



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1244 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Local Government and Elections

CONTENT

The bill would amend the Michigan Zoning Enabling Act to do the following:

- Prohibit a local unit of government from adopting an ordinance that precluded federally licensed amateur radio service communications or that did not comply with 47 CFR 97.15 (described below) and the rules and regulations of the Federal Communications Commission.
- Prohibit a local unit from restricting antennas or antenna support structures of amateur radio operators to heights below 90 feet, unless the restriction were shown by clear and convincing evidence to be necessary to achieve a defined health, safety, or aesthetic objective of the local unit.
- Require a local ordinance regulating the placement, screening, number, or height of a station antenna structure to comply with certain Federal regulations.
- Require a local unit that denied an application for approval of a station antenna structure to state the reasons for the denial.
- Provide that a local unit that denied an application would bear the burden of proving by clear and convincing evidence that its actions were consistent with the bill's provisions.

(Under 47 CFR 97.15, except as otherwise provided, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. State and local regulation of such a structure may not preclude amateur service communications, and must reasonably accommodate such communications and constitute the minimum practicable regulation to accomplish the state's or local authority's legitimate purpose.)

If a local unit adopted an ordinance that regulated the placement, screening, number, or height of a station antenna structure based on health, safety, or aesthetic considerations, the ordinance would have to reasonably accommodate federally licensed amateur radio service communications, and constitute the minimum regulation practicable to carry out the legitimate purpose of the governing body.

The bill's provisions would not apply to any district organized pursuant to Federal, State, or local law for the purpose of historic preservation.

Proposed MCL 125.3205a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Date Completed: 12-6-12

Fiscal Analyst: David Zin