



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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LAME DUCK CONCLUDES WITH MUTED ACTIVITY, NO SUPPLEMENTAL – Legislative leaders warned the 2022 Lame Duck session would be “lame”, and their predictions proved true as the *Legislature* and *Governor Gretchen Whitmer* failed to find common ground on multiple bills or an end of year supplemental.

The *House* and *Senate* convened session at 10 a.m. on Wednesday and held a marathon day. From countless caucus meetings, more than 50 cumulative farewell speeches in the House, and attempting to finalize a supplemental and tax cut, the *Senate* did not adjourn until 11:00 p.m. while the House spilled into Thursday morning, adjourning around 1:00 a.m. However, *Governor Whitmer* and *Legislative* leaders came up short of a final deal with regards to a supplemental and tax cut, with some *Republican’s* casting blame, accusing *Governor Whitmer* of backing out of a deal. *Republicans* said the deal would have included a \$200 million economic development project, a \$180 million tax cut and additional funds specific to a year-end book closing. The total supplemental was estimated at \$500 million.

Senate Appropriations Chair Jim Stamas (R-Midland) refused to blame one person and simply said a deal could not be made. *Senator Curtis Hertel (D-East Lansing)* echoed that sentiment and went further by stating a better deal could likely be reached by the *Governor* and *Democrats* within a matter of weeks when the new *Legislature* convenes.

While a larger deal was not made, numerous bills did move out of each chamber. The *Senate* passed an eight-bill package that would update the state’s solid waste laws. *House Bills 4454, 4455, 4456, 4457, 4458, 4459, 4460, and 4461* all passed the *Senate* amid concern from some *Democrats*. Specifically, *House Bills 4454* and *4455* received pushback over changes made on the floor related to chemical recycling and the adverse environmental impacts they pose to nearby residents. Ultimately, all eight bills passed the *Senate* and head to *Governor Whitmer’s* desk. Other bills passed by the *Senate* included *House Bill 4416*, which would allow current and future property owners to discharge prohibited restricted covenants from property deeds; *House Bill 4762*, which would ban discrimination against organ transplant recipients based on their physical or mental ability; *House Bill 6042*, which would allow local school boards to provide critical incident mapping data for a school building in a school district they operate instead of blueprints; *House Bills 6129* and *6130*, which would expand and make additional changes to the Michigan Reconnect Program; and *House Bills 4188* and *4733*, which would provide state employees and educators with annuity options within state retirement systems.

Like the *Senate*, the *House* also passed a number of bills covering a wide array of topics. The *House* passed numerous *Senate Bills*, including: *Senate Bills 1222* and *1223*, which make complementary changes to different acts related to convention facilities. Specifically, the passage of *SB 1222* and *SB 1223* will result in an estimated \$1.8–\$2 billion in development in downtown Detroit, including major enhancements

and expansion to the Huntington Place (formerly Cobo) Convention Center and the construction of two privately owned 750 room convention hotels; *Senate Bill 1047*, which would add a judge to the 9th Judicial Circuit Court in Kalamazoo County and a judge to the 48th Circuit Court in Allegan County; *Senate Bill 183*, which would remove the limit on certain types of transfers between hospitals and freestanding surgical outpatient facilities, among other changes; *Senate Bill 450*, which would provide that an emergency order issued during an epidemic by the director of the *Department of Health and Human Services* or a local health officer could not prohibit visits to a patient or resident of certain health care facilities for more than 30 days; and *Senate Bill 727*, which would extend the use of a determination that partially sets the amount of federal Low Income Home Energy Assistance Program money that can be used for a weatherization program.

The majority of bills passed on Wednesday now head to *Governor Whitmer's* desk for her signature or potential veto, a rumor that had been percolating around the Capitol after supplemental negotiations tanked.

101ST LEGISLATURE COMES TO AN END, DEMOCRATS PREPARE TO TAKE MAJORITY – After an underwhelming week of scant legislative activity, the *101st Legislature* has effectively concluded its official business for the year. All that remains is a ceremonial sine die closing on December 28th.

Per tradition in the state capitol, all members not returning to the legislature are afforded the opportunity to provide farewell remarks to their colleagues. Most members of the legislature utilize their time to highlight accomplishments, offer advice, recall stories, and heap praise on their colleagues and staff. While that was true for some Legislative leaders, including *Speaker Jason Wentworth (R-Farwell)*, *House Minority Leader Donna Lasinski (D-Scio Township)*, and *Senate Minority Leader Jim Ananich (D-Flint)*, *Senate Majority Leader Mike Shirkey (R-Clarklake)* embraced a different approach. *Senate Majority Leader Shirkey's* 35-minute speech did include a spattering of thanks for his family and staff, but largely delivered a series of conspiracy theories, mocked anyone who suggested that the unproven theories he offered were just conspiracies, piled dismay upon his critics, and in general described the current state of the nation in apocalyptic terms. *Senate Majority Leader Shirkey* also admitted to putting his hand in the Binsfeld Office Building toilets early in his tenure while recounting a story about a revelation that the *Senate* used heated water in the restrooms.

Democratic leaders in the *House* and *Senate* offered more traditional remarks highlighting the upcoming majority the *Democrats* will have in both chambers. In the *House*, *Minority Leader Lasinski* praised *Speaker-elect Joe Tate (D-Detroit)* who will lead *House Democrats* in their first majority in over 12 years. *Senate Minority Leader Ananich* had similar praise of *Senate Majority Leader-elect Winnie Brinks (D-Grand Rapids)* as the *Senate Democrats* prepare for their first majority in the *Senate* in almost 40 years.

Speaker Wentworth offered advice to incoming leadership, thanked his family, staff, and all involved “in the process”, as well as remembering late former *Representative Andrea Schroder (R-Clarkston)*, who died in October 2021 of stomach cancer, as a model for public servants.

MICHIGAN BOARD OF STATE CANVASSERS ALLOW PARTIAL RECOUNTS – On Monday the *Board of State Canvassers* approved a partial recount of *Proposal 2022-2* in more than 40 precincts and *Proposal 2022-3* in more than 500 precincts. The board also unanimously approved the procedures to the recount which includes limiting the number of challengers able to observe each precinct to one in support and one in opposition.

For the recounts of both *Proposal 2022-2* and *2022-3*, the *Board of State Canvassers* approved the *Election Integrity Fund and Force* (the group that is seeking the recount), the *Michigan Democratic Party*

and *Promote the Vote* to observe the recounts. In addition to these three groups, *Promote the Vote 2022* was approved to exclusively observe the recount for *Proposal 2022-2*, and *Reproductive Freedom for All* was approved to exclusively observe the recount for *Proposal 2022-3*.

The *Election Integrity Fund and Force* is a group that has pushed and supported election conspiracy theories, which lead to hesitation from the *Board of State Canvassers* to approve the partial recounts. Additionally, since both proposals passed with large margins neither partial recount will change the outcome. As asked for in the petition filed by the group calling for the recount, 47 precincts will be recounted for *Proposal 2022-2*, and 560 precincts will be recounted for *Proposal 2022-3*.

The *Board of State Canvassers* also took public comment on Monday, which quickly devolved into a contentious meeting with countless individuals espousing personal opinions. Confusion reigned as many offering public comment tried to argue that county boards decide who the interested parties are who oversee the partial recount, and not the state, and how the interested parties can object to challenges. *Michigan Bureau of Elections Director Jonathan Brater* and attorney *Mark Brewer*, on behalf of *Promote the Vote*, each separately reaffirmed the *Board of State Canvassers* understanding that Michigan law does not allow the county boards to determine interested parties. *Mr. Brewer* also said that the state board establishes “all the procedures, the rules, the regulations, that governance process,” and that at each of the recount sites either one of the state board members or a staff member is in charge.

While the *Board of State Canvassers* did unanimously approve the partial recount, Democratic member *Mary Ellen Gurewitz* questioned why the board should approve the request as a recount will not change the outcome of either proposal. Republican board member *Richard Houskamp* replied that to deny the recount would just add more fuel to the fire.

ELECTIONS

- *Representative Kevin Coleman (D-Westland)* announced he is running to become Mayor of Westland after Westland’s current *Mayor William Wild* announced he is retiring next month. The City Council will appoint an interim Mayor in January, and Westland voters will elect someone to fill the position in fall of 2023. Should *Representative Coleman* win the position, he’d need to resign from the *House* in 2023 and a special election would be held to replace him.

ODDS AND ENDS

- *Governor Gretchen Whitmer* and the *Department of Natural Resources (DNR)* announced that they recommended 13 community parks, trails, and sports facilities and a state lock and dam to receive a combined \$7,477,100 in *Land and Water Conservation Fund (LWCF) grants*. To view the list of projects in a press release from the *Governor* and *DNR*, please click [here](#).
- The *House Appropriations Committee* approved *Legislative Transfer Request 2023-1*, which will provide a \$60 million performance-based grant through the *Strategic Outreach and Attraction Reserve Fund* for a wastewater transport and disposal service plant in Muskegon County. The committee approved the transfer in a vote of 23-3. The *Senate Appropriations Committee* approved the transfer request last week, meaning the request is officially approved.
- *Governor Gretchen Whitmer* announced Tuesday she is appointing *Allie Greenleaf Maldonado*, the chief judge of the Little Traverse Bay Bands of Odawa Indians Trial Court, to a vacancy on the *Michigan Court of Appeals*. *Judge Maldonado* is the first tribal citizen named to the *Court of Appeals*.
- *House Speaker-elect Joe Tate (D-Detroit)* announced this week that he has chosen *Rich Brown* to serve as House clerk in the 2023-2024 term when *Democrats* assume the majority. The full *House*

elects the clerk during its first session day, which is set for January 11, but traditionally the speaker makes a selection, and the *House* supports it.

- The *House* paid tribute to retiring *House Clerk Gary Randall* as he prepares to retire after 44 years of service in the chamber. *Mr. Randell* first served in the *House* for 18 years as a legislator until 1996, then served as the assistant clerk for one legislature, and beginning in 1999 served as the *House Clerk*.
- *Solicitor General in the Department of Attorney General, Fadwa Hammoud* will replace *Christina Grossi* as *chief deputy attorney general*. *Attorney General Nessel* announced on Wednesday that *Deputy Solicitor General Ann Sherman* would replace *Ms. Hammoud* in the top solicitor role.

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