

Legislative Analysis



ELIMINATE CERTAIN LOCAL NEWSPAPER NOTICE PUBLICATION REQUIREMENTS

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House Bill 5735 as introduced
Sponsor: Rep. Robert J. Bezotte

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

House Bill 5736 as introduced
Sponsor: Rep. Gary Howell

House Bill 5738 as introduced
Sponsor: Rep. Karen Whitsett

House Bill 5737 as introduced
Sponsor: Rep. Padma Kuppa

House Bill 5739 as introduced
Sponsor: Rep. Julie Calley

Committee: Local Government and Municipal Finance
Complete to 3-1-22

SUMMARY:

House Bills 5735 to 5739 would amend different acts to eliminate provisions that now require local governments to publish notice in a local newspaper about the following (while generally retaining other posting requirements for these notices):

- When and where to apply to take a fire or police department employment examination (HB 5735).
- An opening on the committee of veterans that administers a county department of veterans' affairs (HB 5736).
- The rules of a park or recreational area or facility that is administered by a county or regional parks and recreation commission (HB 5737).
- The rules of a park that is administered by a board of county park trustees (HB 5738).
- The need for a private cemetery to have a fence built or fixed (HB 5739).

House Bill 5735 would amend 1935 PA 78, which provides for a civil service and examination system in cities, villages, or townships that have a full-time paid fire or police department. The act requires that a practical examination be given to test the comparative merit and fitness of applicants for fire or police positions. The exam is open to all applicants who have fulfilled the preliminary requirements prescribed by the act.

Currently, notice of when and where applications to take an exam will be accepted must be published by the civil service commission for two weeks in the "official newspaper" of the local government (that is, the newspaper it uses for publication of public notices). The commission also must post notice for two weeks in a conspicuous place in its office and on local government bulletin boards. The commission can provide further notice if it chooses.

The bill would remove the newspaper publication requirement described above. It would still require notice to be posted for two weeks in the civil service commission office and on bulletin boards of the local government and still allow for further notice at the commission's discretion.

MCL 38.512

House Bill 5736 would amend 1953 PA 192, which authorizes county boards of commissioners to create a county department of veterans' affairs. Such a department must be administered by a committee of three to seven veterans who have specified qualifications and are appointed to four-year terms by the county board of commissioners.

Currently, notice of an opening on such a committee must be provided by the county board of commissioners to both of the following:

- One or more newspapers in the county.
- Veteran service organizations in the county.

The bill would remove the above notice requirement for both newspapers and organizations.

MCL 35.621

House Bill 5737 would amend 1965 PA 261, which authorizes county boards of commissioners to create a county parks and recreation commission under the general control of the board of commissioners. In addition, the county boards of two or more contiguous counties can together create a regional parks and recreation commission. With the approval of the county board or boards of commissioners, a county or regional commission can adopt, amend, or repeal rules for its facilities and areas (such as parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, and other lands and facilities).

Currently, rules described above cannot take effect unless all of the following are met:

- Nine days have passed since the rules were adopted.
- The rules have been published once a week for two consecutive weeks in a newspaper of general circulation in the county where the applicable facility or area is located.
- A copy of the rules has been posted near each gate or main entrance of each applicable facility or area.

The bill would remove the newspaper publication requirement described above. It would still require nine days to pass after adoption, and a copy to be posted at applicable entrances, before the rules can take effect.

MCL 46.364

House Bill 5738 would amend 1913 PA 90, which authorizes county boards of commissioners (of a single county or of two or more contiguous counties) to acquire land for public parks, zoos, or airports and to spend money to improve and maintain those facilities. If land is acquired and an appropriation is made for park purposes, a board of county park trustees, consisting of three members, must be created as prescribed (see below). Among other things, county park trustees can make reasonable rules concerning the public use of park property, as long as those rules are approved by resolution by the county board of commissioners.

Currently, rules described above cannot take effect unless both of the following are met:

- The resolution approving the rules has been published at least once in a newspaper of general circulation in the county.
- The rules have been posted in at least three conspicuous places in the park property, printed legibly on posters that are at least 10 by 12 inches in size.

The bill would remove the newspaper publication requirement described above. The rules would still have to be posted in at least three conspicuous places at each applicable park, be 10 inches by 12 inches in size, and be printed legibly.

In addition, the act now provides that, in a county operating under the county road system, the board of county road commissioners must act as county park trustees, and in all other counties, the county board of commissioners must appoint three of its own members to be the county park trustees. These provisions were written in 1913, when the county road system was still a new and optional alternative to township control of roads.

The bill would instead provide that the board of county road commissioners must serve as the county park trustees in all cases. It also would remove provisions specifying how many trustees there are. Note that at least six counties (Berrien, Calhoun, Ingham, Jackson, Macomb, and Wayne) do not have boards of county road commissioners and have road departments instead.

MCL 123.66

House Bill 5739 would amend 1911 PA 211, which requires private cemeteries located in cities to have a fence and gates that meet certain requirements.

Currently, if a city council determines that the owners of a private cemetery need to build or repair a fence to comply with the act, the council must serve written notice on the owners or publish the notice for six consecutive weeks in a newspaper of general circulation in the city. The notice must specify a time period of up to 90 days within which the work must be done.

The bill would remove the option of newspaper publication described above. Written notice would still have to be served on the cemetery owners if the city council determines that the cemetery fencing does not comply with the act.

MCL 128.102

FISCAL IMPACT:

To the extent that a local unit of government would have been required to publish a notice in a local newspaper under any of the applicable acts, the bills would reduce costs for the local unit of government. The magnitude of any savings would depend on the specific notice requirement. The bill would have no fiscal impact on state 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.