

October 2018

LAWMAKERS LEAVE; LAME DUCK LOOMS

Legislators have wrapped up session work and headed back home to hit the campaign trail and visit constituents...that is until the 14 scheduled session days in lame duck.

The last scheduled day of this legislative session for both the Senate and House is December 20.

COURT OKAYS DOLLARS FOR PRIVATE SCHOOLS

The Michigan Court of Appeals has ruled the state can give money to private schools to comply with health and safety mandates.

The state had appealed an earlier Court of Claims ruling that the 2016 and 2017 budget laws allocating the money were unconstitutional.

The appeals court, however, held that Legislature can allocate public funds to reimburse nonpublic schools for costs incurred in complying with health, safety and welfare laws, but only if such action is to comply with a health, safety or welfare mandate.

SNYDER-ENBRIDGE CUT DEAL ON LINE 5

In a deal that has been described as “historic,” Governor Rick Snyder and Enbridge have agreed to encase the Straits of Mackinac portion of Line 5 into an underground tunnel a move that could possibly house other infrastructures running beneath the surface of the Straits in the future.

The terms of the deal, announced by state officials, would eventually shut down the current Line 5 beneath the Straits, but rebuild that portion of the line into a multi-use utility tunnel buried about 100 feet below the surface.

The tunnel would be completely financed by Enbridge, but owned by the state’s Mackinac Bridge Authority (MBA).

Legislation is in the works to ensure the state’s Mackinac Bridge Authority is able to enter into a deal like the one announced by Governor Snyder to eventually put Line 5 in a tunnel underneath the Straits.

Cost of constructing the tunnel is estimated at \$500 million on Enbridge’s part and could take 7 to 10 years to complete.

Meanwhile, in a 105-2 vote, the House recently passed legislation (HB 6201) that would require Enbridge to submit an emergency response plan for the Line 5 oil pipeline under the Straits to the Department of Environmental Quality (DEQ).

The legislation is part of a four-bill package that makes it illegal to drop anchor in the Straits and requires Enbridge to post markers in the Straits warning vessel operators of the prohibition.

CHRONIC WASTING DISEASE REPORTED IN U.P.

The first case of chronic wasting disease in the Upper Peninsula has been confirmed by the Department of Natural Resources (DNR). It is the first one to test positive among the 625 deer tested this year.

The DNR hopes to test a minimum of 600 deer harvested within roughly a 10-mile core area around Waucedah Township in the U.P.

POT SHOP LICENSURE DEADLINE EXTENDED

With an attempt by the state to have some existing unlicensed marijuana businesses close by September 15 ending up in court, the state has now issued a whole new set of rules and made the deadline October 31 instead.

The Bureau of Medical Marijuana Regulation (BMMR) issued new emergency rules calling for all temporary operators that don't receive a state license by October 31 to cease operations.

The new rules supersede the earlier attempt at negating a legal challenge filed by a Jackson-area dispensary against the previous rules that led to a court order.

HOUSE PASSES ONLINE VOTER REGISTRATION

The House has unanimously approved a five-bill package of legislation (SB 425-429) that will allow people to register to vote online.

However, the Senate needs to concur on technical changes made to the bills and it will not be back in session until after the November 6 election— meaning the legislation is expected to go into effect next year and be ready before the next presidential election in 2020.

People who register to vote online, however, will have to vote in person the first time they register so poll workers can verify their information and signatures.

STATE SEEKS DISMISSAL OF PA 171 LAWSUIT

The state wants a Court of Claims Judge to dismiss a lawsuit challenging the repeal of the prevailing wage.

The lawsuit was filed in September by Protect Michigan Jobs (PMJ) and the Michigan Building and Construction Trades Council challenging the constitutionality of Public Act 171, which was adopted by the Legislature in June as a result of an initiative that repealed Michigan's prevailing wage law.

The state contends the court lacks jurisdiction to overturn immediate effect of the act and to invalidate PA 171, also alleging the plaintiffs failed to state a claim.

HOUSE COMMITTEE REPORTS FANTASY SPORTS BILLS

The House Regulatory Reform Committee has moved House Bills 6419 and 6420 that would regulate fantasy sports websites and be subject to an initial \$50,000 fee, \$20,000 annual renewal fees and the cost of compliance audits.

Representative Brandt Iden (R-Oshtemo Twp.), sponsor of the legislation, said he would like to move the bills on the House floor as soon as possible.

There are reports the working plan is to link fantasy sports regulations in with online gaming during lame duck.

Senator Curtis Hertel, Jr. (D-East Lansing) said his fantasy sports legislation is similar to that of Representative Iden's, but he's open to talking about alternative funding schemes.

LEGISLATION TO LEGALIZE USE OF CBD OIL CLEARS THE HOUSE

Legalization of the use of CBD oil, or cannabidiol, without the need of a medical marijuana card has passed the House and been sent to the Senate.

House Bill 6331 overrules a Bureau of Medical Marijuana Regulation (BMMR) which concluded the use of CBD oil requires a medical marijuana card under the terms of the Michigan Medical Marijuana Act.

WELFARE, LICENSING MOVED TO DHHS

Governor Rick Snyder has signed an executive order moving the child welfare licensing and regulation responsibilities out of the Michigan Department of Licensing and Regulatory Affairs (LARA) to the Michigan Department of Health and Human Services (DHHS). The order is the 11th such one issued by Governor Snyder this year.

FEWEST UNEMPLOYED IN MICHIGAN SINCE 2000

According to a Department of Management and Budget (DMB) release, Michigan's unemployment rate dropped to 4 percent in September, meaning the number of jobless in the state fell below 200,000 last month for the first time since September 2000. However, that is not quite a record low because the state's overall workforce was 250,000 larger in 2000.

The jobless rate was 4.7 percent in September of last year.

INTERIM TED HEAD NAMED

Chief Deputy Director Jeremy Hendges has been named interim director of the Michigan Department of Talent and Economic Development (TED), replacing Roger Curtis who left to take a position with Consumers Energy.

Prior to his appointment to TED in 2017, Mr. Hendges worked in the Legislature for 12 years.

