



WEEKLY LEGISLATIVE REPORT

February 20, 2009

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Please route to all interested parties in your township.

HOUSE & SENATE COMMITTEES FAIL TO ADOPT LOCAL GOV-ENDORSED CABLE AMENDS

The House Energy and Technology Committee and the Senate Energy Policy and Public Utilities Committee this week approved faulty legislation to implement an overdue dispute resolution process in the two-year-old Uniform Video Services Local Franchise Act (PA 480 of 2006). Each committee approved identical legislation, although different bills (HB 4247 and SB 190). MTA and MML offered amendments to make the dispute resolution process reasonable for local governments and for cable customers. However, those amendments were not considered in either committee as the cable industry turned up their lobbying efforts to counter the changes. The amendments supported by MTA and MML would allow the dispute resolution process to work the same way for cable disputes (between cable providers and customers, and cable providers and local governments as franchising entities) as it does today for telecommunications issues. However, staff from the Michigan Public Service Commission (MPSC) met with representatives of MTA and MML early in the week to discuss the amendments, and took another day to review them, but decided to oppose the amendments just hours before the Senate committee vote. In short, MTA and MML are trying to amend the bills to avoid the merging of two unworkable, separate, existing processes in sections (203 and 203a) of Michigan's telecommunications statutes. Such a process would result in bad public policy as there would be a differing process applying to the same dispute. Another amendment offered but not addressed would require the MPSC phone number to be printed on individual cable customer statements to assist customers with service issues.

SENATE COMMITTEE HEARS TESTIMONY ON STORM WATER UTILITY BILL

Members of the Senate Natural Resources and Environmental Affairs Committee heard testimony this week on legislation for establishing storm water utilities to pay for costs associated with addressing storm water pollution. SB 256, introduced by Sen. Patty Birkholz (R-Saugatuck Twp.), would set parameters for local units of government creating a storm water utility consistent with the *Bolt* decision of the Michigan Supreme Court. A storm water utility would establish fees for storm water management. The *Bolt* decision established a three-part test to distinguish a fee from a tax. A fee must serve a regulatory purpose, be proportional to the necessary cost of the service, and be voluntary. SB 256 is written to meet all three requirements, including being voluntary as numerous fee-reducing credits are provided for actions that reduce the level of service needed. The bill would provide local units of government an additional tool to pay for storm water programs that have been mandated by the federal and state governments (Storm Water Phase II). The committee is expected to vote on the bill at its next scheduled meeting on Wednesday, March 4. Please contact your senator and urge him or her to support this legislation.

RIGHT TO FARM AND STATE CONSTRUCTION CODE MEETINGS

MTA is partnering with the Michigan Farm Bureau, Michigan Department of Agriculture, Department of Energy Labor & Economic Growth and the Michigan Association of Counties to offer Right to Farm and State Construction Code panel discussions in March and April. There will be six free events with the intended audience to be local officials, Farm Bureau members and the general public. The events will focus on the Right to Farm Act as it relates to on-farm and local government planning, including educating the public on Right to Farm Act, and the role of the State of Michigan and the agriculture community in the construction code. The first meeting will take place on Tuesday, March 3, at 7 p.m. at the Oakland County Fairgrounds, 12451 Andersonville Road, Davisburg, MI. People planning to attend this event are asked to RSVP to Deb Nash at the Oakland County Farm Bureau office by calling 248-628-7710 or e-mailing to dnash@ctyfb.com. The other two March meetings will be held on March 9 in Lawrence and March 11 in Frankenmuth. For further meeting details, use the following link: <http://www.michigantownships.org/alltraining.asp>. MTA will provide updated details on the site.

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