



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4746 (Substitute S-4 as reported)

Sponsor: Representative Matt Huuki

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Senate Committee: Natural Resources, Environment and Great Lakes

CONTENT

The bill would amend the Michigan Zoning Enabling Act to prohibit a zoning ordinance from preventing the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction. Natural resources would be considered valuable if a person could receive revenue and reasonably expect to operate at a profit by extracting them.

A person challenging a zoning decision to prevent extraction would have the initial burden of showing that there were valuable natural resources located on the property, that there was a need for the resources by the person or in the market the person served, and that no very serious consequences would result from the extraction.

In determining whether very serious consequences would result, the standards set forth in Silva v Ada Township, 456 Mich 153 (1982), would have to be applied, and factors prescribed in the bill would have to be considered.

The bill's provisions would not limit a local unit of government's reasonable regulation of extraction and associated activities, including hours of operation, blasting hours, noise levels, dust control measures, and traffic. The regulation, however, would have to be reasonable in accommodating customary mining operations.

The bill provides that the Act would not limit State regulatory authority under other statutes or rules.

MCL 125.3205

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-30-11

Fiscal Analyst: David Zin