

CAPITOL NEWS UPDATE

WEEK OF OCTOBER 14, 2019

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LEGISLATIVE LEADERS SAY "BUDGET IS DONE" WHILE GOVERNOR BALKS AT CHANGES TO ADMINISTRATIVE BOARD

Republican legislative leaders told Gov. Gretchen Whitmer this week that before sending her any follow-up budget bills, they want her to quit using a rare administrative process that allows the State Administrative Board to unilaterally transfer funds within a department.

Whitmer said she does not want to limit executive power.

Just over a week ago, some thought Whitmer and legislative Republicans were ready to negotiate spending the leftover funding from Whitmer's 147 line-item vetoes with a supplemental budget for the enacted 2019-20 fiscal year budget.

After Whitmer signed the budget with 147 line-item vetoes, however, she shifted roughly \$625 million in budget funds within departments to retool the \$59.9 billion budget which the Republican-led legislature sent to her.

The shift was through a little-used procedure that allows the State Administrative Board to transfer appropriated funds within a department. Whitmer is the first governor in 28 years to use the Administrative Board's transfer powers.

The State Administrative Board is made up of the governor, lieutenant governor, secretary of state, attorney general, state treasurer, state superintendent and the Department of Transportation director.

Usually, the governor makes a request to transfer funds within a department, followed by approval from the House and Senate Appropriations committees.

House Speaker Lee Chatfield (R-Levering) and Senate Majority Leader Mike Shirkey (R-Clarklake) have said "the budget is done," hoping to end Whitmer's reliance on the Administrative Board's ability to shift funds and potentially move around or leverage any future funding sent to her, even if it differs from the legislature's original spending intent.

RAISE THE AGE HEADS TO GOVERNOR

The Legislature passed a package of bipartisan bills this week that would raise the age for when teenagers are charged as adults in Michigan.

Currently one of only four states to automatically prosecute 17-year-olds charged with crimes as adults, the legislation would change the age to 18, moving cases involving 17-year-olds to be handled in the

juvenile justice system. The bills also require counties to provide the information needed to develop an updated funding formula.

Attorney, former probation officer, and package sponsor Sen. Peter Lucido (R-Shelby Twp.), and Sen. Sylvia Santana (D-Detroit) both made statements about the bipartisan nature of the legislation which has been in process for more than five years.

Separate packages of the "Raise the Age" bills were introduced in both the House and Senate last spring, with funding as the major obstacle. This was solved by a recent agreement for the state to pay counties for the cost of adding 17-year-olds to the juvenile system for three years, and then reevaluating the funding at that time using data from the counties.

If signed by the governor, the law would take effect in October 2021.

JUDGE ISSUES VAPING BAN INJUNCTION

Michigan Court of Claims Judge Cynthia Stephens ruled this week to immediately halt Governor Whitmer's emergency ban on flavored e-cigarettes in the state, deciding that the state failed to demonstrate grounds to use the emergency rules process.

In a statement, Whitmer said the decision was wrong, and said she would bypass the Court of Appeals, and go directly to the Supreme Court to issue a "quick and final ruling."

A statewide ban on the sale of e-cigarettes to those under 18 took effect last month.

Stephens' ruling in the case, *Slis v. State of Michigan*, is only a preliminary injunction. She said that the plaintiffs likely to prevail on the merits of their case that the rules are procedurally invalid under the state's Administrative Procedures Act.

Although Stephens said that "there is no serious dispute with respect to whether a vaping-use crisis exists among youth." According to her, the Department of Health and Human Services failed to offer reasons for the emergency declaration. She also said there must be appropriate justification for circumventing the regular rulemaking procedures in the Administrative Procedures Act.

MM&A Briefs

Hernandez Announces Run for Congress

Rep. Shane Hernandez (R-Port Huron) announced last week that he will run to replace U.S. Rep. Paul Mitchell (R-Dryden) who declared this summer that he would not be seeking re-election. Hernandez is the first candidate and Republican to announce his bid for the 10th U.S. House district race. Hernandez is currently chair of the House Appropriations Committee and was first elected in 2016.

U of M Selected for Presidential debate

The University of Michigan has been selected to host a presidential debate in its Crisler Center on Oct. 15, 2020, the Commission on Presidential Debates announced last week. This will be the first time since 1992 that the state of Michigan will host a presidential general election debate. The 1992 debate was held at the Wharton Center on the Michigan State University campus. More recently, the state has hosted several primary season debates.

Calendar of Important Events

Oct. 21 Rep. Bill Sowerby (D-Clinton Twp.) Fundraiser
Location: 5:30 p.m., Ms. Mary's and Pete Too Restaurant, 34000 S. Gratiot, Clinton
Twp.

Rep. Phil Green (R-Millington) Fundraiser
Location: 6 p.m., Midway Hall, Tuscola County Fairgrounds, 188 Park Dr., Caro

Oct. 22 Rep. Brenda Carter (D-Pontiac) Fundraiser
Location: 11:30 a.m., Karoub Associates, Lansing

Michigan Republican Party Fundraiser
Location: 5 p.m., Troppo, 111 East Michigan Ave., Lansing

Rep. Sarah Anthony (D-Lansing) Fundraiser
Location: 5 p.m., Michigan Beer and Wine Wholesalers, Lansing

Rep. Gary Eisen (R-St. Clair Twp.) Fundraiser
Location: 6 p.m., Karoub Associates, Lansing

Oct. 23 Rep. Steve Johnson (R-Wayland) Fundraiser
Location: 7:30 a.m., Michigan Municipal League, Lansing

Senate Majority Leader Mike Shirkey (R-Clarklake) Fundraiser
Location: 8 a.m., Michigan Beer and Wine Wholesalers, Lansing

Rep. Yousef Rabhi (D-Ann Arbor) Fundraiser
Location: 11 a.m., Michigan Municipal League, Lansing

Rep. Kyra Harris Bolden (D-Southfield) Fundraiser
Location: 11:30 a.m., Karoub Associates, Lansing

Rep. Ronnie Peterson (D-Ypsilanti) Fundraiser
Location: 11:30 a.m., Michigan Beer and Wine Wholesalers, Lansing

Rep. Brandt Iden (R-Oshtemo Twp.) Fundraiser
Location: 12 p.m., Karoub Associates, Lansing

Rep. Ryan Berman (R-Commerce Twp.) Fundraiser
Location: 4:30 p.m., Michigan Licensed Beverage Association, Lansing

Rep. Tyrone Carter (D-Pontiac) Fundraiser
Location: 4:30 p.m., Michigan Beer and Wine Wholesalers, Lansing

- Oct. 24** **Rep. Greg Van Woerkom (R-Norton Shores) Fundraiser**
Location: 7:30 a.m., Michigan Municipal League, Lansing
- Sen. Jon Bumstead (R-Newaygo) Fundraiser**
Location: 8 a.m., Karoub Associates, Lansing
- Rep. Doug Wozniak (R-Shelby Twp.) Fundraiser**
Location: 6 p.m., Westview Orchards & Winery, 65075 Van Dyke, Washington Twp.
- Rep. Joseph Tate (D-Detroit) Fundraiser**
Location: 6 p.m., 6360 Pinehollow Dr., East Lansing
- Oct. 28** **Rep. Tim Sneller (D-Burton) Fundraiser**
Location: 5 p.m., Latina Restaurant, 1370 West Bristol Road, Flint
- Oct. 29** **Rep. Angela Witwer (D-Delta Twp.) Fundraiser**
Location: 4:30 p.m., Michigan Beer and Wine Wholesalers, Lansing
- Sen. Lana Theis (D-Brighton) Fundraiser**
Location: 6 p.m., Cleary's Pub, 117 East Grand River, Howell
- Oct. 30** **Rep. Julie Calley (R-Portland) Fundraiser**
Location: 8 a.m., Michigan Municipal League, Lansing
- Sen. Winnie Brinks (D-Grand Rapids) Fundraiser**
Location: 11:30 a.m., Michigan Health and Hospital Association, Lansing
- Rep. Kristy Pagan (D-Canton Twp.) Fundraiser**
Location: 4 p.m., Michigan Beer and Wine Wholesalers, Lansing
- Sen. Mallory McMorrow (D-Royal Oak) Fundraiser**
Location: 4:30 p.m., Midtown Brewing Company, 402 S. Washington Sq., Lansing
- Oct. 31** **Rep. Brandt Iden (R-Oshtemo) Fundraiser**
Location: 8 a.m., Michigan Beer and Wine Wholesalers, Lansing, 8 a.m.
- Rep. Gary Howell (R-North Branch) Fundraiser**
Location: 8 a.m., Michigan Beer and Wine Wholesalers, Lansing