



MICHIGAN TOWNSHIPS ASSOCIATION

WEEKLY LEGISLATIVE REPORT

February 1, 2008

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Please route to all interested parties in your township.

GOVERNOR CALLS FOR COOPERATION, NEW SPENDING IN STATE OF THE STATE

On Tuesday, Gov. Jennifer Granholm gave her sixth State of the State address calling for a new era of bipartisan cooperation in addition to moving forward a state economic stimulus package. The governor and legislative leaders have committed to working together to solve Michigan's problems rather than dwell on the partisan fights that delayed passage of a budget last year. The governor focused on economic stimulation through a variety of tax incentives for new and growing companies, and promoting the use of alternative energy (primarily wind) in our state. Gov. Granholm also briefly outlined a proposal that utilizes \$1 billion in bonding for infrastructure projects, including \$150 million dedicated to roads. She also called for spending \$300 million to build new smaller high schools to replace low performing large high schools. She further called for \$200 million more in state budget cuts and a plan to put \$100 million in the state rainy day fund. She also suggested adding 100 new state troopers important to law enforcement. Many of the governor's proposals would be paid for by refinancing debt at lower rates, a securitization proposal to leverage money, and the use of 1 percent of the state pension fund to invest in Michigan companies. She reiterated that it could all be done without raising taxes or fees over the coming year. The governor will present her proposed fiscal year 2008/09 budget and elaborate on details of her initiatives next Thursday, Feb. 7, before a joint meeting of the House and Senate Appropriations Committees.

MACOMB COUNTY TO IGNORE COURT RULING ON ABSENTEE VOTER APPLICATIONS

Late last week, the Macomb County Commission voted to allow its county clerk to send absentee voter (AV) ballot applications out to senior citizens in those jurisdictions within the county that do not make it a common practice. Should the county proceed with the effort, it would be in direct conflict with a Court of Appeals decision issued last October. The decision concluded local units of government do not have the statutory authority to mail AV ballot applications to voters unless the voter specifically requests the application verbally or in writing. A Bureau of Elections' guidance document issued after the court decision concluded that county clerks do not have the authority to distribute AV ballot applications unless the county clerk is acting in the role of school election coordinator. Continued controversy over mailing AV ballot applications may result in legislation to clarify the situation in state statute.

ATTORNEY GENERAL ISSUES OPINION ON ROAD END LEGISLATION

Michigan Attorney General Mike Cox released Opinion No. 7211 on Wednesday, which relates to the scope of permissible "public uses" of platted roads ending at the shore of a lake. The opinion was in response to Rep. John Stakoe (R-Highland Charter Twp.) who asked whether the Legislature has the power "to revisit" determinations made by the Michigan Court of Appeals in related court cases. In agreement with MTA, Rep. Stakoe has previously sponsored legislation in the past in agreement with MTA to essentially codify court opinions in statute that outlined limited use at public road ends, which didn't include boat hoists, overnight mooring, sunbathing or lounging (*Jacobs II* decision). The opinion carefully documented court rulings in *Jacobs I* and *II* and *Higgins Lake* that were based on 100 years of common law precedent. The opinion stated that "while the Legislature has the authority to modify the law, any legislative modification...has the potential to impact existing property rights and would be subject to the constitutional protections against the taking of property without due process and just compensation."

MTA CAPITOL CONFERENCE TO BE HELD MARCH 11 IN LANSING

It's not too early to reserve your seat for the MTA Capitol Conference to be held at the Radisson Hotel in Lansing on Tuesday, March 11. Just blocks from the Capitol, a number of issues will be discussed including the economy, recall pressures, state police law enforcement and the new state mandates committee. The Conference is your opportunity to stay on top of legislative issues facing townships. Register by Feb. 26, and receive the discount rate of \$75. For more information, or to register, call us at 517-321-6467 or go to <http://www.michigantownships.org/capitolconf.asp>.

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