

Michigan Township INSIGHTS

Weekly News and Information from the Michigan Townships Association | Sept. 9, 2016

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LEGISLATIVE UPDATE

Share your thoughts on advocacy with MTA! Survey deadline is Monday

There's still time to share your thoughts on advocacy with MTA! We're conducting a [short survey](#) to learn about members' interest and activity in advocacy on behalf of township government. To participate, please take a few moments to complete the online survey. You may access it here:



<https://www.surveymonkey.com/r/mtaadvocacy>. Please complete the survey as soon as possible, but no later than **Monday, Sept. 12**.

Straight-party voting allowed in November

Michigan's straight-party voting ban won't take effect this November. Earlier this summer, a federal injunction blocked the enforcement of [PA 268 of 2016](#), which had eliminated the straight-party voting option. This week, the U.S. Supreme Court denied Attorney General Bill Schuette's and Secretary of State Ruth Johnson's request for a stay of the injunction. The U.S. 6th Circuit Court of Appeals still must consider the State of Michigan's appeal of the injunction; however, any decision would not impact the November election.

Medical marijuana reform closer to final steps

Michigan's medical marijuana system would get a new regulatory framework under bills passed by the Senate this week--nearly one year after they were first passed by the House. [HB 4209](#), sponsored by Rep. Mike Callton (R-Nashville) was discharged from the Senate Judiciary Committee and passed by the Senate all in one day, along with a package that includes [HB 4827](#), sponsored by Rep. Clint Kesto (R-Commerce Chr. Twp.), and [HB 4210](#), sponsored by Rep. Lisa Posthumus Lyons, (R-Bowne Twp.). MTA worked to maintain the House language in HB 4209 that would require a local unit to adopt an ordinance specifying what type of facility and how many facilities would

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UPCOMING

MTA EVENTS

**[MTA On the Road Regional Meetings](#)
**[Emerging Issues in Emergency Services](#)
**[Treasurer's Guide to Tax Collecting](#)
**[Township Finances](#)

ALLIED SERVICE PROVIDERS





be permitted within their jurisdiction. This action must occur before any individual or entity could apply for one of the five categories of medical marijuana licenses--grower, processor, secure transporter, provisioning center and safety compliance facility. If a

local unit takes no action (does not adopt an ordinance to permit licensed facilities), the state could not issue a license for any facility within that local unit.

Other issues MTA fought successfully to include were local ordinance authority, ability to charge a licensing fee and a percentage of the new state tax. The measure allows local authority to regulate where any facility could be located in the township--if an "opt-in" ordinance is adopted--as well as other ordinances, including the regulation of noise, lighting, setback requirements or nuisance. Additionally, a township may charge an annual licensing fee of up to \$5,000 and would receive a portion of the 3 percent tax. HB 4209 is tie-barred to HB 4827, which establishes a seed-to-sale tracking system, as well as HB 4210, which would allow the medical use of marijuana in edible and topical form. The bills must next be concurred in by the House before they are sent to Gov. Rick Snyder for signature.

* [Asphalt Materials, Inc.](#)

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

* [Consumers Energy](#)

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

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

* [ITC Holdings Corp.](#)

* [Mika Meyers, PLC](#)

* [Ted Hartleb Agency](#)



Bill prohibits public body lawsuits against FOIA filers

Townships couldn't sue anyone filing a Freedom of Information Act (FOIA) request against them--even in cases of harassment or unpaid fees--under a bill discussed by the House Oversight and Ethics Committee this week. [HB 5826](#), sponsored by Rep. Klint Kesto (R-Commerce Chtr. Twp.), was introduced this week to prohibit a public body that receives a request for information from commencing a civil action against the requesting person, without exception. MTA opposes the bill due to its broad language, and is working with lawmakers to narrow the scope. The legislation is in response to recent litigation that was initiated after a county received a FOIA request for sensitive records from a local newspaper. Due to a conflict between two statutes (FOIA and Employee Right to Know Act) and the time sensitivity, the county filed action against the newspaper. The committee is scheduled to meet next week on the bill.

Local ordinances regulating dog breed not allowed under bill

Townships would be banned from outlawing certain breeds of dogs in their jurisdictions under a bill discussed by the House Local Government Committee this week. [SB 239](#), sponsored by Sen. David Robertson (R-Grand Blanc Chtr. Twp.), passed the Senate last October and was the subject of testimony this week in the House committee. MTA opposes the bill as it is yet another preemption of local authority. If enacted, SB 239 would prohibit local units from enacting or enforcing any ordinance regulating breed-specific (BSL) dogs or perceived breed of dogs. The testimony was mainly focused on pit bulls.



At least 20 states have prohibited BSL, but some have grandfathered in existing ordinances due to court challenges. The committee could vote on the bill as soon as next week.

Billboard bill draws strong opposition from MTA

Commercial businesses could move onto school property—regardless of local zoning—under a bill strongly opposed by MTA. [SB 953](#), sponsored by Sen. Tom Casperson (R-Wells Twp.), was discussed by the Senate Transportation Committee this week without a vote. The bill would exempt public school property from local zoning ordinances, and qualify it as unzoned property of a mixed and commercial use. MTA testified that the bill undermines and skirts local zoning, and local units should be able to sign off on how property is used when not used for educational purposes. The bill was introduced to allow schools to place billboards on their properties along expressways for financial benefit. A second bill that would amend the Michigan Zoning Enabling Act to consider school property unzoned and exempt from all zoning ordinances is no longer being considered. Casperson stated he is working on amendments, and MTA will continue to work with him to address the zoning concerns. The bill is likely to be considered again by the committee in the next couple of weeks.

MCOLES reform passes

Even volunteer law enforcement officers would be required to meet standards under a package of bills passed by the Legislature that would reform the Michigan Commission on Law Enforcement Standards (MCOLES). Specifically, [SB 92](#), sponsored by Sen. Tonya Schuitmaker (R-Antwerp Twp.), would give MCOLES the authority to create standards for reserve and auxiliary officers who are allowed to perform duties similar to regular officers. SB 92 next returns to the Senate for a concurrence vote before going to the governor.



Autonomous vehicle bills move to House

Michigan roads could be used to test autonomous vehicles under a package of bills passed unanimously by the Senate this week. SBs [995](#), [996](#), [997](#) and [998](#), under lead sponsor Sen. Mike Kowall (R-White Lake Chtr. Twp.), easily cleared the chamber and now move to the House for consideration. Together, the bills are meant to update guidelines for driverless vehicle research and are on track to receive final passage by the end of the year. If enacted, they would allow testing of autonomous vehicles on certain Michigan roads and allow the Willow Run manufacturing complex to be used as a test facility. The package passed by the Senate includes local government representation on the council charged with providing policy recommendations. MTA did not take a position on the bills but will continue to provide members with the latest updates regarding action on the legislation.

Dogs could be allowed in restaurant patios

Restaurants could allow dogs on their outdoor patios as long as it didn't pose a health or safety hazard, under [SB 727](#), which was passed by the Senate this week. The bill, sponsored by Sen. Margaret O'Brien (R-Portage), would allow restaurants to set restrictions and deny entry to a

dog. Local units could also adopt and enforce an ordinance that is more restrictive than the bill if they chose to do so. MTA did not take a position on this bill but will update members of any action taken by the House.

Member input needed for MTA Policy Platform



Do you have a suggestion for MTA's [Legislative Policy Platform](#)? MTA is accepting submissions now for the 2017 Policy Platform. Members have until Nov. 14 to submit suggestions and input to be considered by the MTA Legislative Policy and Resolutions Committee. The policy platform will be presented for membership

approval during the 2017 MTA Annual Meeting on April 13, held in conjunction with the 64th Annual MTA Educational Conference & Expo in Lansing. Contact legislation@michigantownships.org or (517) 321-6467 with any proposed policies.

Federal update for week of Sept. 6

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

Additional news you can use

Agriculture Commission to consider removing zoning from Site Selection GAAMPs

The Michigan Commission of Agriculture and Rural Development will consider removing existing considerations of local zoning from the *GAAMPs for Site Selection and Odor Control for New and Expanding Livestock Facilities* at its Sept. 14, 2016, meeting. Based on previous testimony from farmers in **Brady Township** (Kalamazoo Co.), the commission requested a white paper be developed regarding zoning language in the Site Selection GAAMPs, or Generally Accepted Agricultural and Management Practices, and that paper will be provided to commissioners in their informational packets at the meeting. MDARD staff reached out to MTA and other stakeholder groups for input in developing those options. MTA has responded in support of continuing to include zoning in the GAAMPs. For the full MTA response, click [here](#).

October workshop examines hot topics in emergency services

This fall, look to MTA for help understanding the hot issues facing your township's fire department and emergency services personnel. Join us in **Frankenmuth on Oct. 21** for ***Emerging Issues in Emergency Services***. This full-day event covers a wide variety of topics including new ambulance standards, volunteer recruitment and retention, planned changes to the EMS Service Bridge, new distribution models for training dollars, efforts to support areas challenged with too few paramedics and much more. Download the brochure [here](#) or register online [now](#).

New requirements for MMAO applicants

Assessors who apply for the Michigan Master Assessing Officer (MMAO) program will face new requirements after a recent change made by the State Tax Commission (STC). Before applying to the MMAO online/lecture hybrid program or taking a self-paced course, a Michigan Advanced Assessing Officer (MAAO) must demonstrate two years of

assessment administration experience while holding a MAAO certification. Please review the STC's [Path to Assessor Certification](#) for more information on assessor education and certification.