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## MIRS CAPITOL CAPSULE, THURSDAY, DECEMBER 9, 2010

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## QUOTE OF THE DAY

*"We don't do an analysis. We just send over something describing what a bill would do."*

- Liquor Control Commission Chair Nida **SAMONA** when asked by *MIRS* for a copy of the analysis the LCC sent to Gov. Jennifer **GRANHOLM**'s office on the Sunday morning alcohol sales bill.

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## School Of The Deaf, Blood Bills In Limbo

Thirteen bills that should be going to the Governor's desk this session probably won't be because of technical issues, including one transferring a Michigan School of the Deaf in Flint and another allowing 16-year-olds to donate blood.

The House passed the bills early on Dec. 3, after the Senate had adjourned. Six bills have been amended and now need Senate action. The Senate GOP's position on the seven clean bills is that they can't be enrolled because an immediate effect vote was not taken in the Senate.

"If the House sent over a bill that had an amendment, a motion for immediate effect or added the full title, it can't be enrolled," Senate Secretary Carol Morey **VIVENTI** said.

The House saw the writing on the wall on one big piece of legislation, the Capital Outlay budget. After passing [SB 1150](#), sponsored by Sen. Michelle **MCMANUS** (R-Lake Leelanau), the House went ahead and passed the House version, [HB 5858](#) sponsored by Rep. Mike **LAHTI** (D-Hancock). That one doesn't require Senate action, but *MIRS* has learned there was some concern that the House inserted the wrong title into the act.

However, Viventi said that there are no problems and the bill with \$326 million in university and community college projects will go the Governor's desk.

There are a lot of other bills senators would like to see get to Gov. Jennifer **GRANHOLM**, including a fix to the Michigan Business Tax (MBT). This could be remedied if the Senate would come back. A tentative session is on the books for Dec. 15 for both houses, but a spokesman for Senate Majority Leader Mike **BISHOP** (R-Rochester) said forget it.

"The Senate is not coming back," Press Secretary Matt **MARSDEN** said. "Those bills are left because of the action of the House leadership. We have no interest in coming back and cleaning up their mess. This is not a game to us."

At least one incoming Republican senator is not on the same page with current Senate GOP leadership. Sen.-elect Rick **JONES** (R-Grand Ledge) sent out a press release on Wednesday demanding that both the House and the Senate come back into session on a different matter.

"I call upon the Speaker of the House and the Democrat Floor Leader Kathy **ANGERER** (D-Dundee) to call us back into session and end retirement health benefits for legislators," said Jones.

So who's to blame for this mess? There are two theories, both with partisan bents.

One is that Angerer held the bills back because she was upset that the Senate refused to take up bills that would mandate insurers to cover autism, according to some Senate Republicans and House Democrats. And House Speaker Andy **DILLON** (D-Redford Twp.) was absent from session for more than five hours (See ["Dillon Misses 30 Votes On Last Day."](#) 12/6/10). His absence allegedly gummed up some of the action items on the agenda.

That's something that Dillon and those in Angerer's camp deny.

## MIRS BREAKING NEWS

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But the House did tie-bar 🐾 [SB 0419](#) sponsored by Sen. Wayne **KUIPERS** (R-Holland) to the autism bills, 🐾 [HB 4813](#) and 🐾 [HB 4476](#). 🐾 [SB 0419](#) would allow blood donation at age 16 with parental consent. Kuipers has been lobbying for this bill for years, which he wants named after his daughter, Jenna. That bill now awaits Senate action or it won't get to Granholm's desk this session.

Many House Democrats believe the issue is that the Senate Republicans are playing procedural games and blew out of town before getting the job done.

At the heart of the issue is the Senate's policy to not enroll bills that have passed both chambers because they haven't been given I.E. This supposedly started over 🐾 [SB 0222](#) sponsored by Sen. John **GLEASON** (D-Flushing) that would allow two municipalities to start a recreation authority. It unanimously passed the Senate in March 2009, but the Michigan Chamber of Commerce raised a red flag over Headlee concerns by the time the bill got to the House.

🐾 [SB 0222](#) passed the House in May and went over to the Senate, which didn't enroll the bill. The Senate never held an I.E. vote, so Republican officials said it can't go to the governor. The Senate has taken the position that a committee's recommendation for I.E. is a pending motion. A House insider disputes that idea.

Now seven more bills passed early Friday morning fall into that category, something one Democratic source calls a "legislative game of chicken." If the Senate reversed its position, a lot of legislation they'd like would get signed into law -- but so would 🐾 [SB 0222](#). But the House insider says it's a moot point because the House didn't give I.E.

One of the biggest legislation left hanging is 🐾 [SB 1558](#) sponsored by Sen. Tom **GEORGE** (R-Texas Twp.), which would provide for transfer of state-owned property in Genesee County. That includes the state selling its the Michigan School for the Deaf building in Flint to a developer as part of a \$36 million infrastructure project. (See "[Detroit Crime Lab, 11 U's, 10 CCs Make Capital Outlay](#)," 12/2/10).

The state would sell the 85-acre site to Lurvey White Ventures for \$1.3 million. The developer will revamp the building, combine it with Flint Powers High School and then rent the space back to the state for \$2.06 million a year.

The House didn't make any changes to 🐾 [SB 1558](#), so it's just waiting for I.E.

Rep. Lee **GONZALES** (D-Flint) told *MIRS* that he is still working on a way to make sure the issue is resolved this year.

"I hope we come back," he said. "It's good public policy. . . . Obviously, everyone is for it. They know what a great project it is for the Flint area and the School of the Deaf and their families."

There's also 🐾 [SB 0192](#) sponsored by Sen. Nancy **CASSIS** (R-Novi) would include in the Michigan Business Tax (MBT) payments for construction management, architectural, and engineering services as purchases from other firms. The House passed a substitute that includes language from 🐾 [SB 1222](#) to allow freight haulers to deduct payments to subcontractors from the modified gross receipts tax base.

Other bills passing the House with amendments:

🐾 [SB 1091](#), sponsored by Sen. Alan **SANBORN** (R-Richmond), would expand people exempt from professional investigator licensure act to include certified public accountants and public accounting firms.

🐾 [SB 1320](#), sponsored by Sen. Jerry **VAN WOERKOM** (R-Norton Shores), would provide for conveyance of state-owned property to Free Soil Township.

🐾 [SB 1506](#), also sponsored by Van Woerkom, would provide solid waste exemption for by-product from sugar beet production.

Bills passing the House clean:

🐾 [SB 0266](#), sponsored by Sen. Tupac **HUNTER** (D-Detroit), that would regulate billboards for sexually oriented businesses.

🐾 [SB 0879](#), also sponsored by Hunter, that would regulate adult entertainment advertising signs.

🐾 [SB 0395](#), sponsored by Sen. Roger **KAHN** (R-Saginaw), would revise time of property tax assessment notice to 30 days.

🐾 [SB 0883](#), sponsored by Cassis, that would provide credit for sales tax paid on core charge of heavy earthmoving equipment.

🐾 [SB 1126](#), sponsored by McManus, would revise the scheduling of school district election coordinating committee meetings.

🐾 [SB 1527](#), also sponsored by McManus, would update the definition of property tax limitation for current year.

🐾 [SB 1564](#), sponsored by Sen. Patty **BIRKHOLZ** (R-Saugatuck), would revise hazardous waste treatment, storage, or disposal facility siting process.

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## LCC Now Doing Early Sunday Opt Outs

Apparently somebody just hiccupped.

The state Liquor Control Commission (LCC) will now let local communities opt-out of the new law allowing morning early Sunday alcoholic beverage sales, without insisting that they opt-out of all Sunday alcoholic beverage sales.

The new policy came after considerable confusion and flak over LCC's actions regarding how local communities can employ the opt-out portion of the new law that allows Sunday morning alcoholic beverage sales (See "[No Opt-Out For Sunday Morning Alcohol Sales](#)," 12/08/10).

It appears that the operative phrase today on the topic is "legislative intent." The LCC has apparently decided to go with the legislative intent of the bill (🐾 [HB 6224](#)), rather than how the bill was actually written.

"It's clear the intent of the legislature and governor was to allow early Sunday sales with an opt-out for local governments," LCC chairwoman Nida **SAMONA** told *MIRS* via telephone today.

That was not what local community leaders had been hearing as recently as earlier this week and it is not what had been posted on the LCC website. Up until the past 36 hours the word from the LCC was that local communities could only opt out if they chose to end all Sunday alcoholic beverage sales and the same explanation was on the website Tuesday.

"What they (the LCC official) told me Monday was that they would accept our resolution to have us on record as one of the communities that want to opt out so we'd be ready if the legislature changed the law," Mulliken Village President Rob **PIERCEFIELD** told *MIRS* today. "We also have a letter they sent us."

Even now the official statements out of LCC seem a bit muddy.

In a prepared statement dated Dec. 8, and sent out today LCC chairwoman Nida **SAMONA** said:

"The Commission will proceed with issuing early Sunday Sales permits on December 16, 2010 consistent with its directive in its letter dated December 1, 2010. As for those governmental units that opt-out via resolution or ballot pursuant to Public Act 213 of 2010, Sunday Sales will be prohibited accordingly."

But the Dec. 1 letter Samona is referring to used the same wording that seems to have caused the consternation regarding this issue in the first place.

The part of the letter regarding the local opt-out in the Dec. 1 letter stated:

*If your governmental unit or county chooses to prohibit the sales of spirits, mixed spirit drink, and/or beer and wine between the hours of 7 a.m. on Sunday and 2 a.m. on Monday, please submit your resolution or ordinance prohibiting such sales to this office by 5 p.m. on December 15, 2010. If we do not receive a response from you by this deadline, we will assume that you currently have no resolution or ordinance that would prohibit the sale of alcoholic liquor between the hours of 7 a.m. on Sunday and 2 a.m. on Monday. You do retain the right in the future to prohibit Sunday Sales.*

*Unless we hear from you concerning this matter, it is our intent to begin issuing the early morning Sunday Sales Permits to our licensee's on December 16, 2010 in those governmental units that currently authorize Sunday Sales.*

According to Rep. Rick **JONES** (R-Grand Ledge), the problem with the tricky wording and the overall problem the LCC has had with implementing the legislation is due to a poorly written bill.

"I talked with Nida Samona today and she told me her staff has been struggling to deal with a badly written bill," Jones said. "The interpretation that, under the bill, a community would have to opt-out of all Sunday sales if it didn't want the morning sales is consistent with the way the bill was drafted."

Jones added that the LCC is having difficulty dealing with the situation because, it looks bad if it goes along with the way 🐾 [HB 6224](#) was drafted, but by allowing the early opt-outs as was intended under the bill, there's always a danger that someone would file a lawsuit based on the actual bill language.

"It's a badly written bill," Jones said. "That's what has caused all of this. That's why the legislature shouldn't be passing bills that are introduced at the last minute in the middle of the night. Bills should go through the committee process."

"I told Chairwoman Sonoma that, as the incoming Chair of the Senate Judiciary Committee, I would work with her to get this straightened out as soon as possible," Jones continued.

"As I've said before, I'll put in the legislation and we'll start on it right away."

During the brief interview *MIRS* had with Sonoma, it asked for a copy of the analysis of 🐾 [HB 6224](#), a source had told *MIRS* was sent by the LCC sent to the administration of Gov. Jennifer **GRANHOLM**.

It appears that the LCC analysis would be the only analysis of the bill available.

"We don't analyze what the legislature passes," Sonoma said. "That's not our job. We do what the legislature and the governor intended."

*MIRS* again asked about obtaining a copy of the analysis.

"We don't do an analysis," Sonoma responded. "We just send over something describing what a bill would do."

*MIRS* then asked if it could obtain a copy of whatever the LCC sent over to the administration on 🐾 [HB 6224](#).

"We didn't send anything over," Sonoma said. "All we had was this legislation they did at the last minute that none of us had seen before."

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## Brown Most Conservative, Brater Most Liberal

In her closing speech to the Legislature, Sen. Liz **BRATER** (D-Ann Arbor) made a point to say that she had been named the Capitol's "Most Liberal" senator a time or two and she had no problem with it.

Today, after being told she was the chamber's Most Liberal senator for 2010, as well, Brater continued with the same line. She's liberal and she's proud of it.

"Being a liberal means you believe the government's role to care for its fellow citizens," she said. "I think it's very important to invest in education and public services and have the strongest community we can have."

In the last seven years, Brater was the Senate's most liberal member four times, including last year. When told she scored zero conservative votes out of the 32 roll call votes in 2010 as selected by *MIRS* and tallied by [www.michiganvotes.org](http://www.michiganvotes.org), the term-limited Brater quipped, "That is a relief."

She added that there is someone who will continue serving in the Legislature next year who "is as liberal as I am."

This year, Brater edged out two-time Most Liberal Sen. Martha G. **SCOTT** (D-Highland Park) by one vote. Brater said no to legislation that extends to cities the rule that a pedestrian cannot sue a county for injury costs related to tripping over a sidewalk crack less than two inches in depth. Scott voted yes.

The ranking of "Most Conservative" went to Sen. Cameron **BROWN** (R-Fawn River Twp.), who came one vote away from scoring a perfect 100 percent on the 32 select roll call vote. Brown voted in support of legislation allowing metro Detroit to vote on a tax hike for the Detroit Zoo.

Still, Brown's 97 percent was a net two conservative votes more than second-place Sen. Nancy **CASSIS** (R-Novi), the most conservative senator in 2006. Sen. Mark **JANSEN** (R-Cutlerville) was a net three conservative votes behind, but scored a percentage point higher than two other senators -- Sen. Wayne **KUIPERS** (R-Holland) and four-time Most Conservative Sen. Alan **SANBORN** (R-Richmond) -- because he missed on vote.

"I've always tried to vote my conscience and district, and let the rest take care of itself," Brown said. "I'm proud to have been a part of a Republican majority that held the line on so many critical issues."

Senate Majority Leader Mike **BISHOP** (R-Rochester), last year's surprise most conservative member, was 14th this year.

As is standard with the *MIRS* rankings, no Democrat was more conservative than any Republican member. Sen. Jim **BARCIA** (D-Bay City) was the most conservative Democrat and Sen. Roger **KAHN** (R-Saginaw) was the most liberal Republican.

The following is a breakdown of the vote.

1. Brown - 97%
2. Cassis - 91%
3. Jansen - 88%
4. Kuipers, Sanborn - 87%
6. Sens. Michelle **MCMANUS** (R-Lake Leelanau), Jason **ALLEN** (R-Traverse City) - 84%
8. Sens. Alan **CROPSEY** (R-DeWitt), Tom **GEORGE** (R-Kalamazoo), Jud **GILBERT** (R-Algonac), Bill **HARDIMAN** (R-Kentwood) - 79%
12. Sen. Valde **GARCIA** (R-Howell) - 78%
13. Sen. Patty **BIRKHOLZ** (R-Saugatuck) - 77%
14. Bishop - 76%
15. Sen. Gerald **VAN WOERKOM** (R-Norton Shores) - 73%
16. Sen. Mike **NOFS** (R-Battle Creek), Tony **STAMAS** (R-Midland) - 72%
18. Sens. Ron **JELINEK** (R-Three Oaks), John **PAPPAGEORGE** (R-Troy) and Randy **RICHARDVILLE** (R-Temperance) - 70%

- 21. Sen. Bruce **PATTERSON** (R-Canton) - 66%
- 22. Sen. Roger **KAHN** (R-Saginaw) - 64%
- 23. Barcia - 33%
- 24. Sen. John **GLEASON** (D-Flushing) - 31%
- 25. Sen. Dennis **OLSHOVE** (D-Warren) - 20.00%
- 26. Sens. Ray **BASHAM** (D-Taylor) and Mickey **SWITALSKI** (D-Roseville) - 26%
- 28. Sen. Tupac **HUNTER** (D-Detroit)- 24%
- 29. Sen. Hansen **CLARKE** (D-Detroit) - 20%
- 30. Sen. Buzz **THOMAS** (D-Detroit) - 15%
- 31. Sen. Glenn **ANDERSON** (D-Westland) and Senate Minority Leader Mike **PRUSI** (D-Ishpeming) - 13%
- 33. Sen. Deb **CHERRY** (D-Burton) - 12%
- 34. Sen. Irma **CLARK-COLEMAN** (D-Detroit) and Gretchen **WHITMER** (D-East Lansing) - 9%
- 36. Sens. Gilda **JACOBS** (D-Huntington Woods) - 6%
- 37. Scott - 3%
- 38. Brater - 0%

Past Most Conservative Winners

- 2003 - Sanborn
- 2004 - Sanborn
- 2005 - Sanborn
- 2006 - Cassis
- 2007 - Jansen
- 2008 - Sanborn
- 2009 - Bishop

Past Most Liberal Winners

- 2003 - Sen. Burton **LELAND**
- 2004 - Brater
- 2005 - Brater
- 2006 - Scott
- 2007 - Clark-Coleman
- 2008 - Scott
- 2009 - Brater

Votes Selected

- 1. 🐾 **SB 0589**, sponsored by Kahn, Roll Call 648, 12/3/10, approves an "interim" billboard permit in Saginaw County under specific conditions. Conservative vote is yes.
- 2. 🐾 **HB 4961**, sponsored by Rep. Lee **GONZALES** (D-Flint), Roll Call 564, 12/2/10, discharges from committee legislation creating a public-private partnership framework by which the Department of Transportation could move forward on the proposed Detroit River International Crossing project. Conservative vote is no.
- 3. 🐾 **HB 5640**, sponsored by Rep. Rebekah **WARREN** (D-Ann Arbor), Roll Call 457, 9/23/10, allows local governments to create a clean energy efficiency improvement program where homeowners could pay for the cost of energy efficiency projects through higher property taxes. Conservative vote is no.
- 4. 🐾 **HB 6363**, sponsored by Rep. Marty **KNOLLENBERG** (R-Troy), Roll Call 576, 12/1/10, was part of a multi-bill package the business community pushed to allow them to better work with state regulators on toxic cleanup. Included a provision that state rules could not be more stringent than federal standards. Conservative



vote is yes.

5. 🐾 [HB 4493](#), sponsored by Rep. Richard **LEBLANC** (D-Westland), Roll Call 619, 12/2/10, bans first-year drivers under 18 from having more than one passenger in the car who is a minor unless accompanied by a parent or guardian, except for driving to school. It also bans young drivers from driving between 10 p.m. and 5 a.m. unless they are going to or from work. Conservative vote is no.

6. 🐾 [HB 5858](#), sponsored by Rep. Mike **LAHTI** (D-Hancock), Roll Call 643, 12/3/10, allows the state to use \$383 million in space under the bond cap to authorize the spending of \$968 million on new state, university and college buildings and upgrades. It includes \$15 million for a Detroit crime lab. Conservative vote is no.

7. 🐾 [SB 1561](#), sponsored by Cropsey, Roll Call 535, 11/10/10, creates a three-year, \$5,000 felony for anyone who doesn't properly dispose of an aborted fetus. Conservative vote is yes.

8. 🐾 [SB 0610](#), sponsored by Allen, Roll Call 490, 9/29/10, allows commercial real estate brokers to put a lien on any property from which they are owed money for a sale or lease without having to go to court. Conservative vote is yes.

9. An amendment to 🐾 [HB 5409](#), sponsored by Rep. George **CUSHINGBERRY** (D-Detroit), Roll Call 494, 9/29/10 that adds \$6.5 million to the state budget for the welfare-to-work program called "JET Plus." Conservative vote is no.

10. An amendment to 🐾 [SB 1177](#), sponsored by Kahn, Roll Call 481, 9/28/10, that creates a rebuttable presumption that if any of the chemicals used to extract natural gas using "hydraulic fracturing" are found in nearby groundwater, the gas driller is liable. Conservative vote is no.

11. 🐾 [SB 1515](#), sponsored by Birkholz, Roll Call 524, 11/10/10, increase from 2 to 5 percent the amount of room tax hotels and motels can impose for its local convention and tourism marketing bureau. Conservative vote is no.

12. 🐾 [SB 1226](#), sponsored by Jansen, Roll Call 180, 4/14/10, makes state employees contribute 3 percent of their salary into their pension fund as a part of budget-cutting passage. Conservative vote is yes.

13. 🐾 [HB 6426](#), sponsored by Rep. Bert **JOHNSON** (D-Detroit), Roll Call 448, 9/22/10, allows liquor companies to attach instant rebate coupons, mixers or soda products to bottles for marketing purposes; authorize \$50,000 wine auction licenses; and increase bootlegging penalties and enforcement measures as a way to raise money for the budget. Conservative vote is no.

14. 🐾 [HB 6224](#), sponsored by Rep. Andrew **KANDREVAS** (D-Southgate), Roll Call 528, 11/10/10, allows alcohol to be sold on Sunday morning, among other reforms favorable to those in the industry of selling beer, wine and liquor. Conservative vote is no.

15. 🐾 [SB 1475](#), sponsored by Kuipers, Roll Call 1475, Roll Call 519, 11/9/10, extends to cities the rule that a pedestrian can not sue a county for injury costs related to tripping over a sidewalk crack less than two inches in depth. Conservative vote is yes.

16. An amendment to 🐾 [SB 1284](#), sponsored by Cassis, Roll Call 1284, Roll Call 360, 7/21/10, legislatively links an education reform to a bill requiring all public school districts to develop anti-bullying policies. Conservative vote is no.

17. 🐾 [SB 1402](#), sponsored by Gleason, Roll Call 351, 7/1/10, encourages elementary schools to adopt an "Eddie Eagle" gun safety program at the suggestion of the NRA. Conservative vote is yes.

18. An amendment to 🐾 [SB 1158](#), sponsored by Hardiman, Roll Call 263, 5/19/10, strips out of the budget \$3.8 million for a "marriage and fatherhood initiative" program in the Department of Human Services budget. Conservative vote is no.

19. An amendment to 🐾 [HB 5884](#), sponsored by Rep. Richard **HAMMEL** (D-Mt. Morris Twp.) Roll Call 243, 5/18/10, strips out a provision from the state budget prohibiting the administration from using money in this budget to create "ergonomics" regulations on businesses. Conservative vote is no.

20. SR 158, sponsored by Kuipers, Roll Call 303, 6/16/10, urges the U.S. Environmental Protection Agency to rescind rules that would require dairy farms to have oil spill prevention plans for milk storage tanks. Conservative vote is yes.

21. 🐾 [SB 1283](#), sponsored by Kuipers, Roll Call 489, 9/29/10, requires that facilities that perform abortions use the most technically advanced equipment possible when conducting an ultrasound. Conservative vote is yes.

22. 🐾 [SB 0647](#), sponsored by George, Roll Call 195, 4/21/10, creates new regulations dealing with embryo stem cell research. Conservative vote is yes.

23. A discharge motion for 🐾 [HB 5017](#), sponsored by Rep. Woodrow **STANLEY** (D-Flint), Roll Call 160, 3/25/10, which raises rental car fees as a way to raise money for the Pure Michigan campaign. Conservative vote is no.

24. 🐾 [SB 0389](#), sponsored by Basham, Roll Call 163, 3/25/10, creates a new \$10 annual parks "passport" drivers can purchase when renewing their tabs as opposed to regular state parks fees. Conservative vote is no.

25. An amendment to 🐾 [SB 1152](#), sponsored by Kahn, Roll Call 146, 3/24/10, adds funding for certain immunization grants and programs, "minority health grants," chronic disease prevention programs, and other public health projects. Conservative vote is no.

26. 🐾 [HB 4394](#), sponsored by Gonzales, Roll Call 170, 3/25/10, bans drivers from sending text messages while driving. Conservative vote is no.
27. 🐾 [HB 4410](#), sponsored by Rep. Joel **SHELTROWN** (D-West Branch), Roll Call 581, 12/1/10, allows school administrators to remove tenure from teachers if the teacher is rated "ineffective." Conservative vote is yes.
28. 🐾 [SB 0980](#), sponsored by Gilbert, Roll Call 34, 2/4/10, mandates that snowplows operate with a flashing light. Conservative vote is no.
29. 🐾 [SB 0751](#), sponsored by Brown, Roll Call 186, 4/20/10, restricts when school districts can hold elections to even-year August or November dates. Conservative vote is yes.
30. A substitute for 🐾 [HB 5033](#), sponsored by Rep. Dan **SCRIPPS** (D-Northport), Roll Call 642, 12/2/10, that creates an "Indigent Defense Council" to study and make recommendations for overhauling the state's system for courts appointing a lawyer for criminal defendant's who can't afford to hire one. Conservative vote is yes.
31. 🐾 [SB 0800](#), sponsored by Kahn, Roll Call 94, 3/9/10, provides immunity from civil liability for a person performing medical examiner duties in good faith. Conservative vote is yes.
32. 🐾 [SB 1574](#), sponsored by Jacobs, Roll Call 564, 11/10/10, allows county zoo to double from .1 mil to .2 mils the maximum property tax that a county zoo authority is empowered to impose. Conservative vote is no.

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## Granholm Wants 'Jobs Race To The Top'

Gov. Jennifer **GRANHOLM** is popping a proposal for the United States to create 3 million new jobs in three years, a pitch she's calling a "Jobs Race To The Top," focused on clean energy.

Granholm did not issue a release to statewide media or hold a press conference, but instead today wrote on the *Huffington Post*, which suggests that the term-limited Governor is shifting her focus to a national audience. Granholm's name has been floating around the media as a possible replacement if U.S. Energy Secretary Stephen **CHU** should step down. She was initially up for that job and others with the Barack **OBAMA** administration.

"As last week's jobs numbers reminded us, emerging from the biggest economic crisis since the Great Depression isn't going to be easy," she writes. "We need to be creative and daring. We need a moon shot -- a 'Jobs Race to the Top.'"

Suggesting that her plan is in the vein of the New Deal, Granholm writes that the competition should be announced in early 2011 and the winners within six months.

"Comprehensive clean energy projects require lots of local collaboration and private sector involvement," she writes. "Without a financial carrot, the difficult regulatory changes at the local level would take years -- if not decades. As we saw with the education Race to the Top, a financial incentive, at these fiscally tight times, caused states to dramatically change public policy to achieve the critical federal goal of increasing educational achievement in America."

Granholm goes on to write that Michigan provides a test case with incentives for the lithium-ion advanced battery for the electric car, a high-tech product previously manufactured almost exclusively in Asia.

"In just over a year, we have attracted 18 domestic and international companies, projected to create 63,000 private-sector jobs in Michigan," she writes. "With breathtaking speed, we built an entire advanced battery 'ecosystem' for the purpose of electrifying the automobile."

"If the states are the laboratories of democracy, Washington can take a lesson from what is happening in Michigan."

Here's Granholm's plan:

- Take funds that the United States currently spends on economic development programs (about \$170 billion) and redirect a portion to a "Jobs Race to the Top" competition among the country's regions, states and communities.

"For it to have an effect, it needs to have the size and scope of the education Race to the Top," she writes.

- Devote the competition to rewarding the most effective public-private partnerships. These must be developed at the local level. Granholm defines "effective" in terms of the numbers of lasting jobs created quickly.

- Reward regions that build on their strengths, partner with the private sector and change public policy to drive jobs results.

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## Teacher Tenure On Next House Agenda

If the House does come in on Dec. 15, there could be action on some big issues, including teacher tenure, binding arbitration in P.A. 312 and human trafficking.



MIRS obtained a tentative agenda for the session starting at 10 a.m. There are 35 bills that could be taken up.

Of course, the Senate would have to come back to take action on any first house bills or those with amendments in order for the legislation to get to Gov. Jennifer **GRANHOLM**. And there are already 14 bills left over from Dec. 2 (See related story).

The upper chamber does have a tentative session slated for Dec. 15, but Matt **MARSDEN**, spokesman for Senate Majority Leader Mike **BISHOP** (R-Rochester) has said they're not coming in. Today, Marsden declined to comment on the tentative House agenda.

For the House, the biggest issues left hanging in the Senate are mandating insurance coverage for autism (🐾 [HB 4813](#) and 🐾 [HB 4476](#)), authorizing the Detroit River International Crossing (DRIC) (🐾 [HB 4961](#)) and anti-bullying (🐾 [HB 4580](#)) bills.

But there's little hope for those bills. Autism wasn't taken up on Dec. 2, in spite of pleading from Majority Floor Leader Kathy **ANGERER** (D-Dundee) and Lt. Gov.-elect Brian **CALLEY** (R-Portland) (See "[Autism Insurance Mandate Dies In Senate](#)," 12/2/10). A discharge motion on DRIC, which the House passed in May, also went down that day (See "[Republicans Sink DRIC in Senate](#)," 12/2/10). And the anti-bullying bill that passed in May went nowhere (See "[Anti-Bullying Bill Moves](#)," 5/13/10), something that an emotional Sen. Ron **JELINEK** (R-Three Oaks) lamented in his goodbye speech.

Taking up a popular GOP idea like teacher tenure reform could be a way to entice the Senate to come back. Two bills are on the tentative House agenda, 🐾 [HB 4410](#) sponsored by Rep. Joel **SHELTROWN** (D-West Branch) and 🐾 [SB 1509](#) sponsored by Sen. Wayne **KUIPERS** (R-Holland).

🐾 [HB 4410](#) went nowhere in the House on Dec. 2, thanks, in part, to lobbying from the Michigan Education Association (MEA) (See "[Tenure Bill Flunks Out](#)," 12/2/10).

There's also 🐾 [SB 1072](#) sponsored by Sen. Randy **RICHARDVILLE** (R-Monroe), which was supposed to reform local binding arbitration in P.A. 312. The House already passed the bill but asked for the Senate to return in on Dec. 2. The bill was on hold because the current draft would actually expand binding arbitration to include groups like 911 authorities. There was talk that the House could take that language out. But no action was taken (See "[Tenure Bill Flunks Out](#)," 12/2/10).

<http://mirsnews.com/capsule.php?gid=3465#25599>

Also on the tentative agenda are companion bills 🐾 [SB 1085](#), sponsored by Sen. Mark **JANSEN** (R-Gaines Twp.), and 🐾 [SB 1086](#), sponsored by Sen. Bill **HARDIMAN** (R-Kentwood).

The package toughening up human trafficking laws (🐾 [HB 5575](#), 🐾 [HB 5576](#), 🐾 [HB 5577](#) and 🐾 [HB 5578](#), all sponsored by Rep. Dudley **SPADE** (D-Tipton)) is on the list. Sources tell MIRS that was supposed to be passed on Dec. 2, although the Michigan Human Trafficking Task Force didn't back the bills and wanted stronger measures (See "[Experts: Human Trafficking Package Only A 'Band-Aid'](#)," 12/3/10).

Other legislation of note includes:

[HR 0365](#), sponsored by Rep. Rashida **TALAIB** (D-Detroit), on extending unemployment benefits.

🐾 [SB 0950](#), sponsored by Richardville, would prohibit a person from misrepresenting his or her current or former military status with the intent to defraud, obtain employment or be elected or appointed to public office.

🐾 [SB 1237](#), sponsored by Sen. Patty **BIRKHOLZ** (R-Saugatuck), would require a certificate of need applicant to submit evidence of adequate access to public transportation services, if a hospital were relocating beds from a licensed site to a licensed site in another geographic location.

🐾 [SB 0750](#), sponsored by Sen. John **PAPPAGEORGE** (R-Troy), would allow local governments to take forfeited drug property and preserve it for historic purposes, convert it to a park, or convey it to the State, a local unit, or a nonprofit entity for specific purposes.

🐾 [SB 0470](#), sponsored by Sen. Alan **SANBORN** (R-Richmond), would require beer keg tagging for retailers as a way to combat underage drinking.

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## Team Snyder Announces Inaugural Details

As promised, Michigan's new governor will be braving the cold and be sworn in and deliver his inaugural address on the steps of the Capitol at noon on Jan. 1.

"Each one of us has a role in the reinvention of Michigan," said Gov.-elect Rick **SNYDER** who will become Michigan's 48th governor. "We've spent too much time in this state being down on ourselves. It's time to get excited again. It's time to recapture that spirit of innovation that made our state great."

Along with Snyder, Lt. Gov.-elect Brian **CALLEY** along with Attorney General-elect Bill **SCHUETTE** and Secretary of State-elect Ruth **JOHNSON** will be sworn in. The ceremony is scheduled to take place between 11:30 a.m. and 1 p.m.

Following the swearing in, Snyder will greet Michigan residents in a receiving line from 1:30 p.m. to 3:30 p.m. An evening event will follow at the Wharton Center for Performing Arts on the campus of Michigan State University. Tickets to that event can be purchased online at [www.governorelectricksnyder.com/inauguration](http://www.governorelectricksnyder.com/inauguration)

The transition team also noted that the inaugural celebration would be paid for through private donations and ticket sales, not through the use of taxpayer funds.

Inauguration Committee Co-chair Linda **GOBLER** said the inauguration would be more casual compared to previous inaugurations. It will only take place in Lansing over the course of one day instead of in multiple cities stretched out over several weeks. However, residents who are unable to attend the inauguration will have other opportunities to participate in events during a year-long commemoration aimed at celebrating the power of Michigan.

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## Feral Swine Not Invasive Yet

Department of Natural Resources and Energy (DNRE) Director Rebecca **HUMPHRIES** today signed an order making feral swine and all other types of wild boar an invasive species but not until July 8, 2011.

Humphries told *MIRS* the seven-month reprieve was made to give the Legislature time to enact legislation that would regulate the operation of wild board breeding shooting facilities and place fines on those who violate.

"I met with House Speaker-elect [Jase] **BOLGER** and he indicated he would like to take forward legislation to enact regulations that would support the work group's recommendations," Humphries said, adding, "He thought it could be done before summer recess."

Humphries said it was a good conversation on both the need for regulations and the deadline.

The DNRE-established workgroup wants a moratorium on the establishment of any new breeding or shooting facilities; licensing and registration of the facilities with the state; and mandatory requirements for disease sample collection and submission.

The group's recommendations also call for fencing standards, state approval of license transfers for existing facilities and fines ranging from \$1,000 to \$10,000 for misdemeanor and felony penalties (See "DNRE To Make Feral Swine Illegal," 11/5/2010).

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Rodney **STOKES**, Gov.-elect Rick **SNYDER**'s appointee to head the department, could alter or rescind today's order, but Humphries told *MIRS* there is an agreement that he will not make any changes.

In short, today's action by Humphries takes any heat on the issue off of Stokes.

Humphries also said an expected Executive Order from Snyder to split the Department of Natural Resources and Energy back into two departments -- the Department of Natural Resources and the Department of Environmental Quality -- "is a work in progress in an effort to have it take effect right away. I understand they are doing the necessary due diligence."

### DNRE Taking A New Look At Bovine TB

With efforts to completely eradicate Bovine Tuberculosis among white-tail deer holding steady during recent years, the DNRE is taking a look at new research and bringing in outside experts over the next two months to discuss what additionally might be done to bring down the spread of the disease.

Today, Dr. Mitch **PALMER**, from the National Center for Animal Control in Ames, Iowa, told NRC members that research indicates bacilli Calmette-Guerin vaccine developed in the early 1900s to treat humans has proven to be effective in lessening the severity of the disease in white-tail deer but doesn't prevent the animals from becoming infected.

Palmer also said the disease, which is spread primarily through deer feed and ground contamination, has a long shelf life -- up to several months.

Questions still remain as to how effective the vaccine would be in the long term and the need for political and social issues to be overcome before using either the needle injection or oral vaccine.

Palmer said the United Kingdom just completed a field study and found the vaccine provided 74 percent protection on badgers, which is the animal with the disease in that country. Officials in the U.K. say it will be four to five years before the vaccine will be used orally there.

DNRE Veterinarian Steve **SCHMITT** said the department has had success over the past 15 years in dealing with the disease but has not been able to reduce the eradication for the current 2 percent for the last seven years.

### Deer Harvest Similar To Last Year

A preliminary report of the 2010 firearm deer season indicates deer hunters killed about the same number of deer statewide this year as in 2009, according to the Department of Natural Resources and Energy (DNRE).

Department biologists estimate the harvest compared to last year was unchanged to up to 10 percent higher in both the Upper Peninsula and Southern Lower Peninsula but down 5 to 15 percent in the Northern Lower Peninsula.

The number of hunting licenses and kill tags sold also appear to be down -- maybe as much as 4 percent. DNRE Deer Program Leader Brent **RUDOLPH** told Natural Resource Commission (NRC) members "That is not alarming" given the mild weather and the opening of deer hunting season falling on a Monday.

#### Changes Proposed To Bat Regulations

With a deadly White Nose Bat Syndrome disease expected to strike hibernating bats in Michigan this year, the DNRE is proposing changes to bat regulations that would allow for the humane euthanization of diseased bats and allow nuisance control operators to capture bats under the endangered species act.

DNRE's Chris **HOVING** told the NRC today that the fungus disease, which is not a direct threat to humans, is moving very fast across the country.

It was first detected in 2006 and in four years has moved halfway across the country.

"It is already in Ontario so we expect it may hit Michigan this year," Hoving said.

#### NRC Honors Birkholz

Term-limited Sen. Patricia **BIRKHOLZ** (R-Saugatuck) today was honored by the Natural Resources Commission (NRC) as a "statewide leader in natural resources" and for her more than 30 years of work "to protect the Saugatuck Dunes and a supporter of the entire Michigan State Park system."

Birkholz was also instrumental in the passage of the recent Parks Recreation Passport legislation that is expected to generate an additional \$3 million annually for the DNRE Parks Division.

The Commission unanimously adopted a resolution naming a portion of the Saugatuck Dunes State Park the "Patricia Birkholz Natural Area." Birkholz was present for today's action.

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## MRA Open to Sales Tax Hike

The last time lawmakers dealt with a sales tax on services, the Michigan Retailers Association was at the head of the line urging everyone to vote no. Now, with a new administration coming to town, the MRA is singing a different tune.

"Everything is on the table," reported James **HALLAN**, the CEO of the retailers' lobby group. That line, by the way, is consistent with what Gov.-Elect Rick **SNYDER** has said concerning what his administration may or may not do to balance the budget.

Hallan told *MIRS*, "We would be open to that discussion," even though he and others opposed the 2007 proposal that he said was wrong because it "picked winners and losers" and was "tailor-made" to favor some groups over the others.

"It would be foolish not to test this model" given the reality that the current model is not working to reform and restructure state government, he asserted.

On the retail front, the MRA is upbeat as Hallan reported, "Our survey shows the most enthusiasm we've seen in six years." And he pointed to the November election to help explain that.

Normally a change at the polls produces uncertainty, but with the election of Snyder he now believes, "the change is breeding enthusiasm and that's translating into retail optimism," which merchants are feeling around the state.

The trade group has forecast a 6 percent bump in sales this holiday season compared to previous years, where lower forecasts were not met.

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## Econ Club Gets Glowing Forecast

Economists have been saying it for years . . . Michigan's economic recovery is just around the corner.

But today a banking executive told the Lansing Economic Club that the corner has been turned and the worse is "clearly over."

Appearing at the Lansing Regional Chamber's Economic Club luncheon, Independent Bank's Chief Financial Officer Robert **SHUSTER** was loaded with good news.

He said believes that "Michigan, perhaps because it went through such a tough time in the recession appears to be recovering more rapidly than the rest of the United States."

Likewise, even though the state's jobless rate is still among the highest in the nation, the "unemployment data was better than the rest of the country," as well.

On the downside, Shuster told *MIRS*, the housing sector is still in trouble and the 2010 recovery has "been choppy," but he sees growth in the manufacturing sector in general and in the autos in particular.

"GM is poised to actually grow market share for the first time in a long time," he noted while also pointing to double-digit sales increases for the Detroit Three.

"We are adding jobs for the first time in 10 years," he said, adding that could be dampened due to mushrooming budget deficits in Washington and Lansing and "global events" could impact the recovery as well, he warned.

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## DHS Launches Smartphone Application

Anyone witnessing child abuse will be able to alert the Department of Human Services (DHS) directly through a smartphone application, department officials announced today.

Today the DHS announced its launch of a smartphone application that will help people read up on department happenings, mobily report abuse and fraud and locate the DHS office nearest their current location.

"These mobile apps target our advocates and those who have knowledge of abuse or fraud," said DHS Director Ismael **AHMED**.

It was developed under Jacobs Media Digital Director Tim **DAVIS**, who manages JacAPPS projects. He said that launching an application for smartphones makes sense.

"Smartphone ownership is growing rapidly and has no end in sight," said Davis. He says some predictions say that in three years, more people will surf the web from phones than computers.

But wherever they surf from, DHS has a bevy of social media tools ready to help Michigan residents. The app itself leads to DHS accounts on social media sites such as Twitter, Flickr and Facebook.

When it comes to social media, "We wanted to be the leader not just in the state, but in the country," said DHS Communications Director Edward **WOODS III**.

Janet **SNYDER**, executive director of Michigan Federation for Children and Families, said that her association of private non-profit agencies operates in all 83 Michigan counties, and the new application will help with connectivity and integration.

"Now people can access the information and see what kids need and what's available," said Snyder.

Michael **SHALLEY**, communications director for the Michigan Community Action Agency Association, echoed these thoughts.

"More and more I think we're turning to the use of smartphones to help us be more efficient in our jobs," said Shalley.

The app was launched for Android phones today, and will be available for iPhone within 30 days. To find it, search "Michigan Human Services" in an app store.

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## Bits And Tidbits

### Mac Cen. Tries Again On Forced Unionization

The Mackinac Center Legal Foundation is asking the state Supreme Court to review the so-called "forced unionization" case.

Today, Patrick **WRIGHT**, director of the Mackinac Center Legal Foundation, announced that he had submitted an appeal to the state Supreme Court, asking it to overturn the Court of Appeals dismissal of *Loar v. DHS* by the Michigan Court of Appeals.

The case is about the methods used by AFSCME and the UAW in cooperation with the Department of Human Services under the administration of Gov. Jennifer **GRANHOLM** unionized about 40,000 home-based day care workers, with many of them not realizing they were being unionized, (See "[DHS Sued Over 'Shell Corporation'](#)," 9/16/09).

"My clients are not public employees," said Wright. "If a court is going to hold that they are, the governmental defendants actually need to present that argument and a court needs to explain how private business owners can become unionized public employees."

The fact that the high court will have a new composition next year might make a reconsideration of the more likely.

### Damrow Wins Recount in 84th

The Republican victory in the 84th House District has now been confirmed, as a recount of the November general

election showed challenger Kurt **DAMROW** defeated incumbent Rep. Terry **BROWN** (D-Pigeon) by an 18-vote margin.

The Damrow victory secures the GOP 67-member majority in the 2011-12 House.

"My goal for the recount was to make sure every voter could feel confident that their voice was heard in this election, and I'm disappointed that we couldn't make that happen," Brown wrote. "When there are so many problems that 30 percent of precincts can't be recounted, it's clear that we need to take a good hard look at what's going on."

According to Brown, 11 of the 32 precincts in Tuscola County and 8 of 31 in Huron County were uncountable due to mistakes by election officials - predominantly the failure to secure the ballot container on election night.

#### Jones Calls For Next Week Session

Responding to a challenge issued Tuesday by Gov. Jennifer **GRANHOLM**'s Press Secretary Liz **BOYD**, Rep. Rick **JONES** (R-Grand Ledge) called upon House leadership to bring the chamber back into session to deal with, among other things, an end to lifetime health care benefits for future legislators.

On Tuesday, Boyd said instead of fixating his attention on changes being made in the executive branch, Jones should continue with needed reforms in the Legislative branch (See "[State Takes Final Stab At Live-In Benefits](#)," 12/7/10).

Jones said he's authored his own end to the retirement health benefits for legislators through 🐾 [HB 5019](#), but the House Democratic leadership took up a Democrat plan, 🐾 [HB 4194](#). The Senate changed the legislation slightly. It has sat on the House Calendar since Feb. 24.

"During the marathon lame duck session, the House Democrat leadership chose to take up bills like the one legalizing fuzzy-dice hanging from a car mirror. They did not take up 🐾 [HB 4194](#)," Jones said. "I call upon the Speaker of the House and the Democrat Floor Leader Kathy **ANGERER** (D-Dundee) to call us back into session and end retirement health benefits for legislators."

#### Granholm Using Stimulus For 'Better Buildings'

Gov. Jennifer **GRANHOLM** announced today that the state is launching a pair of federal stimulus-funded programs designed to create more energy efficient commercial buildings in Detroit and homes in targeted areas of the state.

The \$200 million "BetterBuildings for Michigan" program will direct \$143 million to 11,340 homes in Detroit, Grand Rapids, the Detroit suburbs and other communities still to be determined or "non-entitlement communities." The idea is to retrofit homes and help participating homeowners save hundreds on their utility bills while keeping their homes warmer in the winter.

The \$46.8 million commercial program in Detroit will concentrate on three centers along Woodward Corridor in downtown Detroit by providing energy efficiency options to more than 131 commercial, public and industrial buildings.

Over three years, BetterBuildings for Michigan is expected to create more than 2,063 energy efficiency certified construction professionals, reduce energy consumption by 1.2 trillion British thermal units (TBTUs), and prevent 19.6 tons of greenhouse gas emissions per year in Michigan.

#### Bishop Enjoys Tea At Holiday Party

Senate Majority Leader Mike **BISHOP**'s (R-Rochester) last holiday party in his Capitol office was dominated by Tea Party activists on Wednesday.

Bishop was the winner of the Tea Party straw poll in his bid for the Republican Attorney General nomination, but he narrowly lost his Michigan Republican Party (MRP) convention fight to Bill **SCHUETTE**.

Tea Party activists have been behind the push to get Bishop into the MRP Chair race, although he hasn't made a decision. So far, Bobby **SCHOSTAK** is in and has the blessing of Gov.-elect Rick **SNYDER**.

#### Hall Appointed To Wayne County Airport Authority

Suzanne **HALL**, of Southgate, was appointed to succeed James B. **NICHOLSON** today on the Wayne County Metropolitan Airport Authority. Hall was appointed for a term expiring Oct. 1, 2016, by Gov. Jennifer **GRANHOLM**.

The Authority is responsible for the management and operation of Detroit Metropolitan Wayne County Airport and Willow Run Airport -- including the power to plan, promote, extend, acquire, purchase, construct, improve, repair, enlarge, and operate both airports.

#### Garcia Appointed To Homeland Security Board

Sen. Valde **GARCIA** (R-Marion Twp.) was appointed today to the Michigan Homeland Security Consortium (MIHSC) Board of Directors.

The MIHSC is an industry association of homeland security companies focused on building that emerging industry in the state.

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## Talk About Talk

The following are highlights of Michigan public policy talk shows for Friday, Dec. 10, 2010:

- "Off The Record With Tim **SKUBICK**," airs at 8:30 p.m. Friday on WKAR, Channel 23, and other public television stations across Michigan. This week the show features Lt. Gov. John **CHERRY**. The reporter panel includes *Detroit Free Press* writer Chris [**CHRISTOFF**], Booth Newspapers' Peter [**LUKE**] and *Associated Press* editor Kathy [**HOFFMAN**].

- "Capitol Pressroom with Rob **BAYKIAN**," which airs on Michigan Radio Network stations this weekend, will include incoming Senate Minority Leader Gretchen [**WHITMER**] (D-East Lansing).

- "[City Pulse Live](#)," hosted by City Pulse Publisher Berl **SCHWARTZ** and *MIRS* senior analyst Susan J. **DEMAS**, includes interviews with former state Superintendent Tom **WATKINS** and Sen. Mickey [**SWITALSKI**] (D-Roseville).

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## On This Day In Michigan History

In early November 1923, 14-year-old Edna **FULLAGER** of Grand Haven was reluctantly taken from her home by Harry **PROCTOR**, a successful 31-year-old real estate salesman, husband and father. He told Fullager's mother that he wanted to take the girl with her on some sales calls.

The pair never returned. Police suspected Proctor had abducted the girl, but Proctor's wife refused to believe that her husband, a model citizen in the community, would do such a thing.

Then, nearly a month later, George **SNYDER**, a neighbor of the Proctors, told police that for two nights in a row, he dreamed that he watched a coupe, like the one Proctor owned, drive off a dock in Spring Lake and into the Grand River.

On Dec. 9, 1923, sheriff's deputies dredged the river and found Proctor's car with the two dead bodies. It appeared that the car had been driven off the dock on accident and that the two struggled to free themselves from the vehicle by smashing the windshield with a wrench.

Source: *Michigan Every Day*

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