

## MIRS Writing Samples

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### Silver Lining Sought Amid 'Different Type Of Disaster' MIRS News, 2/5/16

(FLINT) -- Tasha Spillers is finding it hard to feel hopeful these days.

The Flint resident is just one in a city of 100,000 people who are still largely leaning on distribution centers to get bottled water, filters, replacement cartridges and testing kits for lead in a city that's captured the nation's interest for weeks.

She considers herself lucky to be in the same neighborhood as one of the distribution centers and has been frequenting it for the past few weeks, but she's still showering at home in water that leaves angry red rashes on her skin. She's heard about funding pledges from the government, but she doesn't know when or if she or her neighbors will benefit from that money.

"People are like, 'Oh, move out of Flint,' but I own my house -- I can't just sell my house and move," Spillers said. "I don't know how long I'm supposed to go and pick up water. ...I just wish they'd hurry up and fix whatever they're going to fix."

About 70 National Guard soldiers are manning sites located at five of the city's fire stations, according to releases from the state's Joint Information Center. Recent data from the state indicates that between the centers and door-to-door distribution, the state has provided more than 230,000 cases of water, 100,000 water filters and 32,000 testing kits to residents.

There's been no indication that those efforts will cease anytime soon, but Spillers and other residents wonder whether there will come a time when they'll have to front the bill for their own supply again before their tap water is deemed safe.

"They're just putting a Band-Aid on it. They're not really fixing anything," Spillers said. "I don't know how long they're going to give out water. That can't go on forever."

As officials at every level of government haggle over the best way to fund fixes to what's turned into a multimillion-dollar problem, a web of state officials, private organizations, philanthropists and volunteers are still navigating the herculean task of addressing immediate needs while setting the stage for the long-term assistance experts have deemed necessary.

#### *A Different Kind Of Disaster*

During his time with the American Red Cross, Duane Hallock has helped people work through a fair number of crises. But the Missouri-based communications director and public information officer who came to Michigan to assist with coordination efforts said Flint's situation is different from most.

It's not the sort of disaster where organizations can help clean up, address people's immediate needs and begin the rebuilding process within a matter of weeks, he said. The source of the problem lies beneath the surface, and there's no telling when the water will be safe, or when the full extent of the impact it's already had on Flint residents will be known.

"We don't have a real clean answer, because this is not a situation that will have a quick fix," he said. The American Red Cross and the United Way of Genesee County have worked closely to organize groups of volunteers and members of affiliated organizations to distribute tests, water, recycling material and filters throughout Flint. Anywhere between 10 and 40 mobile distribution routes are moving through the city daily, Hallock said.

It's hard to say exactly what role the Red Cross and other organizations will be doing months or even weeks from now, Hallock said, but the goal is to be there to support the state and other community partners any way they can.

"Our role will change as the situation matures and develops, but our passion and commitment will always remain the same," he said.

Lansing resident and Americorps member Baylan Bosworth, who was assigned to assist with distribution efforts for three weeks, said he's been blown away by the positive response he and others have gotten from members of the Flint community.

"I'll get people walking up to me on the street asking me how things are and thanking me for being here -- it's really fantastic," he said.

Although Bosworth said he feels more needs to be done long term, "I'm a really big fan of what we're doing here, and it seems like the rest of the state is, as well."

### 'This Isn't A Game'

For better or for worse, politics has become a key part of the discussion surrounding Flint. That conversation has led to some concrete victories for advocates at local, state and national levels of government. On Thursday, the Senate joined Snyder in calling for \$30 million to help pay for Flint residents' water bills from 2014 until the water is safe to drink again.

But Senate Minority Leader Jim Ananich (D-Flint) is fed up with what he sees as a series of feel-good headlines, press conferences and hasty plans that might accomplish political goals, but may or may not fully address the myriad of issues his community faces.

The funding put up by the state so far is nothing to shake a stick at, Ananich said, and he and his constituents will take what they can get. He said Senate Republicans' decision to put up a bill he wasn't aware of beforehand and doesn't feel is finished just to take action is a "silly and stupid way to govern," however.

"When I walk my dog down the street, my neighbor comes out crying because they don't know if their three- or four-year-olds got lead poisoning," he said. "This isn't a game to me."

Since the disaster declaration went into effect, Ananich said the logistics of distribution have dramatically improved.

Although he acknowledged that it might not be going as well as it could be, he said the city has turned a corner on the immediate needs of getting water, filters and tests out to the community. But he stressed that the continuation of distribution and an effective plan to pump already appropriated dollars into the community is essential.

"This needs to be sustained until the water is safe," he said. "I think the people in my community going forward understand it doesn't have to be today, but they expect to know when it's coming ... they're frustrated, they're scared."

### *A Possible Silver Lining*

The Flint Child Health and Development Fund, put together by the Community Foundation of Greater Flint, hasn't yet put out a single formal request for money -- but since it was started, national media attention and high-profile donations from celebrities have helped garner more than 3,000 donations from 43 states, and the fund has grown to roughly \$1.5 million.

The response has been incredible, Community Foundation of Greater Flint President Kathi Horton said, but it's become acutely clear to anyone working to end the crisis that it's going to take a lot more than that to ensure children exposed to lead have the resources they need for the long haul.

Horton said those coordinating the fund are in a "very responsive mode" as Flint dominates the national conversation, and will soon be beginning a structured campaign to turn that attention into dollars for Flint children. An advisory committee is working to determine where the funds are most needed, and in the next couple of weeks Horton expects a more concrete fundraising goal and focus areas to be released.

"This is really heightened urgency, because the scale and scope is so significant," she said. "We're working at a very accelerated rate, and I believe there will be great vision for the long haul."

The city now has stockpiles of bottled water large enough that there's little storage space left for additional donations. Horton said what the community needs most now is resources -- dollars that can be applied to long-term challenges families face, and access to nutritious food and adequate medical care.

There's no sugar coating it -- what happened in Flint was, is and will continue to be a crisis in the near future, Horton said. But there is a silver lining. She is hopeful the "population wide intervention" the crisis requires will give many families access to resources they've never had access to before, offering them and the city they call home a chance at a new start.

"We are committed to turning this tragedy into a comprehensive response that addresses some of the systemic injustices that are typical in a post-industrial city," she said. If the community gets the help and support it needs, "we can really turn the corner in our future."

## **Detroit Candidates Owe State \$60K In Campaign Finance Late Fees MIRS News, 10/3/14**

A MIRS analysis of campaign finance filings for the 2014 primary in Detroit-area state races show candidate committees in the first 10 House districts and first five Senate districts owe at least \$19,725 in late filing fees.

Seven of 15 Detroit's state Senate primary candidates and 22 of 52 House primary candidates still owe the state money, according to documents from the Secretary of State's campaign finance disclosure database.

That's not counting fees likely headed towards the committees of 14 House and three Senate candidates who haven't yet been billed for their late or unfiled post-primary financial reports.

It's by no means a new issue for Motor City politics. MIRS also took a look at 2012 and 2010 state House and Senate primary races in the same geographic area and found several former Detroit political hopefuls whose committees still owe the state thousands in late fees.

Combined, 12 House candidate committees from 2012 still owe \$24,745, while nine House committees and three Senate committees of 2010 candidates are \$15,527.85 behind. Coupled with 2014 statistics, state primary candidates in Detroit owe at least \$60,000 to the State of Michigan for falling behind on campaign finance disclosure.

Compared to the rest of the state, Detroit's long-standing problem with campaign finance violations are unparalleled, one which experts say has no easy solution.

"Nonreporting seems to be endemic to Detroit campaigns," said Rich Robinson, executive director of the Michigan Campaign Finance Network. "It just seems to be localized in Detroit in a way it's not anywhere else."

Sometimes, it's state legislators who come up owing late fees in their campaigns. Reps. John Olumba (D-Detroit), Thomas Stallworth (D-Detroit) and David Knezek (D-Dearborn Heights) are among the Detroit-area politicians whose committees are currently indebted to the state for not filing necessary reports or filing them late this election cycle.

Sen. Bert Johnson (D-Highland Park) who also has late fees hanging over his head, chalks many campaign finance issues up to administrative difficulties. When his committee moved campaign offices this year, Johnson said his team couldn't find key information, causing them to file past the deadline and incur fines.

"I don't want to be in the business or the habit of having to pay those," he said.

In some instances, however, Johnson said the threat of fines will not necessarily motivate a candidate to pay up.

"I've had mine where I'm late and have to pay an adjoining fee, and you should have to, but there are some people who just won't file them," Johnson said. "That's a behavioral issue with their campaign."

The Secretary of State can force compliance upon swearing in for winning candidates, as Olumba found out before the beginning of the 2013 session, when he missed the House swearing-in ceremony because he was submitting late records and paying \$4,000 in fines.

But oftentimes, fines are incurred by relative unknowns who might not fully understand the financial implications of running a candidacy. On the ground, candidates running on shoestring budgets might not have the funds or the know-how to file their statements properly, Detroit political consultant Eric Foster said.

“It's not that they're not good people, they just don't have the skillset and personally don't have people in place to help them with that,” Foster said.

This can make the process of collecting fees from losing candidates' committees more complicated.

If a committee does not respond to a series of notices from the Secretary of State's office, their case is reported to the Attorney General's office, Secretary of State spokesman Fred Woodhams said.

Continued noncompliance could lead to possible criminal prosecution.

Woodhams said he could not comment specifically on Detroit's situation because the department has not conducted analysis on specific regions of the state.

One of the most notorious campaign finance compliance cases in recent memory involved former Detroit Rep. George Cushingberry Jr., who was taken to court on felony perjury charges in 2007 after he was accused of lying when he signed statements that claimed he had met campaign finance requirements.

Those charges were thrown out of court on the basis that the affidavit Cushingberry signed forced candidates to legally attest to their campaign committee's compliance, which they might not have full knowledge of.

Secretary of State records indicate Cushingberry's committee for his failed bid at state Senate still owes \$20,025 in late fees, most of which were incurred by filing late contribution reports weeks after they were due.

That's not to say every prospective Detroit legislator can't keep up with his or her finances. Rep. Rose Mary Robinson (D-Detroit) has run two successful primary elections without a single late fee notice.

Robinson said she doesn't judge anyone with campaign finance filing issues because any number of circumstances could be behind it, but said reporting requirements are key for transparency.

“I can only count for myself - I can't speak about what other people are doing, I just follow the rules as best I can,” Robinson said. “I believe the reporting system is necessary so constituents can keep track and make their own determination of whether (a candidate is) performing well or not.”

Despite the longstanding issues with campaign finance filings, both Robinson and Foster said there's not much that could change the current state of affairs.

“I think the culture from which it comes has to consider it unacceptable - that's what will end it,” Robinson said. “But there seems to be an endless pool of people willing to run a campaign without a

basic understanding of finances. ... If you can't pull off your own finances, I certainly wouldn't want to trust you to vote on a \$50 million budget.”

Foster had a similar take, noting that he advises prospective candidates they shouldn't run unless they have a certain amount of money and financial background to start with. The state potentially could hold educational seminars on campaign finance reporting, but “there's not really anything else,” he said.

“To be able to run an effective campaign and have the tools and support necessary, you need have a financial scale to do it,” Foster said. “Unless people stop running without having that financial scale, there's really nothing you can do about that.”

### **Minimum Wage Cut For 18-19 Year Olds Would Be One-Of-A-Kind In U.S. MIRS News, 1/8/16**

Michigan would be the only state in the nation to pay any non-tipped employee over 18 less than the stated minimum wage if the state Legislature follows through with a proposal to include 18 and 19 year olds in the same minimum wage category as minors.

Michigan is currently phasing in a higher minimum wage, which was raised to \$8.50 Jan. 1 and will eventually increase to \$9.25 by 2018. Beginning in 2019, the wage will be adjusted, according to changes in the Consumer Price Index.

Employees under 18 years of age can be paid 85 percent of that figure or the federal wage under state statute, whichever is greater, and the state offers the option of a \$4.25 training wage for the first 90 days of employment for employees aged 16-19.

That \$4.25 figure would be raised to \$6.25 under SB 0250, sponsored by Sen. Margaret O'Brien (R-Portage). The bill would also extend the option to pay 85 percent of the state minimum wage per hour to include 18 and 19 year olds.

In addition to Michigan, four other states have specific situations in which a minor can be paid less than an adult that differ from federal law:

- Illinois, where employees under the age of 18 can be paid up to 50 cents less than the minimum wage. The state's minimum wage is \$8.25, meaning those younger than 18 could be paid a minimum of \$7.75 per hour.

- Minnesota, where employees under 18 years of age can currently be paid a minimum of \$7.25 per hour -- the federal minimum -- instead of the state's minimum wage of \$9. Beginning Aug. 1, 2016, both the youth wage and the state minimum wage will increase to \$7.75 and \$9.50, respectively. Minnesota also has a 90-day training wage for employees under the age of 20 in place that is identical to the youth wage.

- Ohio, where those under the age of 16 can be paid the federal minimum wage of \$7.25 an hour. The state minimum wage is \$8.10 and is adjusted annually based on the Consumer Price Index. Ohio law also

has several stipulations as to what occupations minors can participate in and requires an additional written agreement as to the wages and compensation minor employees receive.

- Washington, where minors under 16 can be paid 85 percent of the state minimum wage. The current minimum wage is \$9.47 and increases annually based on a cost of living adjustment, meaning those under 16 could be paid \$8.05 an hour.

Even in these states, those aged 18 and older are included in the overall minimum wage, meaning a move such as Michigan's would be largely unprecedented on the national scale.

O'Brien said she didn't base her bill on what other states were doing -- she crafted it based on concerns she's heard that it would be harder for some small businesses to accommodate for young people in their workplace now that the minimum wage has increased.

"I haven't found an apples-to-apples comparison," she said. "I do know that youth pay the price every time the minimum wage goes up."

O'Brien said she wants to help encourage businesses to take on young people, who might not yet have experience in the workforce or have difficult schedules to accommodate for based on school and sports. It wouldn't mean every minimum wage job has lower pay for young people, she said. It's merely an option for small businesses that might otherwise hire someone else.

"I really believe in young people," she said. "We need to help them wherever we can."

But lowering the wages of 18 and 19 year olds doesn't help at all, said Dessa Cosma, the executive director of the Economic Justice Alliance of Michigan -- it would lower the wages of an already vulnerable population and take away their dignity to boot.

Asked if she had met a young person who thought the bill could personally benefit them, Cosma answered, "No."

Many young people in Michigan don't fall into a category of privilege that allows them to rely on their parents for support in addition to their own incomes, especially after they legally become adults, she said.

"It seems like age discrimination -- it's a really unwise and unjust way of thinking about how to pay people and how to think about what is the value of a worker in our society," she said.

There's likely a good reason no other state has roped 18 and 19 year olds in youth wages, said Frank Houston, who helped lead the charge to raise Michigan's minimum wage through a ballot initiative in 2014.

"It's a fundamentally flawed argument to make," he said. "I think it reeks of discriminatory behavior by a government."

SB 0250 not only unfairly targets a group of people already struggling with mounting student loan debts and breaking into a competitive workforce, Houston said, but also hits a class of worker generally dominated by women.

The state already has a substandard minimum wage for minors, Houston said. It doesn't need another standard to push even more people below the poverty line.

"It doesn't seem like the Michigan way to say, 'Let's take a bunch of people who are working hard and pay them less,'" Houston said. "When people talk about having a fair economy for people and giving young people a chance to grow, I think this is definitely the wrong message to send."

Houston said the argument that businesses can give young people a chance if they have leeway to pay them less is a farce, adding that savings at the employer level "shouldn't be at the expense of basic fairness in the economy."

"If a young person is skilled and able to do a position as someone older than them, hire them," he said. "But don't expect to pay them less for it, particularly once they're a legal adult."

Prominent business groups in the state have expressed their support, however. When SB 0250 was before the Senate Commerce Committee last year, Justin Winslow of the Michigan Restaurant Association said that fewer and fewer young people are getting work experience prior to their 18th birthday -- and with 17.5 percent youth unemployment in the state, he said amending state statute could get more young people on the payroll.

The Michigan Chamber of Commerce is also on board with the idea.

O'Brien said she's happy to listen to more ideas and potentially make changes if something better comes up, but noted that the point is to ensure employers have what it takes to keep hiring young people.

"They love being the first employer, and they want to keep being the first employer," she said. "But if they can't make a dime, they can't do it."

The Michigan Department of Licensing and Regulatory Affairs, which oversees employment issues in the state, has not taken a position on the legislation, spokesperson Tanya Baker said.

SB 0250 was moved out of the Senate Commerce Committee and is currently on third reading in the Senate. Although the legislation was on the chamber's third reading agenda for Dec. 9, it was shelved and was not brought up again prior to the end of legislative session.



## **In State Legislature, Female Lawmakers Gain Little Ground MIRS News, 1/6/15**

The 2015 legislative session will have three more women than last year joining its ranks, but the relative plateau of increases in female officeholders isn't much encouragement for experts or current and former politicians.

Michigan's new class of state lawmakers in the 2015-2016 legislative session is set to have 27 women in the House and four in the Senate, picking up three additional femaleheld seats in the lower chamber for a grand total of 31, or 20.9 percent of seats available.

The state's current count puts it at 34th in the nation for highest percent of female state legislators in 2015, according to the Center for American Women and Politics at Rutgers University.

It's a slight increase from the 2013-2014 session's ranking of 36th, which accounted for Michigan's lowest number of female legislators in decades highest number of female legislators in state history was in the 2009-2010 session, with 25 percent holding office.

Michigan's slight increase is consistent with the national trend. In Congress, more than 100 women were sworn in for the first time in history. But at this rate, gender parity is still several decades away, said Jean Sinzdak, the center's associate director.

"It is progress, but it feels like progress at a glacial pace," she said.

Several issues could help to explain why women still aren't adequately represented in state Legislature: distrust in the political system, lack of confidence or financial support, concerns about balancing family life or other careers.

Despite the hurdles, current lawmakers say they are making recruiting women for state office a top priority.

More than 70 women representing both parties ran for state office between the House and Senate in the 2014 elections, an encouraging sign despite losses for several Democratic women, Rep. Pam Faris (D-Clio) said.

"We've never had that many women running before," she said. "As it turned out, we didn't get that many more elected, but we will continue to hammer those numbers and get more women."

The incoming House freshmen class' female population grew by three people, many of whom were Republican.

That said, the Republican caucus is still "light on women," said Rep.-elect Laura Cox (R-Livonia), something that she hopes to change during her time in the Legislature.

In the Senate, the number remained stagnant at four female legislators, with incoming Republican Margaret O'Brien (R-Portage) replacing outgoing Senate Minority Leader Gretchen Whitmer (D-East Lansing). That's after two sessions of decline -- in 2006, an all-time high of 12 women served in the Senate, decreasing to nine women in 2007 and four in 2011.

"It's a really sad trend that maybe has gotten a little bit better, but I don't think the climate has changed very much." Whitmer said. "There are issues that I think women are uniquely positioned to be advocates for."

Even more troubling to her is the lack of female leadership ahead for next session. She was the only woman in the room when the leadership quadrant of both chambers met with the governor, and she doesn't have a woman to replace her.

"When that quadrant gets together, there's not going to be a single female voice in that room," she said. "That's problematic."

Maxine Berman, a former Democratic representative, argues term limits is yet another barrier. She left the state House just before term limit laws kicked in, watching from afar as the number of female representatives dipped from 31 members into the teens over several sessions.

"I expressed concerns when term limits started that it would have a deleterious effect on the number of women in the Legislature," she said. "It's creeping its way back up, but it's still far below what it was (in the House). I predicted this, and it happened."

During the years she served, Berman said there was an increase of women legislators in the House by about 1.5 people per term. By that math, she guesses there might have been 40 women in the chamber now if term limits hadn't kicked in.

"We would have kept growing," she said. "There's been a 17-year lull here of having to climb back from what we lost."

But political consultant Shannon Garrett, who studies trends of women in Michigan politics and works with organizations Ready to Run Michigan and VoteRunLead to encourage more women to run for office, sees signs of optimism.

The first Asian American woman and the first Republican Latin American woman were elected in the House, and there are now eight women of color total in that chamber, she said. And in her work throughout the state, Garrett said she's seen a greater interest among women who would consider taking the plunge into politics.

"Women are starting to say, 'I'm not seeing my experience represented -- I'm not seeing my perspective,'" Garrett said. "We've tried all Democrats, we've tried all Republicans, so why not all women? Or at least half."

### **Johnson: 'White Privilege' Rewrite Of Juneteenth Resolution Unacceptable MIRS News, 6/30/15**

A resolution commemorating Juneteenth is stuck in committee nearly two weeks after the fact -- and its sponsor, Sen. Bert Johnson (D-Highland Park), says it's because politicians who don't understand the black experience are going too far in trying to rewrite its language.

The holiday -- which was celebrated nationwide June 19, the day after the Senate had its last session before a weeklong break -- commemorates the anniversary of Texas' formal acknowledgement in 1865 that slaves were free.

Despite having a majority of Senators signed on as cosponsors, Johnson's resolution, SR 75, was referred today to the Senate Judiciary Committee, chaired by Sen. Rick Jones (R-Grand Ledge).

It was one of two resolutions referred to the Senate Judiciary Committee today -- SR 76, a resolution brought forward by Sen. Morris Hood III (D-Detroit) to urge the U.S. government to place Rosa Parks on the \$10 bill, was given a brief hearing and reported out of committee with no objection.

Johnson's resolution was stalled past the actual holiday and was kept from the hearing, he said, because he would not acquiesce to a modified version of his legislation by Jones and his staff that he says not only removes factual statements, but waters down the issues facing black people in Michigan and throughout the country today.

"(Jones) told me that if he did not get my sign off on his version that I wasn't getting a hearing," Johnson said. "I think it's ridiculous. I think it reeks of privilege, white privilege. I think it speaks very heavily to the kind of white supremacy we've lived under in this state for a number of years."

Jones said he called the comments against him "ridiculous," noting that he ran Hood's resolution to day along with other measures sponsored by African Americans or Democrats, in general, this session. The problem is the measure had politically charged language. Jones said he tried to work with Johnson to clean it up, but he feels Johnson is still holding it against him that he is sponsoring legislation on establishing an African American Commission and declined to give up sponsorship.

Jones said Sen. Virgil Smith, Jr., (D-Detroit), the head of Black Caucus, talked to him a few months ago about Johnson's concerns and now believes Johnson is out to do a hatchet job on him, a former sheriff.

"For him to come out and attack me today is ridiculous and I won't put up with it," Jones said.

Asked about that charge, Johnson said that thought "never crossed my mind." He added he was upset because Jones had taken his resolution and rewrote it in a manner that was not his his own. Johnson added he wished Jones would quit dodging the issue at hand.

One of the biggest alterations between the initial wording and the draft given to Johnson, both of which were provided to MIRS, was the last whereas clause in the resolution.

Johnson's original resolution states: "Whereas, after the emancipation from 246 years of slavery, Africans in American (sic) continue to experience the vestiges of slavery from, challenges to voting

rights, inadequate public education systems, lack of access to capital lending institutions, and other social and economic injustices.”

The rewrite reads: “Whereas, after the emancipation from 246 years of slavery, and celebrating 150 years since the events in Texas, Juneteenth is a celebration of African American freedom and triumphs. It's a day of remembrance, for honoring ancestors, and a day of pride.”

Other changes include altering the phrase “atrocities of slavery” to “industry of slavery,” and the deletion of the phrase “slavery highlights the fundamental hypocrisy and moral contradiction of European whites in America that declared independent rights from Great Britain, while holding in bondage more than 100,000 Africans.”

The modified version also adds language regarding the history and customs associated with Juneteenth.

Jones did not point out any specific parts of Johnson's initial resolution that he took issue with, but said, “There's many things that could be addressed.” He added that he'd be happy to give the resolution a hearing and agrees with celebrating and commemorating Juneteenth with a “couple small modifications.”

“I still would have given him a hearing,” he said. “I don't think it's appropriate to do a political statement. I think it's more appropriate to celebrate the freedom June 19 celebrates.”

Because Johnson hasn't agreed to that, Jones said, he declined to take up the resolution.

Johnson said he understands why some people might be uncomfortable with the language. He conceded that his resolution is more strongly worded than others in the past have been. But sugarcoating the experiences of Michigan's black population by writing out the difficult truths associated with being black in the U.S. is not the answer, he said.

“Michigan doesn't need to be on the wrong side of history,” he said. “We do not need people who are not black telling us that our experience is not legitimate, and if it makes people uncomfortable, that's not my problem.”

He later continued: “In my mind, being African in America is not a fad. This is not a fashionable thing that you can put on and take off at night, or throw in the washer when it gets dirty. We live this.”

The state of Michigan formally acknowledged the third Saturday in June of each year as “Juneteenth National Freedom Day” in PA 48 of 2005. SR 71 of 2007 and SR 205 of 2008, both of which were adopted, commemorate the state's celebration of the holiday for that year.

Senate Majority Floor Leader Mike Kowall (R-White Lake) said his understanding was there was a request for a committee hearing on SR 75 and referred further comment to Jones.

Johnson's resolution has 22 other cosponsors listed on the Legislature's website.

Ten members of the Democratic caucus -- all except Senate Minority Leader Jim Ananich (D-Flint) -- signed on to the resolution and were joined by 13 Republicans: Kowall, Joe Hune (R-Hamburg), Jack Brandenburg (R-Harrison Twp.), Wayne Schmidt (R-Traverse City), Judy Emmons (R-Sheridan), John Proos (R-St. Joseph), Mike Nofs (R-Battle Creek), Darwin Booher (R-Evart), Tory Rocca (R-Sterling

Heights), Dave Hildenbrand (R-Lowell), Goeff Hansen (R-Hart), Ken Horn (R-Frankenmuth) and Patrick Colbeck (R-Canton).

Three of the resolution's listed cosponsors -- Bieda, Colbeck and Rocca -- sit on the Senate Judiciary Committee. Colbeck said he is with Johnson "in spirit" and is wholeheartedly in support of all but the paragraph referencing the "vestiges of slavery." He said he'd forgotten that line was in the resolution when he confirmed his co-sponsorship today.

"I read that through and I wanted to sponsor it, but there was one issue at the tail end of it that was very partisan," he said. "That went way beyond the pale."

If that paragraph alone was modified, Colbeck said he is a strong supporter of seeing the resolution through.

Bieda, the committee's lone Democrat, said he wasn't aware of the controversy surrounding the matter, but found it strange that a resolution on something as innocuous as Juneteenth was referred to committee in the first place.

"I thought that was bad taste," he said. "Normally something like that would have been gaveled on."

For his part, Johnson said he doesn't plan to sit back and let the matter go. He had invited several community members and activists to Lansing in anticipation of the hearing, but instead of canceling, he requested they come today anyway to discuss the situation and get their advice on the next step.

"Oftentimes in this Legislature, things go to committee to die, and they're never brought up again," he said. "But I'm not going to be quiet about this."

## **Michigan RFRA Supporters Undaunted By Repercussions In Indiana MIRS News, 3/30/15**

Supporters of Michigan's proposed Religious Freedom Restoration Act (RFRA) are undeterred by staunch criticism of similar legislation passed in Indiana, chalking it up to a wrongful interpretation of the act's intent.

But those who championed RFRA's demise in lame duck session say ignoring the onslaught of negative public opinion in a nearby Midwest state would be a mistake.

The backlash against a version of RFRA signed by Indiana Gov. Mike Pence last week has reached a fever pitch, with several businesses - including the NCAA, Salesforce, Angie's List and others -- voicing concerns or considering moving their business elsewhere because of the law, according to *The Indianapolis Star*.

Celebrities such as author John Green, former Star Trek actor George Takei and Apple CEO Tim Cook have publicly decried the legislation, and Wilco, a Chicago-based alternative rock band, today announced it would cancel a scheduled show in Indiana in response to the bill's passage.

Indiana's new law is similar to both the bill that died in the Michigan Senate last year and SB 0004, a reintroduction of that legislation brought forward by Sen. Mike Shirkey (R-Clarklake) early this session. Shirkey said his support for RFRA hasn't wavered.

"I'm proud of what Gov. Pence and the Indiana Legislature has accomplished, and I hope that Michigan is quick to follow," he said. "I'm not surprised by the reaction of those who choose to be misinformed and choose to apply their own meaning. That was expected, and we'll navigate the waters when the time comes for Michigan."

In some respects, the RFRA Indiana lawmakers passed moves beyond the initial concept of many RFRA laws, containing language that would extend the statute beyond local policies and allowing actions between private entities. It also includes the definition of "person" outlined in the U.S. Supreme Court's *Burwell v. Hobby Lobby Stores, Inc.* decision.

Despite the differences, the icy reception Indiana's legislation received upon its passage doesn't bode well for the next RFRA debate in Michigan, said Shelli Weisberg, legislative director for the ACLU of Michigan.

"It's unfortunate that the supporters seem unconcerned -- they should be," she said. "It's not just gay people, it's not just the ACLU. Everyday people are saying, 'This makes our state look bad.'"

In a statement, Michigan Democratic Party Chair Lon Johnson called Shirkey's bill "Michigan's version of the Indiana license to discriminate" and said Republican politicians should explain why they support such policy.

Michigan Catholic Conference communications director Dave Maluchnik said Pence's RFRA signature has prompted two separate conversations: a policy discussion on what it does and doesn't do and a "manufactured narrative" that goes against decades of precedent.

What could happen once Michigan lawmakers decide to address the issue again depends on whether there will be an honest debate about policy and how much credibility is given to claims of discrimination when states with similar laws have never had such a case pan out, he said.

Weisberg said she hopes Indiana's situation "forces a conversation" the next time Michigan lawmakers take it up, adding that the state's business community could easily mimic Indiana businesses that have already come forward.

"Businesses are coming out to really stop and consider thoughtfully what this could mean for economic development," she said.

Shirkey said he is not surprised by the "very predictable" reactions of opponents, who he says twisted public perception in a manner that clouds the true intent of the concept - codifying a law previously supported by the federal government to protect the religious freedoms of all citizens.

As for the reaction among the business community, he said the CEOs and owners of those companies would likely come around once they realize RFRA will not discriminate against the LGBT community or any other group.

"Once they dig into the intent of the language, they'll see that they've been misled," he said.

Michigan's initial RFRA legislation, sponsored by then-House Speaker Jase Bolger, passed the House but died in lame duck when former Senate Majority Leader Randy Richardville declined to bring it up for a vote.

One of the first bills introduced this session; SB 0004 has yet to come before the Senate Judiciary Committee, chaired by Sen. Rick Jones (R-Grand Ledge). Jones said he could see the bill moving ahead in the next couple of months after the committee makes a dent in its current agenda, adding that "all of the nonsense being stirred up about this is totally political."

## **Lawmakers Hope To Kill 'Patent Trolls' MIRS News, 5/8/15**

It's a letter no business wants to receive.

The dates, senders, recipients and requested amounts vary, but the theme is the same across all industries: One company has a patent and another is allegedly infringing it. Come to a settlement agreement and pay for a license, or we'll see you in court.

With the software boom of the last few decades came a surge in federal patents, some of which are vague enough to apply to everyday electronic devices. This in turn has led to companies often referred to as "patent trolls," which purchase such patents only to send a flurry of demand letters threatening lawsuits to companies all over the country.

Businesses in several Michigan industries have not been immune -- many local banks and credit unions, for example, have been accused of copyright infringement based on a small component featured in most ATM machines. Many claim the cost to fight a patent lawsuit are too high, resulting in less than favorable settlements even if business owners believe they're not in violation.

With federal legislation that could reform patent law to protect against patent trolls stalled in Congress, many state governments are enacting legislation they hope will at least give potential patent trolls pause before they send out the sirens on patent infringement.

Bills from Sen. Margaret O'Brien (R-Portage) and Rep. Mike Callton (R-Nashville) -- SB 0289 in the Senate and HB 4587 in the House -- aim to bring that conversation to Michigan, but some experts and industry members say the bills' impact could be minimal unless there's a change to federal policy.

Although the intricacies of patent law can often be highly technical, the pretense of the legislation is simple: Protect against patent trolls as much as possible without stepping on the toes of federal law.

The bills attempt to do so by barring people from making bad-faith assertions of patent infringement and allowing courts to determine whether or not a claim is in bad faith.

To be in good faith, demand letters would have to contain the patent number, name and address of the patent owner and factual allegations citing specific areas the alleged infringer violated patent claims. Claims could also be considered in bad faith under the legislation if a letter demanded payment in an unreasonably short period of time, if the claim could easily be determined as meritless or deceptive or if the patent owners did not conduct an analysis specifically comparing the patent claims to the target's products or technology.

If the court found a person or company made a bad-faith assertion of patent infringement, it could require them to post a bond equal to an estimate of their target's cost to litigate the claim.

Those hit with a bad-faith patent claim could also bring an action to circuit court under the legislation, where they could request equitable relief, damages, court costs and attorney fees.

The first state to pass legislation similar to what Michigan is considering was Vermont, whose governor approved the reform in May 2013.



Since then, more than 20 states have followed suit, and a handful of other states also have similar bills before them, said Jerry Tschura, a professor at Western Michigan University's Thomas M. Cooley Law School who specializes in intellectual property law.

SB 0289 is on the Senate Judiciary Committee's agenda for next Tuesday. Committee Chair Rick Jones (R-Grand Ledge) said he hadn't heard much about the issue before O'Brien brought it to his attention, but said he thought it was an important update and expects to vote it out next week unless something major comes up.

Callton said it's an issue that needs to be addressed "for all the obvious reasons."

"We don't want people who may or may not have the right patent shaking down a small business for a few thousand bucks," he said.

The Michigan Bankers Association (MBA) first came into contact with the issue of patent trolls about two years ago, when members of their group started getting mail from a company called Automated Transactions, LLC.

The letters claimed a portion of the technology used in the ATM machines the companies were using violated a patent it held. For some of those involved, forking up the cash to fight the claims seemed well out of reach, said David Worthams, the association's policy director.

Putting in some layer of protection for businesses could go a long way in helping with the state's economic vitality, he argued, particularly for keeping and attracting small to mid-sized companies that don't want to be faced with potentially frivolous lawsuits they can't afford to fight.

"A lot of folks are saying, 'Let Congress do something,'" he said. "But our Congress takes forever and a day to get anything done. Let's just take the first step."

Although the MBA has largely taken the lead on pushing for reform in Michigan, other industries in the state are taking notice and following the issue closely.

Wendy Block, director of health policy and human resources for the Michigan Chamber of Commerce, said a handful of their members have faced seemingly frivolous demand letters based on patent infringement. If the state took a stance, it could possibly deter patent trolls from making questionable claims in the first place, she said.

"This is one of those issues where if the industry is essentially highly regulated in one state, it may pop up in another," Block said. "It doesn't take long for people who are doing patent trolling to just shift their efforts."

Amy Drumm of the Michigan Retailers Association said it's an issue many of the group's members have concerns with, particularly at the federal level. She said she plans to review the current state legislation in greater detail.

Despite the high hopes supporters have for the legislation, some experts in patent law doubt state-level patent reform has the potential to significantly stem the flow of patent trolls without significant federal overhauls.

Former state Rep. Ellen Cogen Lipton, a longtime patent attorney, said she didn't see how any state law could regulate patent policy without overstepping federal measures, even questioning the constitutionality of putting state boundaries on copyright claims.

She also took issue with the argument that fighting bad patent claims was too difficult for many businesses to afford -- because most patent cases generally settle before going to court, there are other options for businesses, she said, especially if the alleged patent infringement is invalid or if the company is a known troll.

"Usually the case is settled because someone doesn't want to lose their patent or the company wants to make a product," Lipton said. "The likelihood of spending millions and millions of dollars is very, very small. That happens maybe once every 10 years."

Properly educating businesses on ways to prepare for and handle patent infringement claims without breaking the bank would likely be a more effective way of handling trolls than lobbying for state laws, she said.

"Just because you get a cease-and-desist letter does not mean you have to cave and send away your check," she said. "Trolling companies just write hundreds of these -- it's a shot in the dark. Nine out of 10 times, known trolls will literally go away if the business writes back and basically lays out why they're not infringing."

"I would maybe charge a client under \$500 to write that kind of a letter, and then they'd be done with it."

Because the legislation is relatively untested in the states that have passed it already, Tschura said it remains to be seen what impact hopping on the national anti-troll bandwagon could have on Michigan policy.

"Is it going to stop patent trolls? Probably not," he said. "But they may be asserting fewer of those claims, or asserting them with a little more care."

Putting stricter regulations on patent infringement claims is also giving some universities, think tanks and business industries that frequently churn out patents pause, Tschura added, because some companies that purchase their patents don't use them in a traditional manufacturing sense and could veer into troll territory.

Block said the Michigan Chamber is looking for legislation that helps protect both the businesses in their membership that could be vulnerable to patent trolls as well as those that create the patents.

"Obviously, they have to strike a delicate balance with this," she said. "It will be interesting to see, as the bill goes through the process, whether it does a good job of protecting the interests of those who have patents and want to protect them."

Both Callton and O'Brien said they're aware of potential concerns and expect tweaks to come up as the bills work through the legislative process to ensure the statute matches the intent of the legislation.

"I think we got the language as best as we can do before having a larger community discussion and debate over it," O'Brien said. "But we're at a good starting point."

## **Extent Of Amended 'D-Insurance' Plan's Reach Unclear MIRS News, 6/15/15**

A bill initially championed as a way to bring up the number of insured drivers in Michigan's largest city could now, as amended, have implications throughout the state if passed -- but officials say it's unclear exactly how big that impact could be.

Sen. Virgil Smith Jr.'s SB 0288 is the legislative version of Detroit Mayor Mike DUGGAN's so-called "D-Insurance" plan, which would allow the city to contract with insurance providers to provide limited no-fault policies to its residents.

The legislation would cap critical care benefits to \$250,000 for those named in limited no-fault policies and would limit other personal protection benefits to \$25,000. The Senate Insurance Committee recommended the bill to the floor, but no further action has been taken.

The bill was initially worded to effectively limit the policy to Detroit by defining an "eligible city" as a city with a population of 500,000 or more or one that could provide "credible evidence" to the Department of Insurance and Financial Services (DIFS) that at least 50 percent of city residents regularly operating motor vehicles that required insurance.

An amendment footed by Sen. Bert Johnson (D-Highland Park) dropped that threshold to 35 percent, however, which he estimated would expand the program to most of the state's urban areas in a conversation with reporters following the vote.

But determining the number of residents in a city driving regularly without personal protection insurance isn't an exact science.

DIFS does not have a specific method of determining how many people are driving without insurance in a municipality, department spokesperson Andrea Miller said in an email.

The department does not have information on how many communities this legislation could potentially impact, and the bill doesn't require DIFS to keep tabs, Miller said -- it just requires the city to prove at least 35 percent of city residents are driving without insurance with "credible evidence."

"There are likely various ways to develop these estimates," she said.

The Secretary of State does not track the number of uninsured in Michigan either, although it has been keeping periodic track of customers with invalid or fraudulent insurance certificates, spokesperson Gisgine Gendreau said.

MRG President Tom Shields, who represents the Coalition for Auto Insurance Reform, said no one really knows how many people are on the streets driving uninsured -- but other communities battling problems similar to Detroit might find the prospect attractive.

"From our industry standpoint, any time that we can offer more choice and opportunities to get people into the system at potentially lower rates, we're all for it," Shields said.

Any changes to the system have been difficult, Shields said, so the “D-Insurance” approach might be a way to earn additional support.

But Josh Hovey, spokesperson for the Coalition Protecting Auto-No Fault, said the low rate caps and benefits being proposed coupled with the lack of clarity of uninsured drivers could pose serious problems.

“The amount of uninsured people across the state is a very vague number -- how that's going to be determined is very unclear at this point,” he said. “It definitely has very far reaching implications around the state.”

He added that there has been some progress made on another controversial bill to reform the no-fault system in recent weeks -- the “D-Insurance” proposal is “definitely a worse bill,” he said.

“If we're going to go in any direction (on no-fault reform), it's closer to where that bill's heading than on the D-Insurance bill,” Hovey said.

So far, Johnson and Smith don't appear to have much support from fellow Southeast Michigan Democrats. Sens. Steve Bieda (D-Warren) and Coleman Young II (D-Detroit) voted against SB 0288 in committee, and the entire House Democratic caucus came out against the concept in a recent release.

### **Farnum Renovation Likely Cheaper, But Was Never Senate's First Choice MIRS News, 3/6/15**

The Senate's decision to move from the Farnum Building to the Capitol View building likely was not cheaper than the option to renovate the existing location, according to the only bidder to suggest such a proposal.

But Senate documents suggest renovating the Farnum was never an ideal option to begin with, even with the lower price tag.

In a December 2014 summary of the project obtained through FOIA by MIRS, the Farnum building was described as “functionally obsolete for legislative purposes, lacks accessibility, current security and safety features, and does not allow the public to fully participate in the political process.”

The cost to renovate, upgrade and fix the environmental issues associated with the building was estimated at \$26 million by the Senate, but the same document asserts, “Even with the necessary work, the functional obsolescence of the building cannot be corrected.”

Steve Purchase, the vice president of H Inc., begs to differ. His was the only company to submit a proposal to fully renovate the Farnum building, and despite the \$19.95- 21.95 price tag per square foot compared to Boji's \$16.75 per square foot, he contends the smaller space and the option his company provided to buy back the property after six years would have saved taxpayer dollars.

The Farnum plan considered by the Senate panel proposed expanding the usable space in the building from 78,000 square feet to up to 93,820 square feet and entailed purchasing the building from the Senate at fair market value then eventually selling the property back to the Senate.

According to proposal documents, the plan would have cost \$19.95 per square foot per year if the Senate chose to incorporate historic preservation tax credits into the project, or \$21.95 per square foot per year if the Senate chose to forego that option.

In terms of other costs not included in the overall square foot estimate, Purchase estimated the Senate would have had to pay an estimated \$2-2.50 per square foot in utilities as well as \$1-1.25 in janitorial fees. Maintenance costs would have been covered under the proposal.

In the Capitol View plan, the chamber is on the hook for a \$1 per square foot operation fee, an estimated \$3 per square foot in maintenance and a \$1.50 per square foot utility estimate in addition to the overall square footage cost.

Another key feature of the Farnum plan was the option for the Senate to purchase the building back after six years at fair market value instead of the typical 30-year period, which Purchase estimates would have cost the Senate somewhere between \$32 and \$49 million total.

The main idea was to provide the Senate with as many choices as possible so officials could decide what best suited the chamber's needs, he said.

"It depends on which path they traveled -- depending on what the Senate wanted, it opened certain doors and shut others," Purchase said.

But in the Senate panel's review of all project proposals considered, bid documents show the Farnum renovation was scored the lowest based on eight criteria, which included location, availability, cost and safety. It earned 72.44 of 110 points, a roughly 10-point difference from the Boji Group's score of 82.88 of 110.

The Farnum renovation did not score more than the Boji Group on any of the eight criteria.

Among the criticisms it faced from the Senate's judging panel were that H Inc. was not in possession of the Farnum at the time the proposal was filed.

On Frank Beckmann's WJR show Thursday, Senate Majority Leader Sen. Arlan Meekhof (R-West Olive) also pointed out the Farnum renovation presented to the Senate panel would have put the building back on the tax roll, while the Capitol View plan would keep it tax-exempt because the Michigan Strategic Fund is purchasing the floors.

The tax-exempt status of the Capitol View plan, as well as the Boji Group's ownership status of Capitol View and other added features included in the proposal, likely helped make the Boji Group's plan more appealing, said Boji spokesperson John Truscott.

"This was one of the few people responding to the RFP who owned the building or controlled the property," Truscott said. "He put a lot of work into it."

H Inc.'s proposal documents estimated cost of roughly \$192,000 in property taxes to the city per year during the duration of the lease, but noted there was potential "to work with lease to reduce burden." Purchase clarified that phrase "was an expression of willingness to negotiate whose shoulders that would fall on."

Also unappealing to many involved with the decision was H Inc.'s suggestion to shuttle senators back and forth from the Prudden Center to the Capitol while renovations were being done on the entire building.

However, Purchase said his company made clear throughout the process that this suggestion was made because the Prudden Center was under H Inc.'s control and made for an additional cost savings.

“That was by no means a restrictive covenant of the proposal,” he said. “There was an opportunity for the Senate to use other facilities - there's 2 million vacant square feet downtown. Our commitment was if they didn't want to go through the process of renting another location, we would help bridge through that discomfort and provide some savings.”

Senate Majority Leader Randy Richardville championed the Capitol View plan during his final months in office, and current Senate leadership is continuing in the same vein.

Meekhof initially told reporters he made the call to release all of the bidding documents in the name of transparency and to prove that the Capitol View plan was superior.

He told Beckmann that regardless of the final dollar amount, the Capitol View plan was the best option for the Senate's future.

“There's certainly some challenges there, but we think that this is the right thing to do,” Meekhof said.

A call placed to Richardville was not returned Friday.

### **Experts: 50-Year Roads Theoretically Possible, But Costly In Michigan MIRS News, 10/30/15**

The idea of setting aside funding to study and eventually implement longer-lasting roads has returned as the Senate continues road-funding talks, but experts aren't sure the added expense the concept would entail is feasible for Michigan.

When the Senate passed its road-funding plan in July, the package contained a provision that some of the new revenue generated would be directed to a lock box fund that would remain restricted until lawmakers approved a resolution to fund road projects with a longer life cycle and higher quality.

The idea, strongly supported and pushed by Sen. Mike Shirkey (R-Clarklake), returned as a possibility as Senate Republicans squabbled over details of the House road plan Tuesday -- one change floated was setting aside \$100 million in the "Roads Innovation Fund" each fiscal year starting Fiscal Year (FY) 2017-18.

A "Roads Innovation Task Force" would also evaluate best practice in materials and construction methods with the hope that the Michigan Department of Transportation (MDOT) could build roads to last at least 50 years as part of the concept. Shirkey has said the implementation of such a fund is a requirement for his support and said the idea was not a part of the obstacles currently facing a road funding solution in the Senate.

But experts in the field remain skeptical that the benefits of a longer lasting road would outweigh the much higher costs to make it, particularly in a time when state and local agencies are already cash-strapped to make roads at the generally accepted standard of a 20-to 30-year design life.

The roads would still need proper maintenance to be kept up to snuff, they said, and various geological and climate discrepancies roads face throughout the state would make it difficult to carry out a uniform 50-year road standard.

The current system comes up "astronomically short" of the money it would take to bring state roads up to that kind of standard, said Keith Rose, president and CEO of RiethRiley Construction Co., an asphalt and concrete paving and construction company with locations throughout Michigan and Indiana.

Even if a road-funding package is approved, he said it's unlikely anything the Legislature comes up with would be enough.

"They might be able to build a couple roads that last 50 years, but they've got an entire system to maintain," Rose said. "To be built to that degree, there's no way we could come up with that amount of money. It's impossible."

In addition to the higher up-front costs, there's also an important distinction to be made between the projected service life of a road and its actual useful life span, said Gilbert Baladi, a Michigan State University engineering professor and director of the school's pavement research center.

There are roads in Michigan that are well over 50 years old and are functional, he said. If a road is built on ideal soil and is rejuvenated periodically over the years, a road won't just crumble apart at the end of its designed service life.

On the other hand, if a well-designed road is left to the elements and not maintained, its useful life could be well under its projected design life, especially in a freeze-thaw climate like Michigan, he said. Where the road is built and the soil type that's underneath it are also factors in how much it will cost to build initially and maintain over time.

"There is no road I know of in any place that will last without any preservation action for 50 years," he said.

There are pavement types that have been researched throughout the world that could potentially last about 50 years, Baladi said, one of which came out of Germany. But Michigan has a vastly different environment that likely would complicate the concept if it were tried here, he said.

He stressed that maintenance is key to a road of any quality, and that maintenance requires substantial investment -- regardless of material used or how long a road is designed to last.

"We can build a road out of gold if you have the money to support it," he quipped.

Because there is no precedent for roads with a 50-year design service life in Michigan, it's difficult to say if the idea would save money on maintenance costs long term, MDOT spokesperson Jeff Cranson said. However, it would likely lengthen the intervals.

Ron Brenke, executive director of the Michigan Section of the American Society of Civil Engineers, said he doesn't think there's a "magic bullet" that would fix Michigan's roads that hasn't been tried.

Engineers are constantly looking for better designs and new technology, and they are often implemented directly into best practice if it works, he said.

He is supportive of challenging experts to look into new ideas that might improve current standard practice, however.

Brenke said the responsible thing to do is look at the overall system and try to make the available dollars go as far as they can. If huge investments are made into a few 50-year roads, a lot of other roads in the state are not going to get the basic fixes they need, he added.

"Earmarking the money towards one particular type of fix on a very small set of pavement may not be the best use for overall transportation funding.

"With the limited funds we have now, we've got to be careful we don't put all our money into one road," he said. "You might not be able to get to it because the roads around it are so bad."

Senate Majority Leader Arlan Meekhof (R-West Olive) said he's heard from a number of experts that building a road that lasts 50 years with the materials and knowledge available currently could mean only one very expensive road comes out of any new funds scrounged up through a road funding plan.

However, he said he likes the concept of studying alternatives to the status quo that might work on Michigan roads.

"We have to weigh those costs, but there is something to looking at other materials, other procedures that people do throughout the world that make roads better," he said. "I believe in the very, very innovative people in this country and this state who are going to figure this stuff out."

The Senate Democrats have largely dismissed the lock box proposal as a poor idea, likening the concept to a slush fund that only compounds the issues in what they've classified as a series of bad plans from the House and Senate.