



Under the Dome

Legislative Update for Clinton County Democrats

March 26, 2024

Senate Takes Bipartisan Action on FOIA Transparency Legislation

Its not often that you can get the liberal Progress Michigan and the conservative Mackinac Center to agree on anything.

But that's what happened in the Senate Oversight Committee on March 13th when legislation was reported to the Senate floor that would expand the Freedom of Information Act (FOIA) to apply to the Governor, Lt. Governor and the Michigan Legislature. FOIA is intended to give average citizens a closer look at the inner workings of government. Michigan has consistently been ranked among the least transparent states and was one of only a handful of states to completely exempt top elected officials from FOIA requirements.

Symbolically, SB 669 and 670 were reported from committee in the midst of "Sunshine Week," which aims to educate the public about government transparency and warn about issues arising from excessive secrecy for government operations.

Oversight Committee Chair Sam Singh (D- East Lansing) expressed pride in the committee's action, pointing out the Senate had previously been a stumbling block for the proposal.

"We have an important opportunity to move beyond the status quo and usher in a new era of openness in state government," said Singh. "Public trust is integral to public service, and this legislation will uphold these values."



The bills included a few limited exemptions to FOIA requirements, such as Governors' communications on pardons and clemencies or legislative letters to people living in the lawmaker's district. Communications between lawmakers and lobbyists, public employees or a person serving on a public board would not be exempt, even if the individual lived in the lawmaker's district.

The bills place the burden of explaining why a FOIA request is denied on the FOIA agency coordinator. An earlier version of the bill would have imposed a burden on the individual submitting the FOIA request to establish why the release of the information would be in the public interest. The Senate is expected to give prompt consideration to the legislation when they return from spring recess on April 9th.

Michigan Senate Cracks Down on Payday Lending Abuses

On a bi-partisan 24-13 vote the Michigan Senate has approved SB 632, legislation to set a 36% annual percentage rate cap on payday loans.

The sponsor of the bill, State Senator Sarah Anthony, D-Lansing, said passage of the bill “signifies a significant step towards protecting the financial well-being of communities across Michigan, especially those from marginalized populations and residents in rural areas who are often the most affected by these exploitative practices.”

The proposal implements recommendations of the Black Leadership Advisory Council (BLAC) appointed by Governor Whitmer in 2020 to develop, review, and recommend policies to fight discrimination and racial inequity in Michigan. This issue is especially important to African Americans because payday lending operations are concentrated in communities of color. While there are 5.6 payday stores per 100,000 people in Michigan, communities with a significant African American population have 7.6 payday lenders per 100,000 people.



According to the Consumer Financial Protection Bureau (CFPB), the average payday lender customer takes out 10 loans in a year, paying off old loans with a new loan. According to CFPB data, 70 percent of payday loans in Michigan are taken out on the day a previous loan is paid back. Repeated borrowing can result in effective interest rates in excess of 300%.

The legislation has been referred to the House Insurance and Financial Services Committee.

Senate Expands Law to Include Hate Crimes

Michigan Senate Democrats have approved Senate Bills 600 and 601 to strengthen Michigan’s laws against hate crimes. Both bills passed 20-15 with Democrats in favor and Republicans opposed.

SB 600 would expand the current law criminalizing ethnic intimidation to include “sexual orientation” and “gender identity or expression” as classes protected against intimidation. It would also expand the definition of a hate crime from threats or property damage under the current law to a broader definition that includes force, intimidation, threats, bodily injury or damage to personal property. The act defines intimidation as “repeated or continuing harassment of another individual” that causes the victim to “feel terrorized, frightened or threatened.”

SB 601 would provide criminal penalties for those who violate the act, with prison terms of up to 6 years and fines of up to \$7,500 for repeat offenders.

“Nobody should be targeted or attacked because of who they are, period, whether it’s physical violence, verbal harassment, or the use of traumatizing symbols and paraphernalia,” said bill sponsor State Senator Sylvia Santana, D-Detroit. “This legislation will finally bring justice and punishment that is commensurate with the true wounds of these crimes.”

According to the U.S. Dept. of Justice, there were 422 federal hate crime incidents in Michigan in 2022. The overwhelming majority of crimes were specifically against people, and 65.4% were motivated by biases around race, ethnicity and ancestry.

The bill has been referred to the House Criminal Justice Committee.