

Gov. Engler slams phone slamming

State Capitol capsule:

Slam 'slamming'
Telephone companies are praising Gov. Engler for signing a bill by Sen. Mike Rogers, R-Brighton, putting tougher penalties on "slamming."
"Slamming" is the practice of switching a customer's local, long-distance, or long-distance provider without the customer's knowledge. The new law allows the Michigan Public Service Commission to penalize companies up to \$20,000 for a first offense and \$40,000 for a second offense. A related law will require that the customer must give permission, orally or in writing, to switch carriers.
The Michigan Competitive Telecommunications Providers Association praised the legislation, saying, "This new law provides much stronger safeguards against a practice that erodes the trust of our customers."

2-party toughness
Both parties hailed a new law implementing "truth in sentencing." It requires no parole or community service placement for felony offenders until their entire minimum sentence is served.
Instead of "good time" credits being considered by the parole board, only disciplinary or "bad time" credits will be considered.
Gov. John Engler said as he signed the measure, "Now the length of sentences will be determined not by a calculator but by a calendar — five years in five years, 10 years in 10 years."
Rep. A.T. Frank, D-Saginaw, said the bill he sponsored ensures peace of mind for crime victims and local communities. The law will apply to all violent felonies beginning Dec. 15, 1998, and will be extended to all felonies Dec. 15, 2000.

Ameritech wins
Ameritech won an age discrimination case when the Court of Appeals upheld a Wayne Circuit Court order dismissing the suit.
Edward Hannum worked for the telephone company from 1970 until he was terminated in 1993. He accepted a severance package and signed an agreement promising not to sue or, if he did, to "under" (pay back) the settlement. Hannum said he signed under duress and was replaced by a much younger person, though he didn't discover that until later.

"Contrary to plaintiff's argument," said the Court of Appeals, "we find that plaintiff's age discrimination claim related to his employment and existed at the time of his termination, despite the fact that he did not discover his claim until after the release was executed (signed)."
The court also said the Supreme Court "recognized the harshness of the tender-back rule, but found it necessary to preserve the stability and integrity of release agreements."
So because Hannum failed to tender back the settlement, the circuit judge properly dismissed his claim. The appellate panel included Janet Neff, Peter O'Connell and Robert Young Jr.
Source: *Hannum v. Ameritech, CA 199910, decided July 31, 1998.*

Visits restricted
A state Court of Appeals panel upheld the right of the Michigan Department of Corrections to restrict visitors to the state's prison inmates. The woman's suit had been dismissed by Wayne Circuit Judge Diane Hathaway, who was upheld by the appellate panel.
DOC director Kenneth McGinnis in 1995 issued a new visitation policy limiting visitors to the inmate's immediate family and 10 other people. A person under 18 was not allowed on the list unless the person is a child, stepchild or grandchild of the inmate.
Former prisoners may not be on the list unless they are immediate family members.
In a separate suit, a federal court held there were no violations of constitutional rights. That persuaded Judge Hathaway to reject the inmate's claims of violation of state civil rights laws.
The Court of Appeals panel included Hilda Gage, former Oakland circuit judge; Maureen Pulte Reilly and Kathleen Jansen. They held that "these regulations reasonably relate to prison administration and management concerns" and don't violate the rights of either prisoners or visitors.
Another MDCC rule allows visits by those persons if they're not on the approved visitors' list: clergy, outreach program volunteers, attorneys, legal paraprofessionals, and official representatives of the government.
Source: *Michelle Bazzetta v. Department of Corrections, CA No. 198107, decided Aug. 4, 1998.*

County officials question cultural tax

By PAT MURPHY
STAFF WRITER
Taxes from Oakland County could be dedicated to supporting the arts and cultural activities as proposed by State Senator Michael Bouchard of Birmingham.

But not without conditions, according to John P. McCulloch, chair of the Oakland County Board of Commissioners. "I don't know anybody who isn't willing to support the arts," said the Royal Oak Republican. "But we want some guarantees — such as accountability."
Commissioner John P. Garfield, R-Rochester Hills, is more adamant. At Thursday's regular meeting of the county board, he drafted a resolution calling for him and his colleagues to oppose Bouchard's bill as it's written.
That resolution was not introduced, in part because McCulloch conferred with Garfield. But the resolution is an indication of



mixed feelings on the part of commissioners and others.
"I can think of several places where that money might be put to better use," Garfield said, "like community mental health."
Bouchard's bill, Senate Bill 1136, was introduced in May and has already been approved in the Senate. It's currently in the House of Representative and

could be voted upon yet this year.
It changes the existing Metropolitan Regional Councils Act to enable counties to allocate tax money for the arts and cultural activities. In metro Detroit, the money would provide operating revenue for the Detroit Institute of Arts, Cranbrook, the Detroit Zoo and other organizations.
The proposed one-half mill would raise \$18 million from Oakland annually. The owner of a \$200,000 house would pay about \$50 each year.
McCulloch said his reluctance and concern is a matter of principle, not money. "We (the county board) would provide the money without a tax hike," he said. "It would require a vote of the people, but not property tax increase."
"But we would want some controls," he said, "such as a performance audit or some other guarantees of accountability."

"We have too many important interests — law enforcement, infrastructure improvement, mass transit, community mental health, etc. — competing for tax dollars for the county to spend tax dollars without guarantees," he said.
"Remember, these organizations are in financial difficulty because state funding was cut," said McCulloch. "Before we pick up the slack, we want some guarantees."
Bouchard Friday said he understands the concerns of McCulloch and other Oakland County officials. "We've already tried to address them," he said. To illustrate, he cited a provision within his proposal that requires at least one "yes" vote from each county for any specific project.
"My bill gives control to individual counties like Oakland," he said. "It's enabling legislation. If a county wants more controls — more accountability — it can insist on more controls."

New chief wants to expand SMART's reach

By KEN ABRAMCZYK
STAFF WRITER

Dan Dirks believes you can't have job growth unless workers can get to those jobs.
That's why the new general manager of the Suburban Mobility Authority for Regional Transportation wants to expand the SMART bus system to include the Great Lakes Crossings in Auburn Hills to Laurel Park Place in Livonia.

Dirks, 47, was named SMART's general manager Aug. 27 by SMART's board of directors.
"With the whole welfare-to-work program, people on welfare have to get a job within two years," Dirks said. "Public transit is a big part of them getting to their jobs."

Dirks will face the short-term task of eliminating an approximate \$4 million deficit, which is expected to be removed next year, and continuing to work with local communities on transportation needs. He will administer a \$70 million budget on the heels of voter approval in August of 0.33 mills to fund SMART, which was a four-year renewal for residents many Oakland and Wayne County communities.

Dirks will replace Richard Kaufman, whose resignation is effective Oct. 1. Kaufman, of Plymouth Township and a former Wayne County circuit judge, resigned to pursue a private law practice.
"(Dirks) is hard-working and intelligent, and probably knows more about mass transit than anyone I know," Kaufman said.

His background
Dirks has run the day-to-day operations over the past year since becoming the deputy general manager. Before that promotion, he was director of planning and services development. There he was responsible for the design of SMART services and acted as the liaison to local communities within the SMART service area.
Dirks actually started as an intern at SMART in 1974 while he was a student at Wayne State University. Once he received his degree in political science, he was hired at SMART as an operations planner in 1976 and promoted two years later to public affairs representative. In 1992, he became marketing manager. SMART promoted him to director of operations-paratransit services in 1994.

That experience has helped forge a philosophy that the public sector should try using some of the business logic from the private sector. "And that is identify what the customers need and react to it," Dirks said.

Studying surveys
Dirks has used information from surveys from R.L. Polk such as the number of bus riders who use SMART and work at businesses along corridors to market SMART. "We would survey those businesses, invite them to breakfast and ask them 'how can we help you?'"
Through discussions with officials at Technicolor, a Westland firm, Dirks found that employees who rode the bus were walking a mile from Michigan Avenue to the building in the area of New-

burgh and Palmer roads.
"We expanded the trip and found that we could fill the bus with 25 or 30 persons," Dirks said.
Dirks hopes to eventually develop partnerships with the medical community. "Wouldn't it be nice for a senior to call and make an appointment with their doctor and have bus arrangements all taken care of, instead of the seniors making other travel arrangements?" Dirks asked. "That can be a reality within the next five years."
"It makes it easier for a person who needs a service to get back and forth."

Possible merger?
Dirks agrees with the SMART board's position on a merger with the Detroit Department of Transportation. "A lot needs to be done before a merger is discussed," Dirks said.
SMART has picked up a few DDOT routes that were discontinued earlier this year, but only when the riders were there. SMART officials also hesitate to pick up routes or other budget areas where DDOT loses money.

But the two systems are studying ways to work better together, Dirks said. "We are looking at ways of connecting the radio system," Dirks said. "They have one of their (DDOT) staff people on the radio selection committee."
National trends indicate cities are moving away from mergers of transportation systems, Dirks said. "The trend is to have more than one suburban mass transit system. San Francisco has seven or eight. Chicago has three."



Dan Dirks

"A merger for merger's sake doesn't work." But if areas with jobs need workers to be transported, SMART is always looking to expand, Dirks added.
SMART will be studying ways to service Ford Motor Co.'s move to add or revise bus runs in Dearborn as the automaker relocates workers from its offices downtown at the Renaissance Center to offices in Dearborn.
Dirks received special recognition for the Michigan chapter of the Paralyzed Veterans of America for his work in recognizing the needs of the disabled.
As far as Dirks working his way up the SMART ladder, Dirks said: "It's really a reflection on the staff who care about public transportation."
Dirks lives in Sterling Heights with his wife, Nancy. Both his son and daughter are in college.

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BRIDGE FASHION EVENT
See what's making the beautiful news this fall!
We invite you to preview the Fall 1998 bridge collection with our exciting modeling and fashion shows from your favorite designers. All events take place in Bridge Collections.
Twelve Oaks Thursday, September 10, 7-11 p.m.
Informal modeling
Country Show Show 6 p.m.
Oakland Friday, September 11, 12-3 p.m.
Informal modeling
Somerset Saturday, September 12, 1-4 p.m.
Informal modeling
Laura Ralph Lauren Show 9 p.m.
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