

# Final Minutes

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## Legislative Commission on Statutory Mandates Meeting

12:00 noon • Friday, February 27, 2009

Oakland County Executive Office Building • Waterford Room  
2100 Pontiac Lake Road, Building 41-West • Waterford, Michigan

### Members Present:

Amanda Van Dusen, Chair  
Robert Daddow, Co-Chair  
Dennis Pollard  
Louis H. Schimmel  
J. Dallas Winegarden, Jr.

### Members Absent:

None

### I. Call to Order

The Chair called the meeting to order at 12:00 p.m. and the clerk took the roll. A quorum was present.

### II. Approval of the Agenda

The Chair asked for approval of the agenda. **Mr. Winegarden moved, supported by Mr. Pollard, to approve the February 27, 2009 agenda as proposed. There was no further discussion. The agenda was unanimously approved.**

### III. Approval of Minutes – January 23, 2009 Meeting

The Chair asked for a motion to approve the minutes of the last Legislative Commission on Statutory Mandates meeting. **Mr. Winegarden moved, seconded by Mr. Pollard, to approve the minutes of the January 23, 2009 meeting. There was no further discussion. The minutes were unanimously approved.**

### IV. Report on Meeting with Legislative Commission on Government Efficiency Co-Chairs

The Chair reported that she and Commissioner Daddow met with Mr. James Curran and Mr. Kevin Prokop who are co-chairs of the Legislative Commission on Government Efficiency. She noted that the Efficiency Commission's review of revenue sharing, K-12 education, and medicaid/community health was discussed and suggestions for areas the LCGE should look at such as MPSEER retiree health benefits were given. Commissioner Daddow added that he followed up with an email after the meeting as well.

### V. Report on Meeting with MAC and MSU

The Chair directed the member's attention to an agenda that Commissioner Daddow had put together for a meeting with representatives from the Michigan Association of Counties and Michigan State University to discuss the framework that will be developed to conduct a mandate cost analysis. She noted the agenda outlines some of the limitations that exist and the approach that will be used. Commissioner Daddow commented that MSU will distribute an electronic survey to the local units and develop a portal on their website to capture the current cost data.

### VI. Discussion of Status of Mandates List

The Chair indicated that a consensus is needed on the mandates that will be submitted to MSU for a cost analysis and a discussion of the charts containing the proposed mandates by group followed. Please see the charts that are attached to these minutes for more details.

**Mr. Winegarden moved, supported by Mr. Pollard, that there is a consensus of the items identified on the Michigan Association of Counties list. There was no objection and the motion was unanimously approved.**

**Mr. Schimmel moved, supported by Mr. Pollard, that there is a consensus of the items identified on the Michigan Community Colleges list. There was no objection and the motion was unanimously approved.**

**Mr. Winegarden moved, supported by Mr. Pollard, that there is a consensus of the items identified on the Michigan Municipal League list. There was no objection and the motion was unanimously approved.**

Commissioner Pollard summarized the MSBO and MASA items including two issues that will be added to the list—1) Post 1978 Special Education Services and 2) Extending Length of School Year. **Mr. Winegarden moved, supported by Mr. Schimmel, that there is a consensus of the items identified on the revised Michigan School Business Officials and Michigan Association of School Administrators list. There was no objection and the motion was unanimously approved.**

**Mr. Schimmel moved, supported by Mr. Winegarden, that there is a consensus of the items identified on the Michigan Township Association list. There was no objection and the motion was unanimously approved.**

Because there are still some open issues on the County Road Association of Michigan list, Commissioner Daddow suggested this be carried forward for approval at the next meeting. There was no objection.

**VII. Timeline for Surveys to Associations and Membership Regarding Costs**

Commissioner Van Dusen briefly noted that the timeline for the surveys to the association includes the Commission getting the updated charts to MSU and then MSU getting the survey to the Commission for a quick review.

**VIII. Discussion of Draft Report**

The Chair acknowledged the hard work Commissioner Daddow has done on the draft report over the last month. She requested a system be developed to make sure everyone is working from the same document and suggested the report versions be labeled. After some discussion regarding what to include in the report, the Commissioners will review the latest document labeled "Document 1" and submit any comments/changes to Commissioner Daddow to input the changes.

**IX. Other Matters to Come Before the Commission**

There were any other matters to come before the Commission.

**X. Public Comments**

The Chair asked for public comment. There was none.

**XI. Next Meetings**

The Chair announced that the next meeting will be held at noon on **Friday, March 20, 2009** in Waterford.

**XII. Adjournment**

**Having no further business, Mr. Winegarden moved, supported by Mr. Schimmel, to adjourn the meeting. Without objection, the motion was approved.** The meeting was adjourned at 2:00 p.m.

*(Minutes approved at the March 20, 2009 Legislative Commission on Statutory Mandates meeting.)*

Michigan Association of Counties List of Top 10 Mandates

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding		
1. Court Funding Pursuant to MCL § 600.591								X	
2. Constitutional Officers at Minimum Staffing Levels									
a. Drain Commissioner - MCL § 280.28								X	
b. Deputies and employees of county offices - MCL § 45.41, MCL § 45.51								X	
c. Bond coverage for officers and employees of counties - MCL § 45.381									X
d. Treasurer Compensation - MCL § 48.43								X	

X = Mandate Classification

? = Possible mandate classification based on existing information. Local unit is to provide more information.



Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	
1. Liability of 50% of State Ward's Care - MCL § 803.305(1)					?	?	?		
2. A County Juvenile Agency Liability for the Entire Cost of a Public Ward While Committed to that Agency - MCL § 803.305(3).			X						
b. County Treasurer as Custodian of Child are Funds, Foster Care Planning, and Records of Juvenile Justice Services and Expenditures - MCL § 400.117c								?	
5. Friend of the Court (FOC) - MCL §§ 552.505, 505a, 511, 527, 600.2530						X			

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)					Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation	
6. Local Public Health Departments						X			?	
a. Local Health Departments - MCL § 333.2433										
b. Local Health Department Powers - MCL § 333.2435										X
c. Health Services Cost Sharing - MCL § 333.2472						?	?		?	
7. Mental health, Financial Liability of County - MCL § 333.1302									X	
8. Economic Development										X
9. Court Reporters										



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	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding		
12. County Medical Care Facilities									No State Funding Obligation
a. County Medical Care Facility - MCL \$ 1400.58									X
b. County Medical Care Facility Payment - MCL \$ 400.58b									X
c. County Medical Care Facilities Service - MCL \$ 400.109									X

Michigan Community College Association ("MCCA") List of Top 10 Mandates

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	
1. ACS Reporting – Section 8, PA 419 of 1978			X						
2. Native American Tuition Waivers - MCL § 30.1251							X		
3. Contribution Rates to MPERS – Act 300 of 1980.						X			
4. Financial Aid Programs			X						
5. Others									
a. Audits						X			
b. Various Reports			?			?		?	?

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Michigan Municipal League ("MML") List of the Top 10 Mandates

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
								X	
1. Binding Arbitration for Police and Fire – MCL § 423.231.									
2. National Pollutant Discharge Elimination System/Michigan Permitting - MCL §§ 324.3103-3133 and 324.4101-4113.						X			?
3. Segregation of Major/Local Streets (Funds) – MCL § 247.663.								X	
4. School Elections - MCL§ 168.315.		X							
5. Requiring Optical Scan Machines for Voting Equipment – MCL § 168.24j.			X						

X = Mandate Classification

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Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
d. MCL § 168.499 – Michigan Election Law – Registration of elector; registration application; oaths; interpreter; false material statement as misdemeanor; accepting fee as misdemeanor; voter identification card; effect of voter identification card returned to post office.								X	
e. MCL § 168.509aa – Michigan Election Law – Updating registration upon receipt of certain information; duties of clerk; instruction by clerk to challenge voter; cancellation of registration.						X			

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)	Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)	Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
<p>f. MCL § 125.3103 – Michigan Zoning and Enabling Act - Notice; publication; mail or personal delivery; and requirements; and MCL § 125.3306 – Michigan Zoning and Enabling Act – Recommendations of zoning commission; submission to legislative body; public hearing; notice; examination of proposed text and maps.</p>				X

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	Not a Mandate
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
g. MCL § 125.3839(2) – Michigan Planning and Enabling Act - Master plan; adoption; procedures; notice; submittals; use of electronic mail; and MCL § 125.3871(5) – Michigan Zoning and Enabling Act - Recommendations for ordinances or rules governing subdivision of land; public hearing; notice; action on proposed plat; approval, approval with conditions, or disapproval by planning commission; approval of plat as amendment to master plan.									X
7. Compost Permitting – MCL § 324.11502									X
8. Requiring Electronic Fingerprinting – MCL § 28.161.			X						



Michigan School Business Officials ("MSBO") and Michigan Association of School Administrators ("MASA") Report on Top Mandates on School Districts

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
1. Retirement Plan for Employees of Public School Districts						X			
2. Special Education Services						?			
3. Curriculum and Diploma Requirements									
a. Graduation/Diploma Requirements						?			
b. Core Academic Curriculum						?			
4. Reporting Requirements									
a. Center for Educational Performance and Information						X			
b. Intermediate School District Reporting						X			
5. Testing Mandates						X			
6. Prevailing Wage Act								X	
7. Extending Length of School Year									
8. Post 1978 Special Education									

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Michigan Townships Association ("MTA") List of Top 10 Mandates

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
1. Summer Tax Collection - MCL § 211.905b (2-5).		X							
2. Election Consolidation/School Elections - MCL § 168.315.	X								
3. Defending Utility Property Tax Appeals - MCL § 211.34a and MCL § 211.34c.									X
4. New Assessing Requirements - MCL § 211.7cc.						X			
5. Binding Arbitration for Police and Fire - MCL § 423.231.								X	
6. Publication of Notices in Newspapers - MCL § 41.72a.									

X = Mandate Classification

? = Possible mandate classification based on existing information. Local unit is to provide more information.

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
a. Township Board, Publication Regular and Special Meetings - MCL § 41.72a.								X	
b. Charter Township Board Monthly Publication of Proceeding - MCL § 42.8.								X	
c. Duties of Ministerial Officer of Court - MCL § 41.84.									X
d. Township Board Meeting: Time Place - MCL § 42.7(6)								X	
7. Storm Water Phase II - 33 U.S.C. §§ 1342, 40 C.F.R. § 1226.			?			?			

Alleged Mandate	New Mandate After December 23, 1978 (Headlee Amendment)			Existing Mandate with Increase in Activity or Service or Decrease in Funding After December 23, 1978 (Headlee Amendment)				Mandate Prior to December 1978 (Headlee Amendment)	
	Funded	Partially Funded	Unfunded	Funded	Partially Funded	Unfunded	Decrease Funding	No State Funding Obligation	No State Funding Obligation
8. Maintenance Costs Related to New Voting Equipment - MCL § 168.24j.			X						
9. New Auditing Standards - GASB 34, 43, 45; Statement on Auditing Standards 112 (SAS); American Institute of Certified Public Accountants (AICPA).						X			
10. Requirements to Share Master Plans - MCL §§ 125.3811(2), 3812(2), 3845, 3851, 3869.									X