

Michael C. Sessa
29559 Riverside Bay Ct.
Harrison Twp., MI 48045

Op Ed

Michael C. Sessa is a former Macomb County Commissioner, Chairman of the Macomb County Taxpayers Ass'n. and one of the drafters of the Headlee Amendment, Michigan Constitution.

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“Court Sides With School Districts in suit versus State” subtitled “Reporting requirements violate Constitution” by Frank DeFrank, Macomb Daily July 16, 2010.

You have to wonder how someone could sue the state under a provision of the Headlee Amendment which the Legislature hasn't drafted, the Governor hasn't signed any legislation supporting any statute, and has been ignored for over 30 years by the Legislature and this sitting Governor. How is that possible? They just ignore the provision which would prevent them from passing any law that was not funded by state government.

Just think – with the anti-smoking law they have lost jobs urgently needed, closed some businesses because could not comply and have taken away decisions (smoke or not) away from property owners who are also big taxpayers.

They pass anti-telephone texting legislation and force local law enforcement personnel to administer it without compensation. The local unit of government has to step up, possibly raise taxes while the state laughs up its collective sleeve.

The Headlee Amendment that I'm speaking of is Art. IX Sec. 29, it's easy to read and understand. “If the state or state agency mandates something, the state must put money up front to compensate local units of government for their expenditures”. More importantly, the article referenced above is a good primer and while we cannot fully agree with the Supreme Court, it does require that an increase in activity required by the state without compensation to local units of government is UNCONSTITUTIONAL.

“Headlee Amendment Art. IX, Sec. 29; the state is hereby prohibited from reducing the state finance portion of the necessary costs..., but yet in 2008 the state reduced its aid to school districts by 95% of the necessary costs associated with benefits. This kind of an activity forces local units of government (school districts) to either borrow money, use their fund equity to close the gap, or try to get the electorate to buy some convoluted excuse for raising taxes.

There is a lot of blame to go around. Consider for example, at this writing, not one of the gubernatorial candidates has even mentioned why they should or should not fully enact the Headlee Amendments after 30 + years.

The Legislature is not blameless. They raise their hand and swear to uphold the Constitution and then promptly ignore a provision (Art. IX, Sec. 29) of the Headlee Amendments simply because they might not be able to pay for their ill-conceived frivolous laws.

The Governor is an attorney and should be subject to the Attorney Grievance Commission; she is not, and so are many members of both the House and Senate. No one it seems holds anyone accountable for anything. Maybe our citizens should wake up and consider lawsuits, a part time legislature (petition drive), or other actions to compel our State Legislators and the Governor to fully enact the Headlee Amendments and then live by them. After all, the amendments were approved in 1978 by a statewide ballot. Does the electorate's vote mean nothing?

I should explain the thinking and discussion of the Headlee Amendments. We wanted to clearly define the states portion of the economic pie and we knew from our discussions that the state would shift their burden to local units of government.

After 30 + years, it must be abundantly clear that the state did in fact shift funding burdens to local units of government. It is a sad day in Michigan when the majorities of the legislature and the governor can impose laws that our citizens don't want and don't need. In some cases, they are even redundant and that says so much about the brain trust in Lansing.

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