

## **MIRS Capitol Capsule, Wednesday, May 28, 2008**

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### **Survey Says: P.A. 312, Courts Worst Unfunded Mandates**

The binding arbitration requirement known as P.A. 312 is among the state's most onerous unfunded mandate to local governments, according to a survey conducted by the Michigan Municipal League (MML) and the Michigan Townships Association (MTA) of its members.

The results were shared today with the Legislative Commission on Statutory Mandates, the body formed in the midst of last fall's budget standoff to root out unfunded state mandates.

P.A. 312 allows an independent arbitrator to rule on wages and benefits for local police and fire department workers if negotiations between a union and a government body reach gridlock. MML and MTA members feel P.A. 312 undermines their ability to effectively manage costs.

As for the counties' big mandates, Michigan Association of Counties (MAC) lobbyist Tom **HICKSON** said, "the courts are a consistent theme," making up five of the 12 mandates he cited.

"When you walk into a court in Oakland County, it says 'The State of Michigan', but it's on the county commissioners to find the funding," Hickson added.

MAC members cited that the \$95 million burdens 27 counties to shoulder operating the circuit courts. These requirements include paying for the sheriff's office, the prosecutor, clerk and other positions at what the state determines to be "minimum serviceable levels."

State funding for county jail operation and maintenance is also a problem, Hickson said.

The Headlee Amendment, passed in 1979, was supposed to prevent lawmakers from passing unfunded mandates, but according to committee co-chair Robert **DADDOW**, the institutionalized culture of the legislature never changed to follow it. Since then, lawmakers have been acting with "impunity" in continuing to ignore the amendment.

Other mandates slated for further examination include the National Pollution Discharge Elimination System (NPDES) Phase II permitting system, the Native American Tuition Waiver Program, and local public health departments.

After compiling the Top 10 lists of most hated mandates from each group, Michigan State University (MSU) researchers will assign costs to each. Pending the outcome of research by the Citizen's Research Council, which is examining how other states deal with similar mandates, the commission will recommend legislation that could force the state to pay for the worst-offending programs or prevent the legislature from enacting the amendments without concrete funding in place.

"Most of these mandates are politically popular and even make a good amount of sense from a policy perspective. But they're simply not funded," Daddow said.