

Briefly

A Publication of the Government Law Section of the State Bar of Michigan

January 2024 ■ Audrey Forbush, Chair ■ Kevin A. McQuillan, Editor-in-Chief

ANNOUNCEMENT

Save the Date for the GLS Winter Conference!

The State Bar of Michigan Government Law Section is excited to announce its annual, in-person Winter Educational Conference is fast approaching!

When: February 9, 2024

Time: 8 a.m. to 4 p.m.

Where: Summit On The Park (46000 Summit Parkway, Canton, MI 48188).

Register for this event [online](#).

We will be offering educational sessions on various election-related issues, FOIA, OMA and Red Flag laws affecting local governments. See you then!



Government Law Case Summaries

By Debari T. Gordon-Lehman
Bodman, PLC

***Porhola v. Johnson and City of Southfield* COA Docket No. 364240 (October 12, 2023)**

In *Porhola v. Johnson and City of Southfield*, Docket No. 364240 (October 12, 2023), Defendant City of Southfield employed Mr. Johnson and assigned him to drive a Case 580L backhoe loader to a jobsite. As Mr. Johnson began to make a left turn, Plaintiff Mr. Porhola attempted to pass Mr. Johnson with his vehicle “on the left and collided with the bucket of the backhoe.” Mr. Porhola was injured and sued, asserting Mr. Johnson was grossly negligent and that Southfield was vicariously liable under the motor-vehicle exception to governmental immunity. Defendants moved for summary disposition under MCR 2.116(C)(7), arguing in relevant part that a Case 580L backhoe loader was not a motor vehicle for purposes of MCL 691.1405. The Trial Court granted summary disposition and Plaintiff appealed.

The Court of Appeals agreed that the Case 580L backhoe loader is not a motor vehicle for purposes of the motor vehicle exception to governmental immunity. The Court held that “the backhoe does not resemble or move like an automobile or a truck.” The operator’s manual stated that the backhoe’s highest speed is 25 mph. Nothing in the manual or in any of the other record evidence suggested it “was intended to be operated on highways similar to an automobile, truck, or bus. In fact, the operator’s manual contains a section that instructs how to transport the machine on a trailer.”

The Court further concluded “plaintiff failed to allege facts or produce evidence sufficient to support a finding of gross negligence because there is simply no evidence from which a reasonable trier of fact could conclude that Johnson acted so recklessly as to demonstrate a substantial lack of concern for whether an injury results.”

***Gillman v. Department of Tech. Mgmt. & Budget* COA Docket No. 362504 (September 29, 2023)**

In *Gillman v. Department of Tech. Mgmt. & Budget*, Docket No. 362504 (September 29, 2023), Plaintiff sent

an email FOIA request to Defendant requesting copies of “[r]etention and disposal schedules for state agencies” as well as “[r]ecords related to the process of creation and approval of retention and disposal schedules for state agencies.” Plaintiff then filed a lawsuit claiming the Defendant never responded to Plaintiff’s e-mail. The Defendant’s FOIA Coordinator then informed Plaintiff that Defendant never actually received the FOIA request and provided a response denying the request in part. Defendant sought dismissal under MCR 2.116(C)(4). Defendant’s IT Department provided proof that “the message was automatically quarantined by the system rather than delivered to” Defendant’s inbox. The trial court granted the motion because “FOIA only permits the Court to consider claims based on final decisions, and plaintiff’s complaint is not based on a final decision of a public body.” Plaintiff appealed.

The Michigan Court of Appeals affirmed and held that Plaintiff did not have a valid FOIA claim because the issue was not ripe. Failing to respond to a request is not a final determination to deny a request. MCL 15.235(1) “represents a general intent to remedy situations in which messages are incidentally diverted away from a user’s primary inbox and, therefore, not seen.” The Court held that the trial court “did not err by treating the quarantined e-mail as equivalent to a ‘junk’ or ‘spam’ e-mail for the purposes of receipt by” Defendant.

***McKinney v. Starbucks Corp.* U.S. Court of Appeals Sixth Circuit Docket No. 22-5730 (August 8, 2023)**

In *McKinney v. Starbucks Corp.*, Docket No. 22-5730 (August 8, 2023), Petitioner, a regional director of the National Labor Relations Board (NLRB), alleged Starbucks engaged in unfair labor practices by terminating seven employees (the “Memphis Seven”) following sensationalized news coverage of a unionization effort at one of its stores. Petitioner sought temporary injunctive relief pending the completion of NLRB proceedings.

The District Court found reasonable cause to believe that Starbucks had violated the Act and ordered temporary reinstatement of the Memphis Seven. Starbucks appealed.

On appeal, the United States Court of Appeals for the Sixth Circuit affirmed. The Court found no abuse of discretion in preserving the status quo through temporary reinstatement pending completion of NLRB proceedings. In reaching this conclusion, the Court noted the chilling effect created by a fear of retaliation as well as the severe encumbrance on the ability to unionize caused by terminating “80% of the organization committee during a unionization campaign.”

Freed v. Thomas
81 F.4th 655 (6th Cir. 2023)

In *Freed v. Thomas*, Donald Freed owned land with a fair market value of more than \$90,000. When Mr. Freed fell behind on his property taxes by approximately \$1,100, Gratiot County (through its treasurer, Defendant Mr. Thomas) sold the property at auction for \$42,000. Mr. Freed sued Gratiot County claiming violations of 42 U.S.C. § 1983 for unconstitutional takings under the Fifth and Fourteenth Amendments and an unconstitutional excessive fine under the Eighth Amendment because the County kept all the proceeds of the sale beyond the amount owed for property taxes. Following an initial appeal in 2020 regarding subject-matter jurisdiction, see 976 F.3d 729, Gratiot County sought summary judgment. The District Court held that Mr. Freed was owed just compensation in the amount of the difference between the foreclosure sale and his debt, plus interest from the date of the foreclosure sale. Mr. Freed and the County appealed.

On appeal, the Sixth Circuit affirmed. First, the Court rejected Mr. Freed’s arguments and held that Mr. Freed was only owed the difference between the foreclosure sale amount and his debt, plus interest. The Court based its holding on *Tyler v. Hennepin Cnty.*, in which the Supreme Court held that “a taxpayer is entitled to the surplus in excess of the debt owed.” The Court noted the Supreme Court has never suggested that a Plaintiff whose property was foreclosed upon for failure to pay taxes and sold at public auction was entitled to recoup the property’s fair market value.

The Court also rejected Gratiot County’s argument regarding *Monell* liability. Gratiot County argued it was

merely following a state statute when it foreclosed on the home – it was not acting pursuant to a County custom or policy. The Court disagreed and noted Gratiot County’s “decision to voluntarily and repeatedly serve as the foreclosing governmental unit and retain the proceeds was a policy decision with a ‘direct causal link’ to the constitutional violation in this case.” Thus, Gratiot County could be held liable for a policy of failing to refund surplus proceeds to property owners under Mich. Comp. Laws § 211.78.

DWJ v. CLB
Michigan Court of Appeals, Case No. 363324
(November 2, 2023)

In *DWJ v. CLB*, the Petitioner, a City Attorney for the City of Inkster, sought an ex parte personal protection order against the Respondent, a private citizen who had repeatedly expressed insults through e-mail and at public meetings. The Respondent sought to have it terminated. The Trial Court refused to terminate the PPO and found that Respondent’s conduct was not protected by the First Amendment because the Petitioner had a “right to be left alone.” Respondent appealed.

The Michigan Court of Appeals held that the Trial Court erred as a matter of law in ruling respondent’s speech violated Petitioner-City Attorney’s right to be left alone, because the speech was constitutionally protected. Because Petitioner is a public figure, and the speech/conduct at issue focused on matters of public interest, the First Amendment applied. Moreover, the Court noted that the parties offered no binding cases applying “a ‘right to be left alone’ to overcome constitutional protections in the context of a PPO.”

About the Author



Debani T. Gordon-Lehman is a Senior Associate Attorney at Bodman, PLC in Ann Arbor Michigan. Debani focuses her practice on municipal law, representing city leaders, departments, and related entities on a broad range of legal issues faced by municipal governments. Debani also serves in Bodman’s

Litigation practice group and represents clients in civil disputes involving a broad spectrum of issues.

Attorney General Opinion Updates

By George M. Elworth

Assistant Attorney General, State Operations Division

Opinion No. 7323

October 4, 2023

MICHIGAN CAMPAIGN FINANCE ACT: STATUTE OF LIMITATIONS:

**Maintaining records of
unpaid late filing fees and
fines assessed against
candidates and committees.**

The statute of limitations for the collection of late filing fees and fines assessed under the Michigan Campaign Finance Act is six years.

A filing official must still consider unpaid late fees that are beyond the six-year statute of limitations on collection when determining whether a candidate is qualified to be on the ballot pursuant to MCL 168.558(4).

Unpaid fines assessed against a committee that are beyond the six-year statute of limitations on collection should not be removed from that committee's record.

Opinion No. 7324

October 30, 2023

PROPERTY ASSESSED CLEAN ENERGY ACT: SPECIAL ASSESSMENTS:

**Nature and treatment of
contractual assessments
imposed under the Property
Assessed Clean Energy Act.**

Contractual assessments imposed by local governments under the Property Assessed Clean Energy Act, MCL 460.931, *et seq.*, are considered special assessments by the local government and are treated in a similar manner as the real estate taxes on the property.



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can be found at <http://www.michbar.org/sections>

Legislative Update

By Kester So, Eric McGlothlin, Laura M. Bassett, John Weiss, and Amelia P. Livingway
Dickinson Wright PLLC

The Michigan Legislature adjourned sine die November 14, 2023. Bills that did not advance through each chamber of the Legislature prior to adjournment carry over to the Legislature's next regular session beginning in January 2024. The following are summaries of some new laws and bills of public sector interest.

Enacted Legislation

- **Business. PA 134 of 2023** extends the sunset on fees for filing an annual report paid to the Department of Licensing and Regulatory Affairs (LARA) under the Non Profit Corporation Act until September 20, 2027. Amends sec. 1060 of 1982 PA 162 (MCL 450.3060).
- **Cities. PA 195 of 2023** amends the City Income Tax Act to allow any city that levies a city income tax to enter into agreements with the Department of Treasury to administer, enforce, and collect city income taxes and modifies city income tax collection procedures. This includes provisions dealing with the ability to impose a lien for unpaid taxes, demand for payments, warrants, levies on property, refusal to surrender property, personal liability, levy on salary and wages, and recording a release of a lien or levy. Amends secs. 6 & 9, ch. 1, secs. 3, 73, 84, 85, 86a, 86b, 86c, 91, 92 & 93, ch. 2 of 1964 PA 284 (MCL 141.506 et seq.) & adds sec. 92a to ch. 2.
- **Civil Rights. PA 214 of 2023** allows meetings of a municipal public employee retirement board and a board of a joint action agency formed under 1976 PA 448, to be conducted remotely. Amends sec. 3a of 1976 PA 267 (MCL 15.263a).
- **Elections. PA 193 of 2023** allows "absent uniformed services voters" to electronically return absent voter ballots beginning September 1, 2024. Amends sec. 759a of 1954 PA 116 (MCL 168.759a).
- **Labor. PA 144 of 2023** added to the definition of "public police or fire department employee" county corrections officers that met specified requirements and employees of higher education institutions that work as police officers or firefighters. Amends sec. 2 of 1969 PA 312 (MCL 423.232).
- **Property Tax. PA 150 of 2023** modifies certain requirements relating to the disabled veteran property tax exemption and provisions concerning eligibility of surviving spouses for property used and owned as a homestead by a disabled veteran or the veteran's surviving spouse. Amends sec. 7b of 1893 PA 206 (MCL 211.7b); see also PA 151 and 152 of 2023.
- **Property Tax. PA 191 of 2023** provides for retroactive application of an automatic poverty exemption under certain conditions for properties that were exempt in the 2019, 2020, or 2021 tax years. Amends secs. 7u & 53b of 1893 PA 206 (MCL 211.7u & 211.53b).
- **Traffic Control. PA 124 and 125 of 2023** amend the Revised Judicature Act and the Michigan Vehicle Code to create a program called the Specialty Court Interlock Program, which would allow an individual assigned to a specialty court, such as a drug treatment or Driving While Intoxicated (DWI)/sobriety court, to be placed in the Program and to receive a restricted license from the Michigan Secretary of State after installing an interlock device. Amends secs. 1084 & 1091 of 1961 PA 236 (MCL 600.1084 & 600.1091) and secs. 83 & 304 of 1949 PA 300 (MCL 257.83 & 257.304).
- **Transportation. PA 149 of 2023** amends Public Act 51 of 1951, the Michigan Transportation Fund law, to allow the Michigan Department of Transportation (MDOT) to designate a newly constructed highway lane built using Federal funds as a high-occupancy vehicle (HOV) lane by following specified procedures. Amends sec. 1 of 1951 PA 51 (MCL 247.651).

Pending Legislation

- **Aeronautics. HB 5352** would subject zoning ordinances to the Michigan Aeronautics Code under the Michigan Zoning Enabling Act. Amends sec. 205 of 2006 PA 110 (MCL 125.3205); tie-barred with HB 5349.
- **Agriculture. HB 4857** would prohibit local governments from classifying milkweed as a noxious or exotic weed. Amends sec. 2 of 1941 PA 359 (MCL 247.62).
- **Animals. SB 0657** would impose penalties and restitution upon an owner for the care and treatment of certain forfeited animals, including neglected, beaten, or abandoned animals. Amends sec. 50 of 1931 PA 328 (MCL 750.50).
- **Animals. HB 5039, HB 5040, and HB 5041**, would create new acts to prohibit, respectively, a county, township, and city or village from enacting or enforcing an ordinance, policy, resolution, or rule that regulates a dog based upon breed or perceived breed.
- **Businesses. SB 0513** would amend the Municipal Health Facilities Corporations Act (MHFCA) to allow a county hospital established under MHFCA that meets certain criteria to restructure as a non-profit corporation. Among other requirements, the restructuring would have to be approved by the corporation's board of trustees and the governing body of the local unit of government. Amends sec. 305a of 1987 PA 230 (MCL 331.1305a).
- **Campaign Finance. SB 0613** would create a new act entitled the "Public Officers Financial Disclosure Act," to require the governor, the lieutenant governor, the attorney general, the secretary of state, state representatives, and state senators to file annual financial disclosure reports. Tie-barred with SB 0614.
- **Campaign Finance. HB 5141** would amend the Michigan Campaign Finance Act to require political advertisements generated in whole or substantially with the use of artificial intelligence by a candidate or committee to include a disclosure statement that the advertisement was generated by artificial intelligence. Amends sec. 47 of 1976 PA 388 (MCL 169.247) & adds sec. 59; tie-barred with HB 5143.
- **Children. SB 0627** would allow the surrender of a newborn in a newborn safety device to an emergency service provider, including on duty employees of a fire department, hospital, or police station. Amends secs. 1, 2, 3, 5, 7, 10, 17 & 20, ch. XII of 1939 PA 288 (MCL 712.1 et seq.) & adds sec. 3a to ch. XII.
- **Cities. HB 4332** would amend the Home Rule City Act to increase the penalties that local officials may impose on property owners when blighted property violations are ignored, if the owner has committed multiple violations. Amends sec. 4q of 1909 PA 279 (MCL 117.4q).
- **Civil Procedure. SB 0611** would revise the time of accrual of a cause action for groundwater contamination cases to the plaintiff's discovery of the existence of the claim or the time the plaintiff should have discovered the existence of the claim. Amends 1961 PA 236 (MCL 600.101 et seq.) by adding sec. 5830.
- **Civil Rights. SB 0382** would create a new act called the Equal Language Access to State Services Act to require that state departments, agencies, and entities take reasonable steps to provide access to state services by individuals with limited English proficiency and to require biennial reports on equal language access. Tie-barred with HB 4720.
- **Civil Rights. SB 0467** would prohibit the evasion of disclosure of public records under the Freedom of Information Act by use of code words or phrases that purposely conceal the subject of those records. Amends sec. 3 of 1976 PA 442 (MCL 15.233).
- **Civil Rights. SB 0641** revises provisions of the Open Meetings Act relating to virtual attendance and participation of members of public bodies at public meetings. Amends secs. 3 & 7 of 1976 PA 267 (MCL 15.263 & 15.267); adds sec. 3b & repeals sec. 3a of 1976 PA 267 (MCL 15.263a).
- **Civil Rights. HB 5351** would exempt certain records of local offices of inspector generals to be exempt from disclosure under the Freedom of Information Act. Amends sec. 13 of 1976 PA 442 (MCL 15.243).
- **Construction. HB 4189** would create a new act entitled the "Public Entity Asbestos Removal Verification Act" to prohibit a public entity from entering into an asbestos abatement project with an asbestos abatement contractor unless the public entity conducts a background investigation of the contractor seeking to bid on the project.

- **Controlled Substances. HB 5178** would amend the Public Health Code to explicitly allow a person to establish a needle and hypodermic syringe access program if they are authorized to do so by the Department of Health and Human Services, a local health officer, a local health department, or another governmental entity. The purpose of a needle and hypodermic syringe access program would be defined as distributing sterile needles or hypodermic syringes to individuals or providing them with additional services, items, or equipment to decrease the spread of communicable diseases. Amends sec. 7451 of 1978 PA 368 (MCL 333.7451).
- **Economic Development. HB 5049** would prohibit the Michigan Strategic Fund from providing any economic incentives to China or to the Chinese Communist Party. Amends 1984 PA 270 (MCL 125.2001 et seq.) by adding sec. 7c.
- **Economic development. HB 5074** would allow certain tool and die renaissance recovery zones to extend renaissance zone status for up to a maximum of 30 years from the current maximum of 15 years. Amends sec. 8d of 1996 PA 376 (MCL 125.2688d).
- **Elections. SB 0387** would allow, among other things, processing and tabulation of absent voter ballots during the early voting period. Amends secs. 764a, 764b, 764d, 765, 765a, 765b, 768, 769, 798b & 805 of 1954 PA 116 (MCL 168.764a et seq.); adds secs. 523b, 765c & 768a & repeals secs. 14b, 24k & 767 of 1954 PA 116 (MCL 168.14b et seq.); tie-barred with SB 0370 and SB 0372.
- **Elections. HB 4210** would allow “absent uniformed services voters” to vote electronically beginning September 1, 2025 and provide for electronic return of absent voter ballots by military voters, their spouses, and dependents of those members. Amends sec. 759a of 1954 PA 116 (MCL 168.759a) & repeals sec. 18a of 1954 PA 116 (MCL 168.18a).
- **Energy. HB 5120** would authorize Michigan Public Service Commission (MPSC) certification for zoning exemptions for alternative energy sources, including large scale solar, wind, and energy storage facilities. Amends title & sec. 13 of 2008 PA 295 (MCL 460.1013) & adds pt. 8; tie-barred with HB 5121 and SB 0588; *enrolled bill presented to the Governor on November 21, 2023.*
- **Fireworks. HB 5206** would remove a moratorium on transferring the location of a consumer fireworks certificate during June and July of each year. Amends sec. 4 of 2011 PA 256 (MCL 28.454).
- **Higher Education. Senate Joint Resolution E** would require gubernatorial appointment of regents, trustees, or board of governors for University of Michigan, Michigan State University, and Wayne State University. Amends sec. 5, art. VIII of the state constitution.
- **Higher Education. Senate Joint Resolution F** would require open meetings for university boards. Amends sec. 4, art. VIII of the state constitution.
- **Housing. HB 5336** would create a new act requiring the use of certain factors in local housing ordinances to designate area median income for affordable housing determinations.
- **Highways. HB 4940** would clarify provisions regarding the liability of counties for injuries that result from the failure by the county to maintain highways to a “reasonably safe” standard and would remove provisions establishing the procedure and notice requirements for filing a claim for injury. Amends sec. 21 of 1909 PA 283 (MCL 224.21).
- **Labor. HB 4972** would prohibit employers from entering into agreements prohibiting employees from disclosing certain information about violations of the Elliot-Larsen civil rights act. Amends 1976 PA 453 (MCL 37.2101 et seq.) by adding sec. 202b.
- **Labor. HB 4960** would prohibit employers and labor organizations from requesting or maintaining a record of certain criminal history information about a job applicant or employee. Amends sec. 205a of 1976 PA 453 (MCL 37.2205a).
- **Labor. HB 5292** would create a new act requiring employers to provide breaks for employees with nursing children.
- **Law Enforcement. HB 5023** would prohibit law enforcement agencies and local governments from entering into or renewing towing contracts with third parties. Amends secs. 2 & 3 of 2018 PA 327 (MCL 123.1402 & MCL 123.1403).
- **Law Enforcement. HB 5036** would modify the employment standard for law enforcement officers to modify the color vision standard. Amends secs. 9, 9b, 9c, & 9d of 1965 PA 203 (MCL 28.609 et seq.).

- **Law Enforcement. HB 5281** would create a new act prohibiting licensing and hiring of law enforcement officers that are members of certain groups or engage in certain conduct. Tie-barred with HB 5282.
- **Law Enforcement. HB 5282** would require background investigation of law enforcement applicants for membership with extremist groups before licensure. Amends secs. 9, 9b, 9c & 9d of 1965 PA 203 (MCL 28.609 et seq.).
- **Land Use. SB 0480** would amend the Land Division Act to modify the number of parcels resulting from land division, increasing to 20 from four the number of parcels permitted to be created from dividing the first 10 acres of a parent parcel of land. Amends sec. 108 of 1967 PA 288 (MCL 560.108).
- **Land Use. SB 0586** would authorize MPSC certification for zoning exemptions of solar and storage facilities of 50 or more megawatts but less than 100 megawatts. Amends title of 2008 PA 295 (MCL 460.1001 et seq.) & adds pt. 8; tie-barred with SB 0587; see also HB 5120 through HB 5123.
- **Land Use. SB 0587** would amend the Zoning Enabling Act to prevent a local zoning ordinance from prohibiting or regulating testing activities undertaken by an electric provider or independent power producer for investigating a site for the placement of an energy facility of 50 megawatts but less than 100 megawatts. Amends sec. 205 of 2006 PA 110 (MCL 125.3205); tie-barred with SB 0586; see also HB 5120 through HB 5123.
- **Land Use. SB 0588** would amend the Zoning Enabling Act to prevent a local zoning ordinance from prohibiting or regulating testing activities undertaken by an electric provider or independent power producer for investigating a site for the placement of an energy facility of 100 MW or more. Amends sec. 205 of 2006 PA 110 (MCL 125.3205); tie-barred with SB 0585; see also HB 5120 through HB 5123.
- **Liquor. HB 5005** would allow dogs inside breweries under certain conditions at the discretion of the establishment. Amends sec. 6101 of 2000 PA 92 (MCL 289.6101).
- **Local Government. HB 5025** would repeal the educational instruction access act. Repeals 2017 PA 98 (MCL 123.1041 et seq.).
- **Local Government. HB 5067** would create a new “local government contracting act” prohibiting the award, extension, or renewal of local contracts to foreign countries of concern. Tie-barred with HB 5066.
- **Property. HB 4842** would amend the State Building Authority Act, among other things, to eliminate a requirement that pooled obligations issued by the State Building Authority to meet interim financing needs must mature within 5 years after establishment of the financing pool. Amends sec. 8 of 1964 PA 183 (MCL 830.418).
- **Public Employees and Officers. SB 0525** would create a new act prohibiting elected officials from signing nondisclosure agreements.
- **Public Utilities. SB 0551** would create a new act entitled the “water shutoff protection act,” which act would prohibit a water provider from shutting off service because a residential customer has not paid a delinquent account unless the provider contacts the residential customer at least 4 times using the methods prescribed by the act. Tie-barred with SB 0549 and SB 0550.
- **Public Utilities. HB 5221** would establish electrical reconnection fees for municipally owned electric utilities. Amends secs. 9d, 9q & 9r of 1939 PA 3 (MCL 460.9d et seq.); tie-barred with HB 5216, 5222, 5220, 5217, and 5219.
- **Retirement. HB 5203** would allow employment of a county retirant in a county sheriff’s office without forfeiting retirement allowance. Amends sec. 12a of 1851 PA 156 (MCL 46.12a).
- **Sales Tax. HB 4274 and 4275** would amend the Michigan Trust Fund Act and the General Sales Tax Act to establish a “revenue sharing trust fund” and to provide for distribution of sales tax revenue for the revenue sharing trust fund to local units of government. Amends sec. 25 of 1933 PA 167 (MCL 205.75).
- **State Finance. SB 0417** would amend the State Housing Development Authority Act to extend the use of pass-through financing by the Michigan State Housing Development Authority (MSHDA) to allow MSHDA to use the proceeds of certain notes or bonds to loan money through a mortgage lender for projects with independent living, congregate care, or assisted living units for individuals 55 years of age or older, or supporting facilities to serve and improve

areas in which the financed multifamily project was located. Amends sec. 44c of 1966 PA 346 (MCL 125.1444c).

- **Taxation.** **HB 4966, 4968, 4969 and 4970**, tie-barred, would amend the General Property Tax Act, the Tax Reverted Clean Title Act, the Neighborhood Enterprise Zone Act and the Income Tax Act of 1967, and create a new act. The legislation would create the Land Tax Equity Act, which would allow a qualified city and certain other local units of government that are coterminous with or located within the geographical boundaries of the qualified city to authorize a land value tax (LVT). The LVT would allow the qualified city and local units of government to designate qualified taxes to be replaced by an equivalent land tax rate levied on certain parcels of land. Amends secs. 2, 78a & 89b of 1893 PA 206 (MCL 211.2 et seq.) and adds sec. 7yy; amends sec. 5 of 2003 PA 260 (MCL 211.1025); amends sec. 9 of 1992 PA 147 (MCL 207.779); amends sec. 9 of 1992 PA 147 (MCL 207.779); and creates new act.
- **Townships.** **HB 4860** would amend the Charter Township Act to modify when a township board member present at a board meeting may abstain from a vote due to a conflict of interest. Amends sec. 7 of 1947 PA 359 (MCL 42.7).
- **Transportation.** **HB 4897** would amend the State Trunkline Highway System (1951 PA 51) to expand the agreements that a county road commission can enter into with another road authority for performing work on a road or highway or purchasing or using equipment or machinery for road or highway construction, maintenance, or operation. In addition to the current authorization for a county road commission to enter into an agreement with the county road commission of an adjacent county and with a city or village, or with MDOT with respect to a state trunk line highway and its connecting links within the limits of the county or adjacent to the county, the legislation would allow a county road commission to enter into an agreement with a county road commission of another county, with a city or village, or with MDOT to perform work on a highway, road, or street within the limits that county or of another county. Amends secs. 12 & 13b of 1951 PA 51 (MCL 247.662 & 247.663b).
- **Tribal Law.** **HB 4569 and 4983**, tie-barred, would amend the Michigan Election Law to modify Michigan's automatic voter registration procedures and clarify an individual's ability to opt out of automatic registration. HB 4569 would also allow eligible individuals who are at least 16 years of age to preregister to vote. Preregistered individuals would be eligible to vote in the first election that occurs on or after the date they turn 18, and could participate in early in-person or absentee voting for an election, as long as they will be 18 on or before the date of that election. Amends secs. 495, 509o, 509q, 509r, 509gg & 516 of 1954 PA 116 (MCL 168.495 et seq.) & adds sec. 496a; and amends secs. 493a, 500a, 501, 509o, 509q & 509r of 1954 PA 116 (MCL 168.493a et seq.) & adds sec. 493b.



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