

November 2019

## **LAWMAKERS ON BREAK, SUPPLEMENTAL BUDGET ON HOLD**

While lawmakers take their annual Thanksgiving/hunting break, the supplemental budget will remain unresolved.

What appeared to be an agreement about two weeks ago between Governor Gretchen Whitmer and House Speaker Lee Chatfield (R-Levering) that could end the ongoing \$1 billion supplemental budget stalemate, didn't last long.

Following a lengthy caucus, Senate Republicans rejected the idea and immediately adjourned.

The Whitmer-Chatfield agreement was an attempted compromise by which Governor Whitmer would agree to boilerplate language ostensibly preventing her from going to the Administrative Board and rearranging spending from the supplemental without her signing away some of her own gubernatorial budgetary powers contained in the Board.

A spokesperson for Senate Majority Leader Mike Shirkey (R-Clarklake) said Senator Shirkey "cannot rely upon the Governor making a promise. So for us to ensure that any future budget process can be relied upon, we have to have a change in statute."

When asked what she would say to those that won't have their funding renewed unless the Legislature passes a supplemental budget bill, or bills, the spokesperson responded, "...the Legislature funded their program and the Governor cut their program."

With the House and Senate not returning to session until December 3, the fiscal impact on groups depending on the dollars Governor Gretchen Whitmer vetoed when she signed the FY 2020 budget are beginning to seriously feel the pinch.

## **GOVERNOR WHITMER WILL VETO LEGISLATION OVERTURNING DEER BAITING BAN**

If legislation overturning the Natural Resources Commission (NRC) deer baiting ban reaches her desk, Governor Gretchen Whitmer's press secretary has confirmed the Governor will veto it.

On the day before the start of firearm deer hunting season, the House on a 57-49 vote passed legislation, HB 4687, that would allow hunters to drop five gallons of apples, carrots or any other deer bait during hunting season. The Senate then quickly passed the bill.

Governor Whitmer is concerned that deer baiting spreads disease like chronic wasting disease (CWD) within the wildlife population and cattle.

## **AGE OFFICIALLY RAISED TO '18'**

Under legislation recently signed into law by Governor Gretchen Whitmer, Michigan's 17-year olds would no longer be automatically charged and treated as adults for any criminal offense under the 18 "Raise the Age" bills.

The legislation is designed to keep most 17-year-old offenders out of the state's prison system, where they reportedly face sexual and physical abuse.

The new law now has the state helping pay counties to adjudicate 17-year-olds who run crossways with the law.

## **STATE SEEKS DIRECT APPEAL TO SUPREMES ON VAPING BAN DECISION**

The Attorney General's office has filed a brief asking the Michigan Supreme Court to instantly bypass the Michigan Court of Appeals (MCA) and vacate the Court of Claims (COC) preliminary injunction stopping Governor Gretchen Whitmer's ban on flavored vaping products.

"Our chief medical officer has found that the explosive increase in youth vaping that we've seen over the past few years is a public health emergency" Governor Whitmer said in a statement.

The AG's office also filed an emergency request to appeal the COC decision to the appeals court.

## **STATE TO APPEAL COURT RULING ON LINE 5 TUNNEL CONSTRUCTION**

Attorney General Dana Nessel said her office will appeal Court of Claims Judge Michael J. Kelly's ruling that the 2018 Public Act 359 doesn't contain "the required symptoms" necessary for the state law allowing Line 5 Tunnel construction to be considered unconstitutional.

Judge Kelley's ruling overturns Attorney General Nessel's March opinion that held the tunnel legislation violates the state constitution because its provisions go beyond the scope of what was disclosed in the title of the legislation.

Judge Kelly disagreed, saying the title accurately reflects its purpose and the state stresses "too narrow" of an interpretation of the relevant sections of the constitution;

## **HOUSE PASSES 10 GAMBLING BILLS**

The House passed a package of legislation that would legalize sports betting and internet gaming that comes after Governor Rick Snyder vetoed similar legislation late last year.

A bill that would have made changes to the Michigan Gaming Control Board was not acted on.

The measures have now moved to the Senate where Senate Majority Leader Mike Shirkey says he is "not opposed in general to the process" but added "I'll always have some reservations about subjecting people to the temptation gambling. But the fact of the matter is that it's going on now unregulated and I think it's an honest and reasonable thing to be talking about."

## **DEMOCRAT BILLS WOULD UNDO ALL ABORTION RESTRICTIONS IN THE STATE**

The Reproductive Health Act (RHA), a package of soon-to-be-introduced House Democrat-backed legislation, supported by Governor Gretchen Whitmer, would roll back all current restrictions on abortion in Michigan, including the statutory ban ruled inactive by the U.S. Supreme Court (SCOTUS) ruling in *Roe v. Wade*.

Should SCOTUS take up the issue of abortion again, Right To Life (RTL) has pointed out Michigan has a statutory ban on abortion that could go back into effect if *Roe* were struck down.

Advocates of the RHA package would undo “all” current restrictions on abortion, including a number of measures either signed into law or pushed by RTL through the citizens’ initiative process which would take a legislative supermajority to overturn.

## **WHITMER SIGNS SOLAR PANEL BILLS INTO LAW**

Governor Gretchen Whitmer has signed into law legislation, HBs 4465, 4069 and SB 47, that free up solar panels for property tax bills.

As a result business owners and homeowners installing solar panels on their roofs will no longer see an immediate property tax bump on their biannual bill.

It is hoped that smoothing out the local taxation system around on-site systems will give customers an incentive to put solar panels on their roofs.

## **PFAS RULES BEING PUSHED FORWARD, BUT...**

The Environmental Rules Review Committee (ERRC) created by the GOP Legislature has unanimously voted to allow Governor Gretchen Whitmer’s proposed PFAS drinking water standards to move forward, but still opted to retain some oversight over the process.

The rules will go to a public hearing, moving the process along, but the package will then return to the ERRC in a few months for another vote before it can move forward again to the Legislature.

## **ROAD WARRANTY BILL CLEARS SENATE COMMITTEE**

The Senate Transportation & Infrastructure Committee has unanimously sent the Senate floor legislation, SB 520, that would require state roads costing more than \$5 million and local road projects costing \$2 million or more first come with pavement warranties.

However, Transportation Committee Chair Senator Tom Barrett (R-Charlotte) said it might be difficult to link the number of road projects with warranties to the overall quality of a state’s roads.