

# Michigan Township **INSIGHTS**

June 9, 2023

## **URGENT! Act TODAY to oppose bills preempting local control over sand and gravel mining operations**



The bills to eliminate **ALL** local authority over sand and gravel mines are **expected to be voted on Tuesday** by the House Regulatory Reform Committee—**followed by a vote of the full House of Representatives next week**. House Bills [4526](#), [4527](#) and [4528](#), sponsored by Reps. Pat Outman (R-Belvidere Twp.), Tyrone Carter (D-Detroit) and Angela Witwer (D-Delta Chtr. Twp.), would usurp all local authority and allow a sand and gravel mine, crushing facility or storage facility to **operate anywhere in any community**—regardless of zoning—undermining the ability of local officials to balance the needs of all property owners in the borders of their jurisdiction. Under the three-bill package, **no local regulations could apply** to operation issues that are inherently local in nature, including hours of operation, truck routes, noise, dust control and fencing. Rather, permitting and all authority would move to the state. While amendments are expected to HB 4528, they are from negotiations between the state Department of Environment, Great Lakes and Energy and the industry—not local government organizations—and completely lack local authority. MTA thanks all members who have reached out to their legislators in the past month **BUT we need you to contact your legislators again** to secure their opposition to this harmful legislation. These bills will completely preempt all local authority over sand and gravel mining operations in all Michigan communities and usurp communities' and residents' say over issues that have a direct impact on their quality of life, environment, safety and more. Your action is needed to protect your community and your residents and to retain local authority (truck route, hours of operation, blasting hours, noise levels, dust, etc.) and a local voice in the permitting process.

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## **Upcoming MTA Training**

### **Now You Know**

\*\*June 14: [Who Can Talk to the Township Attorney ... When](#)

### **Cemetery Management and Administration**

\*\*June 20: [Gaylord](#)  
\*\*June 21: [Mt. Pleasant](#)  
\*\*July 18: [Harris](#)

### **U.P. Education**

**Extravaganza** - Island Resort in Harris

\*\*July 18: [Insights into Planning & Zoning](#)  
\*\*July 19: [Financial Fundamentals](#)  
\*\*July 19: [Hot Topics for Township Fire Departments](#)

## **MTA QUICK LINKS**

[MTA COVID Relief Webpage](#)  
[Answer Center](#)  
[Training](#)  
[Advocacy](#)

## Reminder: July 10 MI Fire Equipment Grant Program deadline

The deadline for your township to apply for up to a \$10,000 grant to purchase fire equipment for part-time, on-call or volunteer firefighters through the [MI Fire Equipment Grant Program](#) is **July 10**. The grant is available to qualified local units of governments for new fire gear for firefighters and can be used as reimbursement for fire equipment purchases made on or after Aug. 1, 2022.

[Applications](#) must be submitted by the township—or an authority or commission established by a city, village, township, county or tribal government—and must be signed by the chief administrative officer for the township (and not the fire chief). See the [program documents](#), including Frequently Asked Questions, application forms and instructions, eligible equipment, checklists and other supporting documents for further detail. You can also watch an [informational webinar](#) to learn more about the application process and grant. Grant awards are anticipated to be announced in early August 2023, with final invoices to be submitted by Sept. 30, 2023. Email [Treas-MIFireGrant@michigan.gov](mailto:Treas-MIFireGrant@michigan.gov) with questions.

## Proposal 2 implementations to move next week

Both the House and Senate introduced identical bill packages and took committee testimony on the legislation this week to implement statutory changes required under Proposal 2 from last November's election that enshrined several elections-related provisions into the Michigan Constitution. The following provides an overview of the legislation that is expected to be reported by the Senate Elections and Ethics and House Elections Committees next week with legislative passage anticipated before the end of June:

**Early voting.** [Senate Bills 367](#) and [368](#), sponsored by Sens. Jeremy Moss (D-Southfield) and Ed McBroom (R-Waucedah Twp.), and [House Bills 4695](#) and [4696](#), sponsored by Rep. Penelope Tsernoglou (D-East Lansing) set up the processes and procedures for nine days of early voting. There will be three options of early voting to choose from: those run by a municipality for that municipality only, those under a municipal agreement (two or more municipalities in the same county working jointly to conduct early voting), and those under a county agreement (agreements between one or more municipalities and the county to conduct early voting). Among the provisions in the bills are changes to polling place requirements that make it more flexible for clerks to secure polling locations for both early voting and Election Day. The bills also require notices to be sent to voters indicating the early

[Classifieds](#)  
[Community Connection](#)  
[Webcasts](#)  
[Store](#)  
[Township Governance](#)  
[Academy](#)  
[Allied Service Providers](#)  
[NATaT](#)

### ALLIED SERVICE PROVIDERS



\* [Asphalt Materials, Inc.](#)

\* [Bauckham, Sparks, Thall, Seeber & Kaufman, PC](#)

\* [Consumers Energy](#)

\* [Fahey Schultz Burzych Rhodes PLC](#)

\* [Foster, Swift, Collins & Smith, P.C.](#)

\* [Hartleb Agency](#)

\* [ITC Holdings Corp.](#)

\* [Rosati, Schultz, Joppich & Amtsbuechler, P.C.](#)

\* [Mika Meyers, PLC](#)

voting sites, as well as deadlines for the notices. Additionally, the bills set up timelines for when county clerks must decide if they will allow county agreements, for municipalities to decide which early voting method they will utilize, when agreements must be signed, and when early voting plans must be complete. There are also deadlines and limitations on when a municipality can withdraw from an agreement. The county and municipal agreements and voting plans will determine what role each participating municipality will have as far as preparing for and conducting the early voting in their jurisdictions. Much of the logistical issues will be determined by the secretary of state (SOS) to decide (software changes, agreement templates, voting plan templates, preventing double votes, and securing voting equipment and ballots at the end of each night). The companion bills are sentencing guideline measures for reporting early voting results prior to the close of polls on Election Day, which is a five-year felony.

**Permanent mail voter list.** [SB 369](#), sponsored by Sen. Sam Singh (D-East Lansing), and [HB 4699](#), sponsored by Rep. Erin Byrnes (D-Dearborn), set up the process for the permanent absent voter ballot mailing list. These voters will be referred to as “permanent mail ballot voters.” The bills also create a presidential primary ballot selection form for voters to select their party preference for voting in presidential primary elections and how to change this preference. Additionally, the bills list the conditions under which an individual can be removed from the list and the notices that must be sent to the voter when this happens. Finally, the bills change some retention periods for election materials to conform with the federal 22-month requirement.

**Pre-paid postage and signature matching/curing.** [SBs 370](#) and [371](#), sponsored by Sen. Sylvia Santana (D-Detroit), and [HBs 4700](#) and [4701](#), sponsored by Reps. Carrie Rheingans (D-Ann Arbor) and Jason Morgan (D-Ann Arbor), require pre-paid postage for absent voter (AV) ballot applications returns and AV ballot return envelopes. The bills also proscribe the signature matching and curing process that voters are to use for mismatched or missing signatures on AV applications and ballot return envelopes. Among the provisions in the bills are the steps a clerk must take if an AV application is received after a ballot can no longer be mailed or if they receive an application from a voter outside their jurisdiction. The bills also set statutory guidance for comparing signatures and create a “cure form” to be used to allow voters to cure the signature on election materials that are determined to be deficient. The bills also allow AV ballot return envelopes to be cured up to three days after the election. Additionally, the bills set timelines on when clerks must act after they receive AV applications and AV ballots, including the notification and curing process for deficient election materials. The bills would also codify



the use of a driver's license or state ID signature on file with the secretary of state for applying for an AV ballot online and strike the identification requirement for applying for an AV ballot in the clerk's office except for the day before Election Day. The companion bills amend the sentencing guidelines for forging a signature on an AV ballot because the section number was altered in the main bills.

**Drop boxes.** [SB 372](#), sponsored by Sen. Darrin Camilleri (D-Brownstown Chtr. Twp.), and [HB 4697](#), sponsored by Rep. Matt Koleszar (D-Plymouth Chtr. Twp.), put in place the state-paid AV drop box provisions, including that each jurisdiction must have at least one drop box and additional drop boxes for every 15,000 registered voters. The bills clearly state that the SOS is to pay for the drop boxes, their installation and any required video monitoring. It also removes the current statutory requirement for video monitoring on new drop boxes. It should be noted that in committee, it was indicated that the video monitoring requirement is still up for discussion. The bills also provide guidelines for clerks to use in determining "equitable distribution" of the drop boxes.

**Voter identification for election purposes.** [SB 373](#), sponsored by Sen. Stephanie Chang (D-Detroit), and [HB 4698](#), sponsored by Rep. Kara Hope (D-Delhi Chtr. Twp.), modify the types of photo identification that can be used for election purposes to conform with Proposal 2. The bills provide a definition for "educational institution," that is now in the Constitution and replaces the previous language that referenced universities and colleges. The bills also add photo identification issued by a local government to the types of ID that can be used for election purposes.

**Increased precinct size.** [SB 374](#), sponsored by Sen. Jeremy Moss (D-Southfield), and [HB 4702](#), sponsored by Rep. Penelope Tsernoglou (D-East Lansing), allow municipalities to increase their precincts to up to 5,000 active registered voters from the current 2,999. The bills also remove the provision in law that proscribes how many voting machines a precinct should have. While these bills are not directly related to Proposal 2, allowing for larger precincts can free up voting equipment to be used for early voting.

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## **Bill to eliminate governmental immunity for local governments and employees for criminal sexual conduct**

Local governments—or its employees or agents—would no longer have governmental immunity regarding conduct involving criminal sexual conduct (CSC) if they knew or "should have known" that an individual committed a prior act of CSC, and they did not act or intervene to prevent a subsequent act of CSC by the individual.

[House Bill 4486](#), sponsored by Rep. Karen Whitsett (D-Detroit), would add a new section to the law that pertains to governmental liability for negligence, to provide that the act does not grant immunity to a governmental agency or an employee or agent of a governmental agency with respect to conduct involving CSC if the above apply. MTA opposes the bill due to the retroactive application of the statute of limitations and the vague governmental immunity language that holds governmental agencies to a higher standard than the private sector. The bill also states it would not be necessary for a criminal prosecution or other proceeding to have been brought because of the CSC or for a prosecution or proceeding that was brought to have resulted in a conviction or juvenile adjudication. The bill is part of a legislative package to address issues pertaining to sexual conduct and is expected to be acted on next week.

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## **New AV ballot tracking system bill passes Senate**

One of the provisions of Proposal 2 is the right to a state-funded absentee voter (AV) ballot tracking system that would allow voters to receive electronic notifications regarding the status of their submitted ballot applications and AV ballots. The system must also inform the voter of any deficiencies with either the application or ballot and provide instructions for addressing any such deficiencies. [Senate Bill 339](#), sponsored by Sen. Mallory McMorrow (D-Royal Oak), would require the secretary of state to create this new tracking system. The legislation would exempt voter's phone numbers and email addresses from the Freedom of Information Act. The bill now moves to the House for further consideration.

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## **Additional election bills approved by committee**

The House Elections Committee reported the following six bills this week, which will be considered by the full House next week.



**National Popular Vote:** [Houses Bill 4156](#)

and [4440](#), sponsored by Rep. Carrie Rheingans (D-Ann Arbor), would enter Michigan into the National Popular Vote compact. The compact requires member states to cast their electoral votes for the presidential candidate that receives the greatest number of the nationwide popular vote. The compact becomes active when the number of electoral votes of the participating states exceeds the threshold to be elected president (270 votes).

Currently 15 states and Washington, D.C. have signed on to the compact.

**Challenged ballot requirements:** [HB 4567](#), sponsored by Rep. Penelope Tsernoglou (D-East Lansing), would change the requirement that voters registering in person at the clerk's office in the last 14 days before the election automatically have their ballots challenged.

**Allowing paid transportation to polling places:** [HB 4568](#), sponsored by Rep. Karen Whitsett (D-Detroit), would remove the prohibition on hiring a motor vehicle to transport voters to a polling place.

**Pre-registration of 16-year olds:** [HB 4569](#), sponsored by Rep. Betsy Coffia (D-Traverse City), allows individuals who meet citizenship and residency requirements to pre-register to vote if they are between 16 and 17 ½ years old. (Current law allows 17 ½ year olds to register). The pre-registered individuals would become registered when they turn 17 ½ but would not be permitted to vote until they turn 18.

**Online absent voter application:** [HB 4570](#), sponsored by Rep. Julie Rogers (D-Kalamazoo), codifies the online absent voter (AV) ballot application that Secretary of State Benson established administratively in 2020 during the height of the pandemic. The bill would place the online AV application in statute.

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## Bills allowing recoupment of costs for law enforcement training academies sent to governor

Local law enforcement agencies would be permitted to recoup the training costs for recruits when they later leave that agency's department. [House Bill 4176](#), sponsored by Rep. Tyrone Carter (D-Detroit), and [Senate Bill 32](#), sponsored by Sen. Sylvia Santana (D-Detroit), would allow police departments to recover the costs of sending recruits to training academies if they leave after a certain period of time. Both bills are now on their way to the governor.

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## House passes bill to allow police to share info with domestic/sexual violence service providers

Police officers or prosecuting attorneys could provide the name, demographics and other pertinent information of victims of domestic or sexual violence to domestic or sexual violence provider agencies to facilitate contact for victim supportive services under [House Bill 4420](#). The legislation, sponsored by Rep. Julie Rogers (D-Kalamazoo), passed the House this week and would require the police officer or prosecuting attorney to notify the victim that such information was shared. The bill now moves to the Senate for further consideration.

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## Bill to increase insurance escrow cap now before the House

The amount of insurance withholding for fire-damaged homes would increase and abandoned funds could be used for repairs, under a bill reported this week by the House Insurance and Financial Services Committee. [House Bill 4331](#), sponsored by Rep. Karen Whitsett (D-Detroit), would increase the maximum amount that can be escrowed by certain municipalities from fire insurance claims and certain other property insurance claims involving residential real property. The bill would increase the maximum amount to \$20,000 beginning Jan. 1, 2024, and the amount would then be annually adjusted every January 1 based on the Detroit Consumer Price Index. The current cap of \$12,000, adjusted for inflation, took effect Jan. 1, 2015. The actual cap after adjustments is now \$15,009. In addition, the bill would allow certain abandoned funds to be used for repairs, in addition to their currently allowed use for demolition. The bill now moves to the full House for consideration.

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## Required notification to tenants of housing law violation

A municipal enforcement agency would be required to notify the occupants of a multiple dwelling (e.g., an apartment building) of a violation involving the property under legislation approved by the House this week. [House Bill 4273](#), sponsored by Rep. Amos O'Neal (D-Saginaw), would also update the information required to be included in the notice provided to the owner and occupants, as well as changing the kinds of violations about which the Michigan Department of Health and Human Services (MDHHS) must be notified. In general, if any part of the premises of a multiple dwelling is found to be in violation of a provision of the Housing

Law, the enforcing agency of the municipality in which the premises are located is required to notify the owner (and may notify the tenants) in writing of the violation.

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## **Public employee data information to unions**

Public employers may soon be required to provide public employee personal contact information to the labor organizations that represent them. [Senate Bill 169](#), sponsored by Sen. John Cherry (D-Flint), was approved by the Senate this week and would require a public employer to provide specified employment and contact information of public employees to the labor organization responsible for representing the public employees in collective bargaining agreements. The bill contains an exception for cases where a public employee's address is a confidential address. The legislation would require a public employer to inform an affected public employee before entering into a collective bargaining agreement. If the employer had already entered into an agreement, the employer would have to inform a prospective employee that would be affected by the agreement of such. The bill now moves to the House.

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## **STC updates: 2023 NEZ tax rate; tax exemption application, report deadlines**

**NEZ rate**—The Neighborhood Enterprise Zone (NEZ) Act authorizes a specific tax to be levied on real property (excluding land) with a valid NEZ certificate in lieu of the ad valorem tax. The NEZ tax rate for “New Facility” certificates, based on the issuance date of the certificate and the property owner’s principal residence exemption (PRE) status, is equal to one-half of the preceding year’s non-PRE state average tax rate or PRE state average tax rate. The updated [NEZ State Avg Tax Rates for 2023](#) for New Facility certificates are: Non-PRE = 26.895 mills, PRE = 17.495 mills.

**Exemption deadlines**—The deadline for submitting applications for Industrial Facilities Exemptions, Neighborhood Enterprise Zone Exemptions, Obsolete Property Rehabilitation Exemptions, Commercial Rehabilitation Exemptions, New Personal Property Exemptions, Charitable Nonprofit Housing Exemptions and Commercial Facilities Exemptions is Oct. 31 to [pte@michigan.gov](mailto:pte@michigan.gov) or PO Box 30760, Lansing, MI 48909. Applications received after the deadline will be processed as expeditiously as possible. The deadline for assessors to submit *2023 Annual Assessing Officers Reports* for local units with Industrial Facility Exemptions, Commercial Rehabilitation Exemptions, Commercial Facilities

Exemptions, and Obsolete Property Rehabilitation Exemptions is Oct. 16 (Oct. 15 is a Sunday). Applications and reports are requested by the State Tax Commission (STC) as soon as possible. Spreadsheets for industrial facilities exemptions assessor's reports should be emailed to [Treas-StateSharePropTaxes@michigan.gov](mailto:Treas-StateSharePropTaxes@michigan.gov), All other applications and reports should be emailed to [pte@michigan.gov](mailto:pte@michigan.gov).

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## Updates from the Bureau of Elections

**Drop boxes.** The state Bureau of Elections (BOE) expects it will complete contract with vendors for drop boxes within the next two weeks and then provide clerks with links to view the available boxes and order online. Priority will be given to those jurisdictions with August and November elections this year. Drop boxes will be delivered directly to the address provided by the clerk. Additionally, the State Administrative Board has approved \$15 million for the purchase of drop boxes. Jurisdictions that do not have the number of required boxes (one for each community and additional box for every 15,000 registered voters) must order drop boxes prior to their next election; those that have them already, can replace them if needed or desired.

**Pre-paid postage.** BOE is continuing to work with the U.S. Postal Service to finalize sub-permits for each of the jurisdictions in the state. Sub-permits for approximately two-thirds of townships and cities are completed and the information has been provided to the print vendors for the available permits. Clerks should contact their vendor to determine if their sub-permit has been established. If not, and you have an August election, BOE will reimburse for the postage applied to the return envelopes.

**Address Confidentiality Program.** In December 2020, the [Address Confidentiality](#) Program Act (ACP) was enacted to allow victims of domestic violence, sexual abuse, and other crimes who fear that the disclosure of their physical address will increase their risk of harm. To do this, a designated address is created, which then forwards their mail to the actual address. Approved participants are also provided an ID with the designated address. ACP is scheduled to launch later this summer. Because this also impacts how participants receive election mail and appear in the Qualified Voter File (QVF), the BOE will be providing guidance to clerks specific to the QVF and elections soon.

**May audits.** The list of precincts selected for May post-election audits is available in the BOE's [eLearning Center](#). All audits should be completed by June 23. If your jurisdiction was selected for an audit, you should be contacted by BOE or county staff to arrange for the audit. You will be asked to provide several items from the

May election including the ballot container for the precinct. Audits should be completed within three hours.

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## New Administrative Records Retention Schedule available



A new [General Schedule #35—Local Government Administrative Records](#) has been adopted by the

State of Michigan, and is now

available. “General retention schedules” cover records that are common to a particular local government function. The state previously did not have an approved general schedule for administrative records created by local government agencies, even though just about every local government office creates and maintains these types of records. The new schedule covers these types of records. Townships do not need to take any action to adopt adopted state record retention schedules. Learn more about records management, and find links to retention schedules, on MTA’s “Records Management” webpage at [www.michigantownships.org](http://www.michigantownships.org). Access via the “Answer Center” under the “Member” drop-down menu; member login is required.

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## Be an Asset Champion

[Applications](#) are being accepted until July 26 for a new cohort of the [Asset Management Champions Program](#). The free program, through the [Michigan Infrastructure Council](#), helps “champion” asset management best practices, and equip participants with the tools necessary to help educate their organization on practical asset management awareness. The program runs from August through November 2023 and will require approximately 25 hours to complete. Space is limited.

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## MTA brings experts and resources to the U.P. next month

This July, MTA is coming to the Island Resort in Harris (west of Escanaba) on July 18 & 19 for our [Education Extravaganza](#), offering FOUR classes on topics relevant to all townships. Topics are listed below; [download the brochure](#) for detailed descriptions or [register online now](#).

- **Cemetery Management & Administration** offers a thorough overview of the rules and regulations for

managing your township cemetery, from roles and duties to fees and budgeting.

- Review the legalities and controversies that come with township regulation of land use at ***Insights into Planning & Zoning***, from developing ordinances to public hearings and hot topics like solar site placement.
- ***Financial Fundamentals*** will cover effective solutions for outlining (and communicating!) your township's approach to financial matters, including policies, procedures and best practices for any size township.
- Get a handle on the financial emergencies facing your township emergency services team. ***Hot Topics for Township Fire Departments*** reviews funding and cost recovery, joint authorities, ordinances, and more.

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## Federal update for week of June 5

Check out the National Association of Towns and Townships' *Weekly Legislative Update* [newsletter](#) for an update of federal actions impacting townships.

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## Updated list of available grants

Looking for funding for a township project or service? MTA compiles a listing of grants available to townships. You'll find it posted [here](#); the listing is updated monthly.

