

Michigan Township **INSIGHTS**

Nov. 3, 2023

House-passed renewable energy siting bills do not protect local control



Late Thursday evening the House approved—along party line votes—legislation giving the Michigan Public Service Commission siting authority over utility-scale renewable energy facilities. While amended, House Bills [5120](#) and [5121](#) nullify all current local renewable energy zoning ordinances and mandate that local governments follow state requirements to retain a local say for these facilities—with no ability to allow local variances to site plans. If a local unit of government adopts these requirements, renewable facilities would be required to apply with the local government—and local units would have a short, four-month timeline to act on the application, with an option for extension if mutually agreed upon. “Despite the amendments, this legislation continues to disregard the local efforts of townships and their residents who have already created ordinances allowing the placement of renewable energy facilities on tens of thousands of acres around the state,” said Neil Sheridan, MTA executive director in [an opposition coalition press release](#). “We thank those representatives who voted to oppose this inequitable legislative attack on local authority that unduly forces these facilities into Michigan’s rural communities, rather than seeking an equitable, balanced statewide approach to clean energy.”

MTA thanks our members for their calls, texts, emails and letters to state legislators in opposition to the legislation. **Without your engagement, the [House vote](#) would not have been so close**, and no changes likely would have occurred. Please thank those representatives who opposed this legislation and voted to support local authority.

The battle on behalf of local voices in the siting and permitting process shifts to the state Senate, where **a very close vote is**

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

expected next week, and one vote will make a difference. Please reach out to your [senator](#) and ask them to oppose this legislation.

Revenue Sharing Trust Fund bills approved by the House

All townships and villages currently not receiving City, Village and Township Revenue Sharing (CVTRS) payments would once again be eligible to receive statutory revenue sharing on a per-capita basis under legislation approved by a House vote of 106-4 this week. House Bills [4274](#) and [4275](#), supported by MTA and sponsored by Reps. Amos O'Neal (D-Saginaw) and Mark Tisdell (R-Rochester Hills), would also protect statutory revenue sharing and help preserve resources that fund it. Statutory revenue sharing payments have been below the revised statutory formula since 2002, with many townships zeroed out due to previous budget cuts. These cuts have had a devastating impact on local revenue and the services municipalities provide, as revenue sharing and property taxes are the two main revenue sources for local units. Under the bills, the revenue sharing trust fund would receive 8% of 4% of the state sales tax revenue to be deposited in the fund. Of that amount, 52.87% would be dedicated to townships, cities and villages and 46.13 percent would be dedicated to counties utilizing the current appropriation percentage applied. The bills now move to the Senate for consideration next year.



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MICHIGAN'S EXPERTS IN WEB DEVELOPMENT

Permanent change to allow assessment of property in an alternate location on tax day

Assessors will soon have a permanent fix on how business property should be assessed if employees are working at remote, secondary locations. [House Bill 4926](#), sponsored by Rep. Brenda Carter (D-Pontiac), requires personal property to be assessed in its original location or the location of the business, rather than an



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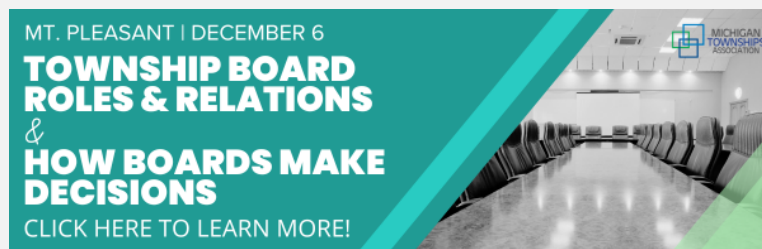


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alternative location that it was moved to for remote work. Beginning with the pandemic in 2020, and for each subsequent tax year, legislation was passed for each tax year to allow for the assessment of personal property at remote work locations. Given the amount of remote work that continues, a permanent change is being made. The bill has been referred to the governor for signature.



STC issues Solar Energy Facilities Taxation Act bulletin, form and FAQs

The State Tax Commission (STC) has released documents for implementation of the Solar Energy Facilities Taxation Act:

- [Bulletin 17 of 2023—Solar Energy Facilities](#)
- [Form 6052—Application for Solar Energy Facility Exemption Certificate](#)
- [Solar Energy Facilities Taxation Act—Frequently Asked Questions](#)

Public Acts 108 and 109 of 2023, enacted earlier this year, provide an exemption for “qualified solar energy facilities” from ad valorem property taxes and subject the exempt solar facilities to a specific tax called the solar energy facilities tax. Applications must be filed, reviewed and approved by the local governmental unit along with required approval by the STC and issuance of the exemption certificate by STC. A Solar Energy Facility Exemption Certificate entitles a qualified facility to an exemption from ad valorem real and personal property taxes for a term of 20 years.

Minimum staffing levels could be subject of collective bargaining

Townships and other government entities would be required to include minimum staffing levels as a negotiable condition of collective bargaining for employees subject to binding arbitration under [House Bill 4688](#), sponsored by Rep. Jim Haadsma (D-Battle

[* Consumers Energy](#)

[* Fahey Schultz Burzych Rhodes PLC](#)

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

[* Hartleb Agency](#)

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Creek). Currently, collective bargaining items include “pay, wages, hours of employment, or other conditions of employment ... ” The legislation, opposed by MTA, was approved by the House Labor Committee Thursday and now will be considered by the full House.



Several elections bills see movement in a busy week

The following election legislation was approved this week and now heads to the governor for signature:

- [Senate Bills 572](#) and [573](#), sponsored by Sen. Jeremy Moss (D-Southfield), will allow townships and other municipalities to expand precinct sizes to 4,999 active registered voters. The change will be effective once the bills are signed into law.
- [SB 385](#), sponsored by Sen. Erika Geiss (D-Taylor), allows clerks to accept applications for elections inspectors through an online portal or other electronic means.
- [HB 4570](#), sponsored by Rep. Julie Rogers (D-Kalamazoo), codifies the online application process for absent voter ballots put in place administratively by Secretary of State Benson during the COVID-19 pandemic.
- [HB 4983-4986](#), sponsored by Reps. Penelope Tsernoglou (D-East Lansing), Phil Skaggs (D-Grand Rapids), Emily Dievendorf (D-Lansing) and Jimmie Wilson (D-Ypsilanti Charter Twp.), changes the procedure for how an individual can opt out of being registered to vote when they conduct a transaction with the SOS. Instead of allowing a potential qualified voter to opt out at the time of the transaction, the individual would be automatically registered and then would receive information about voting and the ability to return a form if they do not wish to be registered.

Other legislative action on election issues this week include:

- [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. The bill is pending a concurrence vote in the House.
- [HBs 4129](#) and [4130](#), sponsored by Rep. Kara Hope (D-Delhi Charter Twp.), would make it a crime to intimidate an election official or prevent an election official from performing their duties. The bills passed the House and now move to the Senate for further consideration.
- [HBs 5141-5145](#), sponsored by Reps. Penelope Tsernoglou (D-East Lansing), Ranjeev Puri (D-Canton Charter Twp.), Matthew Bierlein (R-Vassar Twp.), and Noah Arbit (D-West Bloomfield), would require campaign finance advertisements to disclose the use of AI to viewers and listeners. The legislation was passed by the House and the House and now moves to the Senate.
- [SB 594](#), sponsored by Sen. Jeremy Moss (D-Southfield), would 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. Current law requires a potential registrant to enter their driver's license or state ID number to use the interface. This bill passed the Senate and now moves on to the House.

Bill expanding use of salvage vehicle inspection fees moves to Senate

Local police agencies may soon be able to utilize fees from salvage vehicle inspections for additional purposes under legislation passed by the House this week. [House Bill 4716](#), sponsored by Rep. Brian BeGole (R-Perry Twp.), would expand and allow fees to be used for any law enforcement equipment and training that are necessary to protect the public health or safety. Currently, the charge of up to \$100 for salvage vehicle inspections can be used only for law enforcement purposes related to stolen vehicles. The bill will next be considered by the Senate.

Exam options for EMS workers would expand



Individuals training to become paramedics or other emergency services specialists may soon have an additional examination option.

Currently, the exam is required to be from a nationally accredited entity such as the National Registry of Emergency Medical Technicians. [Senate Bill 249](#), sponsored by Sen. Kevin Hertel (D-St. Clair Shores) and passed by the Senate this week, would require the state to develop or prescribe an exam that would be accepted for licensure in addition to the national tests. Some argue the cost of the national exams is prohibitive, and that to help address the shortage of EMS personnel, the state should revert to offering its own exam. The bill now moves to the House for further consideration.

Changes to asbestos abatement requirements approved by House

Legislation supported by MTA to amend the handling of asbestos and removal activities and how public entities can enter contracts for those performing those activities was approved by the House this week. House Bills [4186](#), [4189](#) and [4190](#) would specifically regulate how public entities enter into contract agreements with construction or demolition firms regarding asbestos removal activities. The bills, a reintroduction from last session, now move to the Senate.

House approves prohibitions to HOAs

[House Bill 5028](#), sponsored by Rep. Ranjeev Puri (D-Canton Chtr. Twp.), would create a new act to declare certain provisions of a homeowners' association (HOA) agreement invalid and unenforceable if they violate bill provisions concerning the ability of an association member to install certain energy-saving improvements or modifications. HOAs would also be required to adopt a policy statement on solar energy that complies with requirements in the bill. The bill now moves to the Senate for action.

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



With just three 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.

Fiscally Ready Communities webinar rescheduled

The upcoming [Fiscally Ready Communities webinar](#), originally scheduled for Nov. 7, has been rescheduled to **Nov. 13**, from 1 to 2:30 p.m. The free event, from the Michigan Department of Treasury and Michigan State University Extension, will cover “Nuts and Bolts: Fees, Fines, Purchasing and Receipting”—what they are, why such policies are necessary, how they contribute to local fiscal health, and how to get started on implementation. Learn more and find more resources, including recordings of past webinars, on the [Fiscally Ready Communities Program webpage](#).

2024 MCAO program enrollment open

[Applications](#) for the State Tax Commission’s January [2024 Michigan Certified Assessing Officer \(MCAO\) Program](#) are due by **Dec. 14**. The new nine-month MCAO program covers 10 chapters with weekly virtual classroom sessions held on Monday or Tuesday evenings. Specific classroom dates will be given after acceptance to the program. Further details can be found on the program application.

Upcoming EGLE webinar to discuss materials management

With the recent changes to Part 115 of Michigan's Solid Waste Law, learn what tools and resources are available to assist communities with their materials management programs. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is hosting a [Tools and Resources to Help Communities Navigate Materials Management](#) webinar on **Nov. 14**. Recycling specialists from EGLE will explain the assistance available to Michigan communities in navigating the complexities of these program changes, share available technical assistance and educational services, and highlight grant opportunities for communities to help fund successful materials management programs.

Grants update for townships

- [Rural Development Fund Grants](#)—Townships can [apply](#) by **Jan. 9** for this Michigan Department of Agriculture and Rural Development program, for energy, transportation, housing, communications, broadband, water and wastewater infrastructure projects to benefit rural communities, among other priorities. [Join an informational webinar](#) (via Microsoft Teams) at 2 p.m. on **Nov. 14** to learn more. All applications must be submitted on [the new MiAgGrants site](#).
- **Federal Grants Library**—Through your MTA membership, you are also part of the National Association of Towns and Townships (NATaT), and can now [request access](#) to the new TFG Grants Library. From The Ferguson Group, which heads NATaT, the online resource shares grant funding guides, profiles and summaries, the Weekly Grants Update, latest federal news, and important dates. This page also provides key information to match a program with your township's needs and build a winning grant proposal.
- [Community Energy Management Program](#). This Michigan Department of Environment, Great Lakes, and Energy (EGLE) program offers financial assistance for communities to improve energy



management and accelerate the implementation of energy efficiency and renewable energy. The maximum grant award is \$25,000 per applicant. The application deadline is **March 30, 2024**, or until available funding is committed.

COA: BOE elections challenger manual must be revised

The Michigan Bureau of Elections must update its instructions for election challengers, following a Michigan Court of Appeals ruling in October that the guidance released by the Secretary of State (SOS) in May included improperly promulgated requirements. The court ruled in *O'Halloran v. Secretary of State, et al* that the bureau's May 2022 manual, "[The Appointment, Rights, and Duties of Election Challengers and Poll Watchers](#)" improperly includes "non-rule instructions" for these election observers. The SOS and BOE "may issue mere instructions that are binding on election workers who operate as defendants' employees and subordinates, but regulations targeting election challengers or poll watchers reach beyond defendants' general supervisory scope" and were not properly promulgated under the Administrative Procedures Act (MCL 24.201, *et. seq.*). Following the court ruling, the BOE has not yet released its updated election challenger manual.

Townships must now use the new Form I-9 for new employees

All employers, including townships, must use the [new Form I-9, Employment Eligibility Verification](#) for new employees only hired after Nov. 1. All U.S. employers must complete and retain a Form I-9 for each individual hired for employment, including elected officials. On the form, the employer must verify the employment eligibility and identity documents presented by the employee and record the document information.

Share comments on draft Uniform Reporting Format revisions

Officials can [provide feedback](#) until **Nov. 30** on October 2023 revisions to the Uniform Reporting Format, which was originally issued in July 2011. The [Exposure Draft for the revised Uniform Reporting Format](#) specifies additional financial reporting

requirements for Michigan local units of government, including budgetary comparison information reporting, combining financial statements reporting, note disclosures for deficits, and filing deficiencies report. Submit comments to the Michigan Department of Treasury's Local Audit and Finance Division by emailing LAFD_Audits@michigan.gov, with the subject line, "Exposure Draft – URF" or mail to: Local Audit and Finance Division Michigan Department of Treasury P.O. Box 30728 Lansing, Michigan 48909-8228. Call (517) 335-7469 with questions.

Read the November issue of *Township Focus*—in mailboxes and online now!

Check out your [November issue of *Township Focus*](#) now! In this month's cover story, "Is it time to hire a township manager?," learn why hiring a manager could be beneficial to your community, and hear from several townships on why this form of administration works for them. We also share additional insights on early voting, as well as how townships can use a new approach to setting aside funds for pension reserves and other post-employment benefits. In our Q&A columns, "Hello, MTA ... ?" discusses lawful expenditures for spending public funds while "Financial Forum" explores accounting methods used by townships.



Federal update for week of Oct. 30

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