

January 23, 2019

## **FIX THE ROADS PLAN ON THE WAY**

Governor Gretchen Whitmer said last week that she will put forth “a real plan” to fix Michigan’s roads and other infrastructure in her March budget presentation, but under questioning by reporters gave no indication of how she would propose paying for the plan.

Will she propose higher taxes? Will she go the bonding route? The Governor was noncommittal. During her campaign she cited increased user fees or a bond issue as possibilities but again offered no specifics.

## **THE WORK BEGINS**

The Republican-controlled 100<sup>th</sup> Legislature has convened, House and Senate Committees have been announced, members have received their committee assignments, the Whitmer administration is preparing its first budget, and Governor Gretchen Whitmer has announced she will deliver her first State of the State address on February 5.

## **SENATE: NO-FAULT INSURANCE REPORT PRIORITY #1, ALSO BILL #1**

The Senate’s first bill of the 100<sup>th</sup> Legislature is Senate Bill 1 to address the state’s nation-leading auto insurance rates.

The measure at this point has no specifics but rather is a statement of intent: Seniors 62 and over shouldn’t need to buy lifetime health care benefits if they have Medicare. Drivers should have choice in their personal injury protection benefits. Cost controls need to be attached to the cost of providing healthcare to those injured in car accidents. More needs to be done to track down fraud.

Senator Aric Nesbitt’s (R-Lawton) bill is similar to that of Representative Jason Wentworth’s (R-Clare) who is the point person on the subject in the House. House Speaker Lee Chatfield (R-Levering) said he is open to a compromise on the consumer choice on personal injury protection in any House-passed no-fault auto insurance reform package. Speaker Chatfield also created a special select House Committee on Auto No-Fault to be chaired by Representative Wentworth.

The Senate bill has been referred to the Senate Insurance and Banking Committee.

## **BENSON WANTS TO DEAL ON REDISTRICTING**

Secretary of State Jocelyn Benson has filed a brief in the League of Women of Michigan redistricting lawsuit. The move opens the door for her to cut a deal to have legislative districts redrawn for 2020.

In filing the brief, Secretary Benson argued the court “has found significant evidence of partisan gerrymandering.”

The Michigan Republican Party (MRP) believes her effort to pursue a “secret consent agreement” in the federal lawsuit is a “complete power grab by the Democratic Party.”

Prior to her action, lawmakers filed an emergency motion asking the federal court to place on hold a February 5 trial on a lawsuit alleging the state’s voting districts are unconstitutionally gerrymandered pending final decision from the U.S. Supreme Court on two similar cases.

### **AUDITOR GENERAL APPOINTED TO OVERSEE FLINT WATER CASES**

Attorney General Dana Nessel has picked Fadwa Hammoud as Solicitor General and tapped her to oversee the Attorney General’s criminal prosecutions in the Flint water crisis. Special prosecutor Todd Flood will continue in that capacity and report to Ms. Hammoud.

An Attorney General spokesperson said the decision does not change a prior decision by Attorney General Nessel to ask Wayne County Prosecutor Kim Worthy to review the Flint water-related cases and if Ms. Worthy accepts the request to prosecute cases she also would report to Ms. Hammoud.

### **GOVERNOR WHITMER WANTS LEGAL OPINION ON NEW MSCA LAW**

Governor Gretchen Whitmer has turned to Attorney General Dana Nessel for an opinion on whether the recent law creating the Mackinac Straits Corridor Authority (MSCA) is constitutional.

The law (Public Act 359 of 2018) helps pave the way for a deal between the state and Enbridge to construct an underground tunnel intended to house a replacement for the controversial Line 5 once it is built, which Enbridge says will take five years.

Attorney General Nessel says she is eager to tackle the request and called it her “top priority for her office.”

### **TOP PRIORITIES OTHER THAN NO-FAULT REFORM**

*Civil Asset Forfeiture Reform:* Republican House Speaker Lee Chatfield and Democratic Attorney General Dana Nessel have joined together to push legislation (HB 4001 and 4002) to reign in law enforcement officials in cases of civil asset forfeiture. Speaker Chatfield invited Attorney General Nessel to the House floor following opening day for a news conference to unveil the bipartisan legislation.

The legislation would require a criminal conviction before law enforcement agencies could sell or use the property seized based on probable cause.

*Tax Credits:* For Senate Democrats, Senate Minority Leader Jim Ananich (D-Flint) called for establishing a child care credit for working families with young children and creating a tax credit claw back that would make businesses that leave Michigan pay back incentive dollars they were awarded to come to or stay in Michigan.

Two other “foremost priorities” according to Senator Ananich are restoring former regulations for citizens to place an initiative on the ballot and re-establish the water resources commission to add accountability and oversight to water safety in the state.

## **GAMBLING EXPANSION LEGISLATION TO BE REINTRODUCED**

Gambling expansion legislation will quickly be reintroduced this session, according to Representative Brandt Iden (R-Oshtemo Twp.) and Senator Curtis Hertel, Jr. (D-East Lansing) who are the leads on the issue.

The legislation, which would allow online gaming and horse race betting by cellphone as well as fantasy sports gambling and new charitable gaming regulations, fell victim to former Governor Rick Snyder's veto pen. Former Governor Snyder reportedly wasn't warm to expanded gambling options.

Representative Iden said legalizing fantasy sports contests will be set for immediate re-introduction but he won't be loosening regulations on charitable gaming in the re-introduced bills.

## **FORMER OBAMA APPOINTEE TO HEAD DHHS**

Governor Gretchen Whitmer is bringing in Robert Gordon, a former President Barak Obama appointee, to direct the Michigan Department of Health and Human Services (DHHS).

Mr. Gordon currently serves as Senior Vice President of Finance and Global Strategy for The College Board, which is the organization behind the SAT test.

He becomes the permanent replacement for Nick Lyon, who was picked by former Governor Rick Snyder. Mr. Lyon is facing criminal charges in connection to the Flint water crisis investigation.

## **MSC PICKS McCORMACK AS CHIEF**

The 4-3 majority of Republican-nominated justices unanimously elected Democratic-nominated Justice Bridget McCormack to serve a two-year term as Chief Justice.

GOP Justice David Viviano will serve as Chief Justice Pro Tempore - a newly created post. He will focus on court technology and administrative reforms.

## **O'BRIEN IS NEW SECRETARY OF THE SENATE**

Former Senator Margaret O'Brien of Portage has been selected by Senate Majority Leader Mike Shirkey (R-Clarklake) as his choice to be the Secretary of the Senate.

Ms. O'Brien served one Senate term, two House terms, and eight years on the Portage City Council.

She was Assistant President Pro Tempore in the Senate and Associated Speaker Pro Tempore in the House.