



This Week in Lansing

MHSA • Muchmore Harrington Smalley & Associates, LLC

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

Volume XXIX – Issue 44

November 10, 2017

CPL CARRIERS ALLOWED IN SCHOOLS/CHURCHES/BARS – Members of the *Senate* passed legislation on Wednesday that would allow adults in Michigan holding concealed pistol licenses (*CPLs*) to carry their weapon in gun-free zones such as houses of worship, schools and establishments that sell alcohol. The bills, *Senate Bills 584-586*, passed mostly on party lines with the *Democrats* gaining an additional vote in opposition from *Republican Senator Marty Knollenberg* (R-Troy). The legislation calls for those wishing to carry in “gun-free zones” to receive 16 hours of firearms training (the current requirement is 8), something those in opposition noted as “woefully inadequate”.

The bills also add schools and any other public body to the list of entities banned from regulating firearms, including cities, counties, townships and villages. Multiple amendments were adopted in response to criticism, including a ban on airport authorities from allowing the open carrying of firearms on site until reaching security and to instead allow for concealed carry of firearms until reaching security. Addressing concerns for schools in the state, an amendment adopted allows schools to prohibit staff from carrying concealed weapons and for charter schools to be considered public schools under the regulations outlined.

Those in support of the legislation claim the bills will offer more protection for locations with larger gatherings of people and allow law abiding citizens to serve as a deterrent for those who are seeking to cause harm. Those in opposition, however, note the bills will allow for more violence, accidental or intentional, with little to no solution or repercussions outlined should such violence occur under the proposed laws. *Governor Rick Snyder* vetoed similar legislation in 2012 and was quoted late this week saying that he did not see many meaningful changes from that bill in 2012 compared to the one that passed the *Senate* this week.

SENATE PASSES BALLAST WATER BILL – Legislation ending the state’s current ballast water discharge standards and replacing them with those used by the *U.S. Coast Guard* passed the *Senate Natural Resources Committee* on a 4-1 party line vote on Wednesday, with those in support stating it will expand Michigan’s export presence. The bill then quickly passed the full *Senate* on a 25-11 vote on Thursday, though *Senate* members noted more work was needed in regard to the lack of support from the *Michigan Department of Environmental Quality (DEQ)*.

As sponsored by *House Majority Floor Leader Dan Lauwers*, *House Bill 5095* proposes the switch of the current standard in order to make regulatory programs in Michigan more cohesive. The bill also states that Michigan would be required to stay at the current standard should the *Coast Guard* lessen its standards on ballast water discharge. *Mr. Lauwers* noted that no other state or *Canadian* province uses such stringent standards as those used in Michigan, causing the state to lose out on export opportunities.

Those in opposition to the bill claim it could take too long to implement the *Coast Guard* standards and would therefore allow invasive species into the *Great Lakes* more easily.

NATURAL RESOURCES TRUST FUND: LEGISLATURE HAS NO SAY – In a recently released opinion, *Attorney General Bill Schuette* stated that the *Legislature* can accept or reject recommendations of the *Natural Resources Trust Fund Board*, but it cannot designate its own projects or direct the *Board* on its project decisions. *Mr. Schuette* also noted that though the *Board* has the ability to choose not to spend all available funds in one given year, it cannot allow said funds to accumulate indefinitely.

In *Opinion No. 7299*, *Mr. Schuette* responded to questions posed by *Michigan Department of Natural Resources (DNR) Director Keith Creagh* and *Senator Darwin Booher* (R-Ewart) and stated the *Constitution* provides the *Board* with sole authority over the use of the *Natural Resources Trust Fund (NRTF)*. The *Constitution* outlines the creation of a permanent fund without oversight of the *Legislature*, including a cap of how much the *Board* can spend per year and what category of projects it can fund.

For development projects, the *Board* is given a 25 percent cap of its available funds, and the *NRTF* is not to exceed \$500 million (however, excess funds are allowed if said excess is due to interest, earnings or other amounts authorized for expenditure). In the opinion, *Mr. Schuette* also noted that because the *NRTF* hit that amount in 2011, all oil and gas lease revenue goes instead to the *State Parks Endowment Fund*; monies the *NRTF* would not see returned to it if approved projects cut into the principle amount.

ELECTIONS

- *Representative Andy Schor* (D-Lansing) won his bid for *Lansing Mayor* on Tuesday, the city's first new mayor in 12 years. *Mr. Schor* will remain in his *House* seat until December 31.
- *Democrat Sara Cambensy* will represent *House District 109* which was open because of the tragic loss of the late *Representative John Kivela*
- *Tanesha Yancey* won the state's *1st House District* on Tuesday, bringing the *House Democratic* caucus back to 47 members.
- *Detroit Mayor Mike Duggan* has been re-elected to serve the *City of Detroit* as its *Mayor*
- According to a recent review of the ballots for municipal elections placed before voters on Tuesday, it was found that roughly 11 percent had positions open but no candidate listed
- Voters around the state faced roughly 40 bond proposals totaling \$1 billion combined in tax increases as well as 63 millage increases totaling \$83.5 million on Tuesday's ballots (73 percent of the proposals passed)
- *Flint Mayor Karen Weaver* received 53 percent of the vote in the election seeking to recall her from the position, allowing her to continue serving the *City of Flint*
- Former *Senator Virgil Smith* lost his bid for *Detroit City Council* to former *Detroit* police officer *Roy McAllister, Jr.* on a 58-39 percent vote
- *Representative Tim Kelly* (R-Saginaw) has lost the nomination for a position within the *U.S. Department of Education* allegedly due to controversial posts on his personal blog
- *Wayne County Commission Chair Gary Woronchak* has filed a campaign to run for the *3rd Senate District* next year as a *Democrat*, with the seat currently held by term-limited *Senator Morris Hood III* (D-Detroit)

ODDS & ENDS

- The group seeking to repeal the state's *Prevailing Wage Law*, *Protect Michigan Taxpayers*,

announced late last week it has submitted more than 380,000 signatures to put the proposal before the *Legislature*

- The *Michigan Department of Environmental Quality (DEQ)* announced applications for \$500,000 in grants for assistance with curbside recycling efforts for local governments are due March 9
- The *Michigan Department of Environmental Quality (DEQ)* asked the *U.S. District Court* to order *Flint Mayor Karen Weaver* to execute the agreement for the *City of Flint* to continue having its water supplied by the *Great Lakes Water Authority*
- Sponsored by *Representative Thomas Albert* (R-Lowell), *House Bill 5071* calls for the requirement of colleges and universities in Michigan to inform their students annually (electronically or in print) of how much in federal loans they have taken and what a likely monthly payment for those loans will be
- 353 entries from residents in 27 Michigan counties outlining ideas on ways to end the threat of invasive carp were submitted to the *State of Michigan*, according to the *Michigan Department of Natural Resources (DNR)*
- Former *Senator Jason Allen* has been named as the new *State Director for Rural Development* within the *U.S. Department of Agriculture* for Michigan, despite many expecting *Senator Mike Green* (R-Mayville) to take the position
- The *Michigan Court of Claims* held recently the state's *Indigent Defense Commission Act* does not violate the constitutional provision of separation of powers nor does it subject judicial authority to administrative rule making. *Oakland County* announced Wednesday it will file an appeal on the decision before *Thanksgiving*
- *Governor Rick Snyder* signed *Senate Bill 98* into law on Monday, allowing five new promise zones where local leaders can fund tuition payment plans for high school graduates, targeting *Flint* specifically
- Former *Representative Joel Johnson* has been named as the new *State Director for Farm Service Agency* within the *U.S. Department of Agriculture* for Michigan
- The *6th U.S. Circuit Court of Appeals* ruled on Tuesday that Michigan's current requirement for parents to receive information on vaccines from local public health officials before obtaining a waiver for their children to not be vaccinated but attend public school does not violate the *U.S. Constitution's* establishment clause nor its prohibition of blocking free exercise of worship
- Speaking to the *Mental Health Diversion Council* on Tuesday, *Governor Rick Snyder* noted the state needs to take more steps to assist those with mental illnesses and to improve conditions for those affected
- *House Bill 4207*, as sponsored by *Representative Andy Schor* (D-Lansing), would allocate 5 percent of already appropriated community revitalization monies within the *Michigan Strategic Fund* toward incentivizing the development of grocery stores in Michigan's urban areas. The program would also see a five-year sunset and the new store would have to be one mile (at least) away from an existing store
- Public school employees in the state who choose to switch from a pension to a *401(k)-style* plan are still eligible for the additional 3 percent state contribution under *House Bill 5093* as passed by the *House* on Tuesday via a 106-1 vote
- *House* members unanimously passed *House Bills 5165-5172* which address major issues within the state's *Unemployment Insurance Agency (UIA)*
- *Michigan Supreme Court Justice Joan Larsen* officially resigned on Wednesday to take her oath of office as a judge of the *6th U.S. Circuit Court of Appeals*
- The final report on alternatives to the *Line 5* pipeline currently running under the *Straits of Mackinac* is due to be released to the public on November 20 according to a joint announcement from the *Michigan Departments of Environmental Quality (DEQ)* and *Natural Resources (DNR)* and the *Michigan Agency for Energy*
- *House Bills 4547* and *4548* were signed into law on Wednesday, extending the sunset for the 0.08

blood alcohol content (BAC) limit requirement for certain alcohol-related offenses and certain alcohol-related driving violations

- **House Bills 5075 and 5076** saw discussion on Thursday from members of the **House Families, Children and Seniors Committee**, with the bills outlining end of life care regulations for hospitals and physicians
- **Senate Bill 400** was reported out of the **Senate Energy and Technology Committee** on an 8-0 vote, with the bill calling for an increase in 911 call fees
- **Ashley Van Ek-Ten Brink** has been named as the new executive director for the **Michigan Economic Development Foundation**
- The **Michigan Supreme Court** ruled on Thursday that a general description of symptoms in layman's terms is all that is required when filing a claim for auto-related injuries
- **Governor Rick Snyder** approved **SB 253 (PA 258 of 2017)** recently, with the supplemental totaling roughly \$50 million in additional spending
- Of the leaders of state agencies in Michigan, **CEO of the Michigan Economic Development Corporation (MEDC) Jeff Mason** is paid the highest amount, totaling \$240,000 according to a recent review of state workers' salaries
- Under **House Bills 5217-5219**, as discussed in the **House Insurance Committee** on Thursday, non-emergency patients could turn down an air ambulance ride to a hospital if they ask for a regular ambulance after having been told how much the flight would cost
- **U.S. Representative Peter Hoekstra's** appointment as ambassador to the **Netherlands** was confirmed by the **U.S. Senate** on Thursday

PLEASE NOTE: The **Michigan Legislature** began its traditional two-week hunting and **Thanksgiving** recess this week and will return to session on Tuesday, November 28, 2017.

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