



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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TASK FORCE RELEASES CRIMINAL JUSTICE REFORM REPORT – After nine months of convening and soliciting feedback from a diverse group of stakeholders, collecting data and expert analysis, the bipartisan *Michigan Joint Task Force on Jail and Pretrial Incarceration* delivered a report to the state legislature highlighting 18 recommendations that would make *Michigan* a leader in criminal justice reform.

The *task force*, which was appointed by *Governor Gretchen Whitmer* and co-chaired by *Lt. Governor Garlin Gilchrist II* and *Supreme Court Chief Justice Bridget McCormack* is comprised of judges, state legislators, law enforcement members, county officials and a variety of stakeholders, including those who have formerly been incarcerated and victims of crime. The reform proposals focus on two goals – protecting victims and the public while safeguarding the rights of all people. During a press event outlining the final report, *Lt. Governor Gilchrist* stated, “The policy recommendations that we have outlined will provide people with a much healthier chance of success here in *Michigan*, and I’m ready to work with the legislature to codify them into law.”

The report was given to *House Speaker Lee Chatfield* (R-Levering) and *Senate Majority Leader Mike Shirkey* (R-Clarklake), who committed to taking the recommendations into consideration. Key reform proposals from the report include:

- reducing the number of driver’s license suspensions
- reducing arrests for failure to appear and low-level crimes
- Diverting people with behavioral health needs away from the criminal justice system
- Establishing higher thresholds for financial and non-financial pretrial release conditions
- Enhancing protections and services for victims
- Creating a more efficient criminal justice system

All members of the *task force* voted “yes” in support of the recommendations except *Attorney General Dana Nessel*, who abstained from voting because she believes the recommendations do not go far enough. *Speaker Chatfield* and *Majority Leader Shirkey* have promised a thoughtful vetting of the recommendations through the legislative process and are optimistic many can be embraced in a bi-partisan manner.

I-696 GREEN OOZE CLEANUP TO BECOME COMPLEX AND COSTLY – Last month’s infamous “green ooze” spill in *Madison Heights* on I-696 from the old *Electro-Plating Services* plant continues to garner serious attention at the *Capitol*, as the *House Appropriations Committee* convened a meeting on the matter on Wednesday. It was recently discovered that the groundwater at the contamination site, which has been slapped with state violations as far back as 1993, contains *PFAS*, concerning on multiple fronts for the state.

Department of Environment, Great Lakes and Energy (EGLE), Director Liesl Clark testified in front of the **House Appropriations Committee** this week, flanked by EGLE staffers, Ms. Tracy Kecskemeti, **southeast Michigan District Coordinator** and Mike Neller, **Director of Remediation and Redevelopment**. In conducting its investigation, **EGLE** found the **Electro-Plating Services** plant, owned by **Gary Sayers** had been illegally depositing hazardous chemicals at the **Madison Heights** facility, many containing high levels of **PFAS**. The severity of the contamination has officials estimating costs of remediation and clean-up will be in the millions, but it's impossible to predict a final dollar amount.

In addition to the department, **House Appropriations Chair, Shane Hernandez** (R-Port Huron) had numerous local officials testify from both **Madison Heights** and **Sanilac County** where another property owned by **Mr. Sayers** is being tested for contamination (a final location in **Detroit** is also under investigation). During his testimony, **David Coulter, Oakland County Executive**, said, "It is vital that we hold the perpetrator of this chemical catastrophe accountable."

EGLE is combating contaminated sites at thousands of locations throughout the state, stretching financial resources and available staff. The **U.S. Environmental Protection Agency** however, is assisting the state with the **Madison Heights** location according to **Director Clark**. The **Director** also indicated, going forward, contamination sites will be prioritized by risk to drinking water, with those exhibiting the highest risk to public health taking precedence.

CHILD WELFARE PACKAGE PASSES IN THE HOUSE – The **House of Representative's** passed a bill package Thursday, that would address 17 material conditions, meaning the most severe findings, from a 2018 audit of **Child Protective Services (CPS)** within the **Department of Health and Human Services (DHHS)**.

Within the bill package, including **House Bills (HB) 4704, 4705, 4706, 4707, 4708, 4709**, key provisions include amending the process for opening an investigation, specifically, requiring **CPS** to make contact within 24 hours of an incident to ensure the safety of the children. Additionally, the bills would define "abbreviated investigations," require a caseworker to document the reason for an abbreviated investigation, require a license-exempt child development and care program to be listed on the central registry, require quarterly reports on **CPS** actions to the Legislature and require an annual review on child abuse and neglect investigations within each county.

"What happens in the first 24 hours is critical," said **Representative Matt Hall** (R-Emmett Township). "When time is of the essence, looking into the safety of the children must be the priority." Child welfare has been a focus within **DHHS** following investigations that found the state's current practices inadequate in a variety of areas. The bills passed the House with overwhelming support.

HOUSE PASSES SUPPLEMENTAL BUDGET – The **House of Representative's** passed a **Fiscal Year (FY) 2018-2019** supplemental budget on Thursday, that provides appropriations for the **Department of Health and Human Services (DHHS)**. The bill properly reconciles appropriations and covers expected expenditures for **DHHS** as the state closes the books on the fiscal year.

The supplemental, **House Bill 4245** which passed unanimously, provides \$174.5 million (\$117.9 million **General Fund/General Purpose (GF/GP)**) dollars, to **DHHS**. The bulk of this funding is dedicated to **Medicaid** cost adjustments, totaling \$119.7 million, (\$62.2 million **GF/GP**). The bill also includes \$20 million for **Child Care Fund** caseload adjustments, \$16.4 million to recognize the recoupment of federal funds and \$20.7 million for the state's risk share payments to **Medicaid** prepaid inpatient health plans.

ODDS AND ENDS

- **Governor Gretchen Whitmer** will present her *Fiscal Year 2020-2021 Executive Budget* recommendation on February 6th. It will be presented to a joint session of the **House** and **Senate Appropriation Committees**.
- **Senator Roger Victory** (R-Georgetown Township) introduced **Senate Bill 716**, which would limit the **State Transportation Commission** from issuing bonds totaling more than \$100 million.
- Michigan **Republicans** will not have a **post-State of the State** televised rebuttal for the second year in a row. Instead, **Republicans** are going to announce media availability the day after the **State of the State**, rather than pre-produce a response.
- **Michigan State Police (MSP)** added 1,009 new troopers over the past eight years but have only grown in total numbers by 357. This is due to the number of officers who have retired, which the state expects to continue through 2022.
- The **Department of Natural Resources** is giving **Enbridge** 30 days to provide information of any damage or leaks in the line since its opening in 1953. This is part of **Governor Gretchen Whitmer's** review of the pipeline, which conveys the Line 5 investigation is nearing a close.
- **Michigan State Police (MSP)** is pulling 203 breathalyzer instruments from current use. **Col. Joseph Gasper, director of MSP**, announced after learning information of potential fraud being committed by contract employee's of Intoximeter.
- The Michigan **House of Representative**'s passed **House Bill 4020** 84-24 to allow adults 18 or older the ability to purchase and use stun guns in **Michigan**. The bill was referred to the **Senate Government Operations Committee**.
- The **State of Michigan** sued 17 corporations to cover the cost of environmental and public damages caused by **PFAS**. The base of the lawsuit is that these corporations willingly sold, distributed and disposed of **PFAS** containing materials that would contaminate and damage natural resources and expose residents to harm.
- According to **House Speaker Lee Chatfield** (R-Levering), the first quadrant meeting, made up of **Governor Whitmer, Speaker Chatfield, House Minority Leader Grieg, Senate Majority Leader Shirkey** and **Senate Minority Leader Ananich**, was “very productive” and roads will be a top priority in 2020.
- The **U.S. Attorney's office** in **Grand Rapids** said **Representative Larry Inman** (R-Williamsburg) could face another federal trial this summer on charges of attempted extortion and bribery. **Representative Inman's** previous trial on these charges ended with a hung jury, and he was acquitted on a third charge of lying to the **FBI**.
- **Senate Majority Leader Mike Shirkey** (R-Clarklake) is considering using the **Michigan Sales Tax** to help support long-term road funding. **Majority Leader Shirkey** continued to say that he is searching for a solution that will not need revisiting, and that “nothing is off the table.”
- **The Michigan Department of Agriculture and Rural Development** reported that the industrial hemp pilot did “very well” in 2019, and there are high hopes for the program in the future. Out of the 83 counties in **Michigan**, 64 participated.

FRIENDLY REMINDER – **Governor Gretchen Whitmer** will be presenting her second **State of the State** address on Wednesday, January 29th at 7:00 p.m. Evening receptions hosted by **Legislative Leadership** will take place prior to her speech and credentials to enter the **Capitol** are **required**. If you plan to attend, or are even considering, please let **Rhonda Smith** know by Tuesday, January 21st at Noon at rsmith@mhsa.com or (517) 484-8800. You will **NOT** be permitted entry into the **Capitol** without credentials.

PLEASE NOTE: **MHSA** will be closed on **Monday, January 20th**. The office will reopen on **Tuesday, January 21st**. Please contact a member of the **MHSA** team with any questions or concerns.

MHSA • Muchmore Harrington Smalley & Associates, LLC

Patrick Harrington pharrington@mhsa.com | Jon Smalley jsmalley@mhsa.com | Sandra Jones - sjones@mhsa.com
Adrian Cazal acazal@mhsa.com | Bret Marr bmarr@mhsa.com | Evelyn Zois Sweeney esweeney@mhsa.com

124 West Allegan St., Suite. 1900 | Lansing, MI 48933 | Phone: 517-484-8800 | Fax: 517-484-4442 | Email: rsmith@mhsa.com

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