

CAPITOL NEWS UPDATE

WEEK OF MARCH 13, 2018

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SENATE PASSES CRIMINAL SEXUAL CONDUCT BILLS

A 10-bill package addressing government immunity and the statute of limitations for criminal and civil liability for sexual assault passed the Senate Wednesday. The bills were initiated to address issues brought up by the Larry Nassar scandal.

A week of intense lobbying from university, local government, and business groups caused lawmakers to scale back a broader version of this bill, arguing that the proposal could cause an excess of hard-to-defend lawsuits.

As passed, the legislation expands a mandatory reporter law to include university coaches and many others, and increases punishments for those who fail to alert authorities of suspected sexual assault of minors.

Moreover, the package would retroactively extend the civil statute of limitations to allow lawsuits by minors who were assaulted at any point since 1997. Victims would have a one-year window to file claims against individuals or institutions that harmed them, and the package would also limit claims of governmental immunity by institutions like MSU.

The original legislation would have allowed those abused after January 1, 1993, with no age restriction. The 1997 date matches the first accusation against Nassar being reported to Michigan State University officials.

Local units of government, schools, insurance companies, universities, and the Catholic Conference all voiced their concern about the speed of the process and any unintended consequences that would impact them from the original legislation, separate from MSU.

ENGLER SAYS LEGISLATION INTERFERING WITH LAWSUITS

While speaking to the Senate Higher Education Appropriations Subcommittee on Thursday, Michigan State University Interim President John Engler railed against portions of the Criminal Sexual Conduct legislation passed by the Senate earlier this week, saying that the statute of limitations provisions in the package puts businesses, government entities and others at risk—potentially for billions of dollars in lawsuits. He also said the legislation has interfered with negotiations between the school and victims of the Larry Nassar scandal.

The victims, their lawyers, and several senators disagreed with Engler's claims.

Engler said MSU does, however, support other bills in the 10-bill package that would expand a mandatory reporter law to include university coaches and increase punishments for those who fail to alert authorities of suspected sexual assault of minors.

The contentious bill, however, would retroactively extend the civil statute of limitations to allow lawsuits by minors who were assaulted at any point since 1997. Victims would have a one-year window to file claims against individuals or institutions that harmed them, and the package would also limit claims of governmental immunity by institutions like MSU.

Rachel Denhollander, a Nassar victim who has pushed for the bills, and attorney John Manly who represents many Nassar victims, both said that Engler lied in his testimony, and that the legislation is not affecting mediation.

House Speaker Tom Leonard (R-DeWitt) said the House will not take up any bills related to MSU or the Larry Nassar scandal until after spring break.

SMALL CELL BILLS PASS SENATE

The Michigan Senate passed legislation this week that allows wireless companies to place small cell wireless facilities on utility poles and towers in a right-of-way, and simplifies the infrastructure installation process.

Senate Bill 637 creates the Small Wireless Communications Facilities Deployment Act. Additional measures under the bill include a \$500 zoning permit fee for small cell wireless facilities, while keeping the fee for modification or installation of wireless support structures at \$1,000.

Proponents of the legislation supported capping right-of-way fees, making it less difficult to install technology upgrades and expand service.

If passed as is, the bill would require companies to label small cell infrastructure with emergency contact information, and notify local authorities responsible for right-of-ways when applying for a permit. Providers would also be required to give notice if a small cell facility is discontinued, and allows local authorities to request that the property be returned to its former condition.

Sen. Patrick Colbeck (R-Canton Township), Sen. Tonya Schuitmaker (R-Lawton) and Sen. James Marleau (R-Lake Orion) voted against the legislation.

SNYDER SETS SPECIAL ELECTION DATES TO FILL JOHNSON SENATE SEAT

Governor Rick Snyder has set the special election dates to fill former Sen. Bert Johnson's 2nd Senate District seat to match the already scheduled Aug. 7 primary and Nov. 6 general election.

The seat became vacant earlier this month when Johnson resigned from the Senate after pleading guilty as part of a plea deal in a federal corruption case.

Democrats had called for a special election to occur earlier than the general election. Since Johnson was term-limited, several Democrats had already filed to run in the regular election including Abraham Aiyash, Hamtramck; former Rep. Brian Banks, Grosse Pointe; former Rep. George Cushingberry Jr., Detroit; and Adam Hollier, Detroit.

MM&A Briefs

Whiston's contract extended, taking medical leave

The state Board of Education has approved extending Superintendent of Public Instruction Brian Whiston's contract for another year. Whiston, who has been battling cancer, is planning to take medical leave in April or May after finishing projects before his leave. It is likely the board will appoint an interim superintendent during his leave.

Senate passes online voter registration bills

The Senate passed legislation this week giving eligible voters the option to register to vote online. The bills passed 35-1.

The main bill in the package, SB 425, requires the Department of State to develop an online application, and requires that individuals would only be eligible if they qualify as an elector under state election law and have a valid drivers' license or state identification card.

The bill also prohibits individuals from using the online application process if he or she has an expired license or identification card, has ordered a duplicate of either form of identification on the same day of submitting an application, or has submitted a change of address within the last 10 days.

Calendar of Important Events

- March 17 31st Senate District Candidate Kevin Daley (R) Fundraiser
Location: 6 p.m., American Legion Hall, Lapeer
- March 18 Rep. Leslie Love (D-Detroit) Fundraiser
Location: 11 a.m., Detroit Vintage Coffee, Detroit
- March 19 Michigan Ag Gubernatorial Forum
Location: 8:30 a.m., Kellogg Hotel and Conference Center, East Lansing
- Michigan Conservative Energy Forum Catalyst Conference
Location: 8:30 a.m., Radisson Hotel, Lansing
- March 20 Rep. Tom Barrett (R-Pottersville) Fundraiser
Location: 7:30 a.m., Michigan Beer and Wine Wholesalers, Lansing
- Sen. Goeff Hansen (R-Hart) Fundraiser
Location: 7:30 a.m., Karoub Associates, Lansing
- Rep. Jon Hoadley (D-Kalamazoo) Fundraiser
Location: 7:45 a.m., Grand Traverse Pie Company, Lansing
- Sen. Jim Stamas (R-Midland) Fundraiser
Location: 8 a.m., Michigan Association of Counties, Lansing
- Michigan House Democratic Fund Fundraiser
Location: 5 p.m., Radisson Hotel, Lansing
- Michigan Railroad Association Spring Legislative Reception
Location: 5 p.m., Troppo, 111 East Michigan Ave., Lansing
- Senate Majority PAC 2018
Location: 5 p.m., Michigan Beer and Wine Wholesalers, Lansing

- March 21 Rep. Sue Allor (R-Wolverine) Fundraiser
Location: 7:30 a.m., Michigan Credit Union League, Lansing
- Rep. Jason Wentworth (R-Clare) Fundraiser
Location: 8 a.m., Michigan Beer and Wine Wholesalers, Lansing
- Rep. Terry Sabo (D-Muskegon) Fundraiser
Location: 8 a.m., Michigan Health and Hospital Association, Lansing
- Rep. Christine Greig (D-Farmington Hills) Fundraiser
Location: 8:30 a.m., Karoub Associates, Lansing
- Rep. Kathy Crawford (R-Nov) Fundraiser
Location: 8:30 a.m., Grand Traverse Pie Company, Lansing
- Michigan Senate Democratic Fund Fundraiser
Location: 5 p.m., Lansing Brewing Company, Lansing, 5 p.m.
- March 22
- Rep. Chris Afendoulis (R-Grand Rapids Twp.) Senate Campaign Fundraiser
Location: 7:30 a.m., Karoub Associates, Lansing
- Rep. Steve Marino (R-Harrison Twp.) Fundraiser
Location: 7:30 a.m., Glazed & Confused Bakery, Lansing
- Sen. Mike Kowall (R-White Lake) Congressional Campaign Fundraiser
Location: 8 a.m., Michigan Licensed Beverage Association, Lansing
- Rep. Wendell Byrd (D-Detroit) Fundraiser
Location: 10 a.m., Michigan Beer and Wine Wholesalers, Lansing
- Rep. Robert Wittenberg (D-Oak Park) Fundraiser
Location: 10:30 a.m., Michigan Municipal League, Lansing
- Capital Region Chapter of American Society for Public Administration
Location: 5:30 p.m., WMU-Cooley Law School, Lansing
- March 26 Rep. Henry Yanez (D-Sterling Heights) Senate Campaign Fundraiser
Location: 6 p.m., X-Golf, Shelby Township
- Rep. Jeff Nobel (R-Plymouth) Fundraiser
Location: 6 p.m., Brann's Steakhouse, Northville