



Legislative Update

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Public Notice Amendment Clears House Committee

Representative Amanda Price (R-Park Township) has re-introduced legislation to revise the manner in which local units of government publish legal notices.

House Bill 4183 would create the "Local Government Public Notices Act" and would phase in new notice distribution methods for legal notices by local units of government through January 2025, after which legal notices would be published online.

Currently, public notices must be published in daily or weekly newspapers, costing between \$4,000 and \$50,000 annually depending on the size of

the governmental unit.

According to the nonpartisan House Fiscal Agency, there are as many as 250 separate state statutes that require publication of legal notices, including the Drain Code. While HB 4183 is the "hub" bill, each individual statute will require legislation to update the specific notice requirements. MACDC's Legislative Committee has been actively involved with drafting the necessary Drain Code legislation.

House Bill 4183 passed out of the House Local Government Committee on March 11 with a substitute version (H-2) and now awaits action on the House Floor.



MACDC Welcomes New Legislative Committee Chair

Ottawa County Water Resources Commissioner Joe Bush has been appointed to lead MACDC's Legislative Committee. MACDC President Roger Zilke named Bush as Committee Chair due to Bush's active participation in legislative issues since he became a Water Resources Commissioner in 2013.

Bush was initially appointed to the Legislative Committee after expressing an interest in the legislative process and an ability to effectively communicate with members of the Legislature.

"I consider it an honor that my peers have entrusted me with this position," Bush said. "I hope we continue to build on the rela-

tionships we have developed in Lansing, especially with the state agencies, over the last couple of years."

Bush and MACDC Lobbyist Deena Bosworth testified before the new House Local Government Committee on February 18,

2015. As no specific legislation was before the Committee, members were shown MACDC's "The Importance of Michigan's Drain Commissioners" video and had the opportunity to ask questions about the role of Drain/Water Resources Commissioners.



Joe Bush

COMMITTEE SPOTLIGHT

House Committee on
Local Government**Committee Members**

Chair Lee Chatfield (R-Levering)
 Vice-Chair Amanda Price (R-Park Township)
 Kurt Heise (R-Plymouth)
 David Maturen (R-Vicksburg)
 Jim Runestad (R-White Lake Township)
 Jason Sheppard (R-Temperance)
 Lana Theis (R-Brighton)
 Min. Vice-Chair Jeremy Moss (D-Southfield)
 Charles Brunner (D-Bay City)
 David Rutledge (D-Superior Township)
 Sheldon Neeley (D-Flint)

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**Chair
 Lee
 Chatfield**

Currently scheduled meetings are available at: www.legislature.mi.gov

New FOIA Requirements Take Effect July 1, 2015

By now, most public bodies are aware that the Michigan Legislature passed significant amendments to the Freedom of Information Act (FOIA) last year through Public Act 563 of 2014.

The amendments are designed to increase government transparency and reduce the cost of access to public records. In order to reach those goals, PA 563 imposes several new requirements that significantly impact the way that public bodies must respond to FOIA requests.

Among the most time-sensitive new requirements is the mandate for each public body to adopt written "procedures and guidelines" implementing the new FOIA amendments.

The procedures and guidelines must include, at a minimum:

1. how to make a FOIA request;
2. how to understand the written response;
3. what the fees are;
4. how the fees are calculated;
5. when fee deposits are required; and

6. the fee appeals process.

In addition, the public body must have a written summary of the procedure and guidelines and a standard form incorporating the new fee components by itemizing FOIA charges.

A copy of the procedures and guidelines must be made available as a handout at the public body's office free of charge. If the public body maintains a website, it must be published on the webpage or available to anyone as a free download. Finally, a copy must be included with the delivery of any requested records.

It is important that all public bodies begin planning to ensure their office's FOIA policies will come into compliance with PA 563 by July 1, 2015.

A public body that has not established procedures and guidelines or otherwise complied with the new amendments by July 1, 2015 must still respond to and fulfill any FOIA requests, but will be unable to charge anything for their services.

New Legislation of Interest to MACDC

The following bills of interest to Drain Commissioners and Associate Members are currently pending before the Legislature. Full text and up-to-date action for each bill can be found online on the Legislature’s website at www.legislature.mi.gov.

QUALIFICATIONS -BASED SELECTION

House Bill 4025, introduced by Rep. Kosowski (D-Westland) would prohibit a local unit of government from entering into a contract with architects, professional engineers, or professional surveyors, unless the selection is made through a competitive, qualifications-based selection process. This bill is in the House Committee on Local Government.

TRANSFER OF COUNTY ASSETS:

WATER & SEWAGE SYSTEMS

House Bill No. 4033, introduced by

Rep. Heise (R-Plymouth) would prohibit a county board of public works from selling, leasing, or otherwise transferring its interest in a water supply system or sewage disposal system, unless the action is approved by a majority of the local governments served by the water supply system or sewage disposal system. This bill is in the House Committee on Local Government.

TRANSFER OF COUNTY ASSETS:

CHAPTER 20 & 21 DRAINS

House Bill No. 4082, introduced by Rep. Heise (R-Plymouth) would prohibit a drain commissioner or drainage board from selling, leasing, or otherwise transferring its interest in the assets of a drainage district established under Chapter 20 or 21 of the Drain Code, unless the action is

approved by a majority of the public corporations assessed. This bill is in the House Committee on Local Government.

OPEN MEETINGS ACT:

PHYSICAL PRESENCE REQUIRED

House Bill No. 4182, introduced by Rep. Price (R-Park Township) would amend the Open Meetings Act to mandate that each member of a public body must be physically present when casting his or her vote in order for the vote to be considered made at a meeting open to the public. Thus, votes taken during remote meetings via teleconference would not be permitted. The requirement does not apply to an emergency session. This bill was reported from the House Committee on Oversight and Ethics with a substitute H-2 version.

LEGISLATOR SPOTLIGHT



Arlan Meekhof Michigan Senate Majority Leader

State Senator Arlan Meekhof represents the 30th State Senate District, encompassing all of Ottawa County. Meekhof is also the new Michigan Senate Majority Leader, chosen by his

Republican colleagues to serve as their leader for the 2011-2014 term. In this role, he will be responsible for heading up the Senate Republican Caucus, appointing committee members, negotiating with the Governor’s Office, and deciding which bills are brought to the Senate floor for a vote.

While working in his new role in the Senate, Meekhof stated that his focus will be on policies that

encourage generations of Michiganders to work, live, and raise families in this great state. He also looks forward to hearing from Drain Commissioners and their expert advice on ways to better work together to continue Michigan’s recovery and economic development in order to continue moving Michigan forward together.

Meekhof also serves as a member of the Government Operations, Natural Resources, Environment & Great Lakes, and Regulatory Reform Committees.

Prior to becoming a Senator, Meekhof served four years in the Michigan House of Representatives for the 89th District from 2007-2010 and is a former Olive Township Trustee and Supervisor.

MDEQ to Launch New ‘MiWaters’ Permit Database

In June, the Michigan Department of Environmental Quality is set to launch a new web-based permitting and compliance database, according to the MDEQ’s website. The new database will be called MiWaters and will replace over 25 applications and databases currently used by the MDEQ’s Water Resources Division (WRD).

The focus of MiWaters will be permitting and compliance, including National Pollutant Discharge Elimination System (NPDES), storm water, groundwater discharge, aquatic nuisance control, Part 41 construction, and land and water interface permits.

One of the focuses in developing MiWaters is to create a system that makes it easier for the WRD to

communicate with, and provide services electronically to, our regulated community. Below is a list of some of the functions and features that MiWaters will provide:

- Permit applications and permit-required submittals will be submitted electronically.
- Those with a MiWaters account will be able to manage permissions, deciding who can view, edit, and submit applications or submittals.
- MiWaters will provide near real-time notifications, to the permittee, of any violations determined by the system or by staff, providing permittees with an early "heads up" and opportunity to correct problems.

Maintenance Limit Increase Among 2015 Bills

The MACDC Legislative Committee has been working on several legislative initiatives to start off the new session. The following is a summary of the bills MACDC hopes to have introduced:

Maintenance Limit (Section 196)

Section 196 limits the annual amount a Drainage District can spend on maintenance to \$5,000/mile or fraction thereof. This limited amount can prevent routine maintenance without a petition. The proposed legislation would increase this annual maintenance limit to \$10,000/mile or fraction thereof.

Legal Fees (Section 247)

Section 247 provides that legal expenses incurred by a Drainage District are to be charged to the Drainage District, then paid out of the revolving fund and reim-

bursed by first moneys available. The proposed bill would clarify that Drainage Districts can pay legal fees expenses out of the revolving fund, then assess the Drainage Districts to reimburse the revolving fund.

Term Bonds (multiple sections)

Currently, bonds issued under the Drain Code must be ‘serial bonds’. This legislation would align the Drain Code with other municipal financing practices and allow the issuance of term bonds, potentially reducing interest rates.

Consolidation By Villages (Section 441/441a)

Currently, Sections 441 and 441a allow a city or township to petition for the consolidation of two or more Drainage Districts. This amendment would add that a village could also petition.

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The Michigan Association of County Drain Commissioners is dedicated to safeguarding the health, safety and welfare of Michigan’s citizens through the protection of property, surface waters and the environment. We seek to accomplish these goals by providing storm water management, flood control, drainage, development review and water quality programs.

We’re on the web!

www.macdc.us