



Legislative Update

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MDEQ Takes Public Comment on General Permit

The new General Permit (GP) category for county drains is now available for public comment, as proposed by the Michigan Department of Environmental Quality's Water Resources Division.

The public comment period provides opportunity for public review and comment prior to issuance of the GP category. The new permits would not require individual public notice or a public hearing. The category will remain in effect for a period of five years.

The new GP category was created through the adoption of Public Act 98 of 2013, by amending Parts 301 (Inland Lakes and Streams) and Part 303 (Wetlands Protection) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Following PA 98's adoption, MACDC has been berrya2@michigan.gov.

working with the MDEQ to finalize the new GP category language.

According to the MDEQ, the GP will cover "activities that are similar in nature, will cause only minimal adverse effects when performed separately, and will have only minimal cumulative adverse effects on the environment."

The proposed GP category can be found at

www.michigan.gov/wetlands.

Written comments should be submitted to the Michigan Department of Environmental Quality, Water Resources Division, P.O. Box 30459, Lansing, Michigan 48909-7958 to the attention of Amy Berry.

All comments must be received by the MDEQ by October 23, 2013. Information Contact: Amy Berry, Water Resources Division,



Quail Ridge Drain, Oakland County

MDEQ Holds SAW Grant Training Sessions

The Michigan Department of Environmental Quality offered several Stormwater, Asset Management and Wastewater (SAW) Seminars around the state in September, with one remaining seminar being held on October 9 at Lansing Community College.

SAW grants are currently available for stormwater and wastewater asset management plan development, stormwater management plan development, sewage collection and treatment plan development, and state-funded loans to

construct projects identified in the management plans.

These seminars, aimed at municipal officials, drain offices, operators and consulting engineers, provide information about the grants, including eligibility requirements, guidance and assistance through the application process.

If you would like to register for the remaining seminar on October 9, please visit: www.michigan.gov/deqworkshops. The cost is \$30.00 to attend.

COMMITTEE SPOTLIGHT

Senate Energy and
Technology Committee**Committee Members**

Chairman Mike Nofs (R-Battle Creek)
 Vice-Chair John Proos (R-St. Joseph)
 Rick Jones (R-Grand Ledge)
 Jim Marleau (R-Lake Orion)
 Tonya Schuitmaker (R-Lawton)
 Howard Walker (R-Traverse City)
 Min. Vice-Chair Hoon-Yung Hopgood (D-Taylor)
 Steve Bieda (D-Warren)
 Coleman Young II (D-Detroit)

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**Chairman
Mike Nofs**

Currently scheduled meetings are available at: www.legislature.mi.gov

MISS DIG Bill Resurfaces in Senate

Senator Mike Nofs (R-Battle Creek) has reintroduced legislation that would create the MISS DIG Underground Facility Damage Prevention and Safety Act.

Senate Bill 540 would require the owner or operator of a facility to mark its facilities in response to a ticket generated by MISS Dig when an excavator plans to excavate or blast in the area.

The bill defines a “facility” as “an underground or submerged conductor, pipe, or structure, including, but not limited to, a conduit, duct, line, pipe, wire, or other device and its appurtenances used to produce, store, transmit, or distribute a utility service, including communications, data, cable television, electricity, heat, natural or manufactured gas, oil, petroleum products, steam, sewage, video, water, and other similar substances, including environmental contaminants or hazardous waste.”

Although a facility under the bill’s definition would include drains, as currently drafted, the bill exempts drain commissioners for a county

drain, and drainage boards for an intercounty drain, from the marking requirements.

Similar legislation passed through the Senate during the previous legislative session and was discussed in the House Energy and Technology Committee, but due to time constraints, failed to come up for a vote on the House floor before the session ended.

MACDC’s Legislative Counsel and former President Brian Jonckheere met with legislators and staff during negotiations on the previous session’s legislation and successfully obtained an exempt status for drain commissioners.

Senate Bill 540 has been referred to the Senate Committee on Energy and Technology, of which Senator Nofs chairs. (*See above.*) The Committee met on September 24th to discuss the MISS DIG Underground Damage Prevention Regulations, but the Committee did not vote on the bill. The bill is tie-barred to Senate Bill 539, also sponsored by Senator Nofs, which would provide governmental immunity under the newly-created Act.

New Legislation of Interest to MACDC

The following bills of interest to Drain Commissioners and Associate Members are currently pending before the Legislature. Full text and up-to-date action for each bill can be found online on the Michigan Legislature's website at www.legislature.mi.gov.

RECORDING MODIFICATIONS

House Bills 4638—4640, introduced by Rep. Pettalia (R-Presque Isle) and Rep. Lane (D-Frasier) would allow, under certain conditions, an affidavit attesting to "knowledge of a person with respect to an unrecorded conveyance, accompanied by a copy of the unrecorded conveyance" to be recorded. These bills are in the House Committee on Local Government.

FOIA EXEMPTION: BID MATERIAL

House Bill 4848, introduced by Rep. Haveman (R-Holland), would exempt a public body's evaluation materials used for awarding a bid under the Freedom of Information Act. The materials would no longer be exempt upon notification of the award of the contract or acceptance

of the bid. This bill is in the House Committee on Appropriations.

MUNICIPAL EMPLOYEE RESIDENCY

House Bill 4873, introduced by Rep. Singh (D-East Lansing) would amend the Residency of Public Employees Act to provide that a municipality, as an employer, could condition the employment of an employee hired after the bill passes on the employee's residing within the municipal boundaries for up to 7 years. This bill is in the House Committee on Local Government.

FUNDRAISING IN RIGHT-OF-WAY

House Bill 4916, introduced by Rep. Brown (D-Pigeon), would amend the Michigan Vehicle Code to allow a charitable organization to conduct fund-raising activities on a road right-of-way. This bill is in the House Committee on Transportation and Infrastructure.

SOS FILING THRESHOLD

Senate Bill 440, introduced by Sen. Robertson (R-Grand Blanc Township), would amend the Michigan Campaign Finance Act to reduce the

threshold for electronic campaign filing with the Secretary of State to committees that received or expended \$5,000 or more. Currently, the threshold is \$20,000. This bill is in the Senate Committee on Local Government and Elections.

MI BIDDERS - SECOND CHANCE

Senate Bill 452, introduced by Sen. Ananich (D-Flint), would amend the Uniform Budgeting and Accounting Act to provide that when the lowest bidder for a contract with a local unit of government is not a Michigan business, all other Michigan bidders are given 30 days to resubmit bids to match or beat the first bid. This bill is in the Senate Committee on Local Government and Elections.

CANDIDATE BRIBES

House Bills 4824, introduced by Rep. Poleski (R-Jackson) would amend the Michigan Election law to prohibit an individual from promising, providing, or accepting valuable consideration to run for a political office. This bill is in the House Committee on Ethics and Elections.

Drain Code Bills Set for Committee Action

House Bill 4622 and House Bill 4793, the two amendments to the Drain Code, may be ready to pass out of the House Local Government Committee in October and move to the House floor for a vote.

HB 4622 allows a drain commissioner or drainage board to revise the boundaries of a drainage district under certain situations. HB 4793 repeals the condemnation procedures within the Drain Code since the Uniform Condem-

nation Procedures Act applies.

MACDC has been working with the Michigan Department of Agriculture and Rural Development to draft an amendment to the currently drafted version of HB 4622.

MACDC's Legislative Council plans to present the amendment and testify in support of both bills at the House Local Government Committee which is tentatively scheduled to meet Thursday, October 3, at 10:30 a.m.

SCAO Approves Board of Review Forms

In June, the State Court Administrative Office (SCAO), the administrative agency of the Michigan Supreme Court, approved new standardized forms for use in probate courts relating to boards of review. The three approved forms were drafted pursuant to Sections 155 and 156 of the Drain Code.



Specifically, the forms include (1) a form to be filled out by either a property owner or a municipality that wishes to appeal their apportionment; (2) a notice form addressed to the drain commissioner that such an appeal has been filed with the probate court; and (3) an order form to be filled out by the probate court appointing a board of review to review the appealed apportionment. Earlier this year, MACDC's legal counsel was provided an opportunity

to comment on the proposed forms and worked with SCAO to develop the final forms in an easy-to-understand format while encompassing all of the statutory requirements of the Drain Code. The new forms will be distributed to the probate courts around the state. They are also available to fill out and/or print on the SCAO website at: www.courts.mi.gov/Administration/SCAO/Forms/Pages/Probate-Court-Index.aspx.

Representative Al Pscholka (R-Stevensville)

LEGISLATOR SPOTLIGHT

Representative Al Pscholka (R-Stevensville) is currently serving his second term in the Michigan State House, representing the 79th District which includes part of Berrien County.

Pscholka has been an instrumental legislator for the Michigan Association of County Drain Commissioners this term. He is the sponsor of the two currently pending Drain Code bills, House Bill 4622, to allow district boundary revisions, and House Bill 4793, to repeal the condemnation procedures.

"I work closely with my County Drain Commissioner on a wide range of issues having to

do with land use, flooding, and in solving problems for constituents," Pscholka said.

Prior to his joining the Legislature, Pscholka served as a vice-president of Cornerstone Alliance, a non-profit economic development organization. Pscholka also has a public service background, including serving as a trustee for Lincoln Township, secretary for the Southwest Michigan Regional Sanitary Sewer and Water Authority, and as District Director for Congressman Fred Upton.

Representative Pscholka and his wife, Suzanne, reside in Lincoln Township, Michigan.



Rep. Al Pscholka

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The Michigan Association of County Drain Commissioners is dedicated to safeguarding the health, safety and welfare of Michigan's citizens through the protection of property, surface waters and the environment. We seek to accomplish these goals by providing storm water management, flood control, drainage, development review and water quality programs.

We're on the web!

www.macdc.us