of hearing by first-class mail at  
 26 least 3 weeks ~~prior to~~**before** the date set for the hearing to each  
 27 person whose name appears upon the latest city or township tax  
 28 assessment roll as owning land within a tentative special  
 29 assessment district at the address shown on the roll; to the



governing body of each political subdivision of ~~the~~**this** state ~~in~~  
~~which~~**where** the lake is located; and to the governing body of each  
 affected political subdivision of ~~the~~**this** state. If an address  
 does not appear on the roll, then a notice need not be mailed to  
 the person. The commissioner shall make an affidavit of mailing.  
 The failure to receive a notice properly mailed ~~shall~~**does** not  
 constitute a jurisdictional defect invalidating proceedings under  
 this part. **Beginning January 1, 2022, notice of the hearing must be**  
**posted as provided in the local government public notice act.**

(3) The prosecuting attorney or the legal counsel of the  
 county shall serve notice on the department at least 21 days ~~prior~~  
~~to~~**before** the date of the hearing.

(4) In a determination of the normal level of an inland lake,  
 the court shall consider all of the following:

(a) Past lake level records, including the ordinary high-water  
 mark and seasonal fluctuations.

(b) The location of septic tanks, drain fields, sea walls,  
 docks, and other pertinent physical features.

(c) Government surveys and reports.

(d) The hydrology of the watershed.

(e) Downstream flow requirements and impacts on downstream  
 riparians.

(f) Fisheries and wildlife habitat protection and enhancement.

(g) Upstream drainage.

(h) Rights of riparians.

(i) Testimony and evidence offered by all interested persons.

(j) Other pertinent facts and circumstances.

(5) The court shall determine the normal level to be  
 established and maintained, shall have continuing jurisdiction, and

1 may provide for departure from the normal level as necessary to  
 2 accomplish the purposes of this part. The court shall confirm the  
 3 special assessment district boundaries within 60 days following the  
 4 lake level determination. The court may determine that the normal  
 5 level ~~shall vary~~ **varies** seasonally.

6 Sec. 30714. (1) A special assessment roll ~~shall~~ **must** describe  
 7 the parcels of land to be assessed, the name of the owner of each  
 8 parcel, if known, and the dollar amount of the assessment against  
 9 each parcel.

10 (2) The delegated authority shall set a time and place for a  
 11 public hearing or hearings on the project cost and the special  
 12 assessment roll. Notice of a hearing ~~shall~~ **must** be **provided as**  
 13 **follows:**

14 (a) **Before January 1, 2022**, by both of the following:

15 (i) ~~(a)~~ By publication of notice at least twice ~~prior to~~ **before**  
 16 the hearing in a newspaper that circulates in the special  
 17 assessment district, the first publication to be at least 10 days  
 18 before the hearing.

19 (ii) ~~(b)~~ As provided in ~~Act No. 162 of the Public Acts of 1962,~~  
 20 ~~being sections 211.741 to 211.746 of the Michigan Compiled~~  
 21 ~~Laws.~~ **1962 PA 162, MCL 211.741 to 211.746.**

22 (b) **Beginning January 1, 2022, notice must be posted as**  
 23 **provided in the local government public notice act.**

24 (3) At or after a public hearing, the delegated authority may  
 25 approve or revise the cost of the project or the special assessment  
 26 roll. Before construction of a project is begun, the county board  
 27 shall approve the cost and the special assessment roll by  
 28 resolution.

29 (4) The special assessment roll with the assessments listed

~~shall be~~ **is** final and conclusive unless appealed in a court within 15 days after county board approval.

Sec. 30910. Within 60 days after his or her receipt of the reports, the chairperson shall hold a meeting of the lake board to review the reports required under section 30909 and to determine the practicability of the project. The hearing shall be public. ~~and~~ **Before January 1, 2022**, notice of the hearing ~~shall~~ **must** be published twice in a newspaper of general circulation in each local unit of government to be affected. The first publication ~~shall~~ **must** be not less than 20 days ~~prior to~~ **before** the time of the hearing.

**Beginning January 1, 2022, notice of the hearing must be posted as provided in the local government public notice act.** The board shall determine the practicability of the project within 10 days after the hearing unless it is determined at the hearing that more information is needed before the determination can be made. Immediately upon receipt of the additional information, the board shall make its determination.

Sec. 30912. If the lake board passes a resolution ~~in which it~~ **that** determines the project to be practicable, the lake board shall ~~determine to~~ proceed with the project, ~~shall~~ approve the plans and estimate of costs as originally presented or as revised, corrected, amended, or changed, and ~~shall~~ determine the sufficiency of the petition for the improvement. ~~The~~ **Before January 1, 2022, the** resolution ~~shall~~ **must** be published once in a newspaper of general circulation in each local unit of government to be affected. **Beginning January 1, 2022, notice of the resolution must be posted as provided in the local government public notice act.** After the resolution has been published **or public notice has been provided**, the sufficiency of the petition ~~shall~~ **is** not ~~be~~ subject to attack

1 except in an action brought in a court of competent jurisdiction  
2 within 30 days after publication. The lake board, after finally  
3 accepting the special assessment district, shall prepare an  
4 assessment roll based ~~upon~~**on** the benefits to be derived from the  
5 proposed lake improvement, and the lake board shall direct the  
6 assessing official of each local unit of government to be affected  
7 to join in making an assessment roll ~~in which shall be entered and~~  
8 ~~described~~**that includes and describes** all the parcels of land to be  
9 assessed, with the names of the respective owners of the parcels of  
10 land, if known, and the total amount to be assessed against each  
11 parcel of land and against each local unit of government to be  
12 affected, which amount shall be such relative portion of the whole  
13 sum to be levied against all parcels of land and local units of  
14 government in the special assessment district as the benefit to  
15 such parcel of land and local unit of government bears to the total  
16 benefit to all parcels of land and local units of government in the  
17 special assessment district. When the assessment roll has been  
18 completed, each assessing official shall affix to the assessment  
19 roll his or her certificate stating that it was made pursuant to a  
20 resolution of the lake board adopted on a specified date, and that  
21 in making the assessment roll he or she has, according to his or  
22 her best judgment, conformed in all respects to the directions  
23 contained in the resolution and the statutes of ~~the~~**this** state.

24 Sec. 30913. The assessment roll ~~shall~~**must** be reported to the  
25 lake board by the assessing official of the local unit or units of  
26 government initiating the proceeding and filed in the office of the  
27 clerk of each local unit of government to be affected. Before  
28 confirming the assessment roll, the lake board shall appoint a time  
29 and place when it will meet and review the assessment roll and hear

1 any objections to the assessment roll. ~~and~~ **Before January 1,**  
 2 **2022, the lake board** shall publish notice of the hearing and the  
 3 filing of the assessment roll twice ~~prior to~~ **before** the hearing in  
 4 a newspaper of general circulation in each local unit of government  
 5 to be affected, the first publication to be at least 10 days before  
 6 the hearing. Notice of the hearing ~~shall~~ **must** also be given in  
 7 accordance with ~~Act No. 162 of the Public Acts of 1962, being~~  
 8 ~~sections 211.741 to 211.746 of the Michigan Compiled Laws. 1962 PA~~  
 9 **162, MCL 211.741 to 211.746. Beginning January 1, 2022, notice of**  
 10 **the hearing must be posted as provided in the local government**  
 11 **public notice act.** The hearing may be adjourned from time to time  
 12 without further notice. Any person or local unit of government  
 13 objecting to the assessment roll shall file ~~his or her~~ **the**  
 14 objection in writing with the chairperson before the close of the  
 15 hearing or within such further time period as the lake board may  
 16 grant. After the hearing, the lake board may confirm the special  
 17 assessment roll as reported to it or as amended or corrected by it,  
 18 may refer it back to the assessing officials for revision, or may  
 19 annul it and direct a new roll to be made. When a special  
 20 assessment roll has been confirmed, the clerk of each local unit of  
 21 government shall endorse on the assessment roll the date of the  
 22 confirmation. After confirmation, the special assessment roll and  
 23 all assessments on the assessment roll ~~shall be~~ **are** final and  
 24 conclusive unless attacked in a court of competent jurisdiction  
 25 within 30 days after notice of confirmation ~~has been~~ **is** published  
 26 in the same manner as the notice of hearing.

27       Sec. 30929. A lake board for an inland lake is dissolved if  
 28 all of the following requirements are met:

29       (a) The governing body of each local unit of government ~~in~~

~~which~~**where** all or part of the lake is located holds a public hearing on the proposed dissolution, determines that the lake board is no longer necessary for the improvement of the lake because the reasons for the establishment of the lake board no longer exist, and approves the dissolution of the lake board. For a public inland lake, the governing body of each local unit of government ~~in which~~**where** all or part of the lake is located may hold the public hearing on the dissolution of the lake board on its own initiative. For a public or private inland lake, the governing body of each local unit of government ~~in which~~**where** all or part of the lake is located shall hold a public hearing on the dissolution of the lake board upon petition of at least 2/3 of the property owners owning land abutting the lake or upon petition of the property owners who have been assessed at least 2/3 of the cost of the most recent improvements, excluding the amount assessed to local units at large. ~~Notice~~**Before January 1, 2022, notice** of the public hearing ~~shall~~**must** be published twice in a newspaper of general circulation in each local unit of government ~~in which~~**where** all or part of the lake is located. The first notice ~~shall~~**must** be published not less than 10 days before the date of the hearing. **Beginning January 1, 2022, notice of the public hearing must be posted as provided in the local government public notice act.**

(b) All outstanding indebtedness and expenses of the lake board are paid in full.

(c) Any excess ~~funds of~~**money held by** the lake board ~~are~~**is** refunded based on the last approved special assessment roll. However, if the amount of excess ~~funds~~**money** is de minimis, ~~the excess funds shall~~**it must** be distributed to the local units of government ~~in which~~**where** all or part of the lake is located,

1 apportioned based on the amounts assessed against each local unit  
 2 of government and lands in that local unit on the last approved  
 3 special assessment roll.

4 (d) The lake board determines that it is no longer necessary  
 5 for the improvement of the lake, because the reasons for its  
 6 establishment no longer exist, and adopts an order approving its  
 7 dissolution.

8 Sec. 34117. (1) The irrigation board at its first meeting  
 9 shall consider the petition for the project, make a tentative  
 10 determination ~~as to~~ **regarding** the sufficiency of the petition and  
 11 the practicability of the proposed irrigation project, and make a  
 12 tentative determination of the area to be assessed. The irrigation  
 13 board shall give a name to the project and to the irrigation  
 14 district.

15 (2) After the irrigation board has made the determination  
 16 regarding sufficiency of the petition and practicability of the  
 17 proposed project, it shall set a time and place to hear objections  
 18 to the proposed irrigation project and the petition for the  
 19 project, and to consider the matter of assessing the cost of the  
 20 irrigation project in the affected lands.

21 (3) ~~In~~ **Before January 1, 2022, in** addition to the public  
 22 notice ~~prescribed in~~ **required by** section 34115(1), additional  
 23 notice of the hearing ~~shall~~ **must** be published twice in the county  
 24 in not less than 1 newspaper published in the county and designated  
 25 by the irrigation board, with the first publication not less than  
 26 20 days before the hearing. Notice of the hearing ~~shall~~ **must** also  
 27 be given to property owners in the assessment district pursuant to  
 28 ~~Act No. 162 of the Public Acts of 1962, being sections 211.741 to~~  
 29 ~~211.746 of the Michigan Compiled Laws. 1962 PA 162, MCL 211.741 to~~

1 **211.746.** The irrigation board may provide a form to be  
 2 substantially followed in giving this notice. **Beginning January 1,**  
 3 **2022, notice of the hearing must be posted as provided in the local**  
 4 **government public notice act.**

5 (4) At the hearing, the department shall submit its report on  
 6 the petition, and any person is entitled to be heard. After the  
 7 hearing, the irrigation board shall make a determination ~~as to~~  
 8 **regarding** the sufficiency of the petition, the practicability of  
 9 the irrigation project, and whether the irrigation project should  
 10 be constructed. If the department determines that the project  
 11 should be constructed, it shall issue an appropriate final order of  
 12 determination.

13 (5) A final order of determination establishing an irrigation  
 14 district ~~shall~~**must** not be issued by the irrigation board until the  
 15 board has been served with an order by the department stating that  
 16 the department has determined that the proposed irrigation by the  
 17 proposed irrigation district, as set forth in the petition,  
 18 supporting papers, and examinations specified in section 34116, is  
 19 feasible and within the purpose of this part and that the project  
 20 can be constructed and operated in a manner that would not violate  
 21 the conditions and limitations of section 34101. If the department  
 22 by its order determines that the proposed irrigation district  
 23 cannot be established without violating a condition or limitation  
 24 of section 34101, its order ~~shall be~~**is** final and further action  
 25 for the formation of the proposed irrigation district ~~shall~~**must**  
 26 not be taken by the irrigation board. Land in the irrigation  
 27 district ~~shall~~**must** not be eliminated from or added to that land  
 28 tentatively determined to be assessed without a rehearing after  
 29 notice, as provided in this section. The irrigation district is



1 legally established after entry of the final order of  
2 determination.

3       Sec. 35304. (1) A person shall not initiate a use within a  
4 critical dune area unless the person obtains a permit from the  
5 local unit of government ~~in which~~ **where** the critical dune area is  
6 located or the department if the department issues permits as  
7 provided under subsection ~~(7)~~ **(8)**. A permit for a use within a  
8 critical dune area is subject to all of the following:

9       (a) A person proposing a use within a critical dune area shall  
10 file an application with the local unit of government, or with the  
11 department if the department is issuing permits under the model  
12 zoning plan. The application form ~~shall~~ **must** include information  
13 necessary to conform with the requirements of this part. If a  
14 project proposes the use of more than 1 critical dune area location  
15 within a local unit of government, 1 application may be filed for  
16 the uses.

17       (b) ~~The~~ **Before January 1, 2022, the** local unit of government  
18 shall provide notice of an application filed under this section to  
19 each person who makes a written request to the local unit of  
20 government for notification of pending applications. The local unit  
21 of government may charge an annual fee for providing this notice.  
22 The local unit of government shall prepare a monthly list of the  
23 applications made during the previous month and shall promptly  
24 provide copies of the list for the remainder of the calendar year  
25 to the persons who have requested notice. In addition, if the  
26 department issues permits under this part within a local unit of  
27 government, notice of an application ~~shall~~ **must** also be given to  
28 the local conservation district office, the county clerk, the  
29 county health department, and the local unit of government ~~in which~~

1 **where** the property is located. The monthly list ~~shall~~**must** state  
 2 the name and address of each applicant, the location of the  
 3 applicant's project, and a summary statement of the purpose of the  
 4 use. The local unit of government may hold a public hearing on  
 5 pending applications.

6 (c) The notice ~~shall~~**must** state that unless a written request  
 7 is filed with the local unit of government within 20 days after the  
 8 notice is sent, the local unit of government may grant the  
 9 application without a public hearing. Upon the written request of 2  
 10 or more persons who own real property within 2 miles of the  
 11 project, the local unit of government shall hold a public hearing  
 12 pertaining to a permit application.

13 (d) At least 10 days' notice of a hearing to be held ~~pursuant~~  
 14 ~~to~~**under** this section ~~shall~~**must** be given by publication in 1 or  
 15 more newspapers of general circulation in the county ~~in which~~**where**  
 16 the proposed use is to be located, and by providing notice to the  
 17 persons who have requested notice ~~pursuant to~~**under** subdivision (b)  
 18 and to the person requesting the hearing.

19 (e) After the filing of an application, the local unit of  
 20 government shall grant or deny the permit within 60 days, or within  
 21 90 days if a public hearing is held. If a permit is denied, the  
 22 local unit of government shall provide to the applicant a concise  
 23 written statement of its reasons for denial of the permit, and if  
 24 it appears that a minor modification of the application would  
 25 result in the granting of the permit, the nature of the  
 26 modification ~~shall~~**must** be stated. In an emergency, the local unit  
 27 of government may issue a conditional permit before the expiration  
 28 of the 20-day period referred to in subdivision (c).

29 (f) The local unit of government shall base a decision to

grant or deny a permit under this section on the model zoning plan or on any existing ordinance that is in effect in the local unit of government that provides a substantially equivalent level of protection for critical dune areas and that is approved by the department.

(g) Subject to section 35316, a permit ~~shall be~~ **is** approved unless the local unit of government or the department determines that the use will significantly damage the public interest on the privately owned land, or, if the land is publicly owned, the public interest in the publicly owned land, by significant and unreasonable depletion or degradation of any of the following:

(i) The diversity of the critical dune areas within the local unit of government.

(ii) The quality of the critical dune areas within the local unit of government.

(iii) The functions of the critical dune areas within the local unit of government.

**(2) Notwithstanding subsection (1), beginning January 1, 2022, the notice described in subsection (1) must be posted as provided in the local government public notice act.**

**(3)** ~~(2)~~—The decision of the local unit of government or the department with respect to a permit ~~shall~~ **must** be in writing and ~~shall be based upon~~ **on** evidence that would meet the standards in section 75 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.275. A decision denying a permit ~~shall~~ **must** document, and any review upholding the decision ~~shall~~ **must** determine, all of the following:

(a) That the local unit of government or the department has met the burden of proof under subsection (1).

1 (b) That the decision is based upon sufficient facts or data.

2 (c) That the decision is the product of reliable scientific  
3 principles and methods.

4 (d) That the decision has applied the principles and methods  
5 reliably to the facts.

6 (e) That the facts or data ~~upon which~~ **that** the decision is  
7 based **on** are recorded in the file.

8 **(4)** ~~(3)~~—A permit ~~shall~~ **must** not be granted that authorizes  
9 construction of a dwelling or other permanent building on the first  
10 lakeward facing slope of a critical dune area or foredune except on  
11 a lot of record that was recorded prior to July 5, 1989 that does  
12 not have sufficient buildable area landward of the crest to  
13 construct the dwelling or other permanent building as proposed by  
14 the applicant. The proposed construction, to the greatest extent  
15 possible, ~~shall~~ **must** be placed landward of the crest. The portion  
16 of the development that is lakeward of the crest ~~shall~~ **must** be  
17 placed in the location that has the least impact on the critical  
18 dune area.

19 **(5)** ~~(4)~~—Except as provided in subsection ~~(3)~~, **(4)**, a permit  
20 ~~shall~~ **must** provide that a use that is a structure ~~shall~~ be  
21 constructed behind the crest of the first landward ridge of a  
22 critical dune area that is not a foredune. However, if construction  
23 occurs within 100 feet measured landward from the crest of the  
24 first landward ridge that is not a foredune, the use ~~shall~~ **must**  
25 meet all of the following requirements:

26 (a) The structure and access to the structure ~~shall~~ **must** be in  
27 accordance with a site plan prepared for the site by a registered  
28 professional architect or a licensed professional engineer and the  
29 site plan ~~shall~~ **must** provide for the disposal of storm waters

1 without serious soil erosion and without sedimentation of any  
2 stream or other body of water.

3 (b) Access to the structure ~~shall~~**must** be from the landward  
4 side of the dune.

5 (c) The dune ~~shall~~**must** be restabilized with indigenous  
6 vegetation.

7 (d) The crest of the dune ~~shall~~**must** not be reduced in  
8 elevation.

9 (6) ~~(5)~~ As soon as possible following adoption of a zoning  
10 ordinance enacted ~~pursuant to~~**under** this part, the local unit of  
11 government shall submit to the department a copy of the ordinance  
12 that it determines meets the requirements of this part. If the  
13 local unit of government has an existing ordinance that it contends  
14 is substantially equivalent to the model zoning plan, that  
15 ordinance may be submitted to the department at any time. The  
16 department shall review zoning ordinances submitted under this  
17 section to assure compliance with this part. If the department  
18 finds that an ordinance is not in compliance with this part, the  
19 department shall work with the local unit of government to bring  
20 the ordinance into compliance and inform the local unit of the  
21 failure to comply and in what ways the submitted ordinance is  
22 deficient. Unless a local unit of government receives notice,  
23 within 180 days after ~~submittal of~~**submitting** the ordinance to the  
24 department under this subsection, that the ordinance is not in  
25 compliance with this part, the ordinance ~~shall be~~**is** considered to  
26 be approved by the department.

27 (7) ~~(6)~~ A local unit of government may adopt, submit to the  
28 department, and obtain approval of a zoning ordinance based on the  
29 model zoning plan or an equivalent ordinance as provided in this

1 section by June 30, 1990. If a local unit does not have an approved  
 2 ordinance by June 30, 1990, the department shall implement the  
 3 model zoning plan for that local unit of government in the same  
 4 manner and under the same circumstances as provided in subsection  
 5 (1). Notwithstanding any other provision of this part, a local unit  
 6 of government may adopt a zoning ordinance at any time, and upon  
 7 the approval of the department, that ordinance ~~shall take~~ **takes** the  
 8 place of the model zoning plan implemented by the department.

9 **(8)** ~~(7)~~ If a local unit of government ~~in which~~ **where** a  
 10 proposed use is to be located does not elect to issue permits or  
 11 does not receive department approval of a zoning ordinance that  
 12 regulates critical dune areas, the department shall implement the  
 13 model zoning plan in the place of the local unit of government and  
 14 issue special exceptions in the same circumstances as provided in  
 15 this part for the issuance of variances by local units of  
 16 government, and issue permits pursuant to subsection (1) and part  
 17 13.

18 **(9)** ~~(8)~~ The department shall assist local units of government  
 19 in developing ordinances that meet the requirements of this part.

20 Sec. 35702. (1) Twenty-five or more freeholders of a township  
 21 may apply by petition to the board for the county ~~in which~~ **where**  
 22 that township is located for designation of a county local road or  
 23 portion of a county local road as a natural beauty road. Twenty-  
 24 five or more freeholders of a city may petition the legislative  
 25 body of the city for designation of a city street or a portion of a  
 26 city street as a natural beauty street. Twenty-five or more  
 27 freeholders of a village may petition the legislative body of the  
 28 village for designation of a village street or a portion of a  
 29 village street as a natural beauty street.

(2) Within 6 months after a petition is received, the board or the legislative body of the city or village shall hold a public hearing to consider designating the road or street described in the petition as a natural beauty road or natural beauty street, respectively. The hearing ~~shall~~**must** be held at a suitable place within the township ~~in which~~**where** the proposed natural beauty road is located or the city or village ~~in which~~**where** the proposed natural beauty street is located. At the hearing, a party or interested person may support or object to the proposed designation. ~~The~~**Before January 1, 2022, the** board, the legislative body of the city, or the legislative body of the village shall give notice of the hearing by publication at least once each week for 2 successive weeks in a newspaper of general circulation in the county, city, or village, respectively, and by posting 5 notices within the limits of the portion of the road or street to be designated, in public and conspicuous places. The posting ~~shall~~**must** be done and at least 1 publication in the newspaper ~~shall~~**must** be made not less than 10 days before the hearing. **Beginning January 1, 2022, notice of the hearing must be posted as provided in the local government public notice act.**

(3) Within 30 days after the hearing, if the board, the legislative body of the city, or the legislative body of the village considers the designation desirable, it shall file with the county clerk, city clerk, or village clerk, respectively, a true copy of its resolution designating the portion of the county local road as a natural beauty road, the portion of the city street as a natural beauty street, or the portion of the village street as a natural beauty street, respectively.

Sec. 35703. (1) Not more than 45 days after a board designates

1 a road as a natural beauty road or the legislative body of a city  
 2 or village designates a street as a natural beauty street, the  
 3 property owners of record of 51% or more of the lineal footage  
 4 along the natural beauty road or natural beauty street may submit a  
 5 petition to the board or the legislative body of the city or  
 6 village, respectively, requesting that the designation be  
 7 withdrawn. If the petition is valid, the designation as a natural  
 8 beauty road or natural beauty street ~~shall be~~ **is** withdrawn.

9 (2) A board or the legislative body of a city or village may  
 10 revoke a designation of a natural beauty road or natural beauty  
 11 street after holding a public hearing in accordance with the  
 12 procedure described in section 35702(2). Not more than 30 days  
 13 after a hearing, if the board, the legislative body of the city, or  
 14 the legislative body of the village by majority vote determines  
 15 that the revocation is necessary, it shall file with the county  
 16 clerk, city clerk, or village clerk, respectively, a notice of its  
 17 determination and, **if before January 1, 2022**, publish the notice in  
 18 a newspaper of general circulation in the county, city, or village,  
 19 respectively, once each week for 2 successive weeks. **Beginning**  
 20 **January 1, 2022, notice must be posted as provided in the local**  
 21 **government public notice act.** After publication of the notice, the  
 22 road or street previously designated ~~shall revert~~ **reverts** to its  
 23 former status.

24 Enacting section 1. This amendatory act does not take effect  
 25 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
 26 02449'19) of the 100th Legislature is enacted into law.