



This Week in Lansing

MHSA • Muchmore Harrington Smalley & Associates, LLC

Highlights of the Latest Major Legislative, Administrative and Regulatory Activity in the State Capitol

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MAJORITY OF LOCAL TAX INCREASES PASS ON PRIMARY ELECTION DAY –

Following Tuesday’s primary election, 81 percent of property tax and fee increases were approved by voters with only 59 of the 900 proposals failing to roll through. Of the 95 measures proposed specifically public safety services including police, fire and emergency medical services, 91 percent received passing results. Library and road millages also seemed to be well received by residents, as 89 percent of the 37 proposed and 86 percent of the 29 offered were passed respectively. However, school millages throughout the state did not see as much success as the other proposals with only eight of the 13 bond proposals available passing. As mentioned last week, the biggest of those proposals was the \$105.9 million bond proposal for the *Port Huron School District*, which was included in the eight that saw passage. As for infrastructure funding, nine of the 12 sinking fund proposals were approved as well.

ENBRIDGE REQUIRED TO FIX LINE 5 VIOLATION WITHIN 90 DAYS – *Enbridge*

Energy received a letter from the state this week notifying the company it has 90 days to repair the piece of *Line 5* pipeline in violation of the portion of the *1953 easement*. The *easement* states that no part of the line can go unsupported for more than 75 feet, something the state claims the energy company knew they were in violation of. *Line 5*, which currently runs under the *Straits of Mackinac*, could be shut down if the repairs are not made within the 90-day window, causing the hundreds of thousands of barrels of light crude oil products flowing through the line daily to be cut off. According to the letter, *Enbridge* applied earlier this week for the authority to install another 19 spans in the 63-year-old pipeline so no more than 75 feet of the pipeline would be unsupported, meaning the line is currently in violation in at least four areas. Signed by *Attorney General Bill Schuette*, *Michigan Department of Natural Resources Director Keith Creagh* and *Michigan Department of Environmental Quality Director Heidi Grether*, the letter also asked the company to provide the state with the results of its 2016 inspection of the

pipeline, a description of the maintenance model used for the pipeline in the 2014 report (when the last underwater inspection occurred), and an explanation of why that model failed, all within two weeks.

Enbridge officials addressed the letter, which was released to the media by **Mr. Schuette**, saying the company was aware of the violations in June and applied for the permit then to correct them. Company officials also noted the cause of the violations as a combination of bottom movement and erosion in the straits which in turn moved the supports normally set only 50 feet apart to avoid easement violations. In a statement *Enbridge* commented on the inspection and action to repair the violation, saying, “In the four sections that are slightly longer than 75 feet, the safety or integrity of the Straits Crossing has never been compromised, which has been confirmed by engineering calculations showing that the allowable safe span length is 140-feet. We have contacted the state regarding the results of the inspection and our plans to restore the spans. At the same time, we will address another 15 spans before more erosion occurs as those sections have grown over the last two years and are nearing 75 feet.” The company also announced officials plan to be installing the supports later this month if the permit is approved.

MORE DEQ/DHHS OFFICIALS CHARGED IN FLINT WATER CRISIS – Announced Friday of last week by *Attorney General Bill Schuette’s* office, six more state officials have been charged for their suspected roles in the *Flint Water Crisis*. Three individuals from the *Michigan Department of Environmental Quality* and three from the *Michigan Department of Health and Human Services* have incurred 18 charges combined from the *Mr. Schuette’s* office, all regarding withholding information from the public about the poisoning of the water after the *City of Flint* switched its water source. Those recently charged include: *Nancy Peeler (DHHS)*, director of the *Program for Maternal, Infant and Early Childhood Home Visiting*; *Robert Scott (DHHS)*, data manager for *Health Homes and Lead Prevention Program*; *Corinne Miller (DHHS)*, former director of the *Bureau of Epidemiology and State Epidemiologist*; *Liana Shekter-Smith (DEQ)*, former chief of the *Office of Drinking Water and Municipal Assistance*; *Adam Rosenthal (DEQ)*, current employee and water quality analyst; and *Patrick Cook (DEQ)*, a current specialist for the *Community Drinking Water Unit*. The charges, according to a statement from *Mr. Schuette’s* office, stem from said officials from both departments allegedly suppressing information from the public as well as tampering with reports in regards to the water’s safety. The charges in this case, one of now three ongoing rounds of legal action regarding the *Flint* crisis, are as spread evenly, with each defendant facing at least three charges. **Ms. Shekter-Smith** is being charged with, one count of misconduct in office, one count of willful neglect of duty and one count of conspiracy; a felony punishable by five years in prison and/or \$10,000, a misdemeanor punishable by one year in prison and/or \$1,000 and a felony punishable by four years in prison and/or \$10,000 respectively. **Mr. Cook, Ms. Peeler, Mr. Scott** and **Ms. Miller** all face those same three charges. **Mr. Rosenthal**, who has also been charged with those three offenses, will also face a charge of tampering with evidence, a felony punishable by four years in prison and/or \$5,000. All six defendants were arraigned Wednesday of this week and released on personal recognizance bonds, with no further court dates scheduled as of yet.

Though this is the second round of state officials being charged, some activists claim the main issue not being addressed is that of the responsibility of *Governor Rick Snyder* and his staff. When asked why no charges have been brought to the *Governor, Mr. Schuette* stated that the two offices are in regular contact and will continue to cooperate so as not to compromise the investigation. Commenting on the state officials charges versus the possibility of *Governor Snyder* facing charges, *Mr. Schuette* told a reporter, “There are no targets in this investigation. We’re just taking this where the truth takes us.” *Mr. Schuette* also announced along with the charges that his office will remain monitoring and investigating the state’s role in the outbreak of *Legionnaire’s Disease* that began after the city switched its water source to the Flint River in April 2014.

RTA PLAN AGREEMENT REACHED – An agreement between *Oakland* and *Macomb County* officials and the *City of Detroit* was reached this week Tuesday regarding the recently discussed regional transit finance plan. The plan, as reported last week was voted down by the *Regional Transit Authority’s (RTA)* board of directors as it did not address concerns of *Oakland* and *Macomb County* leadership in regards to their residents and increasing taxes. This week however, both county executives said the agreement made Tuesday addressed those concerns. The agreement now awaits approval of the *RTA* board of directors once more, with a vote expected later this week. *Detroit City Mayor Mike Duggan* praised the work between the city and county officials and the agreement, saying the plan, “will bring not only independence and opportunity for people all over southeast Michigan, but it will allow us to compete with metropolitan areas across the country for development and investment.”

LEAD LEVELS CONTINUE TO DROP – According to a press release issued by *Governor Rick Snyder’s* office last Friday, results from the third round of the *Extended Sentinel Site* program in *Flint*, which tests homes more likely to contain high lead levels, are still showing those levels as decreasing. Homes qualified for the program include those with known lead service lines; those that had service lines replaced under the state paid for *Fast Start Program*; those whose galvanized services lines or those with copper were found to have high lead levels during the initial sentinel program; and those found in areas where higher levels of elevated blood lead levels were estimated. As noted in the press release, more than 93 percent of the 167 samples taken in the third round were at or below the lead action level (15 parts per billion), making it the third time data has met the lead action level under the federal *Lead and Copper Rule*.

PRIMARY UPDATE – Tuesday’s primary results have narrowed the field of those seeking elected office and as is typical in any election, provided a number of surprises with each party having to lick wounds after their “preferred” candidates lost. *House Democrats* must gain 9 seats to win majority in 2017. A couple of highlights include:

23rd District: *Darrin Camilleri* won a competitive *Democratic* primary and will face preferred *Republican* candidate *Robert Howey* in a seat, that at least on paper, should be a gain for *Democrats*. The seat currently held by *Representative Patrick Sommerville* (R-New Boston) will poise *Mr. Camilleri*, a teacher, against *Trenton City Councilmember, Mr. Howey*.

30th District: *Republican Diana Farrington*, who is seeking to replace her husband, current *Representative Jeff Farrington* (R-Utica), narrowly escaped a loss to secure the nomination, but will face a formidable challenge from *Democrat, Michael Notte*, son of the late longtime *Sterling Heights Mayor*. *Democrats* already felt confident about the *30th District* and with *Ms. Farrington's* close race, must feel even stronger about their chances of flipping the seat.

99th District: *Democrat Bryan Mielke* won an uncontested primary on Tuesday and will continue to run essentially as he has been since 2014, when he lost a close race to current *House Speaker Kevin Cotter* (R-Mt. Pleasant). *Mr. Mielke* will take on *Republican Roger Hauck*, a *Union Township* trustee. Both parties have their eyes set on this seat.

106th District: *Democrat Erin Kieliszewski* lost her primary to *Robert Kennedy* which flipped the script on *House Democratic Leadership* who had heavily backed *Ms. Kieliszewski*. With *Mr. Kennedy's* win, the hotly contested *106th District*, currently represented by *Representative Peter Pettalia* (R-Presque Isle), becomes less of a threat for *Republicans* to lose, who saw *Cheboygan County Commissioner Sue Allor* clinch the *Republican* primary. The seat still remains competitive however.

108th District: *Dickinson County Sheriff Scott Ceello*, a highly touted *Democratic* recruit won his primary and will be facing *Beau LaFave* of *Iron Mountain*. *Mr. LaFave* was not the *Republicans'* preferred candidate and is a complete unknown. Pundits will continue to monitor this race, if not fervently, definitely with curiosity.

On the federal front, sitting state *Senators Tom Casperson* (R-Escanaba) and *Phil Pavlov* (R-Saint Clair) lost their *Congressional* primaries in the *1st and 10th Districts* respectively to “political outsiders” *Lt. Gen. Jack Bergman* and businessman *Paul Mitchell*. Current *Representative Anthony Forlini* (R-Harrison Twp.) also lost to *Mr. Mitchell*. Many will remember *Mr. Mitchell* after he lost a highly contentious and exceptionally expensive primary to *Congressman John Moolenaar* in 2014, in the *4th District*. Tuesday’s results further solidify the attention the *1st District* will garner from both parties as *Mr. Bergman* takes on *Democrat Lon Johnson* and *Libertarian Diane Bostow*. The *1st District* has been a hotly contested seat coveted by both parties since flipping from *Democratic* to *Republican* control in January 2011. Although *Mr. Mitchell* will take on former state *House Representative Frank Accavitti Jr.* (D) and *Lisa Lane Gioia* (L) in the general, the seat favors *Republicans*.

ODDS & ENDS – Announced Friday, the *U.S. Department of Transportation* will provide \$20 million to the *City of Flint* to go towards its roughly \$40.4 million infrastructure repair project...the *Detroit North American International Auto Show (NAIAS)*, held this year at *Cobo Hall*, generates more media than those shows held in *New York, Chicago* and *Los Angeles*, according to a study done by *Prime Research*...*Michigan Department of Transportation Director Kirk Steudle* said in a statement Monday that the *Department* will be a part of a coalition this fall that plans to launch a study into the possibility of restoring passenger rail service between *Traverse City* and *Ann Arbor*...a paper released by the *Senate Fiscal Agency* on Monday of this week stated that federal legislation soon to be signed by *President Obama* dealing with the issue of *GMO* food labeling should have little to no effect on Michigan's policy as the state's legislature has not addressed the issue heavily...federal judge *Gordon Quist* ruled Monday that the three whistleblower-related charges against the *Michigan State House* will be allowed, as brought by former staffers for former *Representatives Todd Courser* and *Cindy Gamrat*...as reported by the *Auditor General*, the first \$29.3 million in state money has been paid to and used appropriately by the *City of Flint* to assist in the issues following the *Flint Water Crisis*...Former *Ingham County Prosecutor Stuart Dunnings III* pleaded guilty on Tuesday of this week to a misdemeanor charge of engaging the services of a prostitute and a felony charge of misconduct in office after an agreement was made between the defendant and *Attorney Bill Schuette's* office for all of the other charges to be dropped in exchange for the aforementioned guilty pleas...based on a survey done by *WalletHub*, Michigan ranks 34th in the country in regards to quality of school districts...according to *Michigan Department of Corrections Director Heidi Washington*, state prison inmates enrolled in *Jackson College* through the state's *Pathways from Prison* program average a 3.67 grade point average and 81 percent of those in the program are on the *Dean's List*...*Governor Rick Snyder* met with *Ontario Premier Kathleen Wynne* on Wednesday of this week in *Traverse City* to sign a *Memorandum of Understanding* that will enhance collaboration between both jurisdictions to promote and encourage innovations and regional competitiveness within the auto industry...*Republican Presidential Candidate Donald Trump* is set to speak to members of the *Detroit Economic Club* this coming Monday at the *Detroit Marriott Renaissance Center*...19 percent of Michigan voters cast ballots in Tuesday's primary election, one of the highest turnouts during a presidential election cycle primary the state has seen in the past 40 years...state officials held a press conference Wednesday of this week to outline the plan for the state to take over responsibility for *Flint* assistance as *President Obama's* emergency declaration for the city is set to expire on August 14...in *Opinion No. 7291* announced Wednesday, *Attorney General Bill Schuette* said individuals soliciting for charitable organizations cannot do so if the donation seeking process blocks traffic.

PLEASE NOTE: The offices of *MHSA* will be closed Friday, August 5th due to ongoing office renovations. We will reopen for normal business hours on Monday, August 8th. We apologize for any inconvenience this may cause. Please contact members of the *MHSA* team via email or cell phone should questions or issues arise. We appreciate your patience through this transition period.

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