

**Karen Hill - MASB News from the Capitol**

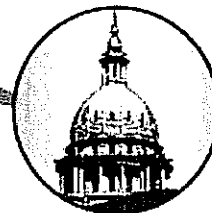
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**From:** "Peter Spadafore and Don Wotruba" <pspadafore@masb.org>  
**To:** "Karen Hill" <khill@vicksburg.k12.mi.us>  
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# News From the Capitol

## Government Relations



**MASB News from the Capitol**  
Week of Jan. 3-7, 2011

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MASB News from the Capitol – Week of Jan. 4 – 7, 2011

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### **Change in Lansing**

On Saturday, Jan. 1, 2011 at 12:01 p.m., Rick Snyder became Michigan's 48<sup>th</sup> governor. Sitting directly behind him when he took the oath of office was now former Gov. Jennifer Granholm who we've called the "guv" for the last eight years.

Gov. Snyder's speech rang with optimism, cooperation and hope for the future. He enters Lansing as a political newcomer with a lot of experience in the private sector, but none in the public sector. We're eager to see how he'll work with the legislature and interest groups to craft meaningful policy and budgets. Something that will be a large change in Lansing will be the dynamic between the legislature and the governor's office. Gov. Snyder has something that Gov. Granholm more than likely longed for, a legislature from his own party.

With 61 new representatives and 29 new senators, we also have a very new and different legislature. Many of the senators have experience in the House, but most of the 61 new House members have no state-level government experience. Things could very interesting. We've been told that, "No idea is too farfetched," and that, "everything is on the table."

Gov. Snyder is busy preparing his State of the State address, which will be delivered on Jan. 19, 2011 at 7 p.m. We expect the governor to lay out more specifics on how he plans to "re-invent" Michigan, more specifically education funding and policy in our state.

### **Supreme Court Ruling**

The U.S. Supreme Court isn't alone in making decisions about campaign contributions

this year, the Michigan Supreme Court has made an interpretation of the law that will undoubtedly affect many school districts in our state.

On the decision of *MEA v. Secretary of State*, a divided court ruled that the Michigan Education Association (MEA) and other public unions can establish check-off programs for political action committees (PACs) so that member employees can donate to these PACs directly through payroll. The caveat stipulated in the opinion states that the PAC reimburse the school district or other unit of government for the administrative cost of running the check-off programs on behalf of the PAC.

Recall that this five year old case involves the legality of a check-off program the MEA setup with Gull Lake Public Schools to allow employees to directly donate to the MEA-PAC. Former Sec. of State Terri Lynn Land declared in 2006 that such a program would violate campaign finance laws in Michigan which resulted in a legal battle in court ending in front of the Supreme Court this year where Justices Diane Hathaway, Alton Davis and Michael Cavanagh were joined by Chief Justice Marilyn Kelly in ruling in favor of the MEA.

The opinion argues that "administration of the system is not a 'contribution' as defined by the MCFA [Michigan Campaign Finance Act] because there is no net conveyance of anything of monetary value made for the purpose of influencing the nomination or election of a candidate or for the qualification passage, or defeat of a ballot question." Additionally, because the, "MEA-PAC fully anticipates prepayment for any administration costs," the payroll deduction system doesn't violate the MCFA's prohibition on volunteer services for political activities.

This decision was far from unanimous. Justices Stephen Markman, Maura Corrigan and Robert Young Jr. wrote in a dissenting opinion that, "banning PAC deductions was necessary to preserve a fair democratic process and prevent taxpayer funds from being used to subsidize partisan political activities."

Additionally, the dissention states that allowing for a check-off system violates legislative intent behind the MCFA. The dissenting opinion goes on to argue that even if an accurate price tag could be put on the administrative process, state law reads that a public body "shall not use or authorize the use" of public resources to make a "contribution or expenditure." Argued further, the MCFA doesn't say it "can use" if it's reimbursed for its costs.

For questions about this ruling contact Legal Counsel [Brad Banasik](#), 517.327.5929.

### **Raid on School Aid...Again?**

Yes, you read it correctly. Despite being promised new ideas from the new faces in Lansing, the rumors have already begun that the already cash strapped School Aid Fund (SAF) may be targeted to balance the budget deficit of \$1.8 billion. No official announcement has been made that this is a done deal, but the gossip has reached fever pitch, so you will have undoubtedly heard about it by the time you read this.

The current rumor goes beyond shifting community colleges into the SAF to include the university budgets as well. If this were to happen, school districts across the state would see the equivalent of \$1,150 per pupil taken from them to fund tuition driven institutions. Schools can't afford this misguided approach to solving the state's problems. [Click here](#) to contact your legislators to urge them to avoid repeating history's mistakes.

### **Senate Committee Assignments Announced**

The Senate has finalized its committee assignments. Generally speaking, education issues are handled by the Education Committee and the K-12 Appropriations Subcommittee. The members of those committees are as follows:

#### *Education Committee*

Sen. Phil Pavlov (R)(Chair)  
Sen. Judy Emmons (R) (Vice Chair)  
Sen. Hoon-Yong Hopgood (D) (Minority Vice Chair)  
Sen. Patrick Colbeck (R)  
Sen. Coleman Young (D)

#### *K-12 Appropriations Subcommittee*

Sen. Howard Walker (R) (Chair)  
Sen. Bruce Caswell (R) (Vice Chair)  
Sen. John Pappageorge (R)  
Sen. Hoon-Yong Hopgood (D)

If your senator sits on either of these committees, be sure to connect with him/her in the coming weeks to establish the relationship. If you're not sure who your senator is, visit [www.masb.org/evocate](http://www.masb.org/evocate) to find out.

#### **Contact MASB**

Please feel free to contact Peter Spadafore, [pspadafore@masb.org](mailto:pspadafore@masb.org) or Don Wotruba, [dwotruba@masb.org](mailto:dwotruba@masb.org) with any questions.

1001 Centennial Way, Suite 400  
Lansing, MI 48917-8249  
P: 517-327-5900 • F: 517-327-0775  
[www.masb.org](http://www.masb.org)

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