

Michigan Township **INSIGHTS**

Oct. 20, 2023

We are resending this week's *Township Insights* with the corrected date, and apologize for any confusion the previous email may have caused.

Your engagement is needed! Action expected next week on renewable energy preemption bills

Your outreach to your state representative, your state senator and the governor is critical **as every vote matters** in the fight to retain local authority against House Bills [5120](#), [5121](#), [5122](#) and [5123](#), and Senate Bills [585](#), [586](#), [587](#) and [588](#). The legislation to preempt local authority on the location and permitting of utility-scale wind and solar facilities in communities, and shift authority to the Michigan Public Service Commission is expected to be voted on next week by the House—with Senate action the following week. Following testimony Wednesday from citizens, organizations and numerous local officials opposing this legislation, the House committee reported HBs 585-588 by a vote of 9 to 7.

MTA strongly opposes this legislation that completely negates all adopted local zoning ordinances and silences the voice of the residents through voter referendums on the issue. Decisions on the location of renewable facilities create a lasting change for local communities, their future development, their businesses and farmland—and should remain with the local community where that facility will be located for the next 20 to 50 years. This legislation, only recently introduced, is being pushed rapidly through the legislative process.

If you reached out to your legislators already, thank you—and please do so again as lawmakers are receiving a lot of pressure and some may change their vote. **Your (and your residents') outreach to your [state representative](#), [senator](#)**, and the



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Dec. 6, Mt. Pleasant

* [Board Roles & Relations](#)

* [How Boards Make Decisions](#)

[Financial Fundamentals](#)

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

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[governor's office](#) remains critical given the aggressive timeframe on this legislation. Additional information and talking points can be found on [MTA's "Renewable Energy Siting and Permitting" webpage](#). Remember—every call and contact matters.

Legislation to exempt video streaming services from local franchise fees passes House

A measure that will exempt certain companies from paying local franchise fees for video streaming services was approved by the House this week. Opposed by MTA, [House Bill 4965](#), sponsored by Rep. Joey Andrews (D-St. Joseph Chtr. Twp.), would specifically exempt streaming and satellite services (i.e., Disney+, Hulu, Netflix, YouTube TV and others) from sharing the cost of maintaining local rights-of-way (ROW), the very location of the infrastructure that these services use to distribute video content. Local governments maintain the ROW and all utilities that operate in the ROW are responsible for sharing that cost. By exempting some ROW users, HB 4965 will create an unlevel playing field, leaving traditional cable providers to pay the franchise fee to cover the costs of public access TV stations. If HB 4965 passes, it will create a legal argument that could make all providers exempt from these fees—resulting in reduced revenue for local governments. The bill now moves to the Senate and **MTA urges our members to contact their [senator](#) to oppose HB 4965.**

Bill would extend automatic poverty exemption through 2023

Local units of government would be able to adopt a resolution by Dec. 1 of this year to automatically re-enroll residents into a poverty property tax exemption program for the 2023 tax year. [Senate Bill 55](#), sponsored by Sen. Stephanie Chang (D-Detroit), would extend allowing an automatic poverty exemption under certain conditions through the 2023 tax year for properties that were exempt in the 2019, 2020 or 2021 tax year. The bill would also allow boards of review to grant a 75% poverty exemption, in addition to the values already permitted in the act. The bill next will be sent to the governor for signature.

Penalties for failure to file assessment notification

Township Governance
Academy
Allied Service Providers
NATaT

ALLIED SERVICE PROVIDERS



* [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](#)

A local assessing office could treat certain penalties as the personal liability of an individual who failed to notify the office of property ownership transfer and had since transferred such property to a new individual under a bill passed by the Senate this week. [Senate Bill 175](#), sponsored by Sen. Sylvia Santana (D-Detroit), would address situations where investment property buyers do not file a transfer affidavit with a local municipality upon purchasing a property and the most recent owner bears the cost of the fine for not filing a transfer. The bill also would modify the maximum amount of those penalties, prescribe how a treasurer could collect them, and allow a governing body to waive them. The House will next consider the legislation.



Several election-related bills receive action

Townships and others could increase precinct sizes to up to 4,999 active registered voters under [Senate Bills 572](#) and [573](#), sponsored by Sen. Jeremy Moss (D-Southfield). The bills passed the Senate this week and now move to the House for consideration. The legislation is similar to [House Bill 4702](#), which was enacted earlier this year but did not receive immediate effect—and thus, cannot take effect until 90 days after the Legislature adjourns for the year. Additionally, bills to disclose if a political advertisement and other political media is using artificial intelligence (AI) could become law prior to the 2024 elections. [HBs 5141](#), [5142](#), [5143](#), [5144](#) and [5145](#) were reported by the House Elections Committee this week and would require campaign finance advertisements to disclose the use of AI to viewers and listeners. The bills next go before the full House for a vote.



Local units would be prohibited from commencing legal action related to opioid settlements

Political subdivisions of the state would be prohibited from commencing or maintaining a legal action related to the released claims of entities in the Allergan, CVS, Teva, Walgreens and Walmart settlements. 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) and reported by the Senate Civil Rights, Judiciary and Public Safety Committee

Thursday, would codify the above five existing settlements. The bill now goes before the full Senate.

Youth employment bill reported

Violations of the Youth Employment Standards Act (YESA) would be increased, and deviations would be prohibited under legislation headed to the full House. [House Bill 4932](#), sponsored by Rep. Phil Skaggs (D-Grand Rapids), would prohibit the director of the Michigan Department of Labor and Economic Opportunity (LEO) from granting deviations from certain employment standards for minors and would increase penalties for YESA violations. Currently, 16- and 17-year-olds cannot work between 10:30 p.m. (or 11:30 p.m. on weekends and while school is not in session) and 6 a.m. without receiving approval from LEO for a deviation from those hours. Those aged 15 and younger may not work outside the hours of 7 a.m. to 9 p.m. and are not eligible to receive a deviation. The bill would prohibit a deviation that allows a minor to be employed to work between the hours of midnight and 5 a.m. or that allows a minor to be employed in, about or in connection with an occupation that is hazardous or injurious to their health or personal well-being. Under HB 4932, an initial violation would remain a misdemeanor, but the maximum fine would be raised to \$5,000; a second violation would be a felony punishable by up to two years' imprisonment, a fine of up to \$25,000, or both.

Bill to prohibit certain HOA provisions

A bill reported by the House committee on Thursday, [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 will next be considered by the full House.

Update on recently passed legislation

The following bills, previously reported in *Township Insights*, have now been signed into law:

- [Public Acts 156, 157, 158, 159](#) and [160 of 2023](#) codify various provisions of the federal Patient Protection and Affordable Care Act.
- [PAs 165](#) and [180 of 2023](#) allow Indian tribes to own and operate marijuana businesses on tribal lands, to interact with other such businesses and set a tax that would be distributed to the tribe where the marijuana retailer is located.

Member input sought for 2024 MTA legislative policy platform



MTA is seeking review and input from members on its 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 legislation@michigantownships.org with questions, comments or suggestions.

Townships asked to complete MPSC franchise survey

Townships received a letter from the Michigan Public Service Commission (MPSC) requesting completion of a quick and easy [electronic survey](#) regarding video franchise agreements and video/cable providers for their community. The survey will be active until **Nov. 13, 2023**. The MPSC also provided information regarding filing a video/cable complaint with the commission—one for customers and one for municipalities.

Upcoming intent to apply deadline for 2025 State Revolving Funds

For townships planning to submit an intent to apply (ITA) for State Revolving Fund (SRF) financing in fiscal year 2025, the deadline is

quickly approaching. Any municipality seeking SRF funds for drinking water, stormwater or wastewater capital improvement projects **must submit an ITA by Nov. 1, 2023**. The process is easy and now available digitally on the [Clean Water State Revolving Fund](#) (CWSRF) and [Drinking Water State Revolving Fund](#) (DWSRF) websites. All potential projects should submit a new ITA by the Nov. 1 deadline, even if a project planning document is already on file with the state Department of Environment, Great Lakes and Energy. Applicants should be prepared to include a brief description of their project's need, scope, location and costs. Separate ITAs must be submitted if applying for both a CWSRF and a DWSRF project. Overburdened community status determinations are no longer submitted with the ITA. The FY 2025 state and federal data used to evaluate overburdened status will be available by February 2024. Once the federal data is released, the FY 2025 Overburdened Worksheet will be updated and posted to the SRF Affordability Criteria website (currently under construction). A new Overburdened Worksheet is required every year for all applicants regardless of a previous year's status. For questions, email EGLE-WIFFS@Michigan.gov or call (517) 284-5433. You may also reach out to the [SRF Project Manager](#) located in your EGLE district office.

Reminder: MIHI seeks local government comments on initial proposal for BEAD program

The Michigan High-Speed Internet Office (MIHI) is [seeking public comments](#) from local units of government on the draft of [Volume 1 of Michigan's Broadband Equity Access and Deployment \(BEAD\) Initial Proposal](#). While several public comments have been submitted, very few comments have been provided by local government. The comment period is still open, but will close at 11:59 p.m. on **Oct. 31**.

Offer feedback on DNR state land review

The Michigan Department of Natural Resources (DNR) is seeking feedback on public lands and is providing a virtual opportunities to learn more about the state land review process and parcels currently under review.

- **Oct. 24** at 2 p.m.: [Join Microsoft Teams meeting](#) or call (for audio only) +1 248-509-0316, 282107743#
Conference ID: 282 107 743#

- **Oct. 25** at 6 p.m.: [Join Microsoft Teams meeting](#) or call (for audio only) +1 248-509-0316, 662784152#
Conference ID: 662 784 152#

As part of its [multiyear state land review](#) process, the DNR has completed review of the ninth and final group of parcels and is now determining which ones best meet its goal of delivering broad public access to quality outdoor recreation opportunities, while protecting natural and cultural resources on those lands.

Feedback can also be submitted through **Nov. 3** at DNR-StateLandReview@Michigan.gov. Use the [interactive map](#) to see DNR recommendations and submit your comments and visit Michigan.gov/PublicLands for additional resources.

Federal update for week of Oct. 16

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