



WEEKLY LEGISLATIVE REPORT

June 17, 2011

Phone: 517-321-6467

Website: www.michigantownships.org

Please route to all interested parties in your township.

LEGISLATURE MOVING LIGHTNING FAST TO LIMIT LOCAL ZONING

Legislation was introduced in both the House and Senate on Wednesday to reverse a significant Michigan Supreme Court decision (*Kyser v. Kasson Twp.*) rendered in July, 2010, related to local zoning authority over gravel operations. A joint meeting of the Senate Natural Resources, Environment & Great Lakes Committee and the House Natural Resources, Tourism and Outdoor Recreation Committee was held on Thursday morning on SB 470, sponsored by Sen. Tom Caspersen (R-Wells Twp.), and HB 4746, sponsored by Rep. Matt Huuki (R-Stanton Twp.), the latter of which was reported out of the House committee. The identical bills, while intending to reverse the *Kasson Twp.* case, go well beyond the issue of gravel mining and say that “an ordinance shall not prevent the extraction of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.” MTA testified against the bills and notified members of both committees that the legislation would significantly weaken existing local zoning ordinances related to the extraction of any natural resource. The bills would render zoning regulations that prevent the extraction of natural resources in any zone invalid unless “very serious consequences” can be proved to result from the proposed extraction. MTA has learned that the House is intending to vote on HB 4746 on Tuesday (June 21). MTA asks that you contact your state representative and state senator immediately to voice your strong opposition to this bill. Contact information is available at: <http://www.michigantownships.org/contactofficials.asp>.

HOUSE AND SENATE COMMITTEE REPORTS DIFFERENT VERSIONS OF PA 312 REFORMS

Both the Senate and the House reported legislation from committee that would modify the procedures to be followed involving binding arbitration used to settle police and fire union contracts. HB 4522 is being offered by Rep. Jeff Farrington (R-Utica). The bill, which is supported by MTA, would make ability to pay and internal comparables to what other employees are paid within that governmental unit the most important issues that must be taken into consideration by the arbitrators. Considerable language is created to define ability to pay. The Senate committee reported SB 397, offered by Sen. Rick Jones (R-Oneida Chtr. Twp). MTA opposes the Senate bill for several reasons. The bill expands binding arbitration into authorities, which are not currently covered under the act. Unlike the House bill, which has specific language stating that ability to pay is the most important issue in arbitration, the Senate version simply moves ability to the first of many issues that should be taken into consideration. The Senate version does have the potential to reduce the time needed to render a decision. Once the Senate committee adjourned after reporting the bill that MTA opposes, the union members present gave members a standing ovation.

HOUSE COMMITTEE CONSIDERS BILL TO RESTRICT LOCAL CONTROL OVER SEPTAGE

The House Natural Resources, Tourism & Outdoor Recreation Committee heard testimony this week on a bill being pushed by the Michigan Septic Tank Association that would restrict the ability of local units of government to effectively ban the land application of septage waste. Under current law, a governmental unit shall make available a septage receiving facility that can lawfully accept septage waste generated within that governmental unit that is not lawfully applied to land. HB 4578, introduced by Rep. Ken Goike (R-Ray Twp.), would enact several additional requirements if a local unit were to take this action. MTA provided testimony that the bill is mainly in response to a limited situation and to change state law is an overreaction. However, MTA has pledged to work with the sponsor to see if common ground is possible.

TOWNSHIP OFFICIALS TESTIFY IN LANSING ON CABLE FRANCHISE ISSUE

The Senate Energy and Technology Committee on Tuesday began review of the Uniform Video Services Local Franchise Act (Public Act 480 of 2006) by holding a hearing about the status of the act. Numerous township officials, including representatives from Canton Charter Twp., Meridian Charter Twp., Union Charter Twp., MTA and others testified regarding problems townships are having related to securing cable/video franchise agreements with providers. Committee Chairman Mike Nofs (R-Battle Creek) is considering possible changes to clarify certain sections of the law.

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