

Fessler bill attacks police residency rules

By Tim Richard
staff writer

A big city, a mid-sized city and rural townships all fired cannons at state Sen. Richard Fessler's bills to prohibit local residency requirements for police officers.

"We live in America," Fessler, R-Commerce, said as the Senate Local Government Committee opened hearings last week. "People should have the right to work where they can find it and live where they want."

Detroit politicians, however, saw white non-resident police officers as "an occupying force," declaring Detroit would lose \$90 million in city income tax collections and consumer spending if officers could move to suburbia.

THE SENATE panel heard testimony for two hours but took no vote on SB 79 through 85.

By the time the hearing ended, chairman Harmon Croppsey, R-Dearborn, and members Rudy Nichols, R-Waterford, and George Z. Hart, D-Dearborn, had departed for other engagements, leaving only two senators in the room.

The change would require seven bills because home rule cities, villages, general law townships and charter townships are affected.

Union contracts with residency requirements would be unaffected, Fessler said, but unions would be



Sen. Richard Fessler
job is where you find it

free to negotiate the requirement out on current pacts expire.

FESSLER INTRODUCED the bills at the request of the Police Officers Association of Michigan (POAM), headquartered in Livonia. "You may have reservoirs of talent that could be tapped," said Fessler, arguing that residency rules limit the labor pool from which gov-

ernments can draw. "Out where I lived (as a youngster), you went into the police department or the army."

Fessler said the residency rule is particularly hard on the growing numbers of women in law enforcement. He cited a woman who had to quit her Pontiac job because she married and moved to Metamora. Rich Ringer, a former 17-year Westland police officer now on the POAM staff, cited a Detroit woman officer who married a Bloomfield Township officer. The couple maintained a residence in each place until the husband insisted she move to the suburb. "The Detroit woman was fired after 16 years," said Ringer. "You have to remember that most of us were 21 years old when we joined police departments."

He noted a Redford Township rule requiring an applicant to be a resident for a full year before hiring was struck down in court.

DETROIT BUDGET director Walter Stecher said a residency rule was in Detroit's 1886 city charter and

had been a policy, in one form or another, ever since. The policy also applies to civilian employees.

"I understood the rule then," said Stecher, a city employee 32 years, "and I understand it now. It has been tested in court and upheld."

He said a survey showed that 50 percent of Detroit officers and firefighters would live outside the city if they could.

He said the \$90 million loss figure was calculated by Michael Thomson, a Wayne State University professor. It covers loss of resident income tax revenue, property tax revenue and consumer spending. The consumer spending figure was multiplied by 2.0 to yield what economists call "the multiplier effect" of money being spent and respent.

DEPUTY POLICE chief Mary Jarrett-Jackson, in charge of Detroit's west side, said residents today "see a department that represents them, not only by race but by gender."

She and Sen. Virgil Smith, D-Detroit, a committee member, repeatedly referred to the 90 percent white police force of the 1960s as "an occupying force designed to 'keep blacks under control.'"

Jarrett-Jackson said the current force, 50-50 black and white, "allows us to be very zealous in law enforcement" without alienating residents.

DETROIT AND POAM officials clashed on the question of whether it was an advantage to city residents to have armed policemen in town during off-duty hours.

Jarrett-Jackson said "response time would be a critical issue," and Sen. Smith said "a police officer's duty doesn't end with his shift."

POAM's Ringer said the argument was valid "years ago," but today "departments are leery of having off-duty officers carry weapons for liability reasons."

Ringer said "the last thing I want to do (off-duty) is become involved in a neighbor's domestic quarrel."

If he witnessed a burglary, he said, "I wouldn't go in without backup. I would call the police department. A citizen would do exactly the same thing."

SMALL TOWNS have the same interest as Detroit, said Gene Thornton of the Michigan Townships Association.

"When I was elected township supervisor, we had one police officer who lived 30 miles away," he said, adding that the officer's response time in emergencies was cut when he took the police car home.

David Osborn of the Michigan Municipal League said residency is a home rule issue and a negotiable labor item. "That's what local officials are for," he said.

Robert Posthumus, executive director of the Coalition to Improve Public Safety in Grand Rapids, opposed the Fessler bills, stressing "community ties" and the home rule issue.

Anti-surrogate loophole plugged

By Tim Richard
staff writer

The state Senate moved to tighten Michigan's anti-surrogate parenting law by prohibiting surrogate gestation for pay.

"We're making criminals out of people eager to have children," protested Sen. Jack Faxon, D-Farmington Hills, who opposes the measure.

The current law, passed in 1988, prohibits paying a woman whose ovum is artificially inseminated with the sperm of a man who would later adopt the child.

The new bill, on its way to the House, extends that law to cover an already-fertilized egg of one woman

being implanted in a surrogate who is paid to bear the couple's child.

PASSAGE CAME on a 32-5 vote Wednesday after an hour of sharp debate.

Among area senators, only Faxon voted no.

Supporting the Binsfeld bill were Republicans Doug Cruce of Troy, Richard Fessler of Commerce, Robert Geake of Northville and Rudy Nichols of Waterford; and Democrats William Faust of Westland and George Z. Hart of Dearborn.

The legislative efforts are aimed directly at Dearborn attorney Noel Keane, who is paid by couples without children to match them with a

woman who will bear a baby for them. Typical fees: \$10,000 for Keane, \$10,000 for the surrogate mother.

MOST OF the debating was done by opponents, who called it "anti-family."

"I don't think the state should be in the business of making adoption more difficult," said Sen. Joe Conroy, D-Flint. "It's very difficult to adopt a baby other than one from Mexico or South America."

"We have couples who get married at (age) 27 or 29 and find out too late they can't have children."

Sen. John Kelly, D-Detroit, called the bill "anti-nuclear family."

Faxon said the child is that of the sperm donor and egg donor, even if gestation occurs in a second woman. "That should not be prohibited," he said. Faxon offered an amendment to declare that the "natural" mother is the "egg" mother and not the gestation mother, but it was rejected.

"WE WENT through all those arguments for five years," said Binsfeld. "This amendment clarifies the intent of the law."

She noted the law was passed with 39 votes in the 38-member Senate and 90 of the 110 House members. Binsfeld said there is a bond between the woman who has borne the child and the child.

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