



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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SUPPLEMENTAL BILLS BRING BACK VETOED LINE ITEMS – Members of the *Senate Appropriations Committee* reported *Senate Bills 133* and *253* on Wednesday, each with an *S-1 Substitute* that would restore several funding items *Governor Rick Snyder* vetoed for the *Fiscal Years (FY) 2016-17* and *2017-2018*. The substitutes were unanimously approved by members, and both bills also saw some alterations in boilerplate language.

For *Senate Bill 133* (the *School Aid Supplemental* for *FY 2016-17*), as sponsored by *Committee Chair Senator Dave Hildenbrand* (R-Lowell), \$1 million in online mathematics funding and \$250,000 for digital assessment preparation were restored after having been vetoed by *Governor Rick Snyder* in the *FY 2017-18 School Aid* budget. The bill will also increase funding for information technology certifications to \$2.3 million (from the original \$1 million) and for career and technical education equipment to \$12.5 million (from the original \$9.6 million).

Senate Bill 253 (the supplemental budget for *FY 2017-18*) also saw the restoration of multiple funds that were vetoed, totaling \$2.4 million in *FY 2017-18*. Additional spending of \$1.75 million was also placed into the bill including: \$1 million for the *Michigan Department of Environmental Quality's (DEQ)* vapor intrusion program; \$750,000 for the statewide expansion of the *Double Up* food funding program via the *Michigan Department of Health and Human Services (DHHS)*; a \$100 construction authorization for *Western Michigan University's School of Aviation* renovation project; \$300,000 for the *TEAM Cares Primary Care and Dental Clinic*; and \$2.3 million in additional federal and local funds for the *Michigan Department of Military and Veterans Affairs* in the *2016-17* budget. Both bills are now headed to the full *Senate* for a vote.

DENTAL THERAPY BILL QUICKLY MOVES TO SENATE FOR VOTE –A bill that would authorize the creation of a new midlevel dental provider in Michigan was passed by members of the *Senate Health Policy Committee* on Wednesday on a 6-3-1 vote. The bill sparked a spirited discussion.

Senate Bill 541, sponsored by *Senator Mike Shirkey* (R-Clarklake), would permit dental therapists to perform routine dental procedures (i.e. filling cavities) in order to expand access to dental care throughout the state. The bill also establishes the qualifications a dental therapist must have in order to obtain licensure, including “education, examination, and completion of a supervised clinical practice requirement.”

Mr. Shirkey noted that 77 of the 83 counties in Michigan have at least one area where a shortage of dental care access is prevalent, especially for children, the uninsured and the elderly. Dental therapists would work under the supervision of a dentist and marry both preventative and basic restorative care in

their skill set. There are practice settings established in the bill as well as a focus on prioritizing access to oral health care for the uninsured or those on *Medicaid*. The bill was sent to the *Senate* floor for future consideration.

RESTRUCTURING OF MPSC TO BE PROPOSED BY END OF 2017 – *Representative Gary Glenn* (R-Midland) announced Tuesday his plan to introduce legislation this fall that will bring reforms to the *Michigan Public Service Commission (MPSC)*, including how members are appointed. *Mr. Glenn* noted that changes would also include increasing the number of members appointed from three to five; an outline of the qualifications needed to serve on the *Commission*; and the overall makeup of the *Commission*.

As *Chair* of the *House Energy Policy Committee*, *Mr. Glenn* noted he and his staff have studied how 18 other states regulate their utilities and have found that Michigan could make improvements. Currently, the *Commission* is appointed by the *Governor*, but there are no requirements as to who can and cannot be appointed (other than not being allowed to have two or more of the same political party), something *Mr. Glenn* stated does not allow for full representation of the industry or those affected by the *Commission's* decisions. Instead, he noted, the *MPSC* should include at least one “ratepayer” representative, one alternative electric supplier representative and any others with valued points of view. A conflict of interest provision would also be necessary.

Currently battling the *MPSC* over the probable approval of a local clearing requirement, *Mr. Glenn* has also promised legislation will come to overturn said requirement. Insisting the *MPSC* has acted against legislative intent in considering approving the requirement but forgoing any determination of how it would work, *Mr. Glenn* stated all options remain under consideration as to how prevention of such approval could be accomplished. The local clearing requirement in question calls for a mandate requiring choice energy customers to purchase all of their electricity from Michigan, meaning any out-of-state energy producer would have to buy its energy from in-state generation.

The contention of those opposed to the rule lies in the fact that recently enacted energy choice laws call for the allowance of a portion of Michigan’s energy consumers to purchase electricity from sources other than incumbent energy producers, therefore the new rule would limit energy choice for Michigan customers. The language of the clearing requirement was deliberately left out of the energy reform legislation as passed in December of last year in order to reach compromise, something that brought most of the supporting legislators on board with passage.

MPSC Chairman Sally Talberg has argued against *Mr. Glenn's* claims, noting that the requirement is still in the legislation and the issue is one of reliability in the electric system. If implemented, the rule would be enforced beginning in 2022, giving *Mr. Glenn's* proposed changes time to be considered and possibly passed and enacted.

ELECTIONS

- *Senator Tonya Schuitmaker* (R-Lawton) announced on Tuesday she will run for *Attorney General* in 2018
- *Representative Winnie Brinks* (D-Grand Rapids) has filed paperwork to run for the *29th Senate District* seat in 2018, with the seat currently held by term-limited *Senator Dave Hildenbrand* (R-Lowell)
- *Democrat Nicole Bedi* announced last week she will run for the *40th House District* next year, currently held by term-limited *Representative Michael McCready* (R-Bloomfield Hills)
- *Lena Epstein*, a *Republican* who announced her bid for the *U.S. Senate District* seat in 2018, has

now switched her campaign to run for *U.S. House District 11*, following *U.S. Representative David Trott's* (R-Birmingham) announcement that he will not seek re-election

- *Republican Mike Banerian* announced his campaign for the *40th House District*, with the seat currently held by term-limited *Representative Michael McCready* (R-Bloomfield Hills)
- Former *Republican Representative Rocky Raczkowski* and current *Representative Klint Kesto* (R-Commerce Twp) announced they will both be running for the *11th U.S. House District* seat in 2018
- *Scott Czasak*, current legislative director for *Representative Peter Lucido* (R-Shelby Twp), announced his campaign for *House District 36 (Mr. Lucido's seat)* with the current *Representative* not seeking re-election as he plans to run for the *8th Senate District* seat
- *Democratic Bay County Clerk Cynthia Luczak* has announced her campaign for the *31st Senate District* seat next year, with the seat currently held by term-limited *Senator Mike Green* (R-Mayville)
- *Republican U.S. Army Captain John James* announced his campaign for *U.S. Senate* on Thursday
- *Representative Henry Yanez* (D-Sterling Heights) announced he will run for the *10th Senate District* in 2018, with the seat currently held by term-limited *Senator Tory Rocca* (R-Sterling Heights)
- *Senate Majority Floor Leader Mike Kowall* (R-White Lake) announced on Thursday the withdrawal of his bid for the 2018 *Secretary of State* race
- According to a poll released by *Marketing Resource Group (MRG)* on Thursday, *Republican* candidate and current *Attorney General Bill Schuette* leads other *GOP* gubernatorial candidates with 33 percent of voters on his side, while *Democratic* candidate and former *Senate Minority Leader Gretchen Whitmer* leads her *Democratic* opponents with 27 percent of voters saying they would vote for her

ODDS & ENDS

- In an order issued late last week, the *Michigan Public Service Commission (MPSC)* announced a formal hearing process will be conducted over the next few months to determine the methodology and enactment of a local energy clearing requirement beginning in 2022
- *Marc Edwards* of *Virginia Tech*, the scientist who played a large role in identifying high lead levels in *Flint's* water, announced last week the *Flint Water Crisis* is over as "water quality parameters" are "back in the range considered normal for other cities with lead pipes."
- *Health Alliance Plan (HAP)* announced it will no longer participate in the individual market insurance exchange under the federal *Patient Protection and Affordable Care Act* as originally announced
- Current *Attorney General* and 2018 *Republican* gubernatorial candidate *Bill Schuette* announced he has joined 40 other state attorneys general in an investigation of credit agency *Equifax* and its recent security breach where 143 million people's private financial and identification data was exposed
- In opposition to a rule recently imposed by the *Michigan Department of Health and Human Services (DHHS)* which calls for the requirement of firearms in foster homes to be stored in locked safes with trigger locks on, *Representative Holly Hughes* (R-White River Twp) has introduced *House Bill 4955* which would clarify an agency should not consider the legal possession of a firearm or possession of a concealed pistol license when placing children in a foster care or adoptive home
- Michigan is currently tied at 18th in the country for lowest unemployment rate, according to the *U.S. Bureau of Labor Statistics*, reporting a 3.9 percent rate for August of this year
- *Michigan Republican Party Chairman Ron Weiser* announced last week *U.S. House Majority Leader Kevin McCarthy* (R-California) will be in attendance and is set to speak at this weekend's *Mackinac Republican Leadership Conference*

- Members of the *House Health Policy Committee* unanimously passed *Senate Bill 352* on Wednesday of last week, with the bill calling for a change in the frequency of which coaches, school personnel and parents receive information and training on “concussion awareness” to once every three years
- According to a new study conducted by the *Mackinac Center for Public Policy*, 80 percent of parents in Michigan who use school choice are happy with the results and rate their child’s school an A or B
- A group of roughly 20 university faculty from around the state will conduct a risk assessment of the *Line 5 Pipeline* currently running under the *Straits of Mackinac*, per the recommendation of the *Pipeline Safety Advisory Board*
- *Chris Priest, Deputy Director* for the *Medical Services Administration* in the *Michigan Department of Health and Human Services (DHHS)* sent a letter to health care providers in *Oakland, Macomb, Wayne* and *St. Clair Counties* recently warning them of an outbreak of *Hepatitis A* in southeast Michigan
- *Director* of the *Michigan Department of Agriculture and Rural Development (MDARD)*, *Jamie Clover Adams*, has been elected as the second vice president for the *National Association of State Departments of Agriculture (NASDA)*
- Following their meeting at the *Capitol* on Tuesday, *House Speaker Tom Leonard* (R-DeWitt Twp) and *Detroit Mayor Mike Duggan* said a plan to reduce auto insurance rates in the state will “be available soon”
- *Senate Education Committee* members sent *Senate Bills 544-549* to the full *Senate* on a 4-1 vote on Tuesday, with the package calling for the expansion of the *Michigan Education Savings Program*
- *Michigan One Fair Wage*, the group calling for the minimum wage to be increased to \$12 an hour, saw its petition ballot language approved on Tuesday and can now begin collecting signatures for 2018
- *Representative Steven Johnson* (R-Wayland) presented his bill, *House Bill 4663*, to members of the *House Transportation and Infrastructure Committee* on Tuesday, noting the bill calls for the allowance of an option to register a car every two years instead of every one year as currently required
- The *Michigan Grocers Association* has announced it will become a division of the *Michigan Retailers Association* beginning January 1, 2018
- *House Sergeant* and former *Lansing Police Department* detective *John Hersman* passed away last weekend
- According to the *Senate Fiscal Agency*, revenue collections for both the *General* and *School Aid Funds* for August were above *May Consensus Revenue Estimate* projections, reporting excesses of \$13.7 million and \$4.2 million respectively
- Members of the *House Appropriations Committee* removed \$5.25 million from a legislative budget transfer with the *Michigan Department of Corrections (MDOC)* for updates to its software systems, with legislators requesting clarification of costs for the project
- As introduced, *House Bills 4999* and *Senate Bill 583*, sponsored by *Representative Rob VerHeulen* (R-Walker) and *Senator Peter MacGregor* (R-Rockford) respectively, pre-empt local governments from imposing an excise tax on the production, distribution and sale of food
- *Senator Tom Casperson* (R-Escanaba) introduced *Senate Bill 523* recently, with the legislation calling for monies from the *Convention Facility Development Fund* (created to assist in renovating *Cobo Hall* in Detroit) to be moved to a new *Northern Michigan Regional Tourism and Sports Fund*
- *Senate* members passed *Senate Bill 551* on a 27-8 vote on Wednesday, with the bill calling for the *Governor*, the *State Treasurer*, the *Senate Majority Leader* and the *House Speaker* to be directly involved in determining the list of projects recommended to receive funding by the *Michigan*

Natural Resources Trust Fund (MNRTF)

- The ***Michigan Education Association (MEA)*** has lost 23 percent of its teachers and support staff between 2012 and 2016, since the ***Right to Work*** laws have been implemented, according to the ***U.S. Bureau of Labor Statistics***
- The ***Michigan Department of Licensing and Regulatory Affairs (LARA)*** announced via a bulletin advisory post that a person or persons wishing to grow, process and sell marijuana will be able to do so in one location under the state's medical marijuana facilities law
- During the ***State of Michigan's*** annual ***Reinventing Performance in Michigan*** awards, multiple state agencies were acknowledged, including the ***Prescription Drug and Opioid Abuse Task Force***; the ***Michigan Department of Health and Human Services (DHHS)***; the ***Michigan Department of Technology, Management and Budget (DTMB)*** and the ***Michigan Department of Treasury***
- ***Governor Rick Snyder*** appointed ***Satish Upda*** of ***Okemos*** to the ***Council on Future Mobility*** on Thursday, filling the void left by the resignation of ***Steve Arwood***
- The ***Michigan Department of Technology, Management and Budget (DTMB)*** reported all but one of the state's labor markets saw unemployment numbers fall in August of this year, but 16 of the 17 also saw workforce numbers decline

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