

Michigan Township **INSIGHTS**

Nov. 9, 2023

Renewable energy siting legislation passes; thank you to all who contacted lawmakers on behalf of local voices



Legislation strongly opposed by MTA and a coalition of organizations representing local government, land use planning and the agriculture community that preempts existing local siting authority, sets statewide siting standards and grants siting authority for renewable energy facilities to the Michigan Public Service Commission (MPSC) received final approval this week. House Bills [5120](#) and [5121](#) were approved by the Senate on Wednesday, and by the House last week, on party line votes. The legislation applies to all solar projects with a nameplate capacity of 50 megawatts or greater, wind projects with a nameplate capacity of 100 megawatts and energy storage facilities with a nameplate capacity of 50 megawatts or more. This fast-tracked legislation, which was introduced and passed in less than a month, was a priority of the governor's administration. The measures are effective one year after the governor's signature.

While the bills were amended to require a developer to go through a local unit of government, the local unit **must have a "compatible renewable energy ordinance"** that complies with statewide standards such as setbacks, decibel levels and height. A renewable energy ordinance is not considered compatible if it is more restrictive than the statewide standards. The local unit would then be limited to a period of 120 days to approve or deny the project, with a possible extension of up to 120 days **ONLY** if mutually agreed upon by the local unit and the developer. If the local unit denies or fails to act on the proposal, the MPSC would then receive the application. If a local unit does not have a "compatible renewable energy ordinance," the developer would apply directly to the MPSC, which would have 60 days to review the application to determine if it is complete and one year to approve or deny the application. Additionally, while the MPSC



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Dec. 6, Mt. Pleasant

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(Dec. 5, Gaylord; Dec. 7, Lansing)

shall consider the impact on the local land use, including the percentage of land within the local unit of government dedicated to energy generation, the legislation does not limit the overall land that can be utilized in a local unit for said purposes. A one-time, \$2,000 per megawatt payment is provided from the energy facility owner to the local unit for public safety and infrastructure purposes; however, both parties (the local unit and the energy facility owner) must agree on how the funds can be spent.

We thank our member officials who reached out their state representatives and senators, helping us fight on behalf of local control for Michigan's communities. While the outcome is not what we fought for, changes were made that were reflective of opposition and concerns raised. Your voices truly did make a difference.

Voters approve majority of township millage proposals

On Tuesday, 86% of townships with millages on the Nov. 7 ballot received voter approval for new proposals or renewal proposals. Of the 44 millage proposals before township voters across the state—including public safety, road and library millages—all but six were approved. Two townships had solar zoning ordinances on the ballot—with one approved and one failing.



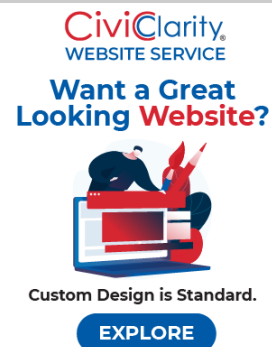
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MICHIGAN'S EXPERTS IN WEB DEVELOPMENT

Early adjournment by the Legislature for 2023

The Legislature is scheduled to officially adjourn for the 2023 session year on Nov. 14. Typically, the adjournment date is in mid-to late December, with the official last day of session (called "sine die") between Christmas and New Year's Eve. This date is the day that starts the clock for bills without immediate effect—meaning any legislation that passed and was signed into law that was not



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given immediate effect by both chambers must wait 90 days after sine die to become effective. The Legislature is adjourning early so several bills, including the Feb. 27 presidential primary and several Proposal 2/election reform bills will go into effect before Feb. 27, 2024.

Legislature sends additional elections bills to the governor

The House and Senate approved several elections bills this week that will now go to the governor so that they can be in place for the 2024 election year:



- [House Bill 4129](#), sponsored by Rep. Kara Hope (D-Delhi Charter Twp.), and [Senate Bill 505](#), sponsored by Sen. Dayna Polehanki (D-Livonia), make it a crime to intimidate an election official or prevent an election official from performing their duties.
- [HB 4569](#), sponsored by Rep. Betsy Coffia (D-Traverse City), allows those over 16 years old to pre-register to vote. Currently, you must be at least 17½ to register. It is expected that younger voters will be more likely to be registered since they are not required to go to the Secretary of State's (SOS) office at age 18.
- [HB 4983](#), sponsored by Rep. Penelope Tsernoglou (D-East Lansing), is part of a four-bill package that changes the procedure for how an individual can opt out of being registered to vote when they conduct a transaction with the SOS. Three bills were presented to the governor last week.
- [SB 594](#), sponsored by Sen. Jeremy Moss (D-Southfield), will allow potential voters who do not have a Michigan driver's license or state-issued identification card to utilize the Secretary of State's online voter registration interface to register to vote. Instead, they may use the last four digits of their Social Security number and other security features.
- [HB 4695](#), sponsored by Rep. Penelope Tsernoglou (D-East Lansing), was amended this week to clarify certain early voting provisions. Included is

* [Bauckham, Thall, Seeber Kaufman & Koches 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](#)



clarification that at least three election inspectors are required for each early voting site—not each precinct that an early voting site would include. It also clarifies that the room in which the early voting site is located be locked—and not the entire building—at the end of each day of early voting.

PA 116 policy for solar use soon to be law

Legislation to codify current Michigan Department of Agriculture and Rural Development policy allowing a solar facility to be a permitted use for the purpose of a farmland development rights agreement under the PA 116 farmland preservation program passed this week. [Senate Bill 277](#), sponsored by Sen. Kristen McDonald Rivet (D-Bay City), also specifies that the solar facility would have to meet certain conditions and that a landowner could not claim the tax credit allowed under Part 361 while a solar facility was active.



Hotel-motel county tax increased and expanded for local units in Kent County

Townships and cities in Kent County can choose to implement a hotel-motel tax under [House Bill 5048](#), sponsored by Rep. John Fitzgerald (D-Wyoming), similar to counties under the act. The tax would have to be approved by a majority of the local units' voters. The bill, amended from its original introduction, would also allow an increase from 5% to 8% in the maximum excise tax that an eligible county can impose, if approved by the voters in the county. The current act allows counties to enact a hotel-motel tax ordinance to levy an accommodations tax of up to 5% of the total charges for accommodations based on population with revenue to be used to support construction and maintenance costs of convention and entertainment facilities and activities promoting tourism and convention business within the county.

Opioid settlement legislation passed

Given the class-action opioid settlements with Allergan, CVS, Teva, Walgreens and Walmart, legislation is now headed to the governor that prohibits local units from commencing or maintaining legal action related to the released claims. Currently, statute prohibits a local unit of government from commencing or maintaining specified legal actions related to opioid settlements. [Senate Bill 592](#), sponsored by Sen. Rosemary Bayer (D-Keego Harbor), amends the law to codify the above five existing settlements.

Bills creating 'Make it in Michigan Fund' reported from respective committees

Local governments would be eligible to receive a portion of funding when the state offers money to lure large economic development investments under pending legislation. Both the House and Senate have identical five-bill packages that would revamp the Strategic Outreach and Attraction Reserve (SOAR) Fund, which was created in 2021 to make Michigan more attractive for large-scale economic development projects. Sen. Mallory McMorrow (D-Royal Oak) and Rep. Jason Hoskins (D-Southfield) are the lead sponsors of the bills, [Senate Bills 559-562 and 569](#) and [House Bills 5104-5107 and 5095](#). The lead bill in each package creates the Michigan 360 program, which would ensure that 20% of the total amount of the award would go toward targeted investments (housing, workforce development, education and wraparound services) in the communities where the projects are located. In addition to local governments, colleges, universities, community colleges, community advocacy groups, community development financial institutions, economic development corporations, local professional or technical service providers, and local land banks would also be eligible for the Michigan 360 funds. The bills also would create more transparency in the process and make the communities in which these projects would be located beneficiaries of the economic development funding. Both packages moved out of their respective committees and are now on the House and Senate floors.

Clerk updates from BOE

- **Early voting grants.** The state Bureau of Elections (BOE) is reviewing and prepping to issue grants based on Early Voting Grant Application submissions. Counties received or will be receiving

emails if additional application information is needed or to confirm the quantity of equipment requested. Information on reimbursement for additional supplies such as ballot containers, secrecy sleeves, etc. will come later after funding has been finalized for tabulators, voter assist terminals, Ballot on Demand systems, laptops and staffing. Email BOEReimbursement@michigan.gov with questions.

- **2024 election calendar.** The [August and November 2024 election calendar](#), which includes all dates associated with Proposal 2022-2 legislation, is now available. A [2024 presidential primary calendar](#) is also available; those dates will be updated, if necessary, when all Proposal 2022-2 legislation is effective.
- **Access to eLearning.** BOE eLearning users must log in at least once every six months for their account to remain active. Beginning in two weeks, accounts will be deactivated for those who have not logged in within the past six months. Log in to ensure accounts remain active.
- **Drop box and postage reimbursement.** Drop box and postage reimbursement requests are now being processed by the bureau. Look for emails from BOEReimbursement@michigan.gov for additional information needed to process requests. Review the reimbursement forms before submitting new requests to ensure all necessary information is included.

MT. PLEASANT | DECEMBER 6

**TOWNSHIP BOARD
ROLES & RELATIONS**
&
**HOW BOARDS MAKE
DECISIONS**

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The image is a promotional banner for a township board meeting. On the left, there is a teal and white text box containing the event details: 'MT. PLEASANT | DECEMBER 6', 'TOWNSHIP BOARD ROLES & RELATIONS & HOW BOARDS MAKE DECISIONS', and 'CLICK HERE TO LEARN MORE!'. On the right, there is a photograph of a township board meeting room. The room features a long, dark conference table with several chairs around it. In the background, there is a screen displaying the Michigan Townships Association logo, which consists of a stylized 'M' and 'A' inside a square frame.

Township grants update

- [Community Technical, Managerial, and Financial Support for Lead Line Replacement](#)—Publicly owned community drinking water systems with lead service lines are eligible for grant funding for community, technical, managerial and financial support for lead line replacement. The \$48 million grant program is for financial assistance in planning for lead service line replacement programs, including service line material investigation and public outreach and education related to the Lead and Copper Rule. Grants will be used to fund physical verification of lead service lines and assist communities in utilizing the Bipartisan Infrastructure Law (BIL) DWSRF dollars for lead line replacement. Register to attend an [informational webinar](#) to learn more on **Nov. 29, at 2 p.m.** Applications will be available online beginning **Dec. 15**, with applications accepted Jan. 1-31, 2024.
- [Michigan Clean Boats, Clean Waters](#)—Townships can apply for grant funding available to support aquatic invasive species outreach efforts, including signage, invasive species supplies, and staff time to perform watercraft inspections and demonstrations of boat cleaning techniques. Funding requests can be up to \$3,000 each and do not require local match or cost sharing. Grants can be used for a variety of activities. Applications are due **Jan. 19, 2024**; accepted grantees will be notified in March of their award.



Two weeks remaining for member input on 2024 MTA legislative policy platform

With only two weeks remaining, members can still provide input on MTA's legislative policy platform. Reviewed and updated annually, the legislative policy objectives guide MTA's government relations efforts and reflect emerging issues and goals. MTA members are encouraged to review the current [MTA 2023-24 Policy Platform](#) and share any proposed revisions and suggested

additions by **Monday, Nov. 27**. Member-proposed policy changes will be reviewed by MTA committees for word selection and legality, and to ensure they conform with the Association's overall goals and objectives. The proposed policies will be presented at the 2024 MTA Annual Meeting in conjunction with our Annual Educational Conference in April. Contact the MTA Government Relations Department at legislation@michigantownships.org with questions, comments or suggestions.

CRA Education Session: Explaining the CRA's Disciplinary Action Process

Join the Cannabis Regulatory Agency (CRA) on **Monday, Nov. 13, at 10 a.m.** as they break down CRA's disciplinary process. The [education session](#), held via Zoom, will include discussions on state statutes, CRA administrative rules, the compliance conference process, contested case hearing process and license suspension process. Don't miss out on this opportunity to gain valuable insights as to how the CRA approaches its disciplinary processes.

Seeking nominations for the new 'Spirit of MTA' award

Is there an official on your township board whom you would like to see honored for their dedication to their community? Nominate them for the new "Spirit of MTA" award, which was created to recognize township leaders who defend and advance the best interests of their township, just as the Association has for 70 years. Nominations are due by **Jan. 7**. The award will be presented at MTA's 2024 Annual Educational Conference. Find more information, including an online nomination form, on MTA's [website](#).



Take advantage of MTA's 'Give Thanks' 50% off webcast sale

Here at MTA, we're so thankful for your dedication to local government that we're offering half-off nearly every webcast in our library throughout November! With dozens of courses on township-specific topics, the [MTA Online Learning Center](#) brings you the training you need, whenever and wherever is convenient

for you, with up to a year to view your purchased webcasts. [Login here](#) to see what's available and be sure to apply the code "Thanks" during checkout to get the savings. This discount expires **Nov. 30**, so don't wait! *Want to make online learning available to your entire township team for one low annual rate?* [Click here to check out MTA Online subscription plans.](#)

Register by Nov. 15 and save on MTA's December classes

Don't delay, register today to take advantage of early-bird registration rates:

- **Financial Fundamentals:** MTA's own Cindy Dodge offers insights into internal controls at this half-day class coming to Gaylord on **Dec. 5** and Lansing on **Dec. 7**. Review policies that help prevent pitfalls and best practices for clerks and treasurers working together. [Download a registration form here](#) or [register online now](#).
 - **Board Roles & Relations:** This morning class, held in Mt. Pleasant on **Dec. 6**, examines the many "hats" board members wear, relationships between board members and with your community. [Download the registration form here](#) or [register online now](#).
 - **How Boards Make Decisions:** An afternoon class, coming to Mt. Pleasant on **Dec. 6**, bringing guidance on improving your board's decision-making process. Offers practical tips for melding viewpoints into a consensus decision that everyone is more likely to support. [Download the registration form here](#) or [register online now](#).
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Federal update for week of Nov. 6

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

MTA offices closed for Veterans Day

The MTA offices will be closed Friday, Nov. 10, in observance of Veterans Day. We will reopen on Monday, Nov. 13, at 8 a.m.

