

HB 4777

Locals are right to challenge

Some state legislators are shouting foul in the wake of attention from local media, and ire from local government officials over the controversial House Bill 4777.

State representatives, such as Andrew Raczowski of Farmington Hills, are upset that the proposed legislation has been dubbed the "anti-home rule bill."

In Farmington and Farmington Hills, Raczowski has indeed and appropriately taken a verbal beating from local officials for his support and co-sponsorship of the house bill that is formally named "The Job Creation and Regulatory Responsibility Act of 1999."

We aren't sure, however, if his hurt feelings stem from the fact that it's not easy for anyone to be chided, especially publicly, or because local officials have the audacity to challenge big shots in Lansing.

Certainly any state representative who has so clearly opposed local government by endorsing and supporting the legislation should be prepared not only for debate on the issue, but an onslaught of criticism.

Raczowski has said he feels that local leaders do not understand HB 4777. Yet local officials, including attorney John Donohue, who represents the cities of Farmington and Farmington, have researched the bill and are aware of its implications — hence their strong reaction.

Farmington and Farmington Hills officials are not out of line in their opposition to the bill, nor in their candid and often loud criticism of the legislation and its sponsors.

City officials are to be commended for taking time to march on Lansing to make their voices heard and to make it clear that any attempt to subordinate local government will come with a price. That's what their constituents elected them to do and they are within their rights to question and if necessary, criticize, state officials for their ideas and actions.

In fact, the criticism may have worked. Bill sponsor Robert Gosselin, R-Troy, said that the bill is being rewritten to exclude issues concerning tobacco, alcohol and billboards. That still may fall short of what some city council members want, but it's a start. And obviously city councils should continue their criticism until they get what they want.

Yet the ire of local officials was spiked last week when Gosselin — chairman of the Employment Relations, Training and Safety Committee, to which the bill has now traveled — scheduled a meeting to accept testimony on



STAFF PHOTO BY BILL SZARZAK

Words: Many of the exchanges between state Rep. Andrew Raczowski and Farmington Hills Mayor Aldo Vagnozzi have been angry ones when it comes to House Bill 4777. Vagnozzi has criticized Raczowski of Farmington Hills for his co-sponsorship of the bill. In turn, Raczowski has said that city officials do not understand the legislation.

the legislation at 9 a.m. Wednesday. That's the same time local leaders had planned to attend an annual Michigan Municipal League conference in Grand Rapids, removing any chance for them to testify on the behalf of local communities.

City officials in Farmington and Farmington Hills were notified of the committee meeting on Friday, Oct. 1. One of Raczowski's staff members said the schedule gave city officials five days notice to testify.

Come on. Anyone involved with government — even the media — knows that this week is the annual MML conference.

Some would call the scheduling of the testimonial meeting at the same time as the MML conference coincidental. Others, particularly local government leaders, are calling it premeditated. We leave that determination up to individual consciences.

But the barking paid off. Gosselin, saying he wants to hear from local officials, changed the meeting date to an undetermined time. We encourage Farmington and Farmington Hills city representatives to stay on top of the issue and to be in Lansing in full force when the meeting is scheduled.

The controversy surrounding HB 4777, as well as the indignant reaction to it, is a good example of the role local elected officials can and should play. Their job is to ensure that their municipalities are protected from attack, including power raids by the state.

■ Still, there are elements to the pending litigation by Detroit and Wayne County against two dozen gun manufacturers and a dozen gun dealers doing business in our area that merit support.

bought and used legally by hunters and target shooters.

Unfortunately, both Congress and the state Legislature remain paralyzed on the issue — even after the spate of school and workplace shootings grabbed headlines this year and even though survey after survey shows a majority of Americans favor stricter gun control laws. It's too bad the gun lobby still exerts such powerful influence in Lansing and Washington. So much so that civil suits have become the preferred course of action. Some 20 municipal and county governments — from Chicago to Bridgeport, Conn. — have filed litigation similar to the Detroit-Wayne County suits.

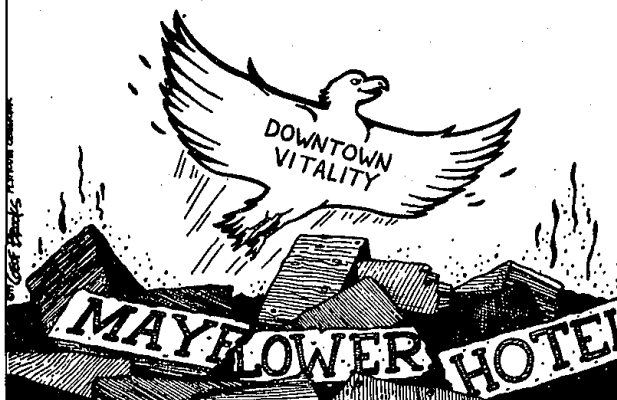
Duggan and others hope the threat of damage awards will prompt self-regulation and accountability from gun manufacturers and dealers in the same way the tobacco industry has begun policing itself.

The gun suits, which have yet to be heard, have already brought about some positive changes. The Gibraltar Trade Center, for example, has barred gun sales from its week-end flea market.

The Observer is pleased to see some movement on the issue. But we hold out hope that substantial changes in the way people buy and sell firearms can be dictated by the Legislature and not from behind the court bench.

GEORGE BROOKS

LIKE A PHOENIX FROM THE ASHES...



LETTERS

Opinions are to be shared: We welcome your ideas, that's why we offer this space for your opinions. We will help by editing for clarity. To assure authenticity we ask that you provide a contact telephone number and if mailing or faxing a letter, please sign it. Letters can be mailed to: Joanne Maliszewski, 33411 Grand River, Farmington, MI 48335, faxed to Joanne at (734) 459-2700 or emailed to jmaliszewski@oc.homecomm.net

Not a bad idea

Oh me, oh my! Democrats just can't seem to abide with our state Rep. Andrew Raczowski, eh?

When Raczowski's seemingly perennial opponent, Mr. Steve Dibert, decided to seek a seat on the Farmington City Council I thought the attack letters against Raczowski in the Observer would stop.

Instead we have Mark Brewer, chair of the Michigan Democratic Party, taking Dibert's place with his "deserve better" attack letter against Raczowski (Observer Sept. 30).

Yes, Mr. Brewer, the home rule bill was somewhat ambiguous in its wording and needs correcting to clear out its ambiguity, but that ambiguity alone does not make the need for a bill of this sort a bad idea.

Recognizing that need surely is the answer to Brewer's question as to why Raczowski signed on to the bill. Somebody in Lansing had to raise the issue of the need of a bill of this sort and bring it to public awareness and scrutiny. Raczowski did just that by co-sponsoring the bill.

Sadly a bill of this nature should not be a need, but some local governments have stepped outside the proper bounds of local governance with some of their local laws and ordinances. Doing so has created a need for a state home rule law regardless of the chagrin expressed.

Quite a few of these overly ambitious local governments have Democrats at their helms and it would sadden me to think that Mr. Brewer and others, some local, are adamantly opposed to a properly worded home rule law because of that.

It would be better if they channeled their intellect and efforts into cooperation and bipartisanship in the writing of a properly worded home rule bill that would be acceptable to all. That, Mr. Brewer, is the ball Raczowski has handed you.

Tom Murphy
Farmington Hills

Bill would restore balance

There are 1,859 local governments in Michigan. It is hard to believe the Observer &

Eccentric Newspapers think there should be 1,859 minimum wage laws, 1,859 OSHA's, 1,859 Americans with Disabilities Acts, or 1,859 construction codes.

Yet that is the impression left by the paper's reporting and editorial (Sept. 23) on House Bill 4777.

The O&E doesn't think such ordinances could slow growth, given "our current thriving state economy, with one of the lowest unemployment rates in history, high job creation, business investment, and expansion." Further, "nowhere is it found that communities with living wage ordinances ... have brought business expansion or job creation to a halt."

The O&E is correct that these have not caused a slowdown — yet.

The entire nation has enjoyed unprecedented growth since the 1991 recession. During that same period, state taxes and regulations have declined, which has also boosted growth. Given this, it would be hard for any local regulation short of expropriation to cause a slowdown.

But the "Goldilocks economy" will not last forever. Michigan is still more vulnerable than other states to recession. We can't afford to lose potential employers who shun the state as a "Bosnia" of conflicting, overlapping, and duplicative local regulations.

The workers laid off in a future slowdown will be the ones who suffer if local governments over-regulate business and employment. This is what HB 4777 seeks to prevent.

As a former Troy City Council member I share the O&E's respect for Michigan's tradition of home rule by local governments. But there must be a balance between the needs of business to operate free of over-regulation, and the desire of local officials to regulate everything under the sun.

Recently a decades-old consensus on that balance has been breaking down under pressure from anti-business special interest groups. HB 4777 would restore that balance.

Robert Gosselin,
state representative,
42nd District, Troy

Avoid legislation by courts

Legislation by lawsuit is rarely in anyone's best interest. It circumvents a process that's worked well for centuries, turning over policy-making responsibilities from elected representatives to judges and juries. It throws the checks and balances built into government by the framers of the state and federal Constitutions out of whack.

Still, there are elements to the pending litigation by Detroit and Wayne County against two dozen gun manufacturers and a dozen gun dealers doing business in our area that merit support. And there is evidence that the suits — which seek some \$800 million in damages — are getting gunmakers' attention and finally prompting serious discussion on trying to remove guns from the hands of children and felons.

The separate civil suits were filed last April in Wayne County Circuit Court. They cite the manufacturers and dealers for "willful negligence" in not stopping "straw purchases" — a dealer knowingly selling a weapon to someone acting as a front for a felon or juvenile unable to legally buy one. Wayne County law enforcement officials set up the stings for dealers, ranging from independent gun shows to major sporting goods chains.

Gun manufacturers are just as liable for the illegal sales, contends Mike Duggan, the county's deputy executive and a candidate for county prosecutor. The manufacturers look the other way, hiding behind federal laws which stipulate only that guns must be sold by a licensed dealer. "There's no background check (by the manufacturer), no follow-up, nothing," Duggan says. "It's tougher for an appliance dealer to sell a name-brand vacuum cleaner than it is to sell guns."

Duggan has a point. Regulations should be tightened both for manufacturers and dealers. Firearms are lethal weapons, even those

Farmington Observer

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— Philip Power