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# capitol currents

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## A Legislative Update for Township Officials

### Republicans dominate November general election



Just as the Democrats dominated the last election in 2008, Republicans scored huge in the November mid-term election, and in many cases, unexpected victories across the state and nation. In Michigan, Republicans swept all of the statewide races by winning the governorship, secretary of state and attorney general positions. In addition, they won all eight seats up for election on the State Board of Education, U

of M Board of Regents, Wayne State Board of Governors and MSU Board of Trustees.

Republicans also took two congressional seats currently held by Democrats in the first and seventh congressional districts. Finally, of statewide significance, the two Supreme Court candidates nominated at the Republican convention both won. In the process, they unseated Justice Alton Davis, who was recently appointed by Gov. Granholm to the Supreme Court to fill the vacancy created by the resignation of Justice Elizabeth Weaver. The end result is that the balance of power on the Supreme Court shifts back from Democratic control to Republican control, which could be important in the upcoming redistricting process.

Probably of more interest to MTA and township officials were the results in the state Senate contests as well as what happened in the state House of Representatives. In the Senate, Republicans maintained their hold onto all of the competitive seats that could have been lost to the Democrats. However, not only did they maintain the seats they already held but they picked up four additional seats in the process. Those pick-ups included the 10th district where Rep. Tory Rocca defeated former Rep. Paul Gielegghem, the 26th district where former Rep. Dave Robertson defeated former Rep. Paula Zelenko, the 31st district where former Rep. Mike Green won over Rep. Jeff Mayes, and the 38th district where former Rep. Tom Caspersen defeated Rep. Mike Lahti. The pick-ups

are significant in that Republicans will now control 26 of 38 seats and have a "super majority" when the new Senate convenes in January. With 26 seats, Republicans will be able to grant "immediate effect" to bills without Democratic support. Democrats in the past have withheld votes on granting immediate effect on certain pieces of legislation in order to try to force certain compromises. They will lose that ability in the new Senate come January.

In the House, the changes are even more dramatic. Republicans gained 20 seats to turn the body from Democratic control to Republican control once the new legislators take office in January. Included in the 20-seat swing was the defeat of nine Democratic incumbents running for re-election. For the next session, Republicans will have a 63-47 majority and Rep. Jase Bolger (R-Marshall) will become the new speaker of the House (see related story). The Republicans picking up 20 seats in the House took everyone by surprise. Most felt the party had a chance to gain control of the House or at a minimum come close to control, but no one felt that their advantage would be seven seats over what was needed for majority. Majority status will put them in control of the committee assignments, including the naming of committee chairs, most of whom will be named between now and the end of January.

Both the House and Senate will consist of huge numbers of new legislators. In the Senate, 29 out of 38 will be new to the body, although all but one are familiar faces in that they are current or former legislators. In the House, 61 out of 110 members will be new, although one new House member is a current senator who returns back to the House for one more term. MTA legislative staff will be working in the coming weeks to get to know these new legislators and to share with them the MTA policy platform and key issues of concern. We encourage you to do the same, especially as it relates to your own state representative and senator.

Discussion of the 2010 November election would not be complete without addressing the outcome of Proposal 10-1, the proposal to call for a constitutional convention. This question is asked of the voters every 16 years and was defeated soundly 67 percent to 33 percent. MTA played a key role in the coalition opposing the ballot proposal by representing the coalition at many forums and newspaper editorial boards and is pleased that the voters overwhelmingly defeated the Con-Con. ■

## MTA-PAC does well despite lopsided election

Despite the virtual Republican landslide that took place across the state and nation, the MTA-PAC Committee scored well with its legislative endorsements for the November general election. Out of a total of 110 House seats, the PAC Committee made endorsements in 107 of those races. Of those seats where endorsements were made, MTA-PAC was successful in 93 races, for a success rate of 87 percent. Nine of the 14 losses included races where the incumbent lost re-election. In all nine cases, the incumbents were Democrats.

Over on the Senate side, the MTA-PAC Committee made endorsements in 37 out of 38 races. MTA-PAC was successful in 33 of those races, for a success rate of 89 percent. No incumbent lost their bid for re-election, although only nine members of the Senate were eligible to run for re-election as the other 29 current members were term limited.

Of special note to MTA and township officials is that at least eight members of the Senate and 21 members of the House of Representatives will have township government experience when they take their new positions in January. In addition, while most might assume that incoming legislators come from a legal or business background, the majority of them have some sort of local government experience either at the county, city, township or school board levels.

The majority of the new incoming legislators are either in their 40s or 50s. The youngest new member in the House is Rep.-elect Andrea LaFontaine (R-Richmond Twp.) who is 23 and will be representing the 32nd district in Macomb County in January. She currently is working on her master's degree in Public Administration and is employed as a waitress. The oldest incoming Rep.-elect is Paul Muxlow who is 72 and is a real-estate broker and retired teacher. He will be representing the 83rd district, which includes Sanilac County and a portion of St. Clair County.

On the Senate side, the youngest incoming member is 28-year-old Sen.-elect Coleman Young (D-Detroit) who is currently a state representa-

tive. He will be representing 1st Senate district next year. The oldest is Sen.-elect Darwin Booher (R-Osceola Twp.) who is 67 and also currently serves as a state representative. He was an Osceola Twp. supervisor prior to serving in the House and will now be representing the 35th Senate district, which includes several counties in northwest portion of the Lower Peninsula. ■

## Leaders chosen for next legislative session

The 96th Legislative Session won't begin until mid-January but as custom in the Michigan House and Senate, the new leaders were selected by the individual party caucuses as each body returned to the Capitol to begin the lame-duck session. House Republicans selected Rep. James "Jase" Bolger (Marshall) as the new GOP leader. Bolger will begin his second term in the House as speaker of the House. The Senate Republican Caucus chose Sen. Randy Richardville (Frenchtown Chtr. Twp.) as the majority leader. Richardville will be serving in his second four-year term when he takes over in January.

The House Republicans named Rep. Jim Stamas (Midland Chtr. Twp.), a former Midland Chtr. Twp. trustee, as the number two person in the House (majority floor leader) while the speaker pro tempore position goes to Rep. John Walsh (Livonia). Rep. Dave Agema (Grandville) will become the majority caucus chair. Other leaders selected by the House GOP caucus include:

- Assistant Majority Floor Leaders – Rep.-elect Lisa Posthumus Lyons (Bowne Twp.) who served on the Bowne Twp. planning commission and Rep.-Elect Jeff Farrington (Utica)
- Assistant Majority Caucus Chair – Rep.-elect Amanda Price (Park Twp.), currently the Park Twp. supervisor
- Associate Speaker Pro Tempore – Rep. Paul Opsommer (DeWitt) and Rep.-elect Margaret O'Brien (Portage)
- Majority Whip – Rep. Pete Lund (Shelby Chtr. Twp.)

The House Democrats picked Rep. Richard Hammel (Mt. Morris Chtr. Twp.) to be the House minority leader. Hammel once served as a trustee in Mt. Morris Chtr. Twp. The minority floor leader will be Rep. Kate Segal (Battle Creek). Other House Democrat leadership positions are yet to be determined.

The Senate Republicans chose Sen.-elect Arlan Meekhof (Olive Twp.), who is a current state representative and former Olive Twp. supervisor, as the next majority floor leader. Sen.-elect Tonya Schuitmaker (Antwerp Twp.), also a current state representative, will serve as president pro tempore while Sen.-elect Jack Brandenburg (Harrison Chtr. Twp.), a former state representative will serve as majority whip. Other Senate GOP posts include:

- Majority Caucus Chair – Sen.-elect Rick Jones (Oneida Chtr. Twp.), a current state representative and former Oneida Chtr. Twp. zoning board member



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- Assistant Majority Leader – Sen.-elect David Hildenbrand (Lowell Chtr. Twp.), a current state representative
- Assistant Majority Floor Leader – Sen.-elect Phil Pavlov (St. Clair Twp.), a current state representative
- Assistant Majority Whip – Sen.-elect Darwin Booher (Osceola Twp.), a current state representative and former Osceola Twp. supervisor
- Assistant Majority Caucus Chair – Sen.-elect Patrick Colbeck (Canton Chtr. Twp.)
- Assistant President Pro Tempore – Sen.-elect Goeff Hansen (Hart Twp.), a current state representative and former Hart Twp. supervisor

The Senate Democrat Caucus, which held its leadership elections first (the day after the election), selected Sen. Gretchen Whitmer (E. Lansing) as minority leader and Sen. Tupac Hunter (Detroit) as the minority floor leader. Other Senate Democrat leaders include:

- Minority Whip – Sen.-elect Vincent Gregory (Southfield), a current state representative
- Minority Caucus Chair – Sen.-elect Morris Hood, III (Detroit), a current state representative
- Assistant Minority Leader – Sen.-elect Steve Bieda (Warren), a former state representative
- Assistant Minority Floor Leader – Sen.-elect Hoon-Yung Hopgood (Taylor), a former state representative
- Assistant Minority Whip – Sen.-elect Virgil Smith (Detroit), a former state representative
- Assistant Caucus Chair – Sen.-elect Coleman Young, II (Detroit), a current state representative
- Associate President Pro Tempore – Sen. John Gleason (Flushing)

Eight of the leaders chosen have some form of township government experience prior to serving in the Michigan Legislature.

Committee assignments are also being worked on in earnest by the incoming leaders. Although very few names have been made public, Sen. Richardville has indicated that Sen.-elect Brandenburg will serve as the chair of the Senate Finance Committee. The committee oversees all tax-related legislation. Sen. Roger Kahn (R-Saginaw Chtr. Twp.) has also been named as the Senate Appropriations chair. Rep. Bolger has announced that Rep. Chuck Moss (R-Birmingham) will serve as the House Appropriations chair. ■

## Sunday morning liquor sales get green light

The first time the legislation was approved by the Legislature, the governor vetoed the bill because it had too many issues. The second time was a charm as the Legislature approved legislation that will allow for the sale of alcohol on Sunday mornings. With the passage of HB 6224 (PA 213), restaurants, bars and stores may now begin selling alcohol at 7 a.m. on Sunday mornings. In the past, Sunday sales began at noon.

It should be noted that not all establishments will take advantage of this new law. The owner of the establishment must purchase an additional license from the state to sell on Sunday mornings. The cost of the license

is \$160 per year. The license will also extend hours for selling alcohol on Christmas. In the past, sales of alcohol were not allowed after 9 p.m. on Dec. 24 and could not take place at all on Christmas Day. Under the new law, sales must stop at midnight of Christmas Eve and may commence at noon on Christmas Day if you hold one of the new licenses.

State law regarding “wet” and “dry” counties has been a bit confused since the end of prohibition. For instance, in order to allow for alcohol sales to take place in the county, the law required the county to authorize alcohol sales. Most local governments made this decision decades ago. There were similar requirements for authorizing Sunday sales. Counties were given the responsibility of making the decision of allowing Sunday sales of spirits, but a county, city, village or township could decide whether to allow the Sunday sale of beer or wine.

The new law reverses the process and creates some issues. The new law states that Sunday sales will be allowed everywhere in the state. However, a county may prohibit Sunday sales by resolution of the county commission or if the citizens petition the county for a referendum on the issue. In both cases, the issue that must be resolved is whether Sunday sales will be allowed, not the issue of Sunday morning sales. Township boards may prohibit the sale of beer and wine on Sundays, but have no say on spirits. This is a bit confusing, but as noted earlier, it has been this way for decades.

The new law also allows licenses to be issued at senior living centers. It has been noted that while residents are allowed to keep alcohol in their own apartments, they could not be served wine or other adult beverages with their meals in the common room. The change in law will now allow for alcohol to be served to residents or their bona-fide guests.

The new law goes into effect on Dec. 1. ■

## Sewer bond package moving through Legislature

During the lame-duck legislative session, both the House and Senate are putting the final touches on a package of bills to make significant changes to the Part 201 environmental cleanup procedures as well as providing funding for a multitude of brownfield cleanup and sewer infrastructure improvements. As of press time, each legislative body has their own but identical version of bills to address the issue. The Senate package includes SBs 437, 1345-1349, 1442 and 1443, while the House package includes HBs 6358-6363, 6416 and 6417. Legislative leaders will decide which bills ultimately pass both bodies and are sent on to the governor.

Changes to the environmental cleanup “facilities” program include the ability to allow for self-implemented cleanup or obtaining Department of Natural Resources and Environment (DNRE) approval. The package also would allow the DNRE to approve a response activity plan based on site-specific criteria in certain circumstances and permit, rather than require, the department to promulgate rules.

However, of greater significance to most townships are the bills in the

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*Sewer bond continued from page 3*

package (SBs 1442-1443 and HBs 6416-6417) that address funding of brownfield cleanups and improvements to sewer infrastructure. The bills would provide \$50 million in each of the next two years to continue the state's brownfield cleanup program, which has essentially run out of funds. It also provides \$10 million in grants and loans to local units of government and brownfield redevelopment authorities for response activities to address nonpoint source water pollution at facilities. In addition, the bills provide \$40 million in grant funding for start-up costs of sewer repair projects. The bills are patterned after legislation in 2005 that provided \$40 million in grants for the application process of applying for funding under the State Revolving Fund (SRF) low-interest loan program.

Like 2005, the grants would be made available through the state's Strategic Water Quality Initiatives Fund (SWQIF). Under a 2002 \$1 billion environmental bond proposal passed by the voters, \$100 million was set aside into the fund for downspout disconnects and for the replacement of failing on-site septic systems. The other \$900 million was to be used for the SRF loan program for sewer improvements. During negotiations over the current package, MTA was able to preserve the SWQIF funding for downspout disconnects and the replacement of failing on-site septic systems by having involved interests agree to transfer the \$40 million from the SRF program to the SWQIF program to cover the cost of the grants.

MTA sees this as a win-win situation as once the bill package is finalized by both chambers and signed into law by the governor, local units of government will be eligible to apply for the \$40 million in grant funding while at the same time preserving money in the SWQIF for its intended use. This will allow local communities to move forward to make needed improvements to its sewer infrastructure and preserve for future use the \$40 million for failing on-site septic system replacements.

One element that was not included in the package, despite MTA's efforts, was the ability for local units of government to be able to access SRF funding for interest payments in situations where a local unit has bonded for sewer systems and has run into financial hardship due to slow eco-

nomie development and the high rate of foreclosures. However, MTA will continue to work with interested legislators towards a fix for this problem in the next legislative session. ■

## Public-private partnership legislation for transportation moving

A bill that would create the Private Investment Infrastructure Funding Act to allow municipalities to enter into collaborative relationships with other public or private entities to develop public transportation facilities moved through the House on Nov. 10 with little opposition. HB 5461, sponsored by Rep. Tonya Schuitmaker (R-Antwerp Twp.), was approved by a 93-4 vote.

The bill would allow cities, villages and townships to solicit private sector investment for the financing of public facilities through a bid process for transportation-related projects, including public transportation-related infrastructure and other similar public infrastructure improvements. The bill also provides for tax increment financing arrangements whereby private investors could be repaid for their investment in public facilities out of tax increment revenues pledged by the collaborating municipalities. The term "public facility" would include a street, road or highway, and improvements such as street furniture and beautification. It would also include a park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, or a building, including access routes designed and dedicated to use by the public or used by a public agency.

The bill is considered part of the TF2 legislative package that includes more than 20 bills to enhance revenue for transportation projects. However, it appears this is the only bill in the package that has a chance to gain approval in the lame-duck session. The Senate is expected to vote on the legislation before session ends. ■