




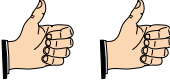


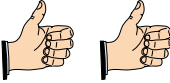




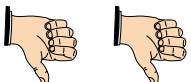
A. Remove barriers to and actively promote citizen participation in the electoral process.			
Date	Incident	Comment	Impact
8/25/99	1. Attorney General rules that students may be elected to university governing boards.	Those affected by a board's decisions deserve an opportunity to have representation on that board.	
11/4/99	2. PA 221-223 of 1999 forbids use of statistical sampling to correct census undercounts.	Statistical procedures are used in virtually every aspect of state government. Failing to use the most accurate methods to arrive at population estimates cannot be justified.	
11/9/99	3. PA 216-219 and PA 236 and 238 of 1999 stiffen penalties for filing late campaign finance reports and set firm procedures for reviewing campaign finance complaints.	Late campaign finance reports defeat the whole purpose of mid-campaign reporting, which is to allow voters to take the information contained therein into consideration when they vote. A specified procedure by which complaints will be reviewed enables citizens to assess whether the laws are being enforced properly and fairly.	
12/28/99	4. PA 237 of 1999 requires all campaign contributions, no matter how small, to be reported.	This law favors candidates who have the resources to employ professional campaign management while overburdening grassroots candidates. It also tends to defeat the purpose of campaign finance reporting, which is to allow citizens to learn who is giving the most to candidates in order that their influence on those candidates might be recognized.	




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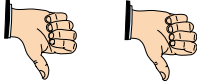

Date	Incident	Comment	Impact
12/99	<p>5. Michigan United Conservation Clubs and other groups sued the state claiming that it was thwarting the will of the people who approved a constitutional amendment dedicating all revenues derived from royalty payment from leases on state-owned land to be irrevocably credited to the Natural Resources Trust Fund.</p> <p>The groups claim that the state is bypassing the intent of the constitutional amendment by transferring (rather than leasing) its rights in certain gas reserves to a drilling company. The company, in turn, collects the tax credit, which it passes, along with standard royalties and bonuses, back to the state.</p> <p>The State Court of Appeals found that the federal tax credits were not rents or royalties and did not have to be sent to the trust fund. MUCC said they would appeal that decision to the Supreme Court.</p>	<p>Voters did approve dedicating all revenues from royalty payments from leases to the Natural Resources Trust Fund. Actions which thwart the will of the people serve to undermine confidence and participation in the electoral process.</p>	

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Date	Incident	Comment	Impact
3/16/00	6. PA 50 of 2000 requires that campaign finance records be kept for 15 years (Prior law required that they be destroyed after five).	This requirement is a step in the right direction. Given the crucial role of campaign finance in historical understanding of government, these records should be retained for a longer period of time.	
3/30/00	7. The Secretary of State's office announced procedures to streamline voter address changes. Address change forms are now available at branch offices, on the Internet and by fax. Completed forms may be submitted by mail or left in drop boxes located at branch offices.	Making voter registration address changes easier has improved citizen access to the electoral process.	
4/1/00	8. PA 118 of 1999 becomes effective and requires that an individual's voter registration address must be identical to the driver's license address.	The law makes it more difficult for students with temporary addresses to vote . A student must either maintain the driver's license, register, and vote at the home address or maintain the driver's license, register, and vote at the temporary school address.	
7/10/00	9. The Secretary of State announced that PACs will be allowed to file disclosure statements electronically (mandatory after January 2004).	Electronic filing will help bring the information to the attention of the public and press sooner and help ensure that reports made during campaigns are not delayed in reaching the public.	



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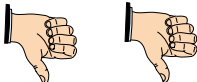


Date	Incident	Comment	Impact
7/24/00	10. A Department of State administrative law judge initially ruled that school districts could not use public resources to support or oppose a ballot proposal or candidate. The Department of State then issued a ruling stating that governmental agencies may adopt resolutions supporting or opposing ballot issues, but may not publicize such decisions.	Policy makers regularly speak out on policy issues. The original Department of State ruling limited school district officials from participating in electoral issues.	
10/5/00	Circuit Court Judge Michael Harrison ruled that school boards may communicate news and commentary on issues in regular publications as long as it is factual information. He also ruled that allowing a teacher union to disseminate materials to members through school mails does not constitute an expenditure on the part of schools.	The latter rulings, although imposing some restrictions, do allow their participation. The latest ruling also allows union participation in the electoral process.	
12/15/00	11. PA 381 of 2000 liberalizes access to concealed weapons permits. By including a \$1 million appropriation to the State Police, legislators prevented the people of Michigan from overturning the law on a statewide ballot. The appropriation, dealing with trigger locks, is not critical to the bill.	Inclusion of the appropriations language was a deliberate attempt to prevent a statewide ballot proposal to overturn the legislation. This procedure has a significant negative impact on citizen participation in the electoral process. It is being challenged in court.	

B. Make the government's workings and decisions visible and accessible to all who wish to participate in democratic self-government			
Date	Incident	Comment	Impact
9/99	1. The Michigan State Medical Society submitted a Freedom of Information Act request for documents from the Department of Management and Budget (DMB). DMB failed to provide the documents.	Access to information is critical to citizen participation.	
3/01	Ingham Circuit Judge Thomas Brown ordered DMB to release 25 of the documents and all nonexempt information in the remaining 32 documents. He also ordered the DMB to pay the maximum (\$500) in punitive damages.		
10/19/99	2. Governor Engler issued executive order 1999-12 which moves the Michigan Education Assessment Program (MEAP) to the Department of Treasury and the adult and technical education programs to the Department of Career Development.	By moving responsibility for MEAP and for adult and technical education and by creating the Center for Educational Performance and Information, responsibilities are being transferred from a department with an elected oversight board to departments with no elected board. Scattering these program responsibilities makes it harder for those interested in educational issues to monitor developments in the field.	
6/28/00	Governor Engler signed Executive Order 2000-9 to create a new department called Center for Educational Performance and Information. The Department of Education is to provide administrative support for the new department.		



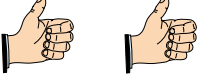

B. Make the government's workings and decisions visible and accessible to all who wish to participate in democratic self-government			
Date	Incident	Comment	Impact
10/28/99	3. State Court of Appeals holds that sheriff's records dealing with discipline investigation of deputies are not FOIA-able.	The public and the press must be able to have access to disciplinary matters of armed officers if there is to be any confidence that a real disciplinary process exists. Sheriffs are elected officials; the management and discipline of their subordinates is a key responsibility which the public must be able to assess.	
11/99	4. The State Civil Service Commission chairwoman announced that the Commission is no longer subject to the Open Meetings Act. The Commission has broad powers to set pay and benefits for members of the state civil service. She reported that the Commission is planning to rewrite its bylaws to specify which types of meetings will be public and which ones private.	Meetings which are closed to the public have a significant negative impact on citizens' ability to oversee the system.	







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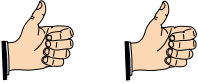
Date	Incident	Comment	Impact
2/20/00	5. House Bills 5255 and 5256, while not technically reinstating corporal punishment in the public schools, would have amended Section 1312 of the Michigan School Code and allowed a school employee, contractor or volunteer to use any amount of force in order to maintain order and control. The bills were sent to the Family and Civil Law Committee, not the Education Committee, which prevented many advocates, including administrators from public school districts, from responding.	Proposed legislation should be sent to a committee which properly reflects a bill's content so that ALL interested parties can respond in fair and timely fashion.	
9/12/00	6. State Supreme Court held that township ordinances take effect within 30 days of publication rather than at the time they are compiled in the township book of ordinances.	This places an excessive burden on citizens to keep up on which laws and ordinances are passed and in effect even though they are not yet compiled.	






B. Make the government's workings and decisions visible and accessible to all who wish to participate in democratic self-government			
Date	Incident	Comment	Impact
9/22/00	7. The Michigan Environmental Council charged, on September 22, 2000, that the Department of Environmental Quality was refusing to provide records to substantiate which of two contradictory reports on enforcement efforts was accurate. The DEQ claimed the information was not available and would have to be compiled at a cost of as much as \$200. The MEC claimed that the DEQ had already developed the data to prove that the first report was wrong and should be able to provide the data to MEC without the cost of compilation.	If the DEQ claims that a report is incorrect, it should be able to produce documentary evidence without the need for a \$200 compilation fee. This seems to be an attempt to deny information to interested citizens.	
12/4/00	8. State Archives will make older land patent documents available via the Internet (land records from 1837 - 1967).	Logical use of new technology.	
1/4/01	9. State Court of Appeals now makes its own opinions and opinions of the State Supreme Court available online in a searchable database.	Logical use of new technology.	









C. Welcome citizen input and empower all officials, elected and otherwise, to interact directly with the citizens and residents they are to serve.

Date	Incident	Comment	Impact
7/13/99	1. PA 114 of 1999 eliminated a requirement that the Department of Community Health provide selected legislative committees and the State Budget Director with a list of available reports.	All state agencies should provide a list of reports for the benefit of citizens and policy makers seeking information.	
Autumn, 1999	2. In the Fall of 1999 the Department of Consumer and Industry Services (CIS) proposed changes to the rules for child care centers which would have eased (some said gutted) the standards that protect children in day care. In order to receive input from the public and those affected by the proposals, CIS held six state-wide hearings at which evidence, both oral and written, was accepted. The review process led to the withdrawal of the proposed standards by CIS. A final draft of revised regulations was sent to the Legislature for approval in November, 1999, such rules to take effect on July 1, 2000.	The hearing process worked as it should. “We listened,” said Kathy Wilbur, Director of CIS. By holding open and timely hearings on proposed rules which would seriously affect Michigan children and by heeding the testimony, CIS has met its responsibility to those it serves.	
9/30/99	3. The state opened a toll-free 24-hour sexual assault hotline (1-877-NO-MEANS-NO).	A free reporting hotline provides improved response potential throughout the state.	
1/11/00	4. State Government “customer service kiosks” (computer access) begins with limited functions.	A convenience that provides more access to routine functions.	




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Date	Incident	Comment	Impact
1/12/00	5. Department of Natural Resources is selling hunting and fishing licenses on line, supplementing the existing campsite reservation service.	A logical extension of current methods and a convenience to citizens.	
1/26/00	6. Organ donor online enrollment initiated by Department of State.	A logical extension and convenience to citizens.	
7/25/00	7. New “e-Michigan” office to provide college financial aid and enrollment information.	A logical extension and convenience to students.	
8/11/00	8. The Department of Consumer and Industry Services’ system of on-line document services handles 50% of the agency’s filings and is considered satisfactory by 100% of those using the system.	This service makes it much easier for state residents to receive documentation and file reports in a timely manner.	
10/16/00	9. The Department of Civil Rights has reportedly become a national model for the effective handling of complaints. It is setting up new one-person outreach offices in communities and offering a self-assessment tool for community use.	This is a positive example of state officials reaching out to serve residents of Michigan.	
11/9/00	10. Department of Career Development launched an online veteran’s employment assistance website.	A logical extension of current services to citizens.	

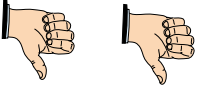



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Date	Incident	Comment	Impact
12/18/00	11. Department of Environmental Quality is offering new software for reporting air emissions and plans a series of workshops to teach users how to use it.	Practical training in how to submit the data that the government requires is a very positive development in terms of helping citizens.	
12/28/00	12. State published a new guide rating how well HMOs are performing against five national standards (access/service; communication and service to doctors; child and adolescent care; maternity care and women's health; measurements of mental health and advice to quit smoking).	This is a good example of the kind of useful information that is difficult for citizens to obtain but easy for the state to package and provide. It should be emulated widely in many market sectors.	
D. Provide timely, accurate, and complete information about the current and proposed actions of governments, elected officials, and government employees.			
Date	Incident	Comment	Impact
6/14/99	1. Library of Michigan and the National Federation for the Blind announce a program in which key national and state newspapers will be made available in audio format, free, for blind Michigan residents who can listen to the newspapers via a free telephone call.	Audio newspapers may allow visually-impaired persons greater opportunity to participate in public affairs.	
7/7/99	2. Detailed records of legislative action in House Committees are now available on the Internet with text of substitute bills offered also to be made available.	This is a great improvement that allows citizens much closer to real-time access to information being considered by the House.	

D. Provide timely, accurate, and complete information about the current and proposed actions of governments, elected officials, and government employees.			
Date	Incident	Comment	Impact
9/28/99	3. The Department of State makes a database of state historic sites available on line.	This is a logical extension of current services to citizens.	
9/30/99	4. The Department of Environmental Quality issues its first environmental report. The content and structure of the report were determined by the DEQ head, a political appointee, and do not center on standardized environmental indicators.	An annual state environment report is, in principle, a positive development. However, failing to use a consistent set of environmental indicators makes the report significantly less useful as a tool for assessing the performance of the DEQ and invites concern that the data reported have been selected for political purposes rather than because they are the most telling in terms of providing an understanding of the state's overall environmental quality.	 
11/10/99	5. PA 195 of 1999 requires that the Department of Environmental Quality issue biennial reports on the state of the State's environment. Defeated amendments include one spelling out the specific indicators to be included, requiring public hearings on the indicators, and letting others besides DEQ participate in the grading process.	Annual environmental quality assessments are positive in principle. By refusing to allow public involvement in the selection or grading of indicators used, and by allowing the DEQ to select for itself what to report, the benefits to citizen oversight are reduced because the report is open to concerns that the Department selects indicators based on political significance rather than environmental.	 



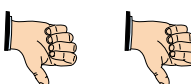
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Date	Incident	Comment	Impact
2/7/00	6. Michigan Manual (authoritative manual on state government) is made available over the Internet with capability for frequent update; state also improved the format for the Compiled Laws database.	A logical extension of the manual into the new format will assist citizens.	
2/14/00	7. The Department of Community Health releases standardized report on 24 key health indicators, including comparisons to other states.	The issuance of the report is positive; even more so is the use of a standard set of comparable indicators which allows citizens to compare Michigan to other states.	 
4/6/00	8. E-Michigan office set up to “allow residents access to many government services 24 hours a day, seven days a week.”	A logical extension of current services.	
4/11/00	9. Consumer and Industry Services and Department of Environmental Quality collaborated to publish a handbook for businesses required to comply with environmental regulations and offers workshops on the rules.	This is an exemplary practice that should be followed widely by all regulatory agencies.	
6/3/00	10. Department of Environmental Quality posts completed state lake/wetland permit applications on Internet.	Posting the file of pending applications for permits is a logical extension of services.	
7/10/00	11. PA 286 and PA 287 of 2000 require the Department of Environmental Quality to maintain a list of sewer discharges and make the information easily available to citizens, including information on DEQ responses to such discharges.	Citizens can access information which can stimulate action for increased environmental protection.	 


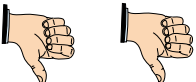


D. Provide timely, accurate, and complete information about the current and proposed actions of governments, elected officials, and government employees.

Date	Incident	Comment	Impact
7/10/00	12. PA 276 of 2000 omitted a requirement that the Department of Management and Budget report on training and orientation workshops and seminars which cost more than \$10,000.	Oversight of major training expenditures and providers is much more difficult without this information	
Autumn, 2000	13. A report on the performance of charter schools commissioned by the Department of Education and completed by Western Michigan University was held for several weeks before being released.	The report should have been released before the November elections.	
12/00	14. The Auditor General's Office issued a report on an audit of the Employee Discipline and Grievance Programs of the Department of Corrections. The audit was suspended due to "serious scope limitations" when the Department of Corrections refused to provide information to the Auditor General.	The Department of Corrections' refusal to release information to the Auditor General denied citizens of accurate information regarding the operation of the department.	



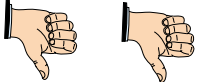
E. Act at a pace and in a deliberative manner that provides everyday citizens with as much opportunity to influence and respond to government proposals as registered lobbyists.			
Date	Incident	Comment	Impact
10/5/00	1. Citizen advocates continue to report that bills are being reported out of committee despite the fact that the latest version of the bill is only available the day of the hearing. For example, this was the case when SB 205 was reported out of the Senate Farming, Agribusiness and Food Systems Committee.	Such practices make it impossible for citizens to effectively participate in the debate on a bill.	
11/99	2. PA 262 of 1999 limits the role of the Legislature in the administrative rules process. The bills allow new administrative rules to go into effect automatically, unless the Legislature can pass legislation within 21 days. The bills also eliminate any meaningful notice to the public of impending rules changes.	These bills, in effect, prevent meaningful public participation in the administrative rules process.	
12/7/99	3. Senate Judiciary Committee hearings on House Bills 4475 and 4476 (which exclude prisoners from protection under state civil rights acts) were conducted without the required 24-hour posting notice.	Such practices make it impossible for citizens to participate effectively in the debate on a bill.	
5/30/00	4. The Chair of the House Tax Policy Committee refused Committee members the opportunity to ask questions regarding bills being considered.	Without a complete debate, it is impossible for citizens to effectively participate in the process.	

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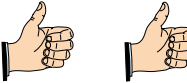
Date	Incident	Comment	Impact
9/20/00	5. Both the House and Senate are live-streaming sessions over the Internet. The Senate will include major committee hearings. The House has applied for a low power FM radio station that, if approved, would broadcast House sessions and committee meetings within a 4-mile radius of the House Office Building. The system would replace the current system of boxes connected to a feed that receives audio from the sessions. That system experiences frequent technical problems.	The Internet initiatives now have the potential to provide more information to citizens. The limitations on the broadcast initiative favor lobbyists with offices near the Capitol.	
9/26/00	6. All House members now have laptop computers connected to the Internet at their desks and an intranet that will provide bill drafts and amendments. Plans are to eventually eliminate printed reports that currently provide information on each day's business.	While such practices may make the legislature more efficient, they tend to speed the process and require less publication of information thereby making it more difficult for citizens to participate in the process.	
10/31/00	7. Through October 31, 2000, 323 bills had been signed into law. During the post-election session, 185 bills were enrolled for presentation to the governor.	Passing so many bills in such a short period of time precludes careful deliberation and makes it impossible for citizens to participate effectively in the debate on bills.	

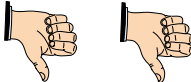

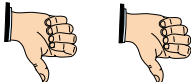
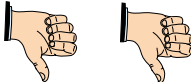

E. Act at a pace and in a deliberative manner that provides everyday citizens with as much opportunity to influence and respond to government proposals as registered lobbyists.			
Date	Incident	Comment	Impact
12/15/00	8. PA 381 of 2000, which liberalizes access to concealed weapons permits, was passed in the post-election session of the legislature when earlier attempts had generated such an outcry that the bill was put on hold.	Such practices make it impossible for citizens to impact effectively the process, since public outcry was essential to stopping the original bills and there is not enough time in a post-election session to organize a public protest.	
12/15/00	9. On the last night of the post-election session, the legislature added an amendment to HB 5959 dealing with podiatry regulation. The amendment to what became PA 486 of 2000 ends the ban on insurance companies forming political action committees on the state level.	Unrelated amendments to a bill preclude careful deliberation and make it difficult for citizens to participate effectively in the debate on a bill. Doing so during the final hours of a legislative session makes it impossible for citizens.	
F. Ensure that all government contracts worth more than a nominal amount are awarded only through a genuinely open and unbiased competitive bidding process.			
Date	Incident	Comment	Impact
6/10/99	1. The State Court of Appeals refused to revive Civil Service Commission rules that would have allowed personal service contracts with the state for up to \$500,000 without prior Civil Service Commission approval.	The Civil Service system was created in the aftermath of widespread abuses in hiring and contracting; rules that allow contracts of such value to be let without Civil Service Commission oversight make it harder for citizens to “follow the money” in state contracting.	
7/13/99	2. The State House let a contract for furniture worth more than \$9.6 M without competitive bidding.	Actions such as this do serious harm to citizen trust and confidence in government’s basic fairness and honesty.	


F. Ensure that all government contracts worth more than a nominal amount are awarded only through a genuinely open and unbiased competitive bidding process.

Date	Incident	Comment	Impact
05/00	3. The Department of Corrections expanded a contract with Correctional Medical Services without a bid. The expansion privatizes the jobs of 69 primary caregivers (doctors, physician’s assistants, and nurse practitioners). The state will pay \$250 million to CMS over a five year period.	Significant contracts should not be issued without bidding.	
12/1/00	4. The Department of Transportation initiated a pilot program to allow contractors to submit bids via a DOT website (with paper backup today, but eventually online only).	By taking advantage of the technological tools for checking and flagging errors, DOT is making their bidding process more open and accessible.	
12/15/00	5. PA 381 of 2000 which liberalizes access to concealed weapons contains language that will provide substantial financial benefit to the National Rifle Association. The bill is written so that the NRA is the only organization qualified to provide the training required by the bill, and the cost of that training is charged to the gun owner.	Crafting the language in a bill so narrowly as to exclude all but one service provider leads to contracting without competitive bidding.	

G. Preserve accountability to the public whenever government functions are contracted out to private business.

Date	Incident	Comment	Impact
6/25/99	<p>1. Departmental auditors reported that the Department of Transportation has failed to break out its maintenance costs in a way that would allow evaluation of its contract with ABC Paving. The breakout was requested by the Transportation Commission when the contract was first issued in 1994, and when it was renewed in 1997. Auditors also reported that there was no process in place to monitor contractor performance.</p>	<p>Cost comparisons and performance comparisons are essential to a fair evaluation of any privatization efforts.</p>	
8/7/00	<p>2. The State Court of Appeals ruled that public school academy management companies, though not themselves governmental bodies, can be included in a Freedom of Information Act lawsuit if they may hold the requested records. The court, in acknowledging that private companies are not specifically covered by FOIA, said they cannot be used by governmental entities to hide otherwise public records.</p>	<p>This ruling significantly improves visibility and accessibility of citizens to public school academy records.</p>	

H. Ensure that all persons have access to justice.			
Date	Incident	Comment	Impact
7/13/99	1. The State Supreme Court reversed a 1998 decision that allowed prisoners to appeal convictions based on evidence erroneously introduced at trial unless the prosecutor could show that it was “highly probable” that the error did not contribute to the verdict the Court changed the standard to “more probable than not.”	This decision makes it harder for prisoners to appeal their convictions even when those convictions are the result of evidence that should not have been introduced. The new, more permissive standard for unappealable errors potentially closes the doors to justice for more wrongfully convicted persons.	
10/5/99	2. PA 191 of 1999 removes ability of prisoners to appeal denial of parole; removes requirement for parole board to interview prisoners every five years after 10 years of incarceration.	These provisions eliminate all checks and balances on the parole board and prevent prisoners from seeking justice.	
11/1/99	3. PA 147 of 1999 forbids prisoners from suing state until all administrative remedies are exhausted and for any suit for mental/emotional injury unless physical injury is also present.	These provisions effectively limit a group of citizens from seeking justice.	
12/21/99	4. PA 201-202 of 1999 prevent prisoners from filing lawsuits under state civil rights and disability laws.	These provisions effectively limit a group of citizens from seeking justice.	
9/11/00	5. State Court of Appeals affirmed that minors charged with criminal offenses have the right to a jury trial.	The ruling provides juveniles with the protection afforded by a jury trial.	

H. Ensure that all persons have access to justice.			
Date	Incident	Comment	Impact
10/24/00	6. PA 318 of 2000 closed a loophole in the governmental immunity act, stemming from the 1986 tort reform amendments. Those amendments essentially prevented people from suing doctors affiliated with Michigan State University simply because MSU does not have its own hospital but uses private facilities.	Correcting this loophole allows injured parties to seek justice through litigation.	
1/8/01	7. PA 402 allows courts to order DNA testing of evidence that was not tested under current standards.	This provision allows those who have been wrongfully convicted of a crime with an opportunity to establish their innocence.	