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SERVICE TAX DEBATE LEAVES RECALL PETITION LANGUAGE MURKY

If the Legislature goes through with repealing and replacing the service tax, what happens to recall petition language that either has been approved or is on appeal when all reference a given lawmaker's vote for the service tax?

That's a question with varying answers.

The Michigan Democratic Party believes the above given scenario makes the petition language more unclear than it already is, said spokesperson Jason Moon.

So far, only Democratic lawmakers save Sen. Gerald Van Woerkom (R-Norton Shores) and Rep. Ed Gaffney (R-Grosse Pointe Farms) have had recall petition requests filed against them. That list includes Rep. Steve Bieda (D-Warren), Rep. Marc Corriveau (D-Northville), House Speaker Andy Dillon (D-Redford Twp.), Rep. Mary Valentine (D-Muskegon), Rep. Robert Dean (D-Grand Rapids), Rep. Joel Sheltroun (D-West Branch) and Rep. Marie Donigan (D-Royal Oak).

Ms. Donigan's recall clarity hearing is set for Friday, while all other recall language has been deemed by local election boards to be unclear with decisions being appealed, except for Mr. Dean, where recall petition language against the lawmaker was approved.

The language contained in all the recall petition states: "Voted yes on 2007 house bill 5194 to increase the income tax to 4.35 percent, and voted yes on 2007 house bill 5198 to impose new 6 percent sales taxes on certain services."

But Leon Drolet, the head of the Michigan Taxpayers Alliance, which is supporting the majority of the recall efforts, said the bottom line is the lawmakers targeted did vote for the services tax, even if it is repealed and replaced with something else. He doesn't consider it a legal debate to be had in the courts because there judges are deciding whether the language is clear or not, not what outside factors are playing out.

But it does affect the recall debate overall, Mr. Drolet said, particularly in the case of Sen. Valde Garcia (R-Lowell), who voted only for the service tax. Mr. Drolet said recall supporters have held off filing petition language against Mr. Garcia because of what's going on in Lansing in terms of changing the service tax.

However, at least what the House approved as a replacement to the service tax (HB 5408, which also repealed the service tax) is still another bad vote taken by members of that chamber, Mr. Drolet argued, because it hurts mid-sized businesses in Michigan that already took a hit under the Michigan Business Tax by giving relief to the Big Three automakers.

Mr. Moon said the party was still exploring its options in terms of dealing with recalls should the service tax be repealed and replaced.