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A Legislative Update for Township Officials

No mad dash to boards of review



Many township officials were holding their breath as assessment notices were mailed out this year, but reports from across the state are indicating that much like the hype that preceded Y2K, a lot of preparation and anxiety was exerted only to have everything run in a fairly normal manner. After

talking to township officials, assessors and equalization directors from across the state, all were indicating that activity at boards of review this year were for the most part no greater than last year's level or in many cases lower than last year. There were some pockets of elevated activity, Macomb County being notable within this group.

Assessors were also reporting that appeals services were being used for the first time. Citizens could contract with a company over the Internet to accumulate comparable sales to be used for appealing their property taxes. Assessors noted that these Internet appeals were searching for comparables based on zip codes in certain cases and the materials presented to the board of review were for properties in other jurisdictions. One company would present your appeal in person for an additional fee of \$199. In one case, this "in-person" appeal consisted of an employee showing up at a scheduled appointment time, dropping off sales comparisons for five different homeowners on the table and leaving without saying a word. ■

House committee reports no-reason AV bills

On April 22, the House Ethics and Elections Committee reported two bills to the House floor addressing no-reason absentee voting (AV). Both bills are designed to eliminate the six current legal reasons for requesting

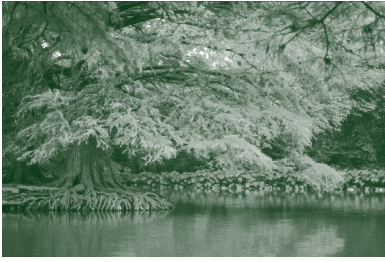
an AV ballot and instead allow a voter to request an AV ballot for any reason (or no reason). Those six current reasons are: the voter has a physical disability; the voter can't attend the polls on Election Day due to the tenets of his or her religion; the voter is serving as an election inspector on the day of the election; the voter is 60 year of age or older; the voter is absent or expects to be absent from the jurisdiction in which he or she resides during the entire time the polls are open; or the voter is confined in jail awaiting arraignment or trial.

House Bill 4097, introduced by Rep. Marty Griffin (D-Jackson), and House Bill 4367, introduced by Rep. Woodrow Stanley (D-Flint), are identical bills to allow voters the option of voting an AV ballot without providing an excuse. Amendments were added to both bills to allow voters to request AV ballots by fax or e-mail in addition to traditional mail or in person. MTA supports no-reason AV as a reasonable way to make voting more convenient for the voter and because it would eliminate the need for people being forced to conform to one of the six current reasons to obtain an AV ballot. It is expected that the bills will eventually pass the House.

The committee vote was 6-2 along party lines, with Democrats supporting the bills and Republicans opposed. The committee took a rather unusual approach of reporting two bills that would do exactly the same thing. It is believed this procedure was used to give the Senate two bills to work from. While Rep. Griffin has championed this issue for the last two sessions, he is also an announced candidate for the special election to fill the vacant 19th District Senate seat (Jackson and Calhoun Counties). It is anticipated that this will be a very competitive seat between Republicans and Democrats later this year and it is, therefore, very unlikely that the Senate Republican majority would do him any favors by passing his legislation. By also moving HB 4367, House Democrats are eventually giving the Senate the ability to move forward the issue without giving credit to Rep. Griffin.

However, the chance of either bill getting serious consideration in the Senate is in serious doubt. The House passed the issue last year without the legislation receiving any consideration in the Senate. Senate Republicans have raised concerns about possible increased voter fraud and increased Democratic turnout with no-reason AV. Republican perceptions about no-reason AV remain a serious barrier to final implementation. ■

House committee-passed DEQ budget lacks funding for wetlands program



At the end of March, the House Appropriations Department of Environmental Quality (DEQ) subcommittee passed its version of the department's budget without including funding for the Wetlands Protection Program.

Traditionally, this program has

cost approximately \$4 million per year to operate, with \$2.1 million of that coming from the state's general fund.

In a cost-saving measure, Gov. Jennifer Granholm recommended that the wetlands program be transferred back to the federal government starting with the new fiscal year in October. If transferred, the program would be administered by the U.S. Army Corps of Engineers, based in Detroit, with oversight from the Environmental Protection Agency, based in Chicago.

So far, the action of the DEQ subcommittee follows the recommendation of the governor. However, the governor also recommended that the state Legislature take one additional big step. If the state is going to give up regulatory jurisdiction of wetlands, it also needs to eliminate the Wetlands Protection Act, which has been in effect since the late 1970s. The concern is that if the act is not eliminated, there will remain a statute on the books that the DEQ has no funding to administer.

While the committee action didn't provide funding for the wetlands program, it left open the possibility of continued state regulation of wetlands if the Wetland Protection Act is not repealed. Specifically, House Bill 4439, the DEQ budget bill, contains language that says: "It is the intent of the Legislature that funding for the Wetlands Protection Program shall be provided through a supplemental appropriation act for the fiscal year ending Sept. 30, 2010 if, by Oct. 1, 2009, the Legislature

fails to enact legislation repealing part 303 of the Natural Resources and Environmental Protection Act."

Therefore, the House committee has taken an initial position to eliminate DEQ funding for the program, but the decision is not final by any means. The committee action indicates that if the Wetlands Protection Program (part 303) is not repealed, they will find funding to support the program.

MTA's interest in this issue relates primarily to how legislative action affects those townships that have local wetland ordinances or may want to have an ordinance in the future. The repeal of part 303 is potentially the best scenario for local units of government having wetland ordinances. If part 303 is repealed, locals would actually have greater authority to regulate wetlands under general zoning authority, based on an attorney general opinion. However, there are many organizations that would be concerned if numerous local units of government enacted local wetland ordinances. Some argue if local ordinances varied in content, this could become very confusing for developers and others working across jurisdictional boundaries.

This issue is far from being resolved as evidenced by no further House action on the committee's recommendation. There are many in the Legislature who would like to preserve DEQ's authority and funding for wetlands. There are others who want the authority transferred to the Army Corps of Engineers, and some who want locals to have no local wetland ordinance authority. A lot will likely depend on whether the Legislature can find money in this weak economy to continue the state program. If not, there is a pretty good chance that state leaders will find the will to eliminate the Wetlands Protection Act. ■

Legislation adds schools to recreational authorities

Two bills are making their way through the legislative process that could impact the creation of recreational authorities. Senate Bill 222, offered by Sen. John Gleason (D-Flushing), and House Bill 4700, offered by Rep. Kate Segal (D-Battle Creek), would both amend PA 321 of 2000, which allows cities, villages, townships and counties to form recreational authorities.

The bills would allow school districts to partner with local municipal governments in the provision of recreational programs. This would seem to be a natural partnership in many areas of the state. Schools already own the key element to any recreation program: the facilities. In this day of shrinking budgets, it is all the more important to find services that can be provided through cooperative efforts. These two bills create added opportunities to provide enhanced services while potentially saving costs. ■



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Editor: David Bertram **Associate Editors:** Bill Anderson & Tom Frazier

Michigan Townships Association
512 Westshire Drive, P.O. Box 80078
Lansing, MI 48917
(517) 321-6467 Fax (517) 321-8908
legislation@michigantownships.org
www.michigantownships.org

MTA Board of Directors hosts a special reception for legislators

The MTA Board of Directors and staff hosted a reception on April 22, 2009, for Michigan legislators in Lansing. The event was held in conjunction with an MTA Board of Directors meeting. The following legislators attended the event:

Sen. Jim Barcia
 Sen. Liz Brater
 Sen. Cameron Brown
 Sen. Nancy Cassis
 Sen. Tom George
 Sen. Wayne Kuipers
 Sen. Michael Prusi
 Rep. Dave Agema
 Rep. Kathy Angerer
 Rep. James Bolger
 Rep. Lisa Brown
 Rep. Terry Brown
 Rep. Pam Byrnes
 Rep. Brian Calley
 Rep. Kevin Daley
 Rep. Kevin Green
 Rep. Martin Griffin
 Rep. Jennifer Haase
 Rep. Richard Hammel
 Rep. Goeff Hansen
 Rep. Joseph Haveman
 Rep. Dave Hildenbrand
 Rep. Mike Huckleberry
 Rep. Rick Jones
 Rep. Robert Jones
 Rep. Marty Knollenberg

Rep. Eileen Kowall
 Rep. Kenneth Kurtz
 Rep. Mike Lahti
 Rep. Richard LeBlanc
 Rep. Matt Lori
 Rep. James Marleau
 Rep. Jeff Mayes
 Rep. Arlan Meekhof
 Rep. Chuck Moss
 Rep. Judy Nerat
 Rep. Andy Neumann
 Rep. Paul Opsommer
 Rep. Phillip Pavlov
 Rep. Sarah Roberts
 Rep. Bill Rogers
 Rep. Roy Schmidt
 Rep. Tonya Schuitmaker
 Rep. Bettie Cook Scott
 Rep. Dan Scripps
 Rep. Kate Segal
 Rep. Joel Sheltrown
 Rep. Dian Slavens
 Rep. Jim Stamas
 Rep. Woodrow Stanley
 Rep. Mary Valentine



MTA President Colleen Schwartz and Rep. Bill Rogers (R-Genoa Twp.)

Left to Right: Senate Majority Leader Michael Prusi (D-Ishpeming Twp.), MTA District 3 Director Mari Negro, Rep. Judy Nerat (D-Menominee Twp.) & MTA Secretary Denny Olson



Photo by Trumpie Photography



Left to Right: MTA 2nd Vice President John (Jack) Randolph, Rep. Phillip Pavlov (R-St. Clair Twp.) & Rep. Jennifer Haase (D-Richmond)

MTA thanks the 51 legislators who attended the MTA Board reception.

MTA Summer Legislative Conference August 12-14, 2009 Bavarian Inn Lodge in Frankenmuth

Topics to be discussed:
 government efficiency, federal report, Michigan's Constitution, recall & ethics, wind energy, road funding & transportation, and property tax structure.

Brochures are being mailed the first part of May. Information will also be available on the MTA Web site: www.michigantownships.org/summerforum.asp on May 8.

Unemployment costs for townships increase

Many townships have been faced with reducing the cost of operations by laying off employees due to the state's poor economy. Recent legislation adopted by the Legislature creates a significant potential for increased costs for local governments in Michigan for unemployment payments.

Unlike private employers, local units of government are not required to participate in the state-run unemployment insurance system. If the township participates in the system, any cost for unemployment benefits paid to former employees comes from the state fund, and just like other employers, the township's contribution to the state fund may be adjusted on a periodic time period based on experience data. However, if the township does not participate in the state unemployment insurance

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Michigan Townships Association
512 Westshire Drive
Lansing, MI 48917



MPSC issues alert for video/cable complaints



On April 16, the Michigan Public Service Commission (MPSC) issued an order to address recent changes in the dispute resolution process for video/cable customers, franchise entities and providers. The changes are related to Gov. Jennifer Granholm's approval of Senate Bill 190 (PA 4 of 2009) on April 2,

2009. The new law amends the Uniform Video Services Local Franchise Act (PA 480 of 2006).

The MPSC order is being implemented through Case No. U-15169 and amends the standardized form for Uniform Video Service Local Franchise Agreements and issues a consumer alert related to the new dispute resolution process. The order amends the MPSC's standardized form (first adopted in 2007) for uniform video service local franchise agreements. The changes address the dispute resolution process for customers, franchise entities and providers.

To assist customers, the MPSC also issued a consumer alert on the dispute resolution process for video/cable television complaints. It covers the MPSC's role in handling customer video/cable television complaints, how to file an informal complaint, and the requirements for filing a formal complaint. The consumer alert is available on the MPSC's Web site: www.michigan.gov/mpsc.

The MPSC is an agency within the Department of Energy, Labor and Economic Growth. If local governments are having difficulty with franchise agreements or service issues with cable companies, it is best to contact Ryan McAnany at (517) 241-6139 at the MPSC. He can also serve as a contact if your residents are also having trouble resolving issues with their cable provider. ■

Unemployment costs for townships increase from page 3

system, any unemployment benefits paid to former employees are billed back to the township by the state. The state's unemployment system covers the first 26 weeks of benefits.

In January, the state's high unemployment rate triggered an extended benefit program sponsored by the federal government. These benefits are funded through the federal FUTA tax that private employers pay to the federal government. However, because local governments do not pay this federal tax, any benefits paid to former employees under this program are again billed to the township on a full reimbursement basis.

All told, Michigan workers were entitled to 72 weeks of unemployment insurance through a combination of state and federal programs. However, the federal government has authorized an additional seven weeks of unemployment as part of the economic relief efforts. The cost of the extra seven weeks for private employers is covered by the federal government. Legislation was signed into law in April that will allow Michigan to participate in the extended program. PA 18, sponsored by Rep. Steve Lindberg (D-Marquette Twp.), PA 19, sponsored by Sen. Jason Allen (R-Traverse City), and PA 20, sponsored by Rep. Lesia Liss (D-Warren), allow Michigan to participate in the federal program.

Unemployed Michigan workers now qualify for up to 79 weeks of unemployment benefits. If the township is currently participating in the state unemployment insurance program, the state covers the first 26 weeks of those benefits and the township must reimburse the state for all benefits that are paid beyond 26 weeks. Any township that does not participate in the state unemployment insurance program, that being most townships, is liable for the actual cost of unemployment benefits paid to former employees, which can potentially cover 79 weeks of benefits. This is an important consideration for any township that is considering reducing staffing for budgetary purposes. ■