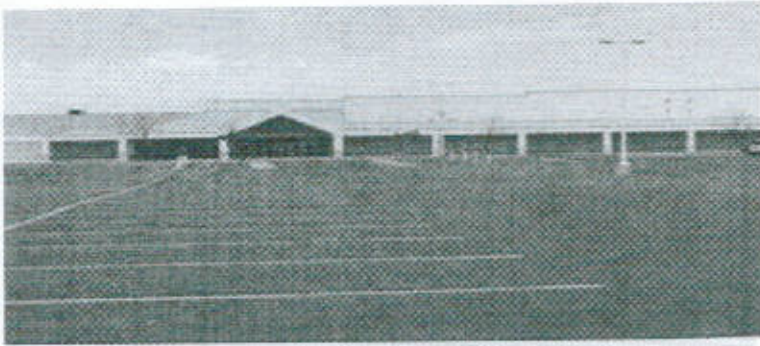


Michigan Township voice

A LEGISLATIVE UPDATE FOR TOWNSHIP OFFICIALS | MAY 2016



ACT NOW! Ask your state lawmaker to support HB 5578 to close 'dark store' loophole

A vote is expected soon in the state House on a bill that would put an end to the harmful "dark stores" assessing theory. MTA strongly supports **House Bill 5578**, sponsored by Rep. David Maturen (R-Brady Twp.), which addresses an unbalanced, unfair property tax system that has arisen in recent years. Big box retailers—such as Lowe's and Home Depot—are appealing their property valuations to the Michigan Tax Tribunal (MTT), arguing that the market value of their fully operational stores should be based on sales of similarly sized properties that are vacant, abandoned or now used for a different purpose. The result: vastly disparate property values, ultimately at the expense of local governments, small businesses and residents.

HB 5578 would stop this practice by putting sound appraisal standards into law, creating a fair, equitable system for resolving disputes. If the issue hasn't impacted your township yet, it could—and soon—as fast food restaurants, auto parts stores and national chain pharmacies are now seeking to use the theory to lower their property assessments as well. **Township officials' engagement on this issue is absolutely critical** to ensuring the passage of this important bill—to level the playing field and require all taxpayers be treated fairly.

Call your **state representative** and **state senator** today to urge their support for HB 5578. Visit MTA's **website** for **talking points** and more information.

The bill received bi-partisan co-sponsorship from 27 state representatives. If your representative is one of the co-sponsors, please thank them for supporting: Reps. Wendell Byrd, Lee Chatfield, Kathy Crawford, Scott Dianda, Ray Franz, Kurt Heise, Jon Hoadley, Marcia Hovey-Wright, Gary Howell, Martin Howrylak, Larry Inman, John Kivela, Robert Kosowski, Bill LaVoy, Ed McBroom, Aaron Miller, Jeremy Moss, Kristy Pagan, Dave Pagel, Earl Poleski, Amanda Price, Brett Roberts, Rose Mary Robinson, Andy Schor, Jim Townsend, Michael Webber and Robert Wittenberg.

Firefighter training grant possibilities could be expanded

Township fire departments could use grant money to pay for a wider variety of training programs to better prepare their firefighters for challenges they face on the job if **Senate Bill 833** is enacted.

The bill, sponsored by Sen. Goeff Hansen (R-Hart Twp.) and supported by MTA, is currently before the Senate. If SB 833 becomes law, it will greatly expand the definition of firefighter training eligible to be paid with grant funding. It would also require that training grants be paid from the Fireworks Safety Fund.

Current law offers a narrow list of training programs that fire departments can pay for with grant money. These include training for safeguarding life and property from explosions, fire or disaster, and to deliver fire suppression. Senate Bill 833 would add to the list the following training: emergency medical service, hazardous material response, technical rescue, airport rescue, and education in firefighting, fire inspection, fire investigation, fire safety and other fire services. This would include, but is not limited to, the training required for Fire Fighter I and II and National Fire Protection Association standards.



in this issue

- 2 Bill would expose townships with gun restrictions to lawsuits, penalties
PILT would hold steady, local input would increase under bills
- 3 False reporting conviction could be reimbursable offense



Bill would expose townships with gun restrictions to lawsuits, penalties

Local gun ordinances that are stricter than state law could lead to lawsuits against townships if [House Bill 4795](#) becomes law. The MTA-opposed bill, sponsored by Rep. Lee Chatfield (R-Levering), was recently reported by the House Local Government Committee. This bill would put into law a process for individuals or organizations to sue townships and other local units of government if they enact or already have gun ordinances that go beyond what's allowed in state law. Townships would pay damages, costs and reasonable attorney fees if the court ruled in favor of the suing individual or organization. Even if the municipality repealed or amended the ordinance while the action was pending, they would still be responsible for costs and attorney fees for the individual or organization initiating the litigation.

MTA has a multitude of concerns with the legislation. The bill puts townships at risk of being sued if old ordinances exist that are already unenforceable. It also creates a separation of powers issue by requiring the courts to order local units to repeal ordinances. And the bill is highly punitive to local officials when the local municipality is explicitly preempted by federal or state law.

Local units are already prohibited by law from imposing gun restrictions that are more stringent than state law. HB 4795 would allow any person or organization to sue a local unit of government if they feel "adversely affected"—a term that is not defined—by a gun control measure. There is nothing in the bill that requires the individual or organization to reside within the local jurisdiction—meaning an out-of-state organization or individual could file the suit.

If the ordinances exist before HB 4795 becomes law, the individual or organization must give 90 days written notice before filing the lawsuit. A township that enacts an ordinance after HB 4795 takes effect could be sued at any time without written notice.

A township being sued could repeal or amend the ordinance in question to avoid paying damages, though it would still be ordered to pay costs and attorney fees. Otherwise, if the court decides that the ordinance violates the act or the plaintiff was "adversely affected," it would issue an injunction barring the local unit from enforcing the ordinance and also ordering it repeal the ordinance. Then, the court would award actual damages as well as costs and reasonable attorney fees.

The court also would determine whether an elected or appointed official, council, commission or board knowingly and willingly violated the law guiding local gun restrictions. If so, the elected or highest appointed official for the township would be required to send a letter to all of the township's electors stating the court's finding and the cost of defending the suit—including, but not limited to, the amount of actual damages, costs and reasonable attorney fees the township was ordered to pay. However, the mandated communication could not include the name of the individual or organization that filed the action.

The bill will next be considered by the full House.

PILT would hold steady, local input would increase under bills

Townships would be more likely to receive full payments in lieu of taxes (PILT) and have greater input in state purchases of land in their jurisdiction if two Senate bills become law.

[Senate Bill 39](#), sponsored by Sen. Tom Casperson (R-Wells Twp.), and [SB 40](#), sponsored by Sen. Darwin Booher (R-Osceola Twp.), were recently discussed by the Senate Natural Resources Committee. Together, the bills would dictate the circumstances under which the Department of Natural Resources (DNR) could buy more land, including the requirement of full PILT payments prior to purchasing additional land in northern Michigan. Local input would also be required in state land purchases, and more state-owned land could potentially return to the property tax rolls. MTA strongly supports both bills and has worked to ensure the continued inclusion of full PILT funding.

Both bills were introduced to address state ownership of land north of the Mason and Arenac county lines. Current law does not allow the DNR to buy land in that area if it owns, or will own as a result of the purchase, more than 3.91 million acres there. However, once the Legislature approves an updated strategic plan from the DNR on the acquisition and disposition of state land managed by the department, this prohibition would no longer apply. SB 39 instead would reinstate the prohibition of purchasing additional land in northern Michigan if PILT payments are not paid in full. An updated strategic plan would be required to be submitted to the Legislature by July 1, 2021, and every five years after that, for legislative approval. The plan would also require the department to update its progress in engaging and collaborating with local units of government.

SB 39 also addresses situations in which at least 33 percent of a township or county is comprised of state- or federally owned land or



commercial forest land. In those townships and counties, the DNR could not buy land unless the township, city, county or village where the land was located approved the purchase with a resolution of support. This local input is critical, since removing more land from the property tax rolls could squeeze already-tight budgets. Townships with less than 33 percent of state- or federally owned land could also have input, with the bill allowing for a meeting between local government representatives and the department.

Townships could also see more public land returning to the tax rolls under the bills. Currently, the DNR can sell surplus land if the sale promotes the development of forestry or the mineral extraction and use industry in Michigan. SB 39 would also include other economic activity. The DNR could also consider selling land that wasn't designated as surplus land, as long as the same conditions were met. More land on the property tax rolls would be a boost for local budgets.

SB 40 would expand possible uses for the Land Exchange Facilitation Fund beyond purchasing land. If enacted, the bill would also allow the money to be used for maintenance and natural resource management, including control of aquatic invasive species and the payment of special assessments levied on land owned by the state.

MTA will continue to provide updates as these bills move through the legislative process.

False reporting conviction could be reimbursable offense

Townships could receive reimbursement for expenses for responding to a false report, under a bill currently in the Senate.

House Bill 5567, sponsored by Rep. David Maturen (R-Brady Twp.), would add false reporting of a crime to the list of offenses where the

convicted may be ordered to reimburse the state or local government for expenses they incurred responding to the offense. HB 5567 was recently passed by the House and the Senate Judiciary Committee and awaits action by the full Senate. MTA did not take a position on the bill but is monitoring it as it moves through the Legislature.

The bill is part of a three-bill package introduced as a result of the Kalamazoo shooting rampage earlier this year. **HB 5442**, sponsored by Rep. Brandt Iden (R-Oshtemo Chtr. Twp.), would create a notification system to be used during emergencies, including active shooter situations, and would make it a felony to falsely report such an event. **SB 976**, sponsored by Sen. Mike Nofs (R-Battle Creek), would make the false reporting of a public threat a Class F felony.

Current law already has a list of offenses for which a convict's sentence can include repaying the state or local government for their expenses related to the incident, including the emergency response and prosecution. HB 5567 would add falsely reporting a public threat to a peace officer, police agency, 9-1-1 operator or any other governmental employee or contractor to those offenses.

Reimbursable expenses could include the salaries or wages, including overtime pay, of police, fire and emergency medical service personnel; the cost of medical supplies lost or used; the salaries, wages or other compensation, including overtime pay, of prosecution personnel; and the cost of extraditing a person from another state to Michigan.



Information *when you need it.*

Connect with the
Michigan Townships

Association on Facebook!

MTA is now on Facebook! "Like" our page for updates on legislation, educational opportunities, MTA news and resources, and more—all on your Facebook timeline!

Check it out at www.facebook.com/mitownships, or access from www.michigantownships.org. You can also follow @MiTownships on Twitter and connect with fellow officials on our members-only social networking site, *Community Connection*.



Michigan Townships Association

PO Box 80078

Lansing, MI 48908-0078

(517) 321-6467 Fax (517) 321-8908

legislation@michigantownships.org

MTA's Government Relations Department

Judy Allen, Director of Government Relations

Justin Dickman, Legislative Counsel

Tom Frazier, Legislative Liaison

Michelle Hart, Government Relations Coordinator

Bethany Mauger, Staff Writer