



MICHIGAN TOWNSHIPS ASSOCIATION

## WEEKLY LEGISLATIVE REPORT

December 1, 2006

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Please route to all interested parties in your township.

### **SENATE COMMITTEE DISCUSSING CABLE FRANCHISE LEGISLATION**

The Michigan Senate Technology & Energy Committee began hearings this week on HB 6456, the cable franchise legislation that benefits AT&T and existing cable providers. The committee heard testimony on Wednesday and Thursday (Nov. 29 & 30) and is scheduled to meet again on Monday, December 4 at 2:00 p.m. MTA testified against the bill on Wednesday, outlining the serious problems in the bill related to the abrogation (allowing current cable companies to eliminate local franchises), the lack of a functional build-out provision, and the serious financial reductions and future burdens for local governments and the operations of public access channels. MTA stated that the abrogation section of the bill is not only bad public policy but is also unconstitutional. Committee Chairman Sen. Bruce Patterson (R-Canton Township) said that the bill will come out of committee on Tuesday, December 5, but has left the door open for possible amendments being advocated by MTA, MML and possibly other interests. Township officials are asked to maintain communications with state senators about adopting amendments being advocated by MTA and MML.

### **JUDGE RULES IN TOWNSHIPS FAVOR IN STORM WATER PHASE II CASE**

On Wednesday, Chief Judge J. Richardson Johnson of the 9<sup>th</sup> Circuit Court for the County of Kalamazoo ruled in favor of the Charter Township of Kalamazoo and Comstock Charter Township in a case brought against the DEQ. The case contested whether certain townships are obligated to comply with Storm Water Phase II requirements. The judge's decision cited that the DEQ overstepped its authority when applying the Storm Water Phase II requirements to all townships. The judge agreed with the plaintiffs that since the townships do not "own or operate a municipal separate storm sewer system (MS4)" that the regulations were unfairly applied by DEQ. With the judge's decision on this main question, he declined to rule on whether or not the resulting financial obligations of implementing and enforcing Storm Water Phase II requirements are unfunded mandated costs under the "Headlee" amendment. It is anticipated that the ruling will likely be appealed. The full decision can be viewed at [www.comstockmi.com](http://www.comstockmi.com).

### **HOUSE AGRICULTURE COMMITTEE TO CONSIDER FERTILIZER LEGISLATION**

On Tuesday, the House Agriculture Committee will take up SB 840, often referred to as the fertilizer bill. As the bill came over from the Senate, all references to pre-empting local ordinances on fertilizer applications were removed. However, efforts are underway by the turf grass industry and others to reinstitute the pre-emption. Discussions have also centered on charging commercial applicators a state license fee, which would go towards educating citizens on the need to reduce or eliminate phosphorus when applying lawn fertilizer. However, this stipulation may kill any changes to the legislation. MTA is working to get the best deal possible, but ultimately feels that locals should have the ability to enact and enforce local ordinances and that SB 840 should move as is.

### **SENATE COMMITTEE PASSES BILL CHANGING ELECTION BALLOT LANGUAGE DEADLINE**

On Tuesday, the Senate Government Operations Committee reported out HB 5704, introduced by Rep. Ed Gaffney (R-Grosse Pointe Farms). The bill would require that all county, township, city and school district ballot proposals be filed and certified 70 days before an upcoming election to be placed on the ballot. Currently, depending on the election, that deadline could be either 70 days or 60 days. The legislation would make the deadline uniform for all elections. The bill, as amended on the Senate floor, would first apply to the May 2007 election instead of the February election as it passed the House and Senate Government Operations Committee.

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