



# 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 MMXXII – Issue 49

December 16, 2022

**MICHIGAN INDEPENDENT REDISTRICTING COMMISSION SUES LEGISLATURE** – The *Michigan Independent Citizens Redistricting Commission* filed a lawsuit against the *Legislature* this week in the *Michigan Court of Claims* alleging “the state has failed to fund the Commission.”

Specifically, the *Michigan Independent Citizens Redistricting Commission* stated that the *Legislature* failed to meet its constitutional duty to adequately fund the *Commission*. The *Legislature* did not fund the *Commission* in the current fiscal year budget but did allocate \$1.5 million in a supplemental appropriation. The *Commission* continues to face growing legal costs as there remains lawsuits filed against them and the maps they created.

The *Legislature* and *Commission* have experienced a somewhat contentious relationship since its formation. Many *Republican* members in the *Legislature* took issue mainly over the created maps, but also when the *Commission* approved raises for its members, even when they continued to collect paychecks after their work was completed. The Commission did ultimately reverse that decision and have made changes to their budget.

Neither *Governor Gretchen Whitmer* nor the *Republican-led Legislature* included an appropriation in their budget recommendations. In its complaint filed on Monday, the *Commission’s* attorneys said the *Commission* has been operating without a single dollar of appropriated funds, “in direct contravention of the Constitution of the State of Michigan.” The *Commission’s* current request is for more than \$3.1 million as a new appropriation.

**COURT OF APPEALS HEARS ARGUMENTS IN “ADOPT-AND-AMEND” CASE** – On Tuesday, the *Michigan Court of Appeals* entertained arguments by both parties in the ongoing lawsuit over the constitutionality of the 2018 *Legislature’s* adopt-and-amend strategy.

Earlier this year, *Court of Appeals Judge Douglas Shapiro* ruled that the adopt-and-amend strategy the *Republican-led Legislature* and *Governor Rick Snyder* used in 2018 was unconstitutional. In 2018, the *Legislature* adopted proposals that were set to appear on the November ballot. Following the election, the legislature amended and removed the majority of provisions within the proposals. The proposals would otherwise have appeared on the ballot and likely passed. Had the proposals been adopted and enshrined in the Michigan Constitution, making future changes would have proven extremely difficult. The two proposals dealt with raising the minimum wage and requiring paid sick leave.

Each group presented their arguments to *Judge Shapiro*. The state is appealing *Judge Shapiro’s* decision and sought a stay in the case, asking the appellate court halt enforcement of *Judge Shapiro’s* ruling

and oppose the immediate effect of the minimum wage and paid sick leave proposals. Meanwhile, the plaintiffs again argued that the move was unconstitutional and that the initiatives should go into effect soon.

The panel of judges on the *Court of Appeals* asked critical questions of both sides. It is anticipated that regardless of the *Court of Appeals* ruling an appeal will be made and this case will eventually go to the *Michigan Supreme Court*, should they accept to take it up.

**GOVERNOR WHITMER SIGNS BILLS** – This week *Governor Gretchen Whitmer* signed a number of bills into law.

*Governor Whitmer* stated in a press release that she signed four bills “that collectively will support the development of more affordable housing units in communities across Michigan.” *Senate Bills 362, 364, 422, and 432* establish attainable housing districts, provide certain tax exemptions for residential rehabilitation projects and expand incentives for neighborhood enterprise zones.

In total, *Governor Whitmer* signed 14 bills into law on Tuesday. The other ten bills signed into law include:

- *House Bills 4378 and 4379* – both bills ensure individuals who need whole-home generators for the continuous operation of medical equipment are not financially penalized by considering it normal maintenance under property tax laws.
- *House Bills 6039 and 6040* – both bills expand eligibility for dual enrollment options by allowing students in a fifth year of an early middle college program to participate in college athletics if they have used up their four years of high school eligibility.
- *House Bill 4416* – creates a new act, the *Discharge of Prohibited Restrictive Covenants Act*, which allows homeowners to record a form with their local register of deeds removing any outdated, discriminatory language in a property deed.
- *House Bill 6358* – this bill transfers two state-owned properties from the *Department of Corrections* to the *State Land Bank Authority*: Riverside Correctional Facility in Ionia County from *Department of Technology, Management and Budget (DTMB)* and the site of the former *Michigan State Police* laboratory in Kent County from the State Administration Board to Kent County.
- *House Bill 5248* – provides local municipalities the ability to raise money for police and fire through a special assessment by modifying the definition of “qualified city” in the *Police and Fire Protection Act* to be either a city with a population of less than 15,500 or a larger city with majority voter approval for the annual amount of the special assessment.
- *House Bill 6369* – this bill ensures Michigan’s on-demand automated vehicle laws remain consistent across local municipalities.
- *House Bill 6370* – exempts certain types of environmental deed restrictions, which are intended to protect public health and the environment, from automatically being removed from property titles after 40 years.
- *House Bill 6377* – modifies the distribution funding structure of the County Veteran Service Fund by setting in perpetuity the minimum level of county funding for veteran service operations that is required to qualify to receive funding from the grant program.

In addition to the bills signed, *Governor Whitmer* also told reporters this week that some of the bills passed during lame duck will likely be vetoed. Specifically, *Governor Whitmer* said, “if you’re not negotiating with the *Governor*, you’re probably not going to get a signature.”

**LEGISLATOR SPOTLIGHT: SPEAKER-ELECT JOE TATE** – As the *102<sup>nd</sup> Legislature* is poised to take office in January 2023, *MHSA* will be spotlighting the incoming leadership team. Our first profile is *Speaker-elect Joe Tate*.

In a historic vote, *Representative Tate* was elected by *House Democrats* to serve as *Speaker of the House* in the *102<sup>nd</sup> Legislature*. *Representative Tate* is the first Black man to serve the legislature in this capacity. Prior to his career in public service, *Representative Tate* attended Michigan State University where he played football and eventually served as captain his senior year. Following his collegiate football career, *Representative Tate* went onto play in the NFL for two years. After playing for the Jacksonville Jaguars, St. Louis Rams and Atlanta Falcons, *Representative Tate* left a career in athletics and commissioned as an Infantry Officer in the United States Marine Corps. *Representative Tate* deployed twice to Afghanistan, first as a Platoon Commander and then as a Company Executive Officer, where he oversaw the day-to-day operations of hundreds of Marines and Sailors.

*Representative Tate* was honorably discharged from the military and returned to Michigan to further his education. *Representative Tate* graduated with his Master of Business Administration (MBA) and Master of Science in Environmental Policy and Planning, both from the University of Michigan. *Representative Tate* worked as a program manager for the Detroit Economic Growth Corporation before running for office.

*Representative Tate* first ran for office in 2019. *Representative Tate* was challenged and won in every primary and general election in the 2018, 2020, and 2022 elections. In his second term, *Representative Tate* served as *Democratic Vice Chair* of the House Appropriations Committee and served as a member on the following Committees: General Government, Health and Human Services, and Military and Veterans Affairs and State Police. *Representative Tate* also served on the Licensing and Regulatory Affairs and Insurance and Financial Services Appropriations Subcommittee.

When asked what he is most looking forward to as being the next Speaker, *Representative Tate* told *MHSA*, “I am looking forward to working with my colleagues in the *House*, counterparts in the *Senate*, and the *Governor* on legislation that improves the quality of life of all Michigan residents.”

## **ELECTIONS**

- Recent *Republican* gubernatorial candidate *Tudor Dixon* announced she is not running for *Michigan Republican Party Chair*. *Ms. Dixon* told a reporter that she hopes to continue to help the *Michigan Republican Party* but will not do so as party chair.

## **ODDS AND ENDS**

- With the *Michigan Independent Citizens Redistricting Commission* creating new legislative maps, *MHSA* wanted to share the final maps and legislative districts for Congress, State Senate and State House. Click [here](#) and then click the map name to view an interactive map that will display the new districts.
- *Governor Gretchen Whitmer* announced during an end of year roundtable with reporters that she is examining issuing executive reorganization orders for state departments and agencies. Executive reorganization orders can be rejected by the *Legislature*, which is why *Governor Whitmer* is now considering options with *Democratic* majorities prepared to take over the *Senate* and *House*.
- *Governor Gretchen Whitmer* also announced during the end of year roundtable that expansion of the *Earned Income Tax Credit (EITC)* and repealing the tax on pensions are two of her top priorities in 2023. The *Governor* stopped short of saying others, emphasizing those would be announced in her *State of the State address*.

- An [audit](#) conducted by the *Office of the Auditor General* said the state agency responsible for licensing children’s and adult foster care camps to prevent harm and provide protection for those who are reliant on camp services is moderately effective. Additionally, the audit says the *Department of Licensing and Regulatory Affairs Bureau of Community and Health Systems* needs to improve its inspection process and its review of camps’ background checks. The bureau said it agrees with the audit and stated it executed a reasonable compliance with state statute.
- *Governor Gretchen Whitmer* signed [Executive Directive 2022-13](#), which instructs State of Michigan departments and agencies to review aspects of reproductive rights that fall within their jurisdiction and identify ways they can protect and increase protections for the fundamental right to reproductive healthcare under the Michigan Constitution.
- The State of Michigan’s unemployment rate increased slightly in November to 4.3 percent. Michigan sits above the national unemployment rate currently, which is 3.7 percent.
- *Governor Gretchen Whitmer* announced that *HNTB Corporation*, a national provider of engineering services for transportation infrastructure projects, is expanding in Detroit and East Lansing with support from the *Michigan Strategic Fund*. The project is expected to generate a total capital investment of \$922,203 and create 165 good-paying engineering jobs, supported by a \$1 million Michigan Business Development Program performance-based grant.

---

## MHSA

### Muchmore Harrington Smalley & Associates, LLC

Patrick Harrington  
[pharrington@mhsa.com](mailto:pharrington@mhsa.com)

Jon Smalley  
[jsmalley@mhsa.com](mailto:jsmalley@mhsa.com)

Sandra Jones  
[sjones@mhsa.com](mailto:sjones@mhsa.com)

Adrian Cazal  
[acazal@mhsa.com](mailto:acazal@mhsa.com)

Bret Marr  
[bmarr@mhsa.com](mailto:bmarr@mhsa.com)

Evelyn Zois Sweeney  
[esweeney@mhsa.com](mailto:esweeney@mhsa.com)

Malcolm Kletke  
[mkletke@mhsa.com](mailto:mkletke@mhsa.com)

Mandy Bolter  
[mbolter@mhsa.com](mailto:mbolter@mhsa.com)

124 West Allegan St., Suite 1900 | Lansing, MI 48933 | Phone: 517-484-8800 | Fax: 517-484-4442 | Email: [rsmith@mhsa.com](mailto:rsmith@mhsa.com)  
Follow MHSA on [Facebook](#) | [Twitter](#) | [LinkedIn](#)

