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## Senate Action Report

01/26/11 Vol. XLVIII Rpt. 5

**Resolutions:**  
SCR 0005**General Orders:**  
SB 0022**Introduction of Bills:**  
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**MIRS**

## MIRS Capitol Capsule, Wednesday, January 26, 2011

[View Printable Version](#)**QUOTE OF THE DAY***"Fonville stated that, on April 20, 2006, he 'pretty much endangered two young kids' by 'doing drugs and driving around with them in the car.'"*- Appellate Judge Karen Fort **HOOD** in the majority opinion on a case involving Derek **FONVILLE**, who successfully had his guilty plea of child enticement overturned because his attorney failed to tell him it would entail him to register as a sex offender.**INSIDE TODAY'S MIRS:**

- Domestic Partner Benefits Approved
- Hackel Wants Resolution To Water Spat
- Wayne Co. Biggest Redistricting Loser
- Snyder: DRIC Needs New Name
- Task Force Proposes Court Consolidation Plan
- BLM: MI Could Have Had 1M Jobs Last Decade
- Poll: Stabenow 'Vulnerable' To Land, Hoekstra
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**Domestic Partner Benefits Approved**

The Civil Service Commission (CSC) today approved letters of understanding that will allow, beginning Oct. 1, 2011, benefits for the live-in boyfriends and girlfriends of most state employees and the domestic partner's children.

State employees represented by the United Auto Workers (UAW), the Service Employees International Union (SEIU) and non-exclusively represented employees (NEREs) would have their health benefits extended to "Other Eligible Adult Individuals."

These "Other Eligible Adult Individuals" could not be a member of the employee's immediate family and must have shared a permanent residence with the state employee for at least 12 straight months.

The approval came on a 3-1 vote despite objections from State Employer Jan **WINTERS**, who argued concerns about the benefit's cost. The CSC had the letters of understanding before them at their December meeting but tabled the request until today (See "[CSC Does Not Act On 'Other Eligible Individuals,'](#)" 12/8/10).

Winters told commissioners it is not all about same-sex partnerships. However, it should be pointed out that same-sex couples would benefit from this policy.

"That was addressed in 2004 and found unconstitutional," she said. "This is about cost and how it is to be dealt with." Winters did not provide a cost figure but said it would be "in the millions" and "more than was originally negotiated."

She argued the letters of understanding contain "vague language" regarding other dependents.

Winters called on the Commission "to put the issue where it belongs, back at the bargaining table."

Union representatives spoke in favor, calling it "a process" issue and "fulfilling a bargaining promise."

"The Office of State Employer and UAW have had a letter pending for six years and nothing in the budget picture has changed in the last six weeks," said UAW special assistant Georgi-Ann **BARGAMIAN**.

Bargamian ballparked the cost at around \$2 million, "not off-the-chart expenditures."

She said there are letters of understanding on the same issue with other public sector employers including Northern Michigan University.

John **DeTIZIO**, Labor Relations Director for the Michigan Association of Governmental Employees (MAGE), said to not extend the benefits to NEREs would be a huge mistake.

"There is a drastic morale problem," DeTizio said, referring to the 3 percent pay increase the Commission denied NEREs that other state employees received. "They are extremely angry and frustrated."

In support of extending the health care benefits, Commissioner Charles **BLOCKETT**, Jr. said he did a lot of "soul searching" and came down to four reasons for voting in the affirmative.

Blockett said health care "is not a luxury. It's a necessity." He also argued that Michigan State University, the University of Michigan and others who have extended the benefits have found less than two percent enrolled and that there was no negative impact on their budgets. Finally, the

## New House Members

- Pscholka, Al (R)
- Heise, Kurt (R)
- Rendon, Bruce (R)
- Yonker, Ken (R)
- Ouimet, Mark (R)
- MacMaster, Greg (R)
- Muxlow, Paul (R)
- Darany, George (D)
- Callton, Mike (R)
- O'Brien, Margaret (R)

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## House Cmte Schedule

**TUESDAY, JANUARY 25, 2011****UPDATED: 01/21/11**

9:00 AM - NATURAL RESOURCES, TOURISM, AND OUTDOOR RECREATION

9:00 AM - APPROPS - SUB CMTE ON HUMAN SERVICES

9:00 AM - ENERGY AND TECHNOLOGY

10:30 AM - COMMERCE

10:30 AM - FAMILIES, CHILDREN, AND SENIORS

12:00 PM - MILITARY AND VETERANS AFFAIRS AND HOMELAND SECURITY

12:00 PM - OVERSIGHT, REFORM, AND ETHICS

3:00 PM - APPROPS - SUB CMTE ON TRANSPORTATION

**WEDNESDAY, JANUARY 26, 2011****UPDATED: 01/24/11**

9:00 AM - EDUCATION, JOINT MEETING WITH HOUSE APPROPRIATIONS: EDUCATION

9:00 AM - AGRICULTURE

9:00 AM - BANKING AND FINANCIAL SERVICES

10:30 AM - APPROPS - SUB CMTE ON HIGHER EDUCATION

10:30 AM - TAX POLICY

10:30 AM - REGULATORY REFORM

12:00 PM - TRANSPORTATION

12:00 PM - GOVERNMENT OPERATIONS

12:00 PM - APPROPS - SUB CMTE ON ENERGY, LABOR &amp; ECONOMIC GROWTH

**THURSDAY, JANUARY 27, 2011****UPDATED: 01/19/11**

9:00 AM - HEALTH POLICY

9:00 AM - LOCAL, INTERGOVERNMENTAL, AND REGIONAL AFFAIRS

10:30 AM - JUDICIARY

10:30 AM - INSURANCE

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## MIRS Capitol Capsule

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## Latest Forum Posts

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- Wayne Co. Biggest Redist...
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- Poll: Stabenow Down To L...
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## Senate Cmte Schedule

**TUESDAY, JANUARY 25, 2011**  
**UPDATED: 01/24/11**  
 9:30 AM - STATE DRUG TREATMENT COURT ADVISORY COMMITTEE  
 12:30 PM - TRANSPORTATION  
 2:30 PM - JUDICIARY

**WEDNESDAY, JANUARY 26, 2011**  
**UPDATED: 01/24/11**  
 8:30 AM - REFORMS, RESTRUCTURING, REINVENTING  
 12:30 PM - EDUCATION

**THURSDAY, JANUARY 27, 2011**  
**UPDATED: 01/24/11**  
 8:30 AM - NATURAL RESOURCES, ENVIRONMENT, AND GREAT LAKES  
 12:30 PM - REGULATORY REFORM  
 1:00 PM - APPROPS - SUB CMTE ON STATE POLICE AND MILITARY AFFAIRS

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unions and Office of State Employer had negotiated the letters of understanding in good faith.

"For those who say now is not the time, they said now is not the time for voting rights for women. Now is not the time for integration. Now is not the time to integrate the armed services and now is not the time to integrate schools," Blockett said. "It is important and necessary to extend these benefits to employees."

In casting the dissenting vote, Commissioner Mac **WALDROP** said he could not support adding these benefits when the benefits that have been taken away from state employees have not been returned.

Taking Waldrop's side was House Appropriations Committee Chair Chuck **MOSS** (R-Birmingham) who issued a statement saying, "This fiscally irresponsible move not only adds unnecessary costs to our hard-pressed budget, but opens the door to nearly limitless liability. It's writing a blank check to an already overdrawn account to push an agenda rejected by Michigan voters."

Waldrop Elected CSC Chair

Mac **WALDROP** has been elected to serve a chair of the Civil Service Commission for the coming year. Charles **BLOCKETT**, Jr. was elected vice chair.

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**Hackel Wants Resolution To Water Spat**

Macomb County Executive Mark **HACKEL** told *MIRS* that he is taking a mediatory role in the Detroit water board fight, saying he'd rather work behind the scenes to find a solution that is amenable to the city of Detroit and the suburbs, who want majority control of a new board overseeing the water system.

Contrary to the initial belief of Sen. Bert **JOHNSON** (D-Detroit) and possibly other Detroit officials, Hackel said he would not be attending a Thursday press conference regarding regional support for the city of Detroit in its bid to keep control of the system.

Hackel said he was invited to attend, but had his office promptly declined the invitation.

"I didn't feel it appropriate to be there," said Hackel, who was sworn into office Jan. 1. "I want to give this issue a fresh look. I'd like to help resolve some the differences out there and maybe add some diplomacy in the hopes of making this thing work."

Although many officials in the suburbs, including Macomb County Public Works Commissioner Anthony V. **MARROCCO**, are passionate about creating an oversight board consisting of a majority of suburban members, Hackel said he's "not on either side."

"What do we have to do to bring people together and resolve this issue?" Hackel asked.

For his part, the new Macomb County Executive said he would like to see strong oversight over Detroit's water system, which covers most of southeast Michigan. He said he also wants to see a system with more accountability and more transparency.

Johnson told *MIRS* on Tuesday that it was his understanding that Hackel would be attending the 3:30 p.m. press conference in front of City Hall at which time the coalition supporting the city of Detroit's control of the Detroit Water and Sewerage Department will be announced.

Wayne County Executive Bob **FICANO** will be at the Detroit City Hall event. Others on board include Detroit Mayor Dave **BING**, local clergy, policy advocates, union leaders and other legislative bodies.

But Johnson confirmed today that Hackel would not be attending the presser.

"Sometimes executives want to be executives," Johnson said. "They kind of want to carve out their own niche, so I'm OK with it."

Johnson said he would be there, along with Rep. Shanelle **JACKSON** (D-Detroit), Rep. Maureen **STAPLETON** (D-Detroit), members of the Detroit City Council and clergy.

That will leave Oakland County Executive L. Brooks **PATTERSON** as the only member of the new reconstituted so-called "Big Four" in support of legislation that would shift control of the water board to the suburbs.

By forming the "broad coalition," Johnson said this demonstrates the legislation is not in the "best interest of regional" cooperation and he argued that Patterson should realize that, too.

Suburbanites have long argued that since they use 75 percent of the water, they should be more adequately represented on the board oversees its operation.

Rep. Kurt **HEISE** (R-Northville) is the sponsor of a reworked regional water authority bill that differs significantly from the last time the Legislature seriously attempted it in 2004 with then-Sen. Laura **TOY**.

Under Heise's **HB 4112**, the city of Detroit would retain ownership of the system, however it leaves open the possibility of future privatization. It retains all current labor union contracts.

The committee created to oversee the operation of the system that provides water to 43 percent of Michigan's residents would be made up of representatives of all 126 communities the system serves. These committee members would select five people to serve on a strong nine-person executive committee, joining four permanent appointees selected by the Mayor of Detroit and the public works directors of Oakland, Macomb and Wayne counties.

The executive committee would be in charge of contracts, bids, rates and oversight of the water department.

- [MML Unveils Cost Saving ...](#)
- [Oh, Yeah, About That Sex...](#)

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## Public Acts Listing

**Report Date: 12/22/10**

- [PA 348 - SB 1118](#)
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- [PA 349 - SB 1119](#)
- [S-12/21/10 F-12/22/10, IE](#)
- [PA 350 - SB 0589](#)
- [S-12/21/10 F-12/22/10, IE](#)
- [PA 351 - HB 4918](#)
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- [S-12/22/10 F-12/22/10, IE](#)
- [PA 357 - SB 1564](#)
- [S-12/22/10 F-12/22/10, IE](#)

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## Political Poll Cross Tabs

**January, 18, 2011 - EPIC/MRA STATEWIDE POLL - JANUARY 2011 - SURVEY#1**  
 600 Sample, Plus or Minus 4 Percent - January 13th through January 16th, 2011

- [Questions and Results](#)

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## Statewide Headlines

- [Listen To My Words](#)
- [McCulloch seeks regional management of Detroit water system](#)
- [State kicks off new health insurance initiative: Pre-existing conditions no longer an automatic bar to coverage](#)
- [Legal action taken to create regional water board](#)
- [David Willis, Macomb County sheriff candidate, under investigation](#)
- [Levins push electric car credit](#)
- [Union's school overhaul gets some mixed marks](#)
- [MSU leading portion of big health study](#)
- [Lansing mayor's blue ribbon panel to seek shared services](#)
- [Plant would turn waste to ethanol in Holland](#)

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## House Action Report

01/26/11 Vol. XLVIII Rpt. 6

**Introduction of Bills:**

HJR G, HJR H, HJR I, HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147, HB 4148, HB 4149, HB 4150, HB 4151, HB 4152, HB 4153, HB 4154, HB 4155, HB 4156, HB 4157

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Heise calls this "UN model" something similar to a system that worked in the Downriver Area when he was intimately involved in the water issue with Wayne County.

The idea behind the committee and the executive committee is to encourage locals to see the operation of the Detroit water system -- what needs to be done to satisfy the U.S. Environmental Protection Agency, why knew chemicals need to be purchased, why rates need to be raised, etc.

It also could provide the public sunshine needed to prevent shady contracts or the appearance of special deals, at a minimum.

At the same time, **HB 4112**, co-sponsored by Rep. Eileen **KOWALL** (R-White Lake), provides some transparency to the water board and gives the communities and the city of Detroit a chance to collaboratively settle this 30-some-year issue before federal Judge Sean **COX** does it for them.

The bill also allows the water board to issue 50-year bonds for building the infrastructure.

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### Wayne Co. Biggest Redistricting Loser

Wayne County looks to be the biggest loser in redistricting, on track to shed two state House districts and one Senate seat, Bob **LaBRANT** of the Michigan Chamber of Commerce said today.

The state's largest county has lost the most population this decade, according to the U.S. Census, shedding 192,000 people. So Wayne County's legislative representation will likely suffer, LaBrant said at a Michigan State University Institute for Public Policy and Social Research (IPPSR) forum on redistricting.

LaBrant called his presentation, "Redistricting: The Great Decennial Thriller." The forum at the House Office Building was an overview of the process, past and present, and also featured Bernie **PORN** of EPIC-MRA and Rick **WIENER**, former chief of staff for Gov. Jennifer **GRANHOLM**.

"Redistricting in Michigan is a political process. It has been when Democrats controlled it and has been when Republicans now apparently control it," said Wiener. ". . . I don't think it's inappropriate for it to be political."

This time around the three legs of the redistricting stool are all controlled by the GOP -- governor, Legislature and Supreme Court. Sen. Joe **HUNE** (R-Hamburg Twp.) and Rep. Pete **LUND** (R-Shelby Twp.) are chairing the legislative Redistricting committees in the Senate and House, respectively. The statutory deadline for a redistricting plan is Nov. 1, LaBrant said. But then lawsuits can be filed starting the next day.

LaBrant noted that the first lawsuits in this decennial redistricting already have been filed in Minnesota.

"So it is never too early to file a redistricting lawsuit," he said.

Porn noted that the "population loss is clearly in southeast Michigan." Another region that will probably lose in the redistricting process is the Thumb, LaBrant said. He predicted that Saginaw, Genesee and Bay counties would probably lose a Senate and House seat. Saginaw has lost 14,000 people, Genesee has lost 21,000 and Bay has lost 3,000.

Macomb County is the fastest growing county in the last decade, picking up 36,000 people. Northern Macomb and St. Clair counties will probably pick up a House district, LaBrant said.

Also gaining a House seat will probably be Livingston, Washtenaw and Monroe counties, all of which gained population. The same goes for Kent, Ottawa, Allegan and Muskegon counties.

County apportionment committees will be meeting to determine county commission seat lines after the Census data comes out in April, LaBrant said.

Michigan is set to lose a congressional seat, moving it from 15 to 14 seats, the least representatives the state has had since the Great Depression. From 1922 to 1932, Michigan shot up from 13 to 17 seats. The high watermark was in 1962 and 1972 when Michigan had 19 seats. Since 1982, Michigan has lost three seats.

Congressional districts will grow by an average of 43,411 constituents in 2012. State Senate districts will shrink by 1,443 on average and state House districts will shrink by 499 people.

Ohio and New York were the biggest losers in the Census, hemorrhaging two congressional seats. Michigan joins Pennsylvania, Illinois, Iowa and Louisiana in losing one congressional seat.

Texas has gained a whopping four seats and Florida gained two. Washington, Utah, New Mexico, Nevada, South Carolina and Georgia have picked up one apiece.

For congressional districts, Porn noted that two majority African-American congressional seats are required. He was asked what he thought would happen in redistricting.

"I hate to say it, but it looks like U.S. Rep. Sandy **LEVIN** (D-Royal Oak) and U.S. Rep. Gary **PETERS** (D-Bloomfield Twp.) are kind of in the eye of the storm," Porn said.

U.S. Rep. John **DINGELL** (D-Dearborn) could also be affected, he said.

Porn worked on redistricting for the Democrats in 1980 and 1990, drawing the lines in 1980. He said you want to make sure that you "don't do something too obvious and too partisan." Porn recalled a redistricting battle in Texas, when a particularly egregiously drawn district was being questioned. When a lawmaker was questioned about the district being contiguous, he replied, "Well, it is in an artistic sort of way."

Panelists were asked what citizens could do to reduce the number of safe districts.

Porn said you can draw the lines in a way to make the most number of districts competitive, using the partisan base numbers, as well as keeping districts compact and contiguous.

"That would be my suggestion," he said.

Wiener worked on redistricting while chairing the Michigan Democratic Party. He also has been an observer as a Michigan State University College of Law professor.

The Michigan Constitution attempted to take partisanship out of the process, Wiener said. It created a Reapportionment Commission of four Democrats and four Republicans. The idea was that it would force compromise.

"That was noble, but it was also inaccurate, quite frankly," Wiener said.

The Michigan Supreme Court became the court of last resort for redistricting, he said. Two Democratic plans were adopted in 1964 and 1972 when Dems had the majority on the Supreme Court.

He said that in 2002, 63 House seats were drawn for the GOP to win. That happened again in 2010. But in other years, it didn't work out -- 2006 and 2008 in particular.

LaBrant said that election laws have consequences. The state will have a number of districts that will naturally be Republican districts or Democratic districts.

#### [Nonpartisan Redistricting Commission Proposed](#)

Meanwhile, Sen. Glenn **ANDERSON** (D-Westland) today introduced SJR D, a constitutional amendment that would create a nonpartisan commission for redistricting.

The nine-member commission would be composed of two members each selected by the top two vote-getting parties in the last gubernatorial election -- i.e. the Republican and Democratic parties. The House Speaker, House Minority Leader, Senate Majority Leader and Senate Minority Leader would be able to pick one member apiece. The last member would be chosen by the other eight members of the committee.

Elected officials and candidates for public office over the last three years would be barred from serving, as would lobbyists.

The commission would be appointed no later than Feb. 1 of the year following the decennial census. There would be no pay for serving on the commission. The Chair and Vice Chair could not be members of the same political party.

Final decisions would have to be made with a two-thirds majority of the commission. If a plan isn't adopted by the set deadline, the Supreme Court could be petitioned.

SJR D also sets criteria for redistricting, including having each House district fit wholly in a single Senate District. Each Senate District would fit wholly within a congressional district. The commission could not consider voting history data, past election results or incumbent addresses.

SJR D has been referred to the Senate Government Operations Committee, the place where bills traditionally have gone to die.

Rick **WIENER**, former Chief of Staff for Gov. Jennifer **GRANHOLM**, said at the Michigan State University Institute for Public Policy and Social Research (IPPSR) forum on redistricting that the amendment would be too late to impact the process this time.

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#### **Snyder: DRIC Needs New Name**

Apparently concluding that the name "Detroit River International Crossing" (DRIC) is no longer useful, Gov. Rick **SNYDER** started discussions Tuesday to find a new title that reflects the international trade aspect of the proposed public second span between Detroit and Windsor.

Snyder told Paul W. **SMITH** on WJR Radio on Wednesday that, "We need a better name."

"We've had a discussion on that. Is there a better name? People have been throwing out names," he said. "It is a new project. It's about international trade."

Senate Minority Leader Gretchen **WHITMER** (D-East Lansing), who appeared with him on the program, agreed.

"This is not a partisan issue," Snyder said, echoing his remarks from last week's State of the State. "It doesn't cost us." Some legislative Republicans want proof of that before they sign off.

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#### **Task Force Proposes Court Consolidation Plan**

Some local judicial districts can do without a judge or two. Other local circuits could be consolidated.

But instead of recommending a blanket, one-size-fits-all proposal to pare down the state's \$1.52 billion judiciary system, a State Bar of Michigan task force recommended today legislative action on a case-by-case basis as judges retire out of the system.

The 29-member "Judicial Crossroads Task Force," chaired by retired Oakland County Judge Barry **HOWARD** and attorney Edward **PAPPAS**, recommended the creation of a new trial court council designed to give the Legislature political cover when faced with a proposal to eliminate a

judgeship.

Even though the State Court Administrator has routinely recommended the elimination of judgeships in Michigan -- the Court of Appeals, they claim, can be scaled back by four, alone -- lawmakers have been reluctant to pull the trigger on court reductions.

The House and Senate in the past session did pass temporary reductions in Macomb and Oakland counties, but those vacancies return after a certain period of time.

The Trial Court Judicial Council would be charged with coming up with a new court structure for individual districts that are losing judges by attrition, which is a common occurrence since the state doesn't allow judges to run for re-election after age 70.

Currently, the state's judicial system has seven vacancies with at least another 22 coming as part of the 2012 election and 34 more in 2014.

Howard didn't have a final dollar total as to what could be saved as part of his recommendations, but did point out that a consolidated court plan in Barry County saved that district 5 to 15 percent. He also noted that for each judgeship lost, there is a potential average savings of about \$500,000 to \$300,000 to the local government and a \$175,000 savings to the state.

Supreme Court Justice Robert **YOUNG** Jr. praised the task force for producing a "thoughtful and detailed report that merits serious consideration."

"As the report notes, some of our state courts simply have more judges than they need to keep up with their workload," Young wrote. "Many of our courts could benefit from consolidating some functions with other courts in the same judicial circuit."

Rep. Kurt **HEISE** (R-Northville) and Rep. Bob **CONSTAN** (D-Dearborn Heights) both attended today's press conference. Former Supreme Court Justice Alton **DAVIS** spoke at today's event as a member of the Judicial Crossroads Task Force.

Other notable names on the task force include Supreme Court Justice Marilyn **KELLY**, Court of Appeals Judge Pat **DONOFRIO**, Richard **MCLELLAN**, former judge Kirk **TABBEY** and Oakland County Circuit Court Judge Denise Langford **MORRIS**.

The task force also noted today the state could save \$460,788 if all trial judges receive the same base salary with the same state-funded benefits.

It recommended the creation of a special "business docket" in Oakland and Wayne circuit courts as a way to reduce the time and expense of business litigation by creating a more reliable body of state business law.

The task force wants to see a mandated statewide judicial information and technology system priced at \$23.99 million, which is admittedly a "large, upfront state cost," but with "large long-term net savings."

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#### **BLM: MI Could Have Had 1M Jobs Last Decade**

If Michigan had been a top 10 ranked state for job growth in the last decade, we'd have 1 million more jobs and citizens would be enjoying \$7,500 more a year in income, the Business Leaders of Michigan (BLM) told a Senate committee today.

The average family of four would have had \$30,000 more in income, said BLM Vice President Tim **SOWTON**.

"It's not all bad news," Sowton told the Senate Reforms, Restructuring and Reinventing Committee this morning. "If you ask our members, they'd tell you they think we have hit bottom and we're growing again."

BLM's goal is to make Michigan a top 10 state for job growth. The group's Michigan Turnaround Plan gives a blueprint for Michigan's recovery: manage state finances, right-size the budget, get competitive, invest in the future and accelerate job growth. Sowton said the first three priorities should be addressed first.

Sowton said BLM backs multi-year budgeting and revenue forecasts and pay-as-you-go budgeting. BLM also wants the state to benchmark and freeze public school employee compensation, reduce spending on state prisons and remove barriers for school district and municipality service sharing.

To get competitive, the group wants business taxes reduced, but Sowton cautioned about changing the Michigan Business Tax to a corporate income tax that brings in the same revenue, because that would put Michigan's tax at one of the highest in the country.

"I don't think that's an area that we want to say we're No. 1," he said.

The top investments for BLM are in cities, infrastructure and education. And the group doesn't want the state to just target sectors of the economy, but focus on growing all businesses.

Sen. Rebekah **WARREN** (D-Ann Arbor) asked if BLM thinks there's a "right size" for the state's General Fund, noting that investments in education and cities cost money. Sowton said BLM has not determined a total dollar figure for what it would cost to run the state, but he advocated setting benchmarks. He noted that other states like Indiana and Texas spend far less housing prisoners.

Sowton told Warren he was "confident" that even with increasing spending in some areas that the state would not have to increase its overall spending.

Sen. Pat **COLBECK** (R-Canton) said there's "not simply a quick fix, silver bullet" to Michigan's problems. But he said he appreciated BLM's plan.

Sowton said that Michigan is ahead of other states in tackling problems, as we've been dealing with them for so long.

Sen. Coleman **YOUNG** Jr. (D-Detroit) asked if BLM backs repealing mandatory minimums and reinstating good time as Corrections reforms. Sowton said the Plan advocates reviewing sentence lengths, but we don't "believe in sacrificing public safety."

Bill **RUSTEM**, Director of Strategy for Gov. Rick **SNYDER**, gave the committee a window into the administration's reform plans.

Rustem worked for former Gov. William **MILLIKEN** for his entire tenure, and said there were similarities in that both governors are committed to getting the job done. And both agree that "good policy make good politics," Rustem said.

He noted Snyder has set metrics for the state's progress, the Dashboard, which the Governor highlighted in his State of the State. Rustem said that was just step one. Departments will be devising their own metrics.

"He comes from a business background and in business, you measure things," he said.

Rustem noted Snyder will give special messages, something outlined in the Constitution, which *MIRS* reported last week. Government reform will be the first topic in mid-March and the second will be on education in April.

Rustem said the message would be in three parts, like the SOS: what the Governor will do, what the Legislature needs to do and what the people of Michigan need to do.

"We're not going to put out an idea in March and a bill in November," he said. "That's not going to happen."

Sen. Mark **JANSEN** (R-Gaines Twp.) said he was encouraged that Snyder wants input from lawmakers.

Sen. Tom **CASPERSON** (R-Escanaba) expressed concern about departments setting metrics, bringing up the example of land use in the Upper Peninsula. Alluding to longtime Republican critiques of the Department of Environmental Quality (DEQ), he said there's often a disconnect between the Department's direction and what the people want.

Rustem said he understood his concerns. He called Department of Natural Resources and Environment (DNRE) Director Dan **WYANT** "a doer, he's a problem-solver." He said that things like permit time issuance will be established.

Warren said she was concerned about looking at Michigan's problems holistically, not in silos. As far as the permit time issue, she noted "one person's onerous regulation is another's public health imperative."

Rustem pointed out that permit time is not on the Dashboard, but broader issues like obesity are.

He said the goal is to get young people to stay in Michigan and come here, a goal Warren shares.

"We're not going to be successful if we stay where we are," Rustem said.

Before the inaugural committee meeting kicked off, Jansen smiled, "We are being televised, just to let you know, so anything you say can and will be used against you. And I can't run again, so I'm good to go."

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#### **Poll: Stabenow 'Vulnerable' To Land, Hoekstra**

U.S. Sen. Debbie **STABENOW** (D-Lansing) leads both former Secretary of State Terri Lynn **LAND** and former Congressman Pete **HOEKSTRA** in a head-to-head poll, but she is still "vulnerable," according to a poll released today by the Sterling Corporation and Washington, D.C.-based Wilson Research Strategies. The Sterling Corporation, historically, works with Republican clients.

Stabenow is under 50 percent support and leads both by only 5 and 6 percentage point margins, respectively. Stabenow is up on Land by 2 percentage points. Both Land and Hoekstra lead Stabenow among men.

The live Jan. 9-10 survey of 601 likely voters has a 4 percent margin of error. The survey did not poll head-to-head match-ups with the two candidates actively testing the waters -- Republican National Committeeman Saul **ANUZIS** and businessman Chris **LEULIETTE**.

Voters are not convinced they want to re-elect Stabenow, who is up for re-election in 2012, according to the analysis of the poll data. Only 33 percent said they would vote to re-election Stabenow and 36 percent said they would consider another candidate. Another 23 percent said they would vote against Stabenow regardless of who runs against her.

"She will not be starting her campaign from a position of strength, especially considering she will be running for her third term in the U.S. Senate," the analysis reads.

Stabenow leads Land 46 to 41 percent. She leads Hoekstra 47 to 41 percent. The analysis reads that "Stabenow's support comes from a narrow ideological base," with 88 percent support from liberals and 92 percent from Democrats. She also received 60 percent from union members.

"At present, Stabenow is close to maxing out her vote share with those groups. With her voting record in the Senate, it could be hard for her to grow her support beyond her political base," it reads.

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**No Budget-No Pay Amendment Proposed**

If lawmakers don't get the budget done by July 1, they won't receive a paycheck under a constitutional amendment in the works.

Sen. Dave **HILDENBRAND** (R-Lowell) told *MIRS* today that he will introduce a joint resolution next week. The Legislature would have to present all general Appropriations bills to the Governor on or before July 1 every year, according to a draft of the bill.

Lawmakers would not receive a salary for each day after July 1 until all the bills have gone to the Governor.

Unlike past proposals, the amendment will not include the Governor, Lieutenant Governor or anyone in the administration, he said.

"It's really our responsibility," Hildenbrand said.

This probably won't impact the Fiscal Year (FY) 2012 budget. The amendment needs a two-thirds majority in both chambers before going before voters. Hildenbrand said the earliest he expects the amendment to go on the ballot is November and he's not sure if it will go this year.

He's in the midst of rounding up co-sponsors and is hoping to get some Democrats on board, calling it a common-sense reform.

Hildenbrand noted that Gov. Rick **SNYDER** has set a June 1 deadline, but he chose July 1 "just as a safeguard." The point is to give school districts and municipalities some certainty from the budget process, he said.

Rep. Dave **AGEMA** (R-Grandville) is introducing a similar constitutional amendment that stipulates that general appropriations bills for the fiscal year be presented to the Governor on or before June 15 of each year. It does not dock the pay of lawmakers if the task is not completed.

**HJR H** is part of a government reform package that amends the Constitution to create a part-time Legislature and restructure Michigan's term limit system so that lawmakers could serve a combined 16 years in both the House and Senate.

"Forty-six of our 50 states have part-time legislatures," Agema said. "The four states that have full-time legislatures -- Michigan, Pennsylvania, New York and California -- are also the ones that are in particular financial straits right now. I don't believe this is a coincidence."

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**MML Unveils Cost Saving Proposals**

Gov. Rick **SNYDER** asked cities for ideas on how to restructure revenue sharing, and ideas he will be given.

Today, the Michigan Municipal League (MML) announced an agenda of "reform priorities" it claims would save money and address several issues with potentially costly implications.

The news conference was in response to the visit Gov. Rick **SNYDER** paid to MML headquarters, kitty-corner from the Capitol, last Friday. During that visit Snyder asked the MML for input. The Governor has said he'll be tying statutory revenue sharing to "best practices," but was still in the process of figuring out the details (See "[Snyder Wants Input On Carrot-Based Revenue Sharing](#)," 1/21/11).

*MIRS* asked MML CEO Dan **GILMARTIN** if he has any more of an idea as to what Snyder will be proposing as "best practices."

"No, and I think a lot of that is still being developed," Gilmartin said. "What we want is to make sure it doesn't end up just being something that looks good on paper."

He added that part of the reason the press conference was being held was to toss some of MML's proposals into the dialogue.

Many of the MML agenda items announced today are measures that already have legislative history. Some of the proposals would likely be opposed by unions representing local government employees.

"There are some issues we agree with the MML on and some issues we would need to discuss," said Nick **CIARAMITARO**, director of legislation and public policy for Michigan AFSCME (American Federation of State, County and Municipal Employees) Council 25.

The MML's top proposal was to give local governments authority to ask voters for local taxes to support economic development and infrastructure projects that create jobs.

"A lot of people don't understand state revenue-sharing was instated years ago in return for local municipalities giving up the right to ask their voters for more revenue," Gilmartin told reporters. But over the past decade, the Legislature has broken its promise nearly every year, cutting revenue sharing to local governments by more than \$4 billion."

The initial slide projection of the reforms shown at the press conference did not include a reference to reinstating a local tax option. When Gilmartin brought the proposal up he suggested it in regards to allowing regional tax levies.

"The dirty little secret is that there is no state economy. It's regional," Gilmartin said. "Also, studies show that the more local they are, the more likely voters will be to support those types of proposals."

The agenda also included the following:

- Amending PA 312 (public employee binding arbitration) to include a definition of a community's ability to pay and also to require that ability to pay be a top issue for an arbitrator to consider.

"Ability to pay is already considered an issue," Ciaramitaro said. "We think it's appropriate the way it is now."

- Deleting "no employee may be harmed" provisions. MML argues that a major roadblock to local governments combining or sharing services is the fact that compensation is not equal, and when possible consolidation of services is discussed, it often means that one local government would have to increase wages or benefits to equal the level being paid by the other government.

This was the issue Ciaramitaro commented on the most.

"At least it doesn't sound like they're being quite as misleading on this as they have been in the past," Ciaramitaro said. "The law doesn't say no employee shall be harmed. Our position is that cooperation and consolidation to save money is a good thing, but employee contracts should carry over. When the contracts come up for negotiation again, they could change, and in that sense an employee could be harmed. But the contracts don't end just because there's consolidation."

- Moving to online public notices. The MML argues that online postings are far less expensive than legal notices in newspapers.

- One-time tax collection. MML would like the state to reverse the change it put in place under the administration of Gov. Jennifer **GRANHOLM** (See "[House Postures On County Tax Shift](#)," 9/14/04).

According to the MML, switching back to a one-time levy would save an estimated \$60 million annually.

- Change the two-inch rule. Last year the state Supreme Court ruled that government immunity for injuries on uneven sidewalks applies to counties, but not to municipalities. In making it's ruling the court pointed out that the legislature might want to change the law (See "[Court Opines On Two-Inch Rule](#)," 4/8/10).

Legislation to address the issue passed the Senate 33-5, but wasn't taken up in the House.

- Reinstate the Department of Corrections (DOC) work crew program, which was eliminated in 2010 budget cuts. According to the MML the program saved local units of government hundreds of thousands of dollars.

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#### **Oh, Yeah, About That Sex Offender Thing . . .**

An Oakland County man had a child enticement confession overturned today by the Court of Appeals because his attorney failed to tell the man his guilty plea would mean he'd need to register as a sex offender.

Derek **FONVILLE** was brought up on charges after he drove his girlfriend's 10- and 8-year-old children around Pontiac all night on April 19, 2006, looking for drugs. The girlfriend wanted Fonville to watch the kids while she was at work that evening. He didn't return them until the afternoon of the next day.

Fonville admitted he "pretty much endangered two young kids" by "doing drugs and driving around with them in the car." He and a friend were using cocaine and looking for more with the kids in the backseat.

Fonville admitted he made a mistake but "would never lure a kid or kidnap alone. It's a hard pill to swallow especially when I would never force (the kids) to do something they didn't want to do. I love kids and always try to help if I can."

After learning of the sex offender aspect to his plea, he tried to withdraw it but could not. The Court of Appeals agreed that he could not. It also ruled that the requirement that he register as a sex offender does not amount to cruel and unusual punishment.

However, in the majority opinion, appellate judges William **WHITBECK** and Karen Fort **HOOD** wrote the Fonville's defense attorney was constitutionally defective when he failed to inform the defendant of the sex offender registration requirement.

Appellate Judge Kathleen **JANSEN** wrote in a separate opinion that she agreed with the majority's ruling on the sex offender registration issue, but disagreed that there was a sufficient factual basis to support the man's guilty plea.

She wrote that there is no evidence that Fonville was trying to conceal the children from their mother, writing that "the children were likely the furthest thing from his mind during this period . . . it strikes me that defendant's failure to return the children to their mother on time resulted more from his negligence or drug-induced absentmindedness than from any criminal intent to conceal or detain the children."

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#### **Both Sides Of Helmet Debate Preparing Data**

Both sides in the elongated and contentious debate over the motorcycle helmet repeal law are busy counting noses given the new composition of the House.

Herb **RIALS** from ABATE can't give a specific number, but he optimistically asserted, "We are close

to 56."

Peter **KUHNMUENCH**, executive director of the Insurance Institute of Michigan, said he does not have a hard count either. He is still in the process of putting names with faces, as well, he said.

The ABATE leadership is more upbeat this year because of the new governor. Rials has heard that Gov. Rick **SNYDER** is data-driven and on that front, Rials believes his side wins.

"This is a money-maker," he argued, given what he believes is an influx of motorcycle enthusiasts who will flock to the state once the helmet law is repealed. Michigan is one of 20 states with such a prohibition.

Kuhnmuench said persons decide to come to the state not because it has or does not have a mandatory helmet law. In fact, he pointed to a yearly rally in Muskegon where attendance, he said, has gone up over the years, even though the law remains on the books.

At the end of the day, the data the insurance lobby wants to share with the new governor is, "In states where the law was repealed, the death rate for motorcyclists has gone up."

While confident that the Governor will side with him, Rials conceded the governor has never said that.

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### **Economic Gardening At MSF**

In his State of the State address last week, Gov. Rick **SNYDER** said his administration's economic development focus will switch to "economic gardening" as opposed to "hunting" by supporting businesses already in Michigan.

The Michigan Strategic Fund (MSF) Board today participated in some of that "gardening" as it approved a Renewable Energy Renaissance Zone in Lapeer County and a \$19.5 million Private Activity Bond for the expansion of a non-profit professional counseling company in Farmington Hills.

In Lapeer County, Grid Logic will build a state-of-the-art center for developing and manufacturing renewable energy and next generation grid infrastructure devices. The total capital investment will be \$20.6 million and is estimated to create 161 new jobs by 2015. The project will receive an estimated \$5.55 million in Michigan Business Tax abatements yearly over the 15-year life of the zone. The Renaissance Zone still requires the approval of the state Administrative Board.

The Private Activity Bond will assist GreenPath, Inc., in constructing a new facility to consolidate its two existing locations into one more efficient and commonly located facility for its 600 employees to provide professional counseling and education to families and individuals needing guidance in the management of their personal finances and budgeting.

In other action, the MSF Board adopted a resolution approving the adoption of guidelines for the Small Business Investment Tax Credit (SBITC) that allows an eligible taxpayer to making a qualified investment in a qualified business before Jan. 13, 2013 to claim a venture investment credit equal to 25 percent of the investment made during a tax year.

The Board also approved allocating \$1.4 million from the 21st Century Jobs Fund to the Small Business and Technology Development Centers (SBTDC) for the Emerging Technologies Fund (ETF) to help small businesses secure federal funds. The MSF has approved similar \$1.4 million appropriations since FY 2007.

### *The Ties Have It*

Since much has been made of late over the no-tie dress of Gov. Rick **SNYDER**, it was noted that of the eight male members of the nine-member Michigan Strategic Fund Board, only three were sporting the "no tie" look. For the record, State Treasurer Andy **DILLON** and Michigan Economic Development Corporation President and CEO Michael **FINNEY** were not among them. They were each wearing suits, white shirts and natty ties.

Former Gov. John **ENGLER**, who said Snyder should wear a tie, would be proud.

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### **Bits And Tidbits**

#### *Parks Passport Participation Up*

Sales figures from the first three months of the new Recreation Passport show rates of participation increasing from October to December, the first months it was available, according to the Department of Natural Resources and Environment (DNRE).

There was 17.2 percent participation in October, 19.3 percent in November and 20.6 percent in December.

Resident passenger vehicle owners were offered the chance to purchase a \$10 annual pass to the state's parks system (\$5 for resident motorcycles) when they registered their plates with the Secretary of State.

"The Recreation Passport appears to be off to a solid start with Michigan residents," said Department of Natural Resources Director Designate Rodney **STOKES**. "We are encouraged by the steady increase in sales, and plan to continue building upon it."

#### *Raczkowski Lawsuit Dismissed*

Former Republican 9th Congressional nominee Andrew "Rocky" **RACZKOWSKI** today had his defamation lawsuit against U.S. Rep. Gary **PETERS** (D-Bloomfield Twp.) dumped by an Oakland

County Circuit Court judge.

Rackowski's suit was in response to an ad campaign criticizing his business activities as a concert promoter. A lawsuit had been filed against Rackowski claiming fraud, theft and conspiracy, which the ad cited.

Michigan Democratic Party (MDP) Chair Mark **BREWER** said this confirmed the lawsuit was "frivolous."

"This case was dismissed because there was no viable claim for defamation because everything said in the ad was true," said MDP attorney Andy **NICKELOFF**. "The judge made it clear that the courts are not to be used to score political points."

*SFA: Mixed Revenue News In Dec.*

Revenue for Michigan's General Fund (GF) and School Aid Fund (SAF) totaled \$1.7 billion in December, 4 percent above the previous year's level, according to the Senate Fiscal Agency report issued today. However, Michigan Business Tax (MBT) revenues plunged 14.7 percent

Net income tax revenue totaled \$678.4 million in December, up 11.4 percent from the December 2009 level. Income tax collections have risen above the year-ago level for five consecutive months. On a year-to-date basis, net income tax revenue is up 7.0 percent from last year, and \$65.3 million above the forecasted level. Sales tax receipts totaled \$590.5 million in December, up 4.7 percent from the year-ago level.

MBT revenue totaled \$159.9 million in December, down 14.7 percent from the year-ago level. Both annual and estimated payments were down substantially from one year ago, with estimated payments down 14.5 percent and annual payments down 23.2 percent from December 2009. The decline in gross payments more than offset a decline in MBT refund requests.

*First Capitol Furnishings At Museum*

The original furnishings from the first state Capitol building in Detroit are on long-term display at the Michigan Historical Museum in Lansing.

When Michigan was finally admitted to the Union on Jan. 26, 1837, it already had a state Capitol. The Michigan Territorial Capitol in Detroit had become the seat of state government with the convening of the first state legislature in November 1835.

When the seat of government moved to Lansing in 1847, the furnishings came along. Several pieces were saved when Michigan's third capitol was dedicated in 1879. They are now in the collections of the Michigan Historical Museum.

Among the original capitol furnishings now on exhibit are the podium and matching speaker's chair inherited by the House of Representatives from the unicameral territorial legislature. The large desk in the exhibit was most likely used by both Stevens T. **MASON**, when he was Territorial Secretary, and by Kintzing **PRITCHETTE** and his successor Secretaries of State.

*MPSC: Gas Choice Participation at All-Time High*

The Michigan Public Service Commission (MPSC) today reported that the number of gas choice customers in Michigan has reached an all-time high since the program became available to customers in 2001 and 2002.

Gas choice is available in Michigan for customers of Consumers Energy, Michigan Consolidated Gas Company, Michigan Gas Utilities, and SEMCO Energy Gas Company.

"Natural gas customers in record numbers are availing themselves of the choice they have to become customers of an alternative gas supplier," noted MPSC Chairman Orjiakor **ISIUGU**. "Although the MPSC does not regulate these companies' rates, it does have two helpful consumer alerts available to help natural gas customers understand the issue before signing any contract."

In December 2010, the number of gas choice customers reached 445,071. The number of gas choice customers has risen steadily each month since October 2009, when 377,955 customers were enrolled in gas choice programs. December 2010 gas volumes also set a record, with 78.275 billion cubic feet (Bcf) in annualized sales reported statewide. Gas volumes have risen almost every month since November 2009.

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**On This Day In Michigan History**

On Jan. 26, 1837, President Andrew **JACKSON** signed legislation making Michigan the 26th state in the union. An Act to admit the State of Michigan into the Union, upon an equal footing with the original states, also was signed by two future presidents, James **POLK** and Martin **VAN BUREN**.

Two years before statehood, acting territorial Gov. Stevens T. **MASON** helped organize a convention to draft a state constitution. By June 1835, Michigan had a constitution even if it wasn't yet a state. It was approved by popular vote that October.

But Michigan's efforts to be recognized as a state by the federal government were delayed because of the dispute with Ohio over the Toledo strip. Michigan's statehood was delayed until it agreed to give up Toledo in exchange for the Upper Peninsula.

Because Michigan had been acting like a state since 1835 the exact date on which to celebrate statehood was still a matter of contention 100 and 150 years later. Finally it was decided to allow celebrations over a three-year period.

Source: *Michigan Every Day*

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