



Horn wants 'Citizen Whistleblower Act' to protect residents against potential state harassment

Posted by **Barrie Barber** | **The Saginaw News June 07, 2009 07:15AM**

Michigan citizens should have the right to complain about state agencies without fear of retaliation from their staffs, a mid-Michigan lawmaker says.

Rep. Kenneth B. Horn, a Frankenmuth Republican, has introduced a bill that bans any state agency from retribution against someone for talking to a legislator about how the department has performed its duties.

Robert McCann, a spokesman for the state Department of Environmental Quality, says the Citizens Whistleblower Act isn't needed and a recent survey shows most are happy with his agency.

Brian D. Eggers, owner of AKT Peerless Environmental Services, sees a need based on what he says some clients have experienced.

"I think there's a logic and accountability behind the bill because it allows business owners to have a check in place," he said. "... There should be freedom to express concerns without fear of retribution."

The legislation would ban threats or implications to apply unusual or stricter requirements, restrictions, monitoring, standards, or engage in differential behavior or harassment.

Harassment would include excessive visits to a private property, changing standards during an investigation and changes in deadlines or delays in handing out a permit, according to Horn.

"That kind of thing shouldn't happen," he said.

The lawmaker said while he knows of such cases, he's had a hard time trying to convince those who are affected to testify before the House or come out in public with their stories.

"What we're looking for are people that have experienced the wrath of the state government plus those that are a little bit nervous talking to us," he said.

The bill would allow citizens to start a legal action against the state within 180 days of an occurrence or pattern of activity. A plaintiff could seek relief and damages.

The legislation has about 60 co-sponsors, both Republicans and Democrats. "This is not a partisan bashing, every office is feeling the same kind of problem that I'm feeling," he said.

Eggers said he knows of clients who have had concerns about the state Department of Environmental Quality, but he did not elaborate and declined to provide specifics.

He said "great people" work in the environmental agency, but added, "I'm aware of a number of cases where clients have gone to their legislators and it has upset DEQ staffers," he said. "It's been my experience that they don't normally care for that."

McCann rejected the claims.

"Give us some specifics is what I say," he said. "People give us these kinds our outlandish claims (but) they don't provide specifics.

"It's frustrating for us to continue to hear that kind of rhetoric discussed without anyone being able to back it up."

Michigan State University recently sent 10-question surveys to 1,850 people or organizations that dealt with the DEQ. Some 716 responded. Most were satisfied, he said.

"We did a survey asking for people to criticize us, but what we found was people were pretty happy with the experience," he said.

The survey showed 74 percent of respondents agreed or strongly agreed they were satisfied with the experience of asking for a permit; another 11 percent neither agreed nor disagreed and 14 percent disagreed or strongly disagreed. Another 84 percent agreed or strongly agreed the agency staff was "professional and courteous;" 6 percent neither agreed nor disagreed and 5 percent disagreed or strongly disagreed.

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