

February 2019

LEGISLATURE REJECTS GOVERNOR'S E.O.

For the first time in 42 years the Michigan Legislature has rejected a Governor-issued executive order.

The Republican-led Legislature passed HCR 1, rejecting Governor Gretchen Whitmer's Executive Order 2019-2, which would have reorganized the Department of Environmental Quality (DEQ) and abolished three oversight panels created by the Legislature.

Republicans didn't have a problem with the reorganization but were concerned over her abolishing the three oversight panels.

In turning back the E.O., Senate Majority Leader Mike Shirkey (R-Clarklake) observed that Governor Whitmer co-sponsored HB 5685 in 2002 herself as a state Representative, that would have created an environmental oversight panel.

So now, the Governor will be talking with the Legislature about a department reorganization it can support, according to her press secretary.

GOVERNOR WHITMER CANCELS PLANS FOR DETENTION CENTER IN IONIA

The sale of a former state prison in Ionia for construction of a \$35 million private immigration detention center has been scrapped by Governor Gretchen Whitmer.

According to her spokeswoman, Governor Whitmer made the move because the Virginia-based company could not guarantee the facility "wouldn't be used to detain adults who had been separated from their children or other family members."

Rep. Thomas Albert (R-Lowell) said the center would bring 250 well-paying jobs to Ionia.

JUDGES REJECT BENSON'S PROPOSED GERRYMANDERING "DEAL"

A judge has denied an agreement reached between Secretary of State Jocelyn Benson and the League of Women Voters. The League of Women Voters brought a lawsuit against the Secretary of State prior to Secretary Benson's Administration over the Republican-drawn redistricted maps after the most recent census.

Writing on behalf of the three-judge panel, U.S. District Judge Eric Clay said Secretary Benson "lacks the authority to enter into the proposed consent decree" which would have seen 11 of Michigan's 110 House districts redrawn for the 2020 election.

Meanwhile, U.S. Supreme Court Justice Sonia Sotomayor has denied a request by GOP lawmakers to delay a trial scheduled on the lawsuit.

That trial has since concluded, but the judge has not yet issued a decision.

NESSEL WITHDRAWS STATE FROM FEDERAL CASES

Attorney General Dana Nessel is continuing her efforts to withdraw the state from federal cases. The latest are four cases involving civil rights and two involving transparency.

Attorney General Nessel has withdrawn the state from more than a dozen federal cases in recent weeks.

In late January, Attorney General Nessel announced she had pulled Michigan from federal cases dealing with abortions and the separation of church and state.

She has also moved to intervene in a federal lawsuit defending the Affordable Care Act (ACA), better known as Obamacare.

On another matter, Attorney General Nessel is expected to complete a requested opinion from Governor Gretchen Whitmer, on the legality of the underground Line 5 tunnel legislation (PA 359 of 2018) by March, according to her office.

“HANDS FREE” LEGISLATION IS INTRODUCED

Following up on Governor Gretchen Whitmer’s call in the State of the State address for “hands free” legislation Representative Mari Manoogian (D-Birmingham) has introduced HB 4181 to prohibit drivers from using a mobile electronic device while driving unless it is in a “voice-operated or hands-free mode” and the driver doesn’t have to use his or her hands to operate it. Making 9-1-1 calls are exempted.

Representative Triston Cole (R-Mancelona) and Representative Jason Sheppard (R-Temperance) have introduced HB 4198 and HB 4199 that make viewing or sending messages on a smartphone, tablet or computer illegal while driving a car. The legislation also bans being on a social media site while driving.

NO DECISION YET ON NO-FAULT INSURANCE LAWSUIT

Federal Judge George Steeh has made no decision on the state’s request to drop a case filed by Detroit Mayor Mike Duggan calling Michigan’s no-fault insurance law unconstitutional—but Judge Steeh did refer to the costs of auto insurance as a “shameful situation” near the end of the hearing two weeks ago.

Judge Steeh said he would take the state’s motion to dismiss “under advisement” but no other dates or actions were immediately announced.

Mayor Duggan filed suit last August citing unsuccessful attempts to enact change through the legislative process.

Testifying before the Senate Banking and Insurance Committee last week, Mayor Duggan said returning to a tort-based auto insurance system would be “the best thing in the world for Detroiters” and the court could make it happen.

DEMS PUSH POLLUTER PAY LEGISLATION

Two Ann Arbor Democratic legislators, Senator Jeff Irwin and Representative Yousef Rabhi, are pushing HB 4212 and SB 116 that would require state environmental regulators to force businesses to completely clean up their pollution as opposed to being given some room for negotiation.

Representative Rabhi described the legislation as a return to the old “Polluter Pay” law.

ROSS APPOINTED SENIOR ADVISOR FOR MICHIGAN PROSPERITY

Governor Gretchen Whitmer has tapped Doug Ross, a longtime education and economics policymaker as senior advisor for Michigan prosperity.

In that position Mr. Ross will be responsible for analyzing future business trends to ensure Michigan is prepared for the next generation of economic growth and will work with the Governor to improve workforce talent and educational attainment to meet the needs of businesses.

GOVERNOR WHITMER TAPS SCRIPPS FOR THE PUBLIC SERVICE COMMISSION

Dan Scripps has been appointed by Governor Gretchen Whitmer to the Michigan Public Service Commission (MPSC).

Mr. Scripps, of Northport, currently serves as the Midwest policy program director for Energy Foundation. He will succeed Rachael Eubanks who resigned for a term expiring July 2, 2023 following her appointment as State Treasurer.