

# Final Minutes

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## Legislative Commission on Statutory Mandates Meeting

9:00 a.m. • Monday, November 16, 2009  
Executive Office Building • Waterford Room • 1<sup>st</sup> Floor  
2100 Pontiac Lake Road • Waterford, Michigan

### Members Present:

Robert Daddow, Chair  
Amanda Van Dusen, 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 9:00 a.m. and the clerk took the roll. A quorum was present.

### II. Approval of the Agenda

The Chair asked for a motion to approve today's meeting agenda. Ms. Van Dusen requested that a discussion of amendments to the Revised Judicature Act be added under agenda item 5. There was no objection.

**Mr. Winegarden moved, supported by Mr. Pollard, that the meeting agenda as amended be approved. There was no objection and the motion was unanimously adopted.**

### III. Approval of Minutes – October 26, 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. Schimmel, to approve the minutes of the October 26, 2009 meeting. There was no further discussion. The minutes were unanimously approved.**

### IV. Survey/Costing Project by Michigan State University and Related Draft of the Final Report Appendix

The Chair reported he has put the survey/costing information into a format that is similar to the one used in the interim report. He noted his concern with the accuracy of the mandates given the low response rate especially from the schools. Ms. Van Dusen shared that she is working on getting some of the larger school districts to respond. Given the limitations of the survey process, she suggested it might be sufficient to include Mr. Daddow's language stating that the costs are substantial, but the Commission does not have a strong projection due to the fact that the information was not readily available. Mr. Daddow will revise his document to include an overall total and totals by type of local unit. It was agreed that the report from MSU will be referenced, but will not be included in the Commission's final report.

### V. Draft Legal Documents

Mr. Pollard proceeded with an explanation of the proposed changes needed to the court rules. A question as to whether there is an additional burden of bringing a Headlee case was raised by Mr. Daddow. Ms. Van Dusen raised the issue of which court a Headlee suit should be filed in. Both issues were discussed and Mr. Pollard agreed to prepare some language to clarify both issues. Changes to the Revised Judicature Act (RJA) were also reviewed and discussed. Ms. Van Dusen then presented proposed language to replace Public Act 101. She welcomed feedback and comments regarding her proposed changes. Mr. Pollard noted that language should be included to repeal PA 101 and the concept of "de minimis cost" should be deleted. Ms. Van Dusen and Mr. Pollard will incorporate the edits agreed upon at today's meeting and another draft of the final report will be prepared for the next meeting. Mr. Pollard will also draft a cover letter to the Chief Judge regarding the proposed court rule changes.

### VI. Other Business

There was no other business.

### VII. Public Comment

The Chair asked if there was any public comment. There was none.

### VIII. Next Meeting

The Chair announced that the next meeting will be held at **9:00 a.m. on Thursday, December 10, 2009**, in Waterford. The room location for the meeting will be determined and announced when a room at the Oakland County Executive Building is secured.

### IX. Adjournment

Having no further business, the meeting was adjourned at 11:20 a.m.

*(Approved at the December 10, 2009 Legislative Commission on Statutory Mandates meeting.)*