

July 2018

REDISTRICTING BALLOT PROPOSAL BEFORE THE SUPREME COURT

The Michigan Supreme Court (MSC) recently heard oral arguments from both sides of the Voter Not Politicians (VNP) ballot proposal to have an independent commission redraw Michigan's political districts. The Michigan Chamber of Commerce has mounted a legal challenge to a ballot proposal that is designed to put an end to gerrymandering in the state.

The MSC gave no indication of when it would make a decision, however, a representative for the Secretary of State's office asked for a decision in early August around the primary to allow the state time to craft ballot proposal language ahead of an early September deadline to finalize what is going to be on the ballot should the high court move to have the VNP proposal move forward.

Citizens Protecting Michigan's Constitution is a group that claims the VNP proposal is unconstitutional and would make redistricting partisan. The group argues it should require a constitutional convention because the proposal adds over 3,000 words to the constitution.

The Michigan Supreme Court has asked both sides to address whether VNP's proposal setting up an independent redistricting commission counts as a constitutional amendment or is a revision of the state constitution.

The Board of State Canvassers has certified VNP to be on the ballot and has been upheld by the Court of Appeals.

JUDGE TO DECIDE ON DHHS DIRECTOR'S FLINT CASE

Closing arguments have been held in 24-day preliminary exam on whether Department of Human Services Director Nick Lyons had individual legal duty by statute or otherwise to notify the public about Flint's Legionnaires' disease outbreaks in 2014 and 2015.

Mr. Lyon is charged with two counts of involuntary manslaughter in connection with the deaths of two Flint area residents and two counts of misconduct in office for allegedly misleading and withholding information about the outbreak.

On July 25, District Judge David Goggins will hear the defense's motion to quash testimony from a cardiologist who testified the disease contributed to or caused the two deaths. Judge Goggins will also announce whether Mr. Lyons heads to Circuit Court.

PAID SICK LEAVE, MINIMUM WAGE PROPOSALS DRAW CHALLENGES

The paid sick leave and minimum wage increase ballot proposals have drawn the ire of some in the business community.

Michigan Opportunity, a ballot question committee affiliated with the Michigan Restaurant Association, has filed a complaint in the Court of Appeals alleging the minimum wage increase proposal "unlawfully seeks to amend the current law by reference and without re-enactment and publication of that law as required."

The Small Business for a Better Michigan, a coalition of business groups, has filed a challenge against the paid sick time proposal with the state Elections Bureau alleging the petition forms “showed massive problems, including fraud, duplicate signatures and unregistered voters.”

VOTING ACCESS AMENDMENT FILES SIGNATURES WITH SOS

A proposed constitutional amendment that would allow voters to register and vote on Election Day has been filed with the Secretary of State.

Promote the Vote, a group backing the constitutional amendment, submitted more than 430,000 signatures.

The proposal would make several voting reforms, including no-reason absentee voting and protection of straight-ticket voting, and automatically registering people to vote when they visit SOS offices unless they decline– in addition to allowing voters to register to vote (with proof of residency) up to and including on Election Day.

MPSC LACKS AUTHORITY ON LOCAL CLEARING REQUIREMENTS

The three-judge panel of the Michigan Court of Appeals (COA) has held that state energy legislation enacted in 2016 does not provide the Michigan Public Service Commission (MPSC) the authority to impose a local clearing requirement on individual alternative electric suppliers.

The decision reverses a 2017 MPSC order, remanding it for further action.

The court’s opinion stated, “We conclude that the harm asserted in this case warrants judicial intervention.”

DEQ TO GET THREE NEW OVERSIGHT COMMISSIONS

Governor Rick Snyder has signed into law legislation (SB 652, 653 and 654) that gives him the power to appoint three new commissions within the Department of Environmental Quality (DEQ).

One would allow a five-member appeals panel to overrule the DEQ on permit denials and permitting decisions. A second creates an 11-member board to oversee the rule-making process of the department. And a third creates a nine-member panel to advise the DEQ on science questions.

Environmentalists allege the commissions will allow the Governor to appoint representatives of the industries that the DEQ is supposed to regulate.

MLCV TO LAWMAKERS: COME BACK TO SESSION

The Michigan League of Conservation Voters (MLCV) says lawmakers should return to Lansing immediately to undertake investigations as to why the Department of Environmental Quality (DEQ) in 2012 did not take a staffers report connecting PFAS chemical contamination to various diseases and health issues.

In addition, Governor Rick Snyder wants Attorney General Bill Schuette to sue 3M over PFAS foam.

3M is the maker of the firefighting foam the state is trying to the concern over per-and polyfluoroalky substances (PFAS) in Michigan's groundwater.

According to Governor Snyder, the Minnesota-based company is responsible for firefighting foam sold to the Michigan National Guard and other state government agencies that is tied to PFAS contaminates.

THREE-FOOT BIKE DISTANCE IS NOW LAW

Under legislation (HB 4198, 4185 and 4265) signed into law by Governor Rick Snyder, Michigan drivers will now be required to leave at least three feet of space while passing bicyclists on the road. In addition to the three foot requirement, the law requires at least one hour of class time in drivers' education to be spent discussing safety for motorcycles, bicycles, and pedestrians.

ONLY THIRTY DAYS OF SESSION SCHEDULED FOR REMAINDER OF THE YEAR

The Senate has 30 days set; the House has 29. The House will return to session after Labor Day for the month of September, although three of those weeks are just two-day session weeks. The Senate meets one extra day that month.

Both chambers meet the first week of October, then recess for the final general election push.

After the election comes the lame duck session -except for the annual two-week deer hunting break in mid-November. Then it is four weeks until Christmas. House and Senate leadership has scheduled 14-days for the lame duck session.