



WEEKLY LEGISLATIVE REPORT

July 23, 2010

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Please route to all interested parties in your township.

SUPREME COURT RETURNS MORE CONTROL OVER GRAVEL MINING TO TOWNSHIPS

A Michigan Supreme Court decision handed down on July 15, in the *Kyser v. Kasson Twp.* case, is considered a significant win for townships. The closely watched case involved a test of whether the “no very serious consequences” rule regarding “extraction of natural resources” is constitutional. At issue was whether a rule created by a 1982 case (*Silva v. Ada Twp.*), which held that a zoning ordinance is unreasonable if the person challenging the ordinance can show that there are natural resources on the property and that “no very serious consequences” would result from their extraction. The high court opinion also addressed whether the “no very serious consequences” rule violated the constitution separation of powers. The court found in favor of the township by reversing the decision of the state Court of Appeals. MTA participated in the case through the MTA Legal Defense Fund.

COMPLETE STREETS ARE CRUISING

The Senate Transportation Committee held hearings this week on two bills that would begin the process of defining the concept of “complete streets.” Complete streets is the concept that our transportation system should reflect the needs of everyone who needs to move from place to place. HB 6152 amends the Michigan Planning Enabling Act by stating that a master plan should view transportation as more than just motorized vehicles. MTA worked to modify the original legislation to insure that the changes did not in any way create a mandate under the act. Instead, the planning commission should be considerate of all of the transportation needs of the community. HB 6151 amends the state transportation laws. HB 6151 will require the state to develop model ordinances for the state, county and local governments regarding the complete street policy. The legislation also establishes protocols for cooperation when multiple road agencies are working in areas where complete street ordinances are in place. The bills now move to the full Senate for consideration.

SPOTLIGHT ON AUG. 3 PRIMARY ELECTION

The August primary election has several current township officials, endorsed by the MTA-PAC, running for state legislative seats in competitive primary elections. In the 15th Senate district in Oakland County, White Lake Chtr. Township Supervisor Mike Kowall is in a six-way Republican primary. Mike is a former state representative and has been involved in government for numerous years. In the House, Richfield Township Trustee Gerald Masters is in a five-way Democrat primary in the 50th House district (Genesee County). He has strong union support and stands opposed to a Michigan Constitutional Convention. In the 73rd House district (Kent County), Cannon Township Supervisor Peter MacGregor is running in a nine-person Republican primary. Pete is a strong defender of keeping government closest to the people. Over in the 89th House district (Ottawa County), Park Township Supervisor Amanda Price is in an eight-way Republican primary. Amanda served in township government for 19 years before being elected supervisor in 2008 and until recently was a staffer for Sen. Patty Birkholz (R-Saugatuck Twp.). Finally, Greg Dietrich, a trustee in Buena Vista Charter Township, is running in the 95th House district (Saginaw County). Greg is in a five-way Democrat primary and vows to fight to restore revenue sharing. MTA urges your support for these and all other MTA-PAC endorsed candidates in the Aug. 3 primary election.

LEGISLATION WOULD GIVE MORE FLEXIBILITY TO FUNDING ROAD PROJECTS

The Michigan Legislature appears poised to give final approval to legislation that would allow more flexibility to county road commissions on spending funds on local road projects. House Bill 4848, sponsored by Rep. Joel Sheltroun (D-Ogemaw Twp.), would allow county road commissions to spend up to 50 percent of the funding they receive from the Michigan Transportation Fund for county primary roads on the county local road system. Current law limits road commissions to transferring no more than 30 percent of primary road funding for local roads.

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