



Prepared for the Fire Service Clients of Kelley Cawthorne

Legislative Update for March 5th through March 26th

The Senate failed to reject the appointment of Department of Health and Human Services Director Elizabeth Hertel, meaning that she will remain in the role. On March 23, which was the final day for the Senate to reject the appointment, a floor vote was held to approve the appointment- a rare move, as the Senate only has the constitutional power to reject appointments. The final vote tally was 18-16, with Sen. Curtis Hertel (D-East Lansing) abstaining. Four Republicans joined all Democratic senators in voting in favor of the appointment.

The House of Representatives passed a large package of bills aimed at decreasing health care and prescription drug costs. While many of the bills passed with wide bipartisan support, bills expanding telehealth coverage were passed with only 56 votes in favor- the minimum needed for passage. Other bills would subject healthcare providers to more reporting and transparency requirements, as well as expand scope of practice for certified nurse anesthetists. The bills saw widespread opposition from stakeholder groups.

Senate Republicans introduced a 39-bill package designed to address issues raised in the aftermath of the 2020 presidential election. The package includes policies such as increased security requirements for absentee ballot drop boxes, training requirements for poll challengers, allowing recording and public viewing of election audits, and banning the secretary of state from mass-mailing absentee ballot applications to all eligible voters. The bills were referred to the Senate Committee on Elections, chaired by former Secretary of State Ruth Johnson (R-Holly).

The governor re-appointed 17 of 18 appointees previously rejected by the Senate earlier this year as part of the ongoing tensions between the administration and Republican leadership in the legislature. A spokesperson for the governor indicated the 17 re-appointed individuals were those who wished to be re-appointed.

The House of Representatives unanimously passed legislation aimed at expanding open records laws for the executive office and legislature. HBs 4383-4392, which passed 109-0, would apply the Freedom of Information Act to the governor and lieutenant governor's office and create the Legislative Open Records Act for the state legislature. The Senate is expected to move similar legislation to the floor next week. Previous efforts on the legislation have typically encountered resistance on the Senate floor.

Senate Democratic leadership announced that they would no longer automatically vote to give immediate effect to legislation. The move means that newly-enacted legislation could see a delayed implementation date unless Democratic support is given. The tactic comes after continually increased tension between legislative Republicans and Gov. Gretchen Whitmer's administration.

Following increased scrutiny on her administration's use of separation agreements, particularly with former Department of Health and Human Services Director Robert Gordon, Gov. Whitmer and Robert Gordon announced they would waive the confidentiality portion of Director Gordon's separation



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agreement. The move comes after the House of Representatives began taking steps to hold hearings, and possibly issue subpoenas, on the matter.

The Michigan Economic Development Corporation (MEDC) Executive Committee voted to appoint its chair and vice chair to jointly manage the affairs of the MEDC until the search for a permanent CEO could be completed. On paper, MEDC Vice Chair Jeff Noel has been designated CEO with signing authority, but Chair Awenate Cobbina will be advising and assisting Noel in that capacity.

Following the legislature's passage of HB 4047 and HB 4048, Gov. Gretchen Whitmer line-item vetoed approximately \$650 million from the two bills. Included in the vetoes was:

- \$150 million to the Unemployment Insurance Trust Fund to offset fraud impacts
- \$405 million for business tax and fee relief
- \$86.8 million for non-public schools
- \$10 million for a summer school grant program

Following the vetoes, the House of Representatives passed SB 29 and SB 114 on 60-50 and 66-44 votes, respectively. The bills would restore the funds previously vetoed by the governor. During a speech in support of the legislation, House Appropriations Chair Thomas Albert (R-Lowell) doubled down on previous remarks regarding his willingness to negotiate with the governor, saying "I wonder if t he governor now knows how the rest of us have felt over the past year." Rep. Albert had previously indicated that he would not give the governor input on budget negotiations unless she agreed to give up some of her pandemic emergency powers.

Gov. Gretchen Whitmer vetoed SB 1, legislation which would limit state epidemic orders to 28 days and subject those orders to legislative approval after that time period. The bill was tie-barred to HB 4047, a supplemental spending bill that included \$207 million in COVID-19 testing funds. It is still unclear whether those funds can still be spent after the veto.

The Michigan Senate voted 20-14 Thursday to adopt SR 26. The resolution grants Senate Majority Leader Mike Shirkey (R-Clarklake) the authorization to file a lawsuit against Gov. Whitmer if her administration spends any funding that was tied to vetoed provisions in the COVID-19 supplemental.

Committees:

The House Insurance committee took testimony and voted out HB 4171 and 4172 which expands the First Responder Presumed Coverage Fund to all fire fighters. It also expands to cover retirees. The qualifying cancers were expanded to include breast, cervical and ovarian. The bill passed the full House with a 106 yes, 3 nays and 1 not voting.



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The House unanimously passed HB 4247 which was introduced by Rep. Matt Koleszar to modify the tuition assistance program paid to students of first responders killed in the line of duty. The bill has been referred to the Senate Appropriations Committee.

The House Regulatory Reform committee passed out HB 4382 which was introduced by Rep. Mike Mueller. The bill was introduced to prohibit the sale of smoke alarms with removeable or replaceable batteries. The bill was amended with language proposed by MFIS that would ensure future technologies could be used. The bill is on the House floor waiting for a vote.

Bill Introductions:

[HB 4492 of 2021](#) **Elections: polling places; polling place locations; expand. Amends sec. 662 of 1954 PA 116 (MCL 168.662).**

[HB 4493 of 2021](#) **Criminal procedure: statute of limitations; retroactive extension of statute of limitations for certain offenses under certain conditions; provide for. Amends sec. 24, ch. VII of 1927 PA 175 (MCL 767.24).**

[SB 0217 of 2021](#) **Environmental protection: hazardous products; polyfluoroalkyl substances (PFAS) in consumer products and packaging; require warning label. Creates new act.**

[SB 0322 of 2021](#) **Labor: fair employment practices; commission on pay equity; establish, and specify duties. Amends 1976 PA 453 (MCL 37.2101 - 37.2804) by adding sec. 202b.**

[SB 0323 of 2021](#) **Civil rights: employment discrimination; actions for unequal pay; increase damages, and modify accrual date of claims. Amends sec. 801 of 1976 PA 453 (MCL 37.2801).**

[SB 0324 of 2021](#) **Labor: fair employment practices; disclosure of certain wage information upon request; require of employer. Amends sec. 13a of 1978 PA 390 (MCL 408.483a).**

[SB 0325 of 2021](#) **Labor: hours and wages; employment discrimination; prohibit employers from engaging in certain discriminatory practices and allow remedies**



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under Elliott-Larsen civil rights act. Amends secs. 9 & 13 of 2018 PA 337 (MCL 408.939 & 408.943).

[SB 0326 of 2021](#) Crimes: other; provision regarding wage discrimination based on sex; modify, and increase fines. Amends sec. 556 of 1931 PA 328 (MCL 750.556).

[SB 0327 of 2021](#) Labor: fair employment practices; notice of employment discrimination website and telephone line; require employers to post. Amends sec. 602 of 1976 PA 453 (MCL 37.2602) & adds sec. 202b.

[SB 0328 of 2021](#) Labor: fair employment practices; written job descriptions; require for companies with more than 5 employees. Amends title of 1978 PA 397 (MCL 423.501 & 423.512) & adds sec. 9a.

[SB 0329 of 2021](#) Civil rights: employment discrimination; prohibited employment discrimination practices; expand to include asking a job applicant about past compensation. Amends sec. 202 of 1976 PA 453 (MCL 37.2202).

[SB 0330 of 2021](#) Labor: fair employment practices; wage disparity for men and women; require state report and plan to reduce. Amends sec. 3 of 1978 PA 609 (MCL 408.9803).

[SB 0331 of 2021](#) Civil rights: employment discrimination; pay equity in the workplace award program; create. Creates new act.

[SB 0332 of 2021](#) Labor: hours and wages; pay equity compliance certification; require for private businesses that contract with the state. Amends sec. 209 of 1976 PA 453 (MCL 37.2209) & adds sec. 209a.

[SB 0333 of 2021](#) Labor: fair employment practices; deductions from wages without written consent of employee; revise notice period for certain deductions related to garnishment. Amends sec. 7 of 1978 PA 390 (MCL 408.477).

Bill Activity:

PASSED, ENROLLED OR ADOPTED By the CHAMBER



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NO ACTIVITY AT THIS TIME