



# 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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**SENATE KICKS OFF 2022 LAME DUCK ON TUESDAY** – The 2022 Lame Duck session is officially underway after the *Senate* was in session for more than eight hours on Tuesday disposing of a variety of items before the legislature adjourns for the end of the year. The *Senate* was the only chamber to hold voting session days this week. The *House* will meet on Tuesday, December 6<sup>th</sup>.

While the *Senate* had released a lengthy agenda for the day, there were also multiple surprises on Tuesday. One of the biggest surprises was the Senate voting on *Senate Bills 597* and *598*; bills that have languished on the Senate floor for over a year. The bill package is a key priority of *Senate Majority Leader Mike Shirkey (R-Clarklake)*. Together, the bills create a phased-in plan to merge the administration and provision of Medicaid physical health care services and behavioral health specialty services for behavioral health populations through the creation of “specialty integrated plans”. The bills were set to take effect January 1, 2023 and extend through 2030. However, the bills failed to pass the *Senate* chamber by a margin of 15-17 and 15-19, respectively.

The *Senate* also voted on *Senate Bill 1207*. *Senate Bill 1207* would move Michigan’s presidential primary from March to February. Supporters of the bill argued that it is a positive for the state economically and to attract attention from candidates. *Senate Bill 1207* was discharged from committee to the Senate floor and was subsequently passed 34-1. Other items taken up by the *Senate* include a bill package intended to prevent sexual assault under the guise of medical treatment, as well as a bill that provides age-appropriate informational materials on sexual assault and harassment to students. *Senate Bills 223, 224, 225, 226*, and *227* all passed the *Senate* unanimously.

The *Senate* also passed legislation that would extend exemptions and modify assessments for certain properties, including convention centers and major shopping districts. *Senator Wayne Schmidt (R-Traverse City)* highlighted that *Senate Bills 1221, 1222, 1223*, and *1224* would help stimulate economic growth if enacted into law. There was no debate on the bills prior to Tuesday’s votes, but there was opposition among members with *Senate Bill 1223* passing 27-10. Two others bills, *Senate Bill 1222* and *1224*, passed 24-12 and *Senate Bill 1221* passed 21-15.

The *Senate* adjourned until Tuesday December 6<sup>th</sup> when both chambers will be in session.

**KEY CABINET DEPARTURES AND NEW LEGISLATIVE STAFF ANNOUNCEMENTS** – A number of key cabinet departures and replacements and staff promotions were announced by *Governor Whitmer* this morning. The second term of a Governor’s tenure is often marked by departures and new arrivals in key cabinet positions and leadership staff.

Notable cabinet departures and replacements announced today include: **Dan Eichinger** as acting director of the **Department of Environment, Great Lakes, and Energy (EGLE)**; **Michelle Lange** as director of the **Department of Technology, Management, and Budget (DTMB)**; **Adam Hollier** as director of the **Veterans Affairs Agency (MVAA)**; **Brian Hanna** as executive director of the **Cannabis Regulatory Agency (CRA)**; **Brad Wieferich** as acting director of the Department of Transportation (MDOT); Kathy Angerer as acting director of the **Department of Agriculture and Rural Development (MDARD)**; and Shannon Lott as acting director of the Department of Natural Resources (DNR).

**Mr. Eichinger**, is the current director of the **Department of Natural Resources** where he has served since 2019. He replaces **Liesel Clark** who helped navigate EGLE through historic floods and high water levels, lead service line replacements in Bentor Harbor and record-breaking water infrastructure investments. **Mr. Eichinger** is being replaced at DNR by **Shannon Lott**, a professional who has worked for the DNR for more than 25 years, most recently as natural resources deputy. Ms. Lott is **acting director**.

**Ms. Lange** has been serving as **acting director** of the **Department of Technology, Management and Budget** for over a year. Today's announcement removes "acting" from her title. Director Lange has held a number of key positions within **DTMB** over the years, as well as key leadership positions in both the Whitmer and Snyder administrations.

**Senator Adam Hollier (D-Detroit)** will be leaving the Senate in December after serving two terms and assuming directorship of MVAA. **Senator Hollier** currently serves as a captain paratrooper and team leader in the 412th Civil Affairs Battalion Airborne.

**Brad Wieferich** will assume the **acting director** role for **MDOT**. He is currently the Chief Operating Officer but has worked at MDOT for decades assuming various positions of leadership. Mr. Wieferich replaces current director **Paul Ajegba** who will be retiring from MDOT at year's end.

In addition to selecting new leadership at state departments, **Governor Whitmer** announced staff changes on her executive team. **Deputy Chief of Staff Melanie Brown** has taken a position as **executive ombudsman and senior partnerships advisor** at the **Michigan Economic Development Corporation (MEDC)**. Chief Legal Counsel Nick Bagley is returning to his position as a law professor at the University of Michigan. **Maria Martinez** will assume the role of acting **chief legal counsel**, while maintaining her duties as chief compliance officer.

Finally, **Speaker-elect Joe Tate (D-Detroit)** announced a number of key staff positions as he prepares to lead the House in the 2023-24 term. Most notably, Mr. Tate announced **Shaquila Myers**, current senior advisor to Governor Whitmer, will serve as his **chief of staff** and **Amber McCann**, the current communications director for **Attorney General Dana Nessel**, will serve as **press secretary**.

In other staff announcements, long-time Tate staffer **Joshua Lyman**, will act as **external affairs director**. **Ricardo White** will serve as **legislative director** for Mr. Tate. Mr. White previously worked in the Whitmer administration and in the Michigan House of Representatives for former-Rep. Robert Wittenberg.

**Policy director** for the majority will be **Coffiann Hawthorn**, who currently works for the House Democratic Caucus. **Angela Wheeler**, currently the **House Democratic legal counsel**, will continue her work in the House of Representatives as **majority legal counsel**.

**John Mulcrone** will serve as *general counsel* to the House of Representatives. Mr. Mulcrone is currently *chief of staff* and counsel to **Senate Minority Leader Jim Ananich** (D-Flint) and has served as counsel to the **Senate Democratic Caucus** across multiple legislative sessions.

**MICHIGAN BOARD OF STATE CANVASSERS CERTIFY 2022 GENERAL ELECTION** – On Monday, the **Board of State Canvassers** certified the 2022 General Election for all 83 counties in the state. However, the meeting experienced constant disruptions and a lengthy public comment period that turned contentious.

The **Board of State Canvassers**, which is split between two **Democrats** and two **Republicans**, unanimously certified the election results. During the public comment period, countless individuals spoke before the four board members imploring them not to certify the election. Notably, no one from the **Michigan Republican Party** spoke before the board. A representative from the **Michigan Democratic Party**, **Dorian Tyus**, did speak before the board and called for them to certify the election results, saying not certifying would mean disenfranchising 4.4 million voters who exercised their right to vote.

During the public comment period individuals were removed from the committee hearing room and escorted out by law enforcement. Amid the countless election conspiracy members in the audience, there were some who applauded the board for certifying the election. Also in attendance was former **Secretary of State** candidate **Kristina Karamo**, who lost to **Secretary of State Jocelyn Benson** in the 2022 General Election by over 14 points. **Ms. Karamo** has refused to concede to date and questioned the legitimacy of the election before the **Board of State Canvassers**. However, **Tony Daunt**, a **Republican** member of the **Board of State Canvassers** pushed back against **Ms. Karamo's** claims, saying it is dangerous to make reckless accusations.

**PRESIDENT JOE BIDEN VISITS MICHIGAN** – On Tuesday, **President Joe Biden** visited Bay City at a semiconductor chip manufacturing facility. The **President** mainly highlighted his accomplishments and how his recent economic plan will help bolster the economy, but also praised **Governor Gretchen Whitmer** and **Michigan Democrats** on their election victories.

**President Biden** spent just over three hours in **Michigan**, mainly touring SK Siltron, an expanding Monitor Township-based plant that produces polysilicon components used in electric vehicles. **President Biden** toured the facility with **Governor Gretchen Whitmer**, and **U.S. Representatives Dan Kildee (D-Flint)** and **Elissa Slotkin (D-Lansing)**.

Following the **Presidents** tour he and others in **Michigan's Congressional** delegation addressed the crowd. **President Biden's** remarks were relatively short and focused on his accomplishments. However, the **President** did congratulate and highlight **Governor Whitmer's** recent election victory. **President Biden** mainly spoke about his administration helping manufacturing and infrastructure, addressing climate change, and the importance of skilled trades. **President Biden** also praised Michigan's growth, saying, "People want to come and invest here. We exported more jobs than products. Now we're back in the business of exporting products, not jobs."

**Governor Whitmer** also addressed the crowd. **Governor Whitmer** credited **President Biden** and other federal leaders for "unleashing" the power of manufacturing and helping the state land projects like the Bay City company.

The **Presidents** visit to **Michigan** faced criticism from Republicans in Michigan's Congressional delegation, however. **U.S. Representative John Moolenaar (R-Midland)** said in a statement Monday that **President Biden** "has already failed Michigan families and his massive partisan spending bills have helped cause record-high inflation."

## ELECTIONS

- Former *U.S. Representative Pete Hoekstra* and former Secretary of State candidate *Kristina Karamo* announced they are both running to chair the *Michigan Republican Party*. *Mr. Hoekstra* and Ms. *Karamo*'s main opponent at this point is *Matt DePerno*, the 2022 Republican nominee for attorney general. While three big names have announced their candidacy for *MI GOP Chair*, there are others who are contemplating running, including former gubernatorial candidate *Tudor Dixon* and *MI GOP Co-Chair Meshawn Maddock*.
- *Governor Gretchen Whitmer* will make an appointment on the *Michigan State University Board* of Trustees to replace Republican member *Pat O'Keefe*, who announced his resignation on Wednesday. *Mr. O'Keefe* provided his reasoning for his resignation in a statement, saying, "Knowing the institution's history, I can no longer serve on a Board that purports to promote cultural change yet struggles itself to be transparent."

## ODDS AND ENDS

- The *Department of Education* announced Tuesday the number of school districts requiring state involvement because of low academic performance or graduation rates rose significantly from previous years. The department cited the pandemic and decades of underfunding as the reason for the increase. *Superintendent of Instruction Michael Rice* announced that 54 school districts have been identified with a total of 112 schools that will enter into partnership agreements with the state.
- On Tuesday, the *Senate Appropriations Committee* approved *Legislative Transfer Request 2023-1*, which would provide a \$60 million performance-based grant through the Strategic Outreach and Attraction Reserve (SOAR) Fund to the Southeast Regional Force Main project. The funding would allow Coopersville to redirect wastewater north to the Muskegon County Resource Recovery Center. Under the rules for SOAR Fund projects, legislative approval by both appropriations committees is needed for final approval, so action from the *House Appropriations Committee* is still needed.
- The *Senate Appropriations Committee* also approved a bill that would provide the Michigan Independent Citizens Redistricting Commission \$1.5 million for its ongoing legal challenges over its adopted maps in the current fiscal year. *House Bill 5797* passed the committee 15-3.
- Two men convicted of attempting to kidnap *Governor Gretchen Whitmer* in 2020 will not be granted a new trial. The attorney of *Adam Fox* and *Barry Croft*, who were convicted earlier this year in a conspiracy to kidnap the *Governor*, believes they were unfairly prejudiced due to reports of juror misconduct and other issues, and therefore requested a new trial in September. *U.S. District Judge Robert Jonker* denied this request last Friday, claiming that the defendants failed to make a "colorable claim" of juror misconduct or any claim of misconduct against the judge himself.
- This week the *Senate Judiciary and Public Safety Committee* moved a bill package to the *Senate* floor that would raise the age to marry in Michigan from 16 to 18. *Senate Bills 1114* through *1123* were all passed unanimously by the committee.
- The *Department of Technology, Management and Budget (DTMB)* announced there was little to no change for all 17 of Michigan's labor market areas during the month of October. *DTMB* also stated unemployment rates remain low in the labor market, ranging from 3.1 percent to 5.4 percent.

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