



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bills 1188 through 1194 (as introduced 11-8-18)  
Sponsor: Senator Tom Casperson (S.B. 1188 and 1194)  
Senator Wayne Schmidt (S.B. 1189)  
Senator Jack Brandenburg (S.B. 1190)  
Senator Dave Hildenbrand (S.B. 1191)  
Senator Darwin L. Booher (S.B. 1192)  
Senator Goeff Hansen (S.B. 1193)

Committee: Natural Resources

Date Completed: 11-26-18

**CONTENT**

**Senate Bill 1188 would enact the "Vegetation Removal Preemption Act" to do the following:**

- **Prohibit a local unit of government from adopting, maintaining, or enforcing an ordinance, charter provision, or regulation that restricted, or require mitigation for, the trimming or removal of any vegetation other than a heritage tree, located on certain private property.**
- **Specify that an ordinance, charter provision, or regulation that did any of the above would be void.**
- **Specify that the Act would not require a local unit of government to refund a fee, fine, or costs received by the unit before the bill's enactment date as a result of enforcement of an ordinance or regulation.**

**Senate Bills 1189, 1190, 1191, 1192, 1193, and 1194 would amend the General Law Village Act, the Home Rule Village Act, the Charter Township Act, the Michigan Zoning Enabling Act, Chapter 16 of the Revised Statutes of 1846 (which governs townships), and the Home Rule City Act, respectively, to specify that each of those Acts would be subject to the Vegetation Removal Preemption Act proposed by Senate Bill 1188.**

Senate Bills 1189 through 1194 are tie-barred to Senate Bill 1188. Each bill would take effect 90 days after its enactment.

Senate Bill 1188 is discussed in greater detail below.

The proposed Act would prohibit a local unit of government from adopting, maintaining, or, for violations occurring on or after July 1, 2017, enforcing an ordinance, charter provision, or regulation that did any of the following:

- Prohibited, required approval for, or otherwise restricted the trimming, felling, or removal of any vegetation, other than a heritage tree, located on private property with an agricultural, business, commercial, or industrial zoning classification.
- Required mitigation, including the planting of trees or other vegetation or the payment of a fee or fine, for the trimming, felling, or removal of any vegetation, than a heritage tree,

from private property with an agricultural, business, commercial, or industrial zoning classification.

"Enforce an ordinance, charter provision, or regulation" would mean to prosecute, sue, ticket, or fine a person for a violation of, or otherwise subject a person to, an ordinance, charter provision, or regulation.

An ordinance, charter provision, or regulation that did any of the preceding would be void.

The Act would not require a local unit of government to refund any fee, fine, or costs received by the local unit of government before the date of the bill's enactment as a result of the enforcement of an ordinance or charter provision discussed above.

"Heritage tree" would mean a tree that meets the following requirements: a) is not diseased, dying, or otherwise a threat to structures or human safety, and b) is one of the following trees of at least the following diameter in inches, measured at 4.5 feet above the highest ground at the base of the tree:

- Basswood, 36.
- Beech, 30.
- Birch, 30.
- Cherry species, 30.
- Chestnut, 16.
- Eastern hemlock, 20
- Eastern red cedar, 20.
- Kentucky coffeetree, 30.
- Hickory, 30.
- Locust, 36.
- Maple, except boxelder and silver maple, 30.
- Oak, 36.
- Sassafras, 20.
- Sycamore, 30.
- Tamarack, 20.
- Walnut, 30.
- White pine, 24.

MCL 61.1d et al. (S.B. 1189)  
MCL 78.26 (S.B. 1190)  
MCL 42.1b (S.B. 1191)  
Proposed MCL 125.3205b (S.B. 1192)  
MCL 41.3a (S.B. 1193)  
MCL 117.5 (S.B. 1194)

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bills would have no impact on the State and an indeterminate, though likely small, fiscal impact on local units of government. They would preclude a local unit from generating revenue from fees or fines related to the trimming, felling, or removal of vegetation specified in the bills, although local units would not be required to refund any fee, fine, or cost received before the enactment date of the bills.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.