



MEMORANDUM

To: Gary Kellan
From: Matt Solak
Date: November 30, 2020
Re: MAAE Monthly Legislative Report

Overall State Issues

COVID-19

Despite the Michigan State Supreme Court ruling against Governor Whitmer in her effort to retain power under the 1945 Emergency Powers of Governor Act (EPGA) the Governor continues to use authority under the Public Health Code to issue rules regarding the pandemic. The Michigan Department of Health and Human Services (MDHHS) issued a new emergency order that enacted a three-week pause on many activities and work functions. The order is aimed at limiting residential and non-residential gatherings where COVID-19 spreads rapidly. Bars and restaurants will be open for outdoor dining, carry-out and delivery only. Gyms will remain open for individual exercise with strict safety measures in place. Casinos, movie theaters and group exercise classes will be closed. Professional and college sports meeting extraordinary standards for risk mitigation may continue without spectators, however all other organized sports must stop. Colleges and high schools may proceed with remote learning, but must end in-person classes. Outdoor gatherings, outdoor dining and parks remain open. Individualized activities with distancing and face masks are still allowed: retail shopping; public transit; restaurant takeout; personal-care services such as haircuts, by appointment; and individualized exercise at a gym, with extra spacing between machines. This new order, which began, November 18, 2020 is not a blanket stay-home action like in the spring. The order leaves open work that cannot be performed from home. This new order was blasted by Republican leadership for failing to include the Legislature in discussions on how to respond to COVID.

Airport Issues

Line 5

Governor Gretchen Whitmer notified Enbridge that the 1953 easement allowing it to operate dual Line 5 pipelines in the Straits of Mackinac is being revoked and terminated. The notice requires Enbridge to cease operations of Line 5, but allows Line 5 to remain operational until May 12, 2021. The Governor and Michigan Department of Natural Resources (DNR) had Attorney General Nessel file a lawsuit in support of this matter.

Governor Whitmer and Attorney General Nessel noted the state is revoking the Line 5 easement for violation of the public trust doctrine, believing Line 5 poses an unreasonable risk to the Great Lakes, and the termination is also "based on persistent and incurable violations of the easement's terms and conditions."

Enbridge remains confident that Line 5 continues to operate safely and that there is no credible basis for terminating the 1953 Easement allowing the Dual Line 5 Pipelines to cross the Straits of Mackinac. Enbridge has filed a lawsuit in federal court arguing the shutdown of Line 5 interferes with the federal regulation of pipeline safety and burdens interstate and foreign commerce in clear violation of federal law and the U.S. Constitution.

A disruption of Line 5 would create a propane shortage and higher energy prices. It would result in a daily shortage of over 14 million gallons of gasoline and other transportation fuels, impacting Wisconsin, Indiana, Ohio, Pennsylvania, Ontario, and Quebec. Ten refineries would be significantly and adversely impacted, and most important to the aviation industry would be negative impact at the refinery in Toledo that supplies a large percentage of the aviation fuel to Detroit's Metropolitan Airport.

2020 November Election

After months of a long election season the political landscape in Michigan did not experience any drastic changes. After pulling an unexpected upset in 2016, by just over 10,000 votes, President Trump was unable to hold Michigan in his column in 2020. President-Elect Joe Biden won Michigan by over 150,000 votes. Additionally, Senator Gary Peters defeated challenger John James in his reelection campaign. This was James second defeat for US Senate after he lost in 2018 to Senator Debbie Stabenow. Michigan's Congressional Delegation also saw no major changes. Michigan's Delegation will have a 7-7 split between Republicans and Democrats. This is officially a one seat pick up for Republicans after Congressman Justin Amash left the Republican Party after disagreements with the direction of the Party.

House Republicans were successful in maintaining majority control despite the consensus they would likely lose a couple seats heading into Election Day. House Republicans will maintain the exact majority they currently hold in the Legislature—58-52. House Republicans picked up seats in Bay County and the Flint suburbs. House Democrats picked up a seat in Portage and one in Oakland County.

Both Caucuses held their leadership races shortly after the election. The 2021 leadership teams are as follows:

Republican Leadership Team

House Speaker—Jason Wentworth (R- Clare)

Speaker Pro Tempore—Pam Hornberger (R – Chesterfield)

Majority Floor Leader—Ben Frederick (R – Owosso)

Democratic Leadership Team

Minority Leader—Donna Lasinski (D – Ann Arbor).

Minority Floor Leader—Yousef Rabhi (D – Ann Arbor)

House committee chairs will be named in early December. As previously reported, the Michigan Senate was not up for election this year and the leadership team and committee chairs will remain the same. Republican's currently hold a 22-16 majority in the State Senate. Although not up for election two current Republican Senators ran for countywide office. Both Senators won their election bid and will vacate their Senate seats resulting in a 20-16 Republican majority at the beginning of 2021. These seats will be filled during a special election.